

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2  
3 REEF FISH MANAGEMENT COMMITTEE

4  
5 IP Casino and Resort Biloxi, Mississippi

6  
7 OCTOBER 18-19, 2016

8  
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- 11 Patrick Banks.....Louisiana
- 12 Chris Blankenship.....Alabama
- 13 Leann Bosarge.....Mississippi
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- 17 Dale Diaz.....Mississippi
- 18 Tom Frazer.....Florida
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- 23 John Sanchez.....Florida
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32 - - -  
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- - -

1 The Reef Fish Management Committee of the Gulf of Mexico Fishery  
2 Management Council convened at the IP Casino and Hotel, Biloxi,  
3 Mississippi, Tuesday morning, October 18, 2016, 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:** Good morning. This is a committee of  
11 the whole. The only committee change would be noted as Ms.  
12 Guyas is Vice Chair and everyone else is, as noted, on the  
13 committee of the whole.

14  
15 With that, we will get started with the Adoption of the Agenda.  
16 Are there any changes or additions to the agenda as written?  
17 Seeing none, we will adopt the agenda as written. Approval of  
18 the Minutes, is there any additions or deletions or corrections?  
19 Seeing none, we will adopt the minutes as written.

20  
21 The next action item is the Action Guide and Next Steps for your  
22 review, Tab B, Number 3. As we go through this document, if you  
23 need a little reference of what we're doing or where we're  
24 trying to go to, then please refer back to Tab B, Number 3.

25  
26 With that, we will move on to Item Number IV, Review of Proposed  
27 Regulations for the Flower Garden Banks National Marine  
28 Sanctuary, and we will look to staff for that, to Dr. Kilgour.

29  
30 **REVIEW OF PROPOSED REGULATIONS ON THE FLOWER GARDEN BANKS**  
31 **NATIONAL MARINE SANCTUARY**  
32

33 **DR. MORGAN KILGOUR:** Thank you, Mr. Chair. I have a  
34 presentation, for my own sake, to go through the document. It  
35 matches pretty much exactly what's already in the document, but  
36 I'm just waiting for them to bring it up on the screen. Just a  
37 note that G.P. Schmahl from the Flower Garden Banks National  
38 Marine Sanctuary is here to answer any questions that you may  
39 have for him.

40  
41 The current fishing regulations in the sanctuary prohibit  
42 anchoring, mooring a vessel over a hundred feet in registered  
43 length on a sanctuary mooring buoy, fishing and related  
44 activities, with the exception of hook-and-line gear, and there  
45 is one general exception that I used as part of our rationale  
46 for the rest of the document, and that is that oil and gas  
47 exploration or development -- The prohibitions on anchoring  
48 within the sanctuary, drilling or altering the seabed do not

1 apply to necessary activities conducted in areas of the  
2 sanctuary outside of the no-activity zones and incidental to the  
3 exploration for, development of, or production of oil and gas.  
4

5 The general recommendations in this white paper are to maintain  
6 current fishing regulations in the existing HAPCs with  
7 regulations, establish a certificate program or endorsement  
8 program that would allow for education of fishermen within the  
9 Flower Garden Banks National Marine Sanctuary on the  
10 environmental importance of the areas, fishing restricted areas,  
11 and appropriate gear types, and to provide an adequate number of  
12 mooring buoys on any of the expanded no-bottom-tending-gear  
13 zones, to allow for access of the public.  
14

15 For general fishing recommendations, I used the tiered approach  
16 that was discussed at the August council meeting, and so it  
17 would continue to allow historical fishing practices in the  
18 areas that are outside of the BOEM no-activity zones, and these  
19 are designated by BOEM as no-drilling or oil and gas  
20 exploration, and so the boundaries should be consistent with  
21 those areas.  
22

23 In these no-activity zones, to create a no-bottom-tending-gear  
24 zone, which would still allow for hook-and-line fishing.  
25 Outside of these no-activity zones, or no-bottom-tending-gear  
26 zones, allow some anchoring by fishing vessels and some bottom-  
27 tending gear, but just no trawling. If the area does not have a  
28 no-activity zone, which will be an example that I give you, but  
29 it's for Horseshoe Bank, to establish a truncated no-bottom-  
30 tending-gear zone, because those no-activity zones that are  
31 currently on the books by BOEM are under revision, because of  
32 new data that shows hard bottom areas that weren't previously  
33 document, and Horseshoe Bank, I believe, is one of those areas.  
34

35 Allow historic fishing practices with gear other than hook-and-  
36 line within the proposed sanctuary boundary to continue as long  
37 as that fishing is not occurring in the no-bottom-tending-gear  
38 zones, and allow anchoring by fishing vessels over soft sediment  
39 outside the no-bottom-tending-gear zone, and this is where I  
40 would need council input. These vessels must carry an operating  
41 vessel monitoring system. Anchors should be specific to  
42 anchoring on soft sediment and equipped with a weak link.  
43

44 The first bank in the document is Stetson Bank. This is  
45 currently part of the National Marine Sanctuary. That's the red  
46 box. The hatched box that's outlined in purple is the boundary  
47 of the existing HAPC. This has regulations. There is no  
48 bottom-tending gear inside the HAPC, and so the recommendations

1 in this white paper are for the sanctuary to maintain the  
2 current red-line boundary and fishing regulations, but it's been  
3 brought to my attention that there is significant hard bottom  
4 that is outside the current sanctuary and we already have an  
5 HAPC with fishing regulations, and so perhaps the council may  
6 want to just not have recommended regulations for the entire  
7 expansion of Stetson Bank. I am happy to take questions as we  
8 go through the document.

9

10 **CHAIRMAN GREENE:** Ms. Bosarge.

11

12 **MS. LEANN BOSARGE:** Morgan, I do have some comments, but I am  
13 more familiar with the actual white paper, and so I think I will  
14 just kind of reserve any comments that I may have until we  
15 finish the presentation, and then we can switch over to the  
16 white paper, or I will get a little confused, probably.

17

18 **DR. KILGOUR:** Okay. This is my cheat-sheet for going through  
19 the white paper, and so if you want me to go on the page number,  
20 but I am trying to basically go through the white paper in the  
21 form of this presentation without having all the text, but I  
22 will let you tell me at the end. That's fine.

23

24 The next banks were the East and West Flower Garden Banks that  
25 the sanctuary has proposed. Again, I'm sorry for the busyness  
26 of this. There is a lot of information on this slide, and so  
27 the dashed lines are the pipelines, and this is going to be  
28 consistent throughout. Any green stars are existing oil and gas  
29 platforms. The purple line is the boundary of the proposed  
30 expansion, and you can see, at the southeast corner, there is a  
31 couple of green boxes. That is where Horseshoe Bank is.

32

33 The red areas are the no-activity zones established by BOEM, and  
34 the hatched boxes, again, are the existing HAPCs, and these do  
35 have regulations. The boxes in the background that are blue,  
36 purple, and green, those are the VMS data. It's the number of  
37 pings for 2007 to 2015 for bottom-tending gear VMS. In that  
38 green area, that's actually a hotspot of VMS pings, and so there  
39 is definitely fishing that goes on in that southeast corner  
40 where Horseshoe Bank is.

41

42 The recommendations in the white paper for this area is to  
43 maintain the fishing regulations in the existing HAPCs to  
44 continue to allow historic fishing practices in the area  
45 highlighted in green, and so that's where that Horseshoe Bank  
46 is, to establish a truncated no bottom-tending gear zone that  
47 coincides with the established no-activity zone. For Horseshoe  
48 Bank, they don't have one.



1  
2 Currently, I believe that's, again, under revision, but it would  
3 be helpful if the sanctuary could help with establishing a no-  
4 bottom-tending-gear zone that protects the hard bottom.  
5 Prohibit trawling within the proposed boundaries and allow  
6 anchoring by fishing vessels over soft sediment and require a  
7 Flower Garden Banks endorsement.

8  
9 **CHAIRMAN GREENE:** Ms. Levy.

10  
11 **MS. MARA LEVY:** Thank you. Just for my understanding, when you  
12 say maintain fishing regulations in the existing HAPCs, are you  
13 talking about the council's regulations that they established in  
14 these HAPCs or some other regulations? I guess I'm trying to  
15 figure out what we're recommending to the sanctuary, if they  
16 happen to be the council's regulations.

17  
18 **DR. KILGOUR:** That is the intent, is there are no-bottom-  
19 tending-gear regulations for the existing HAPCs, and so those  
20 hatched boxes, and so that would be what the recommendation  
21 would be, to maintain those regulations for those portions.

22  
23 **MS. LEVY:** But those are council regulations, right?

24  
25 **DR. KILGOUR:** Right.

26  
27 **MS. LEVY:** So you're not suggesting that we recommend that the  
28 sanctuary do something with this, but it's just that the council  
29 should maintain those.

30  
31 **DR. KILGOUR:** I see what you're saying, and I guess these are  
32 the recommended regulations for the Flower Garden Banks from the  
33 council's perspective, and so I would guess that -- I think that  
34 we are recommending that the sanctuary adopt the current council  
35 regulations for those areas.

36  
37 **CHAIRMAN GREENE:** Mr. Swindell.

38  
39 **MR. ED SWINDELL:** In looking at the green area with all the  
40 pinks, may I ask what length of time does this data represent?  
41 I mean, this is a pretty solid area. Was this collected for a  
42 year or for ten years or for two months?

43  
44 **DR. KILGOUR:** The VMS data is from 2007 to 2015, and so it's all  
45 bottom-tending gear VMS, and so it's bottom longlines and bottom  
46 trawls. The gray dots are the shrimp ELB data, and that's from  
47 2004 until 2014.

48

1 **CHAIRMAN GREENE:** Thank you. Any further comments? Okay,  
2 Morgan.

3  
4 **DR. KILGOUR:** Thank you. The next bank in the white paper is  
5 MacNeil Bank. This is currently an HAPC with no fishing  
6 regulations. Again, the recommendations for this bank are to  
7 continue to allow historic fishing practices in the area  
8 highlighted in green, but establish a no-bottom-tending-gear  
9 zone that coincides with that BOEM no-activity zone, and that's  
10 that red splotch. It's to prohibit trawling with the boundary  
11 of the proposed expansion and to allow anchoring by fishing  
12 vessels and to require, again, that Flower Garden Banks  
13 endorsement.

14  
15 The next bank is Rankin, 28 Fathom, and Bright Bank. Rankin and  
16 Bright Bank are currently, which also encompasses 28 Fathom  
17 Bank, but they are currently HAPCs with no fishing regulations.  
18 Again, this is to continue to allow historic fishing practices  
19 in the areas highlighted in green and establish a no-bottom-  
20 tending-gear zone that coincides with that BOEM no-activity  
21 zone, prohibit trawling with the proposed boundaries, allow  
22 anchoring by fishing vessels, and require a Flower Garden Banks  
23 endorsement.

24  
25 **CHAIRMAN GREENE:** Ms. Bosarge.

26  
27 **MS. BOSARGE:** Can you back up one slide, Morgan, for me, please,  
28 so I can just make sure that I've got this right? On this  
29 slide, there is a square box with diagonal lines, and that is an  
30 existing HAPC. Then there is pink lines that are a little  
31 different, that kind of come to a pyramid shape, that border  
32 does, at the top, and that is what the Flower Gardens is  
33 proposing in their sanctuary expansion, Alternative 3, right?

34  
35 **DR. KILGOUR:** Correct.

36  
37 **MS. BOSARGE:** Okay, and then there's a red solid area in the  
38 middle, and so what we're proposing is, in that red solid area,  
39 this is our tiered approach. That is a no-bottom-tending,  
40 essentially a no-activity zone, for us, for fishing. It's a no-  
41 bottom-tending-gear zone. In that solid red area, you cannot go  
42 in there and drop an anchor. You can't use bottom longlines,  
43 and obviously you can't trawl. You can only use your  
44 traditional hook and line gear over that area, and there will be  
45 mooring buoys put out by the sanctuary in that area, or that's  
46 what we're recommending, so that you could use that for fishing.

47  
48 Once you get outside that red solid area, you are still within

1 the sanctuary boundaries, but that is our second tier of fishing  
2 regulations, and, in that area, as long as you get your  
3 endorsement, which means you have to go through your educational  
4 class with the Flower Gardens, and you have your functioning VMS  
5 and you have the right type of anchor aboard the vessel, you can  
6 anchor in those areas and you can use bottom-tending gear, but  
7 you cannot trawl.

8  
9 The third tier would be outside the actual sanctuary boundaries.  
10 That is where bottom trawling would be allowed, and so that  
11 still is not going to be allowed in the sanctuary, and so we  
12 have a couple of different things going on here in this when  
13 we're recommending the tiered approach and we're also  
14 recommending that we go with the sanctuary boundaries that the  
15 Flower Gardens has proposed, which is different from actually  
16 our council HAPC that we drew many, many years ago.

17  
18 One thing that I think we probably need to put in our paper, and  
19 I think it may clarify somewhat what Mara was saying, is that,  
20 once the Flower Gardens regulations and expansions go final and  
21 these boxes are drawn and we know exactly what the corners are,  
22 as a council, we will probably go back and look at our original  
23 HAPCs and see if we would like to adjust those to match the new  
24 sanctuary boundaries, because I do think there has been more  
25 information and more documentation on what's on the bottom, and  
26 that's why we see a little bit of tweaking to the shapes of  
27 these boxes, to better mirror what's really on the bottom.  
28 Maybe if we could out that in our document, I think that might  
29 be good.

30  
31 **CHAIRMAN GREENE:** Morgan.

32  
33 **DR. KILGOUR:** Just for clarification, are you suggesting that we  
34 put that in this Flower Garden Banks document, because, if you  
35 look at ahead at the Coral 7 scoping document, that's one of the  
36 options that the council can take, is to modify the existing  
37 HAPC boundaries in the scoping document. If you want it in both  
38 places, just let me know.

39  
40 **MS. BOSARGE:** No, I think you're already ahead of me, and so  
41 that sounds great.

42  
43 **CHAIRMAN GREENE:** Mr. Sanchez.

44  
45 **MR. JOHN SANCHEZ:** I had a question. What are the requirements,  
46 the particulars, for getting a Flower Gardens Banks Sanctuary  
47 endorsement?

48

1 **DR. KILGOUR:** That's a really good question, and that hasn't  
2 been -- That is a sanctuary decision. This endorsement was  
3 recommended by the council at the -- There was some discussion  
4 about it, but the actual particulars, I don't have in this white  
5 paper.

6  
7 It was a significant source of discussion at the Reef Fish AP on  
8 who should be doing this endorsement and should it be just  
9 commercial fishermen or should it be all fishermen? How do you  
10 go about getting the endorsement? Should it be an online  
11 program? Do you have to go to the sanctuary? That's something  
12 that we're recommending to the sanctuary, but we're going to let  
13 them iron the details, unless you have specifics that you want  
14 to include in this document.

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

17  
18 **MR. SANCHEZ:** No, but I think we -- At least for me, I would  
19 like to know what they are and have it be in this document, so  
20 everybody can know what they're going to be required to have.

21  
22 **CHAIRMAN GREENE:** Thank you. Ms. Bosarge.

23  
24 **MS. BOSARGE:** Well, the main thing that we have discussed is  
25 that you will actually have to go and sit through a course,  
26 essentially, and I don't know how long that class would be. It  
27 might be a few hours and it might be a day, and you will have to  
28 get an education on essentially what is on that bottom and why  
29 is it important and how do you interact with it?

30  
31 What's the proper way to interact with it and how do we fish  
32 sustainably in these areas? What are the expectations, if  
33 you're going to go into these areas and fish and be able to put  
34 an anchor down there and things of that nature? Then I  
35 envisioned it as some sort of endorsement, at that point, that  
36 would allow that vessel to be in that area, but we are open to  
37 suggestions. Please, throw it out there.

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

40  
41 **DR. ROY CRABTREE:** One thing that kind of jumps out at me if I  
42 look at this is one thing we have always heard from enforcement  
43 is they like relatively simple boundaries and straight lines, as  
44 much as they can, and I look at that BOEM no-activity zone, and  
45 that's about as complicated a shape as I've seen.

46  
47 The sanctuary will have to publish an extremely long list of  
48 coordinates to track that, and then fishermen are legal on one

1 side and not on the other, and it sure seems that it would be  
2 better, to me, to draw some kind of straight-line shape around  
3 that, rather than trying to track all those curves in, from an  
4 enforcement perspective, and I suspect the sanctuary will have  
5 some difficulties with that, and so I think you ought to think  
6 about that.

7

8 **CHAIRMAN GREENE:** Ms. Bosarge.

9

10 **MS. BOSARGE:** I actually had a conversation with G.P. about that  
11 this morning, right before we came in, and he said, you know, if  
12 we're going to go the route of the no-activity zones, he said  
13 what we will probably do is -- G.P., I hope you're okay with me  
14 speaking for you here, but that we'll probably have to get back  
15 with our committees and see how to essentially draw the closest  
16 mirror image that we can of that no-activity zone without it  
17 having quite all those curves, and so that's what he -- But he  
18 said he could also get with law enforcement and see exactly how  
19 squared off they would need some of those corners to be, but it  
20 would be my hope that it will be very close, as close as  
21 possible, to that red solid area, because that's the important  
22 part.

23

24 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.  
25 Kilgour.

26

27 **DR. KILGOUR:** Thank you, Mr. Chair. We did Rankin Bank.  
28 McGrail Bank, this is currently an HAPC with regulations. There  
29 is no bottom-tending gear allowed in the HAPC, and so, for this  
30 particular part, we have no recommendations on regulations. For  
31 Sonnier Bank --

32

33 **CHAIRMAN GREENE:** Hold on one second, please. Ms. Levy.

34

35 **MS. LEVY:** Going back to my prior point about continuing the  
36 regulations in the HAPCs, it seems like we're treating them a  
37 little bit inconsistent, and, if I'm wrong, you can correct me,  
38 but I think we either just say that we have HAPCs with  
39 regulations, and those are our regulations and we don't really  
40 need to recommend anything to the sanctuary with respect to  
41 those, or you have to do it for all of them, because it makes me  
42 question why we would do that for the prior one, but then say no  
43 recommendations here.

44

45 **CHAIRMAN GREENE:** Dr. Kilgour.

46

47 **DR. KILGOUR:** The big difference with the prior one is they're  
48 proposing an expansion that includes both Flower Garden Banks

1 and the Horseshoe Bank and connects them all, whereas this one  
2 is expanding the sanctuary, but it's not connecting a whole  
3 bunch of banks, and so that's why I had different -- I can  
4 recommend existing council regulations, if that makes you more  
5 comfortable, for the HAPC, but that's why I didn't have specific  
6 recommendations, because we're not using a tiered approach for  
7 this one or have any additional recommendations for this bank.

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

10  
11 **MS. BOSARGE:** Thanks, and I guess I will go ahead and make this  
12 comment now. When I read through the white paper, and I was  
13 going to save this until we got to that document, I kind of had  
14 that same thought process as Mara, that if we're going to use a  
15 tiered approach, based on the BOEM no-activity zones, and  
16 regulate out from there, even though some of this does interact  
17 with HAPCs that already have regulations, I think we should be  
18 consistent.

19  
20 I think, on each of them, it would be my preference, no matter  
21 what the current regulations are that were set by us, but we're  
22 setting a new standard, and I think we should be consistent with  
23 it.

24  
25 If we need to go back and adjust our regulations on our HAPCs,  
26 we can do that and take a look at that, but I do think each one  
27 of these recommendations should be consistent. The BOEM no-  
28 activity zone, that's our no-bottom-tending-gear zone. Then,  
29 outside of that, we allow certain things. Then, outside of  
30 that, you actually have to get outside the sanctuary to do the  
31 other types of fishing.

32  
33 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.  
34 Kilgour.

35  
36 **DR. KILGOUR:** Okay, and so, noted, and I will incorporate that  
37 into the discussion of today. Sonnier Bank is another existing  
38 HAPC, but it doesn't have regulations. The expansion is that  
39 purple box, and it's also underlain with the VMS hotspots, and  
40 so, again we have that tiered approach recommendation for this  
41 particular area, which has the no-bottom-tending-gear zones that  
42 mirror what the no-activity zones are and then allows some types  
43 of fishing outside of those and then trawling outside of the  
44 sanctuary.

45  
46 It should be noted, for this particular one, that we've written  
47 a letter for the DEIS for the sanctuary to reconsider that  
48 northern boundary, because it's a heavily-shrimped boundary,

1 just to move it slightly south, and that's noted in the paper.

2

3 **CHAIRMAN GREENE:** Ms. Levy.

4

5 **MS. LEVY:** I am seeing the pattern now, and sorry, but I didn't  
6 really recognize it before. You're using this tiered approach  
7 whenever the sanctuary boundary overlays this more used fishing  
8 area, and is that the difference between why there were no  
9 recommendations for the prior bank, because it wasn't over that  
10 sort of green hotspot area?

11

12 **DR. KILGOUR:** Exactly.

13

14 **CHAIRMAN GREENE:** Further discussion? Ms. Levy.

15

16 **MS. LEVY:** I don't know if that goes to Leann's point about  
17 being consistent throughout, but I just wanted to point out the  
18 pattern that I was seeing about why there wasn't that  
19 consistency with using that tiered zone, because I think this  
20 tiered zone, I understand why it would be the recommendation,  
21 but it is pretty complicated, and I see the point of not  
22 recommending it if you don't have a sanctuary boundary that's  
23 over a heavily-fished area. Then it would make sense to not  
24 recommend this more complex tiered zone, but obviously that's up  
25 to you all.

26

27 **CHAIRMAN GREENE:** Further discussion? Dr. Kilgour.

28

29 **DR. KILGOUR:** Moving along, Alderdice Bank, again, this has that  
30 tiered approach. The sanctuary expansion is in purple and the  
31 existing HAPC is the hatched mark, and we're recommending -- In  
32 the paper, it recommends the no-activity zone have a coinciding  
33 no-bottom-tending-gear zone to account for that hotspot of  
34 fishing activity in the southeast corner.

35

36 Elvers Bank, this is an area that's not an existing HAPC, but  
37 it's proposed as part of the expansion, and so, again, this has  
38 that tiered approach of that small little red part having a no-  
39 bottom-tending-gear zone associated with it, and, again, the  
40 prohibit trawling within the boundaries and require an  
41 endorsement.

42

43 Bouma, Bryant, Rezak, and Sidner Bank, the hatched areas are the  
44 existing HAPCs. The proposed expansion would be connecting  
45 those. We have made a recommendation in the paper and in a  
46 previous document to modify that northeast boundary, where you  
47 can see there is heavy shrimping, to just move that slightly so  
48 that that historic shrimping can continue.

1  
2 This is Parker Bank, and there are no recommendations for this  
3 area. It's not a heavily-fished area. It's not an existing  
4 HAPC, but it does have significant coral and habitat information  
5 associated with it now.

6  
7 Then this is an example of the no-bottom-tending-gear zone. In  
8 Tier 1, that orange boundary, which does not show up very well  
9 here, but it basically -- You can kind of see the straight line  
10 that connects from the right-hand side of the blob, and so that  
11 would be the no-bottom-tending-gear zone, to try and closely  
12 match that red area.

13  
14 Tier 2 would be outside the no-bottom-tending-gear zone, but  
15 inside the council-recommended boundary of the expansion. There  
16 would be no bottom trawling, traps, or dredges. Then, Tier 3,  
17 outside of the proposed boundary, would have no Flower Garden  
18 Banks-imposed regulations. I am happy to take any questions and  
19 go through the white paper now.

20  
21 **CHAIRMAN GREENE:** Thank you. Are there questions? Lieutenant  
22 Danaher.

23  
24 **LCDR LEO DANAHER:** Thank you, Mr. Chair. Just looking over some  
25 of the regulations that we are enforcing out there, and also the  
26 consideration that a lot of these banks are so far out that,  
27 having been at the recent National Marine Sanctuary Council,  
28 it's pretty apparent to me that a lot of the state agencies  
29 can't make it out there to patrol these regions.

30  
31 Most of it is really on the shoulders of the Coast Guard, and,  
32 going back to the point that Dr. Crabtree made about the  
33 boundaries, the existing boundaries, with the current National  
34 Marine Sanctuary, don't have as many of these indentations and  
35 cuts that come into the banks on a lot of these proposed  
36 expansion banks, and I guess I -- In trying to look through the  
37 eyes of the officers that are going to be out there enforcing  
38 the law, it is going to make it a little more complicated.

39  
40 We're not trying to go out there and hassle you, but we are  
41 trying to go out and do our job, and I just see -- Even looking  
42 at MacNeil Bank, for example, that's certainly going to cause, I  
43 think, some issues on where are you actually at with this  
44 particular gear, and I just wanted to reference one of the laws  
45 here.

46  
47 Possessing or using within the sanctuary, except possessing  
48 while passing without interruption through it, any fishing gear,



1 device, equipment, or means except conventional hook-and-line  
2 gear. We've made it clear that the hook-and-line gear is  
3 acceptable, but, from the data that we're seeing here over the  
4 past eight years, I think that we're going to probably see some  
5 convoluted situations, where it's going to be difficult for law  
6 enforcement to actually enforce the regulations.

7  
8 **CHAIRMAN GREENE:** Thank you. Further discussion? Captain  
9 Walker.

10  
11 **MR. DAVID WALKER:** I've just got some comments. I've got an  
12 email here about the -- I guess it's July through August. It's  
13 three months is 50 percent of the coral has been bleached, and,  
14 just getting back to the comments, it's not the fishing gear or  
15 anchors that is causing a lot of the problems. We have some  
16 more environmental factors that are causing problems, and I  
17 don't know if it's fertilizer or weed killer coming out of the  
18 Mississippi River.

19  
20 We have a lot of other things too, but I think the endorsement  
21 is a good thing for the commercial industry and being able to  
22 allow them to be able to still fish these historical areas and  
23 just to kind of put on the record that they're not the causation  
24 of a lot of these problems we're having, when we've lost 50  
25 percent of the coral in the last three months has been damaged.

26  
27 **CHAIRMAN GREENE:** Thank you. Anyone else? Mr. Swindell.

28  
29 **MR. SWINDELL:** Do we know anything about the oil industry,  
30 regulations on the oil industry, and placement of anchors as  
31 they work on pipelines or rigs or platforms that are within the  
32 defined areas? I mean, I am just a little concerned of whether  
33 or not we're trying to be -- If we're going to have to be more  
34 conservative, or do they give permits to the oil industry to put  
35 down anchors as they're working on a rig, because I will tell  
36 you, when they go out there on the big platform to do major work  
37 on a rig, you have to place anchors to secure the vessel from  
38 which they're working from, and the only way to do that is to  
39 survey the bottom and put anchors down. I don't want us to get  
40 to have to survey the bottom to place an anchor, but I just was  
41 wondering, do we know? Has there been any information about  
42 placement of anchors for the oil industry?

43  
44 **CHAIRMAN GREENE:** Thank you. Dr. Kilgour?

45  
46 **DR. KILGOUR:** G.P. is here to answer that question for you, and  
47 so I'm going to punt that to the Sanctuary Superintendent.

48

1 **MR. G.P. SCHMAHL:** Hi. My name is G.P. Schmahl, and I'm the  
2 Superintendent of the Flower Garden Banks National Marine  
3 Sanctuary. Specifically, to answer that question, you're  
4 absolutely right that -- For an oil company to place a platform  
5 or any kind of infrastructure in one of these areas, it's  
6 actually a very detailed survey and approval process through  
7 BOEM, and so they do have to put down remotely-operated vehicles  
8 and survey the area completely and do what they call a hazard  
9 survey, and hazards include biological communities that may be  
10 impacted by their operations. If they were going to place  
11 anchors to place an infrastructure inside these areas, it would  
12 be based on very detailed surveys and placement of anchors in  
13 soft-bottom substrates.

14

15 **CHAIRMAN GREENE:** Thank you. Any further questions?

16

17 **MR. SCHMAHL:** If I could, I would like to address just a little  
18 bit the concept of the no-activity zones and incorporating the  
19 no-activity zones into the regulatory regime that you're  
20 discussing here.

21

22 First of all, the no-activity zones were actually created and  
23 developed back in the 1970s, based on the information that they  
24 had at the time. They were developed primarily based on depth  
25 contours. If you look at these things, they are actually based  
26 on what's about the eighty-five-meter depth contour, and that's  
27 why they have such a complicated geography.

28

29 In the time since then, there has been a lot more information  
30 that has been obtained in all of these areas, and I just want to  
31 advise you that BOEM is in the process of looking at their no-  
32 activity zones and potentially revising the no-activity zones,  
33 because there are quite a bit of sensitive habitat that does  
34 exist outside of the current no-activity zones, and so it is --  
35 In order to adequately protect the mesophotic and deepwater  
36 coral communities that this whole process is designed to  
37 address, it would have to include more than just the no-activity  
38 zone.

39

40 **CHAIRMAN GREENE:** Thank you. Are there further comments or  
41 questions? Mr. Riechers.

42

43 **MR. ROBIN RIECHERS:** You just indicated that they were looking  
44 at this now. When would we have the surveys or when can we be  
45 privy to those surveys that would indicate those, and we'll just  
46 say other areas that may need that protection?

47

48 **MR. SCHMAHL:** We have that information, and it's based on some

1 high-resolution multibeam bathymetry that has been obtained  
2 since 2000. We have done a large number of remotely-operated  
3 vehicle surveys throughout this region, and ground-truthed some  
4 of those areas. We have provided that to BOEM, and they are  
5 aware of it.

6  
7 Some of those maps are included in our DEIS, in Volume II, where  
8 we describe each of these areas under consideration, and I know  
9 that BOEM does have one of their environmental studies that is  
10 funded for this year, for FY 2017, to obtain high-resolution  
11 multibeam bathymetry on those no-activity zone areas that it has  
12 not been collected for, and so they are actively in that  
13 process, but I don't know what the timeframe is.

14  
15 **CHAIRMAN GREENE:** Thank you. Is there further discussion?

16  
17 **MR. RIECHERS:** Someone else earlier had asked about how to get  
18 the permit.

19  
20 **CHAIRMAN GREENE:** We were talking about the endorsement and how  
21 we go about it and what would be the qualifications and how that  
22 would go. Can you share some insight with us on that?

23  
24 **MR. SCHMAHL:** That's a good question, and I am concerned about  
25 that. What you're suggesting, I actually like the concept. I  
26 think it's something that we could certainly investigate, but it  
27 is quite complicated, and it is, I think, difficult to  
28 implement.

29  
30 I think what we're talking about, establishing a no-activity  
31 zone or a no-bottom-tending-gear zone, is fairly straightforward  
32 if you can address the enforcement issue, and one question was  
33 if -- I have been advised by enforcement folks that I've talked  
34 with that it's very difficult just to reference a depth contour  
35 as an enforcement zone, but that is one option, that you cannot  
36 anchor in depths less than forty fathoms or fifty fathoms or  
37 something like that.

38  
39 The area outside of that though, if you look at the data that we  
40 have for the hard-bottom features, it's very -- It's a very  
41 complicated mosaic of hard-bottom features and soft-bottom  
42 areas, and so what you're trying to do is target those soft-  
43 bottom areas within a very complex mix of hard bottom and soft  
44 bottom, and you're in depths of typically greater than 200 feet,  
45 and so you don't -- You can't see the bottom, and you don't know  
46 exactly where you're placing your anchor, and so how do you do  
47 that? How do you physically do that?

48

1 Certainly just making people who are fishing out there aware  
2 that these are sensitive areas and to look at different types of  
3 anchor types and that type of thing, those are all very positive  
4 ways to approach it.

5  
6 It may be that you could get this high-resolution bathymetry  
7 that could be incorporated into the navigation system of  
8 individual fishing boats and they could more precisely try to  
9 target these soft-bottom areas that are within this mix of hard-  
10 bottom communities, but I do think that it would be a very  
11 difficult and a complicated thing to do.

12  
13 At the same time, we're talking about relatively small boats and  
14 relatively small anchors compared to the major concern for these  
15 areas, for establishing no-anchor zones, are the large ships  
16 that are passing through of the safety fairway right outside of  
17 this area, and so some ability to accept a certain amount of  
18 injury that will occur with anchoring, because anchoring does  
19 cause injury, and there's no question about that, even if it's a  
20 more sensitive anchor, but is that a level of injury that we can  
21 live with? That's a discussion that I think we could have as  
22 well.

23  
24 **CHAIRMAN GREENE:** Thank you. Is there further discussion or  
25 questions? Dr. Frazer.

26  
27 **DR. TOM FRAZER:** We haven't seen the likely proposed, I guess,  
28 extent of the no-activity zones, but do you have a feel for how  
29 big of an expansion those might be?

30  
31 **MR. SCHMAHL:** If I was drawing them, they would pretty much look  
32 like the proposed boundary that we have put forward for  
33 sanctuary expansion. What we did was used the data that we  
34 believe -- There is more than just -- From BOEM's perspective,  
35 there is more than just the no-activity zones. There is also a  
36 thing called the potentially sensitive biological features, and  
37 there is also low-relief live bottom.

38  
39 Both of those categories also have to be avoided by oil and gas  
40 activities, and those are not mapped like the no-activity zones  
41 are, but the oil companies have to go out there and survey these  
42 areas. Any time they see what's termed as a potentially  
43 sensitive biological feature, for example, which is something  
44 that's over eight feet of relief and have a certain amount of  
45 live communities associated with it, they have to identify those  
46 and avoid them.

47  
48 When you map out all of those areas and then provide a little

1 bit of buffer, and we've talked about different types of  
2 buffers, from a hundred meters to 500 meters, and you aggregate  
3 all of those together, what you get is kind of a cloud kind of  
4 diagram that very much is sort of incorporated by the boundaries  
5 that we have drawn.

6  
7 Now, we have tried to make these somewhat enforceable, and so we  
8 have squared them off in areas, a lot of times to make them  
9 consistent with the existent HAPC boundaries, and so there are  
10 some adjustments you can make on the edges, but the -- Just to  
11 answer your question, the sensitive areas are essentially the  
12 areas that we're proposing for the sanctuary, in my opinion.

13  
14 **DR. FRAZER:** Just as a follow-up then, when you redesign these  
15 no-activity zones, is there already a buffer that's been  
16 incorporated into that, or is that something that we need to  
17 talk about here?

18  
19 **MR. SCHMAHL:** In the existing no-activity zones, there was not a  
20 specific buffer. Like I mentioned, it was just based on  
21 essentially a depth contour that corresponded with what they  
22 knew at the time as being the most sensitive areas of these  
23 areas. We have proposed -- Our Sanctuary Advisory Council, in  
24 fact, proposed a 500-meter buffer from areas that are sensitive.

25  
26 Now, I have to say though that that buffer was based on oil and  
27 gas impacts. That was based on if they are placing an oil and  
28 gas platform and the drilling muds and cuttings that would be  
29 generated from a platform provides a halo about 500 meters  
30 around that platform, and so you had to have that back-off, and  
31 so whether that's appropriate for anchoring is something that  
32 can be discussed, but that was what we were working with, a 500-  
33 meter buffer.

34  
35 **DR. FRAZER:** Thank you.

36  
37 **CHAIRMAN GREENE:** Patrick.

38  
39 **MR. PATRICK BANKS:** Maybe this is a question more for staff, but  
40 do we have the GIS overlay that helped lead these folks to draw  
41 the pink boundaries that they did, or did they just submit those  
42 GIS boundaries to us? It would be helpful for us to see the  
43 features that he is talking about that helped him draw the pink  
44 polygons that he did. I hear you talking about bottom contours  
45 and things like that, and so we have that overlay?

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

48

1 **DR. KILGOUR:** We do. They have a finer resolution than we have  
2 for some of these areas, and they more on-the-ground knowledge  
3 than we do for some of these areas, but I do have access to all  
4 of the data that they used for their underlying bathymetry.  
5 It's publicly available on I think it's USGS for most of these  
6 areas. It just takes a significant amount of cleaning to get to  
7 the resolution that you need to be able to see some of these  
8 areas, and time was of the essence to get this document  
9 completed.

10  
11 **MR. BANKS:** Where I'm going with that is you look at these  
12 images here and it's tough to understand the rhyme or reason as  
13 to why the boundaries are drawn like they are. It looks like,  
14 at first glance, that you've got a coral head that's shaped like  
15 the red, which I know that's not necessarily true, and then  
16 you've got all this non-coral area outside, and I'm just trying  
17 to get a better feel for why the boundaries were drawn like they  
18 were.

19  
20 **CHAIRMAN GREENE:** Dr. Kilgour.

21  
22 **DR. KILGOUR:** Just to refresh everyone's memory, the DEIS that  
23 the Flower Garden Banks put forth has, in their appendices, all  
24 of those areas with the maps and the high-resolution bathymetry,  
25 and so that was presented to you guys in June and in August when  
26 we reviewed the DEIS, but, again, that fine-resolution  
27 bathymetry, I did not include in these maps, because they were  
28 pretty busy. It would have taken significant cleaning of the  
29 bathymetry, and so I was trying to make them as simple as  
30 possible, and they're still really messy.

31  
32 **CHAIRMAN GREENE:** Thank you. Any further questions? Well, I  
33 have one. Mr. Schmahl, we're working on anchoring and bottom-  
34 tending fishing gear, and the exclusion for the oil and gas  
35 industry, is that for current, existing platforms? What about  
36 new development? Are they allowed to go in this area and drill  
37 and so on and so forth or what is the exclusion there? Is that  
38 for historical stuff, or is that moving forward, or how does  
39 that work here?

40  
41 **MR. SCHMAHL:** Our regulations actually do allow for oil and gas  
42 exploration to occur inside a sanctuary boundary. The first  
43 step is it has to be outside of the no-activity zone, if they  
44 comply with the other stipulations that both BOEM and what the  
45 sanctuary would require, and those go to those areas that I was  
46 referring to previously, those potentially sensitive biological  
47 features, the low-relief live-bottom features, and additional  
48 regulations that we have where you have to avoid any kind of

1 biological community.

2  
3 While it is possible that you could place oil and gas  
4 infrastructure inside the sanctuary boundary, it would make it  
5 quite difficult, and there are some areas that it could happen,  
6 but, for the most part, because of the existing restrictions  
7 that already exist, it would be unlikely.

8  
9 Now, for existing infrastructure, typically what happened with  
10 the designation of the original sanctuary, the law that National  
11 Marine Sanctuaries act under says that we cannot eliminate any  
12 previously-existing valid federal lease and permit, and so it  
13 essentially grandfathered in existing infrastructure inside the  
14 boundary until that lease has expired.

15  
16 **CHAIRMAN GREENE:** Okay, and so I have one more follow-up, if  
17 nobody else has anything. You have an existing structure that's  
18 in an area right now, and is there anything that prohibits them  
19 from removing it because it may have significant coral growth on  
20 it or anything to that effect?

21  
22 **MR. SCHMAHL:** That's a very interesting question, and we're  
23 going through this right now with a platform that was previously  
24 existing inside the boundary of the East Flower Garden Bank, and  
25 it's going through a decommissioning process as we speak. It  
26 has, over the time that it's been in there, since 1981, there  
27 has been a significant amount of biological growth that has  
28 occurred on the platform.

29  
30 The basic idea though is that when that platform, when any  
31 platform, was permitted, it was required, at the time, to be  
32 removed at the end of its useful life, and when I mentioned when  
33 we designated the sanctuary, we certified that permit and that  
34 lease, which included the removal of that platform.

35  
36 Therefore, we have not -- We have basically taken the position  
37 that, because it has already been approved, that it is not an  
38 issue of removing coral, for example, and it turns out that the  
39 amount of coral on that platform is actually very low. There is  
40 only a very few number of colonies of native coral, but it does  
41 have a lot of what is an invasive exotic coral, which is the  
42 orange cup coral, over that platform and many other platforms as  
43 well.

44  
45 In that particular case, we have not -- Essentially, we are okay  
46 with the removal of that platform, even though it has  
47 technically some protected species that may be associated with  
48 it.

1  
2 **CHAIRMAN GREENE:** Thank you. Anything else for Mr. Schmahl  
3 before we move on? Okay.

4  
5 **MR. SCHMAHL:** I would mention -- Somebody mentioned the coral  
6 bleaching that's going on right now, and it is a significant  
7 event. Our folks are out there today monitoring that event.  
8 Coral bleaching though does not necessarily mean that the coral  
9 is dead, and, in fact, in 2005, we had a similar bleaching event  
10 that affected about 50 percent of the coral, which is the same  
11 thing that's happening right now, and we had very limited actual  
12 mortality associated with it, and so there's a high concern that  
13 it's an impact, but, as of yet, the corals have not died, and  
14 the water temperature -- It is related to high water  
15 temperatures. As those water temperatures are going down, and  
16 they are going down now, we're hoping that we will have a pretty  
17 near full recovery.

18  
19 **CHAIRMAN GREENE:** Thank you, Mr. Schmahl. We are going to --  
20 We're getting a little bit behind schedule here, but not too  
21 bad. I know we've got some other stuff, and so I'm going to  
22 turn it back to Dr. Kilgour to see what else she has for us.

23  
24 **DR. KILGOUR:** Thank you, Mr. Chair. What's left on this item is  
25 we have the Reef Fish AP Comments, and it's been brought to my  
26 attention that the Law Enforcement Technical Committee had  
27 comments from their meeting last week, and so if you will  
28 indulge us and let us go through those really quickly, that  
29 would be great.

30  
31 **CHAIRMAN GREENE:** Yes, ma'am. Please proceed.

32  
33 **REEF FISH AP COMMENTS**

34  
35 **DR. CARRIE SIMMONS:** Thank you, Mr. Chairman, and good morning,  
36 everyone. Again, we'll start with the Reef Fish Advisory Panel  
37 Summary regarding this agenda item, and that's Tab B, Number 13.  
38 Mr. Swindell was our council representative, and we had fifteen  
39 members present. This was a meeting in October, the 4<sup>th</sup> and 5<sup>th</sup>,  
40 at the council office. Throughout today, the items that you  
41 have on your agenda will have recommendations from the AP that  
42 we'll be referring back to this report on.

43  
44 This was the first item they discussed. They spent a lot of  
45 time on it, and I should also mention that we have the Chair on  
46 the webinar, Martin Fisher, if you guys have specific questions  
47 that you would like him to address that I can't answer or staff  
48 can't answer.



1  
2 The AP was very helpful. They did help us with defining what we  
3 meant by historic fishing, and that was updated and put in the  
4 document that you have in the briefing book, and so that was  
5 very useful. The first motion they made is on page 2. By a  
6 vote of twelve to zero, with three abstentions, the AP accepts  
7 the council's recommendations for maintaining the current  
8 boundary and fishing regulations for Stetson Bank.

9  
10 Next, they discussed the fact that spearfishing was not allowed  
11 in the Flower Garden Banks currently, and one AP member stated  
12 that Geyer Bank is a bank where I guess pelagic free divers  
13 target wahoo, and this expansion in the current regulations that  
14 are proposed to this area would eliminate them from  
15 participating in that particular activity, and a majority of the  
16 AP members felt that this activity would have no impact on the  
17 coral habitat and should be allowed, should continue to be  
18 allowed. By a vote of thirteen to one and one abstention, the  
19 AP recommends to allow pelagic free-dive spearfishing at Geyer  
20 Bank.

21  
22 Next, they generally discussed just spearfishing, and they  
23 really felt that it had minimal impacts to coral habitat, and  
24 several of the members really didn't feel it was fair to  
25 eliminate spear fishers from these areas while still allowing  
26 hook and line fishing. By a vote of eight to four and three  
27 abstentions, the AP recommends that in any additional expansion  
28 of the Flower Garden Banks National Marine Sanctuary that all  
29 spearfishing be allowed.

30  
31 Next, we talked about the use of anchors, and we also spent  
32 quite a bit of time on that topic and what was proposed  
33 currently in the white paper. The AP felt that any type of  
34 anchor provision -- They did not feel that any type of anchor  
35 provision was needed in the document, because they would not be  
36 allowed in that proposed no-bottom-tending-gear zone. If we put  
37 in specific regulations about anchors, that it would be very  
38 difficult to regulate and to enforce, based on the type that may  
39 be necessary for various tonnages of those vessels, and so they  
40 thought that could be very difficult and get into a gray area to  
41 enforce for the various activities and tonnage.

42  
43 By a vote of twelve to one and two abstentions, the AP  
44 recommends to remove the anchor size and type provisions from  
45 the draft proposed fishing regulations for the Flower Garden  
46 Banks National Marine Sanctuary document, the white paper.

47  
48 Then, next, we talked about the endorsement program or the

1 certificate program that's proposed and whether it should be  
2 directed at commercial fishermen or recreational fishermen or  
3 both, and the AP had no specific recommendations at this time  
4 about that endorsement program. They felt that any type of  
5 education program would be beneficial regarding fishing in these  
6 areas, and they thought that was a good idea.

7  
8 There was some concerns expressed about having to go physically  
9 to a location and have days of training, and so I think staff  
10 kind of said what we were hoping for it to be maybe more of an  
11 online training that could occur, but I think there were some  
12 questions about how much time it would take and that sort of  
13 thing.

14  
15 By a vote of twelve to zero and three abstentions, the AP  
16 recommends that the council forward the white paper on the  
17 Flower Garden Banks National Marine Sanctuary regulations, as  
18 amended by the AP motions. That concludes my section of the  
19 report.

20  
21 **CHAIRMAN GREENE:** Thank you. Any questions? Dr. Simmons, we  
22 heard them talking earlier about weak links for anchors, and I  
23 have never considered a weak link use in an anchor-type  
24 situation, although I am familiar with them in certain parts of  
25 Coast Guard requirements, such as life floats and various other  
26 things. Did the AP have any conversation about the use of weak  
27 links as opposed to anchor types or sizes?

28  
29 **DR. SIMMONS:** I don't think we discussed that specifically. I  
30 think it was still getting into -- I think a lot of people are  
31 using that already and getting into the weeds on regulating the  
32 anchor type, but maybe, if Martin is available, he could help me  
33 with that question.

34  
35 **MR. MARTIN FISHER:** Good morning. Yes, we did talk about that,  
36 Mr. Greene. It was discussed. Several captains are familiar  
37 with it and do use it, and it, in essence, would let you use any  
38 size anchor with the weak link, and you're going to do very  
39 little damage to the bottom in extracting the anchor from  
40 wherever you place it, and it just seemed to us that certainly  
41 trying to create some kind of nuts and bolts, in the weeds,  
42 regulation on size and type would be extremely hard to enforce  
43 and extremely hard to implement and would just create a  
44 nightmare.

45  
46 **CHAIRMAN GREENE:** Thank you, Mr. Fisher. Any further  
47 discussion? Seeing none, we will move on to Lieutenant Danaher.

48

1 **LCDR DANAHER:** Thank you, Mr. Chair. I guess my question about  
2 the anchors is wouldn't that discussion come up during their  
3 request to actually go out and visit the banks? Wouldn't that  
4 be part of your application process, to discuss what types of  
5 anchors are permitted? At that point, make it clear as to  
6 what's acceptable, or am I getting my jurisdictions wrong here?

7  
8 **CHAIRMAN GREENE:** I would think that would fall into the  
9 endorsement part of it, that you've got these acceptable types  
10 of stuff, but it sounds like the AP doesn't want any of those  
11 regulations, and this is one of those things where we're going  
12 to have to come up with some type of a recommendation to offer  
13 them.

14  
15 The weak link thing is interesting to me, but it's more out of  
16 just interest at this particular point, although I certainly do  
17 understand the part of not obstructing the bottom, if it was to  
18 get hung or trying to extract it, but you certainly bring up a  
19 good point. Does anyone else care to weigh in on this at this  
20 particular point? Okay. Seeing none, I guess we have some law  
21 enforcement stuff as well, or did I misunderstand earlier? Dr.  
22 Lassetter.

23  
24 **LAW ENFORCEMENT TECHNICAL COMMITTEE COMMENTS**

25  
26 **DR. AVA LASSETER:** Thank you, Mr. Chairman. I just wanted to  
27 call your attention also to a change in the briefing book  
28 document for the Law Enforcement Committee Report. Just this  
29 past Thursday, the commission and council's Joint Law  
30 Enforcement Committees met.

31  
32 The initial document that was provided in your briefing book  
33 from yesterday morning was just the recommendations for the  
34 council documents. We have since compiled the entire report for  
35 the commission sections and the council sections, and the group  
36 added, under Other Business, a discussion on the Flower Garden  
37 Banks Sanctuary expansion and the impacts on law enforcement.

38  
39 I just wanted to comment that they largely reflect what  
40 Lieutenant Commander Danaher has already addressed as far as  
41 preference for more regular shapes of the areas, rather than  
42 these multisided polygons, and they also -- Law enforcement  
43 would be difficult to use boundaries based on depth contours,  
44 and so I wanted to share these comments. Also, another  
45 representative who couldn't make it, Brandi Reeder from Texas,  
46 also provided her comments that reflected what the entire  
47 committee spoke to as well, and so I just wanted to add those to  
48 the record.

1  
2 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Ms.  
3 Bosarge.

4  
5 **MS. BOSARGE:** I did have some comments and notes in my white  
6 paper that I made, and obviously we don't have time to go  
7 through them, and so I guess I will just give those to you  
8 offline, Morgan. I will just give you my comments, but,  
9 essentially, it boils down to I do -- There is some specific  
10 little grammatical errors that we probably need to address in  
11 here, but, to get it on the record, on the whole, I understand  
12 the law enforcement concerns, but, when you look at it from the  
13 other perspective, it's a risk/reward tradeoff, and these are  
14 pristine areas that these men and women have been fishing  
15 historically for centuries.

16  
17 They are sustainable fishers, and they do interact with this  
18 bottom in a sustainable way, and I do not feel that the risks  
19 that they are imposing is great enough that we should square off  
20 the boxes to make it easy and essentially we end up shutting  
21 them out of here, and that is why we went with a tiered  
22 approach.

23  
24 We tried to build some things into it that would aid law  
25 enforcement, and that would be your endorsement and your VMS, in  
26 order to anchor, and so the only people that will be able to go  
27 in there and anchor in those areas is a small, discreet universe  
28 of individuals that you have documented and that have an  
29 enforcement tracking device on their vessel that pings at a  
30 higher frequency when they are actually fishing in those areas  
31 and they start to get close to that closed area, and so we did  
32 try and build some functions into this new regulatory scheme  
33 that would help enforcement.

34  
35 You will have a generally squared-off box for the outside.  
36 Anybody inside that squared-off box that is allowed to do  
37 certain things will be, as I said, a very small universe of  
38 individuals that is well documented and that has a tracking  
39 device onboard, and so we did try and build that in, and I will  
40 get with Morgan on my notes in this, if that's okay, for time's  
41 sake.

42  
43 **CHAIRMAN GREENE:** Mr. Riechers.

44  
45 **MR. RIECHERS:** The outcome of the white paper is we're just  
46 sending this as suggestions, based on the comment period, and  
47 we've already heard from G.P. that, in some respects, one of our  
48 suggestions about an endorsement, while I will -- I am

1 characterizing -- I am going to speak for what I heard and not  
2 necessarily what you heard or what he said, but I heard him  
3 suggest that it was going to be difficult to do that in the way  
4 that we talked.

5  
6 I think that you're correct, Lieutenant Commander, that it could  
7 be part of an endorsement, if there were such an endorsement,  
8 possibly, to describe anchoring, and you could create an  
9 endorsement that had certain restrictions with it, but, at the  
10 end of the day, it doesn't sound like that may be something they  
11 want to go through the trouble of doing, and so I'm just trying  
12 to make sure that I understand where we are in the process, but  
13 that's where I believe we are in the process, and is that  
14 correct? We're just going to now submit it as part of the  
15 public comment?

16  
17 **CHAIRMAN GREENE:** Dr. Kilgour, to that point?

18  
19 **DR. KILGOUR:** Just to be clear, this isn't part of the public  
20 comment period. The council has until December to submit  
21 specific recommendations on regulations for the sanctuary. The  
22 public comment period ended on August 19, and so this a council-  
23 specific recommendation that the sanctuary requested.

24  
25 **CHAIRMAN GREENE:** Ms. Levy.

26  
27 **MS. LEVY:** I would just ask, either in committee or at full  
28 council or somewhere, that if you're going to agree with what's  
29 in the white paper and the fishing regulation recommendations  
30 that Morgan has described, that you have a motion, some type of  
31 record, that the council as a body agrees with this and these  
32 are the fishing regulation recommendations that you want to send  
33 to the sanctuary.

34  
35 **CHAIRMAN GREENE:** Lieutenant Commander.

36  
37 **LCDR DANAHER:** Mr. Chair, the follow-on to what I was trying to  
38 get at is I -- I am not saying that you necessarily need to have  
39 square boxes out there to enforce the zones, but I think McGrail  
40 Bank was probably one of the better examples of where you have  
41 some pretty distinct indentations into the -- They're kind of  
42 cut into that boundary, and, when you're out there and you're  
43 depending upon technology to essentially give you an accurate  
44 position, I just see some of those smaller little cuts as  
45 possibly creating some confusion between fishermen and  
46 enforcement officers, and so I am not advocating, necessarily,  
47 that you take on these big expansions or make it just like a  
48 very blanket area, but I think there are some smaller regions in

1 there where, based on the data that we're seeing, it may cause  
2 for some confusion. Like I said, we're not trying to hassle the  
3 fishermen, but we're just trying to enforce the law and do our  
4 job.

5  
6 **CHAIRMAN GREENE:** Okay. I think your points are pretty well  
7 noted, and understanding that this will be our last opportunity  
8 as a council to weigh in on this -- Some of the stuff we have  
9 further down the agenda, we're going to be looking at for a  
10 bunch of meetings to come, and so, with that, before we let go  
11 of this as a committee, is there anybody else that wants to  
12 weigh in or has anything else? Mr. Matens.

13  
14 **MR. CAMPO MATENS:** This is pretty interesting for me, and I'm a  
15 little confused. What are the proposed regulations and  
16 requirements of recreational fishermen, including trolling over  
17 these spots? What is the thinking about this?

18  
19 **CHAIRMAN GREENE:** Yes, Dr. Kilgour.

20  
21 **DR. KILGOUR:** This was kind of addressed by the Reef Fish AP  
22 with regard to the endorsement, and that's something that I  
23 would like clarification on from the council. Is this  
24 endorsement going to be required for everybody, including  
25 recreational fishermen, in which case a one-day class might not  
26 be feasible, or is this endorsement only going to be required  
27 for commercial fishermen with VMS?

28  
29 As of right now, sanctuary regulations allow for hook-and-line  
30 fishing, which is the traditional recreational gear, and so it  
31 wouldn't really affect them, other than they would not be  
32 allowed to anchor in the sanctuary. They could tie up to  
33 mooring buoys.

34  
35 **MR. MATENS:** To that point, I don't think I really mind if an  
36 endorsement is required, but I just want to know if it is, if  
37 it's going to be, because, if I read this correctly, the last  
38 part of this document says all fishermen.

39  
40 **CHAIRMAN GREENE:** An endorsement can come in at a lot of  
41 different parameters. If you're going to seek out the ability  
42 to anchor within a specific area, then perhaps you do have to  
43 physically attend a class and participate to qualify to get  
44 that.

45  
46 If your concerns are for the private recreational anglers going  
47 out and they're going fishing, then perhaps an online tutorial,  
48 a twenty-minute deal where you go through these slides and you

1 click a box that you understand that you're going to fish a  
2 biologically-sensitive area and that you have to do this and  
3 that and the other. Then you print out a thing, such as like  
4 HMS does tuna permits, and you have it onboard.

5  
6 If the Coast Guard comes up to enforce you, you had better have  
7 your paper, or there is going to be stiff consequences, and so  
8 there's ways that we can work with this, providing that the  
9 Flower Garden Banks National Marine Sanctuary people and the  
10 powers that be, whoever they are, are on the same line that  
11 we're thinking.

12  
13 Back to Mr. Riechers's point, whether they do that or not is  
14 certainly beyond our purview, and so, if we go into this  
15 blessing it and thinking that this is going to happen, and  
16 ultimately it does or does not, it's certainly going to have a  
17 big impact.

18  
19 I am kind of really torn about this either way, especially in  
20 light of some of the oil and gas stuff that I found out this  
21 morning that I was not aware of, and so -- To be correct, this  
22 is our last opportunity to weigh in on this, and everybody at  
23 the staff table is nodding their heads yes, and so, at this  
24 point, I am kind of willing to allow some more time and  
25 discussion, because I want to do this at committee, and we need  
26 to follow up, because, at full council, that's it. If there is  
27 anybody else who wants to weigh in, we need to do it now. I do  
28 have some concerns about it. I don't see where wahoo trolling  
29 or surface fishing is an issue.

30  
31 The spearfishing thing, I am not so sure about. Now, if an  
32 individual jumps in the water to spearfish and he's going to be  
33 targeting pelagic wahoo, which is intriguing to me as well, I  
34 wish him good luck with that, but I don't know how the Coast  
35 Guard is going to know if he is engaged in pelagic spearfishing  
36 or if he's going to the bottom.

37  
38 Now, if it's free diving, obviously they're not going to have a  
39 tank, and that's pretty simple, but, if you're going to drop a  
40 diver off in a boat, is the boat going to have to be anchored or  
41 tied up to a mooring buoy? I don't know much about spearfishing  
42 at all, and so I mean we have some AP recommendations, and  
43 they're asking that the council recommend to forward the white  
44 paper on the Flower Garden Banks National Marine Sanctuary  
45 regulations as amended by the AP motions.

46  
47 We've got these AP motions before us. Is there any of these  
48 motions that are particularly concerning? Do you want to go

1 through them one at a time? Executive Director Gregory, please  
2 assist us here. Absolutely. Please go ahead, Mr. Fisher.  
3 While they're bringing Mr. Fisher up, Corky Perret is also the  
4 chair of one of the APs as well, and if you have a comment that  
5 you would like to present to us in regards to this, be ready as  
6 well. We're trying to get Mr. Fisher up and going, and so, if  
7 he's ready, we can proceed with that. If not, Corky, if you  
8 want to shoot from the hip, come ahead, please.

9  
10 **MR. FISHER:** What is the question to me, please? My audio cut  
11 out for a minute.

12  
13 **CHAIRMAN GREENE:** Doug Gregory had indicated that you wanted to  
14 speak about anchoring.

15  
16 **MR. FISHER:** Yes, sir. It's simply that to require soft-bottom  
17 tending anchor gear would actually create more harm to the reef,  
18 because, more chances than not, that gear is going to drag.  
19 Between inexperience of possible anglers that aren't experienced  
20 in dropping anchor in deep water and the anchors that might be  
21 required for soft bottom, my experience is it's hard enough to  
22 stay anchored at sea, in a tide, in a wind, in those depths of  
23 water, no matter what kind of anchor you have down. To require  
24 something that is less firm in the ground, I think that's just  
25 going to encourage more reef degradation. Thank you.

26  
27 **CHAIRMAN GREENE:** Okay, and so what is your thoughts on the weak  
28 link, specifically to that?

29  
30 **MR. FISHER:** The weak link solves all the problems if the anchor  
31 happens to hit a rock or a piece of coral and it gets stuck.  
32 That is what the weak link is designed to do, and then the  
33 anchor is actually pulled out from behind. As the weak link  
34 breaks, the chain goes to the very bottom of the shank, and the  
35 anchor gets pulled out in reverse, and so there is little, if  
36 any, bottom disruption, and so I think a weak link absolutely  
37 takes care of all the issues. Thank you.

38  
39 **CHAIRMAN GREENE:** Thank you. Just for council and committee  
40 members here, if you remember, I believe it was at the last  
41 meeting, Wayne Werner came up with an anchor and had a  
42 presentation of how it would break loose, and I believe that's  
43 what they are considering a weak link. I am not sure about  
44 enforcement on that, but it's a pretty simple deal.

45  
46 If you've got it down and the Coast Guard has some concern and  
47 they ask you to pull it up, then it better comply, I would  
48 assume. I am certainly in no way speaking for Lieutenant



1 Commander Danaher, but does anybody else have any conversation  
2 before we go to Corky? Mr. Walker.

3  
4 **MR. DAVID WALKER:** I was just going to say that I think a weak  
5 link would work. I've used anchors like that type before, and I  
6 have had better success with a Danforth-type anchor when I'm in  
7 the soft mud though. If you just pull far enough ahead and let  
8 enough scope out and then get back onto the coral reef or  
9 whatever you may have, but I think that one thing that was  
10 mentioned was using a fathom curve, and I heard fishermen  
11 mention that as well.

12  
13 If we just use the fathom curve around these areas, that you had  
14 to anchor outside a certain fathom, I think that may be  
15 something to entertain, but there is different ways, and most  
16 fishermen are not out there to lose their anchors. That's time  
17 consuming, and it's an expense, and most of them that I know  
18 have a type of weak link or are already using that today.

19  
20 **CHAIRMAN GREENE:** Thank you. Anybody else? Mr. Matens.

21  
22 **MR. MATENS:** Mr. Greene and Ms. Bosarge, I know we're running a  
23 little late, but I have a few concerns. To David's point, are  
24 there people that think a weak link is you break the anchor  
25 loose and leave it there or -- I know what I think, but are we  
26 all on the same page here? What really worries me here is not  
27 what is said, but it's what is not said in this thing.

28  
29 The issue of the recreational fishermen, I am a diver. I am not  
30 about to free dive and shoot a wahoo, but there are people that  
31 do. My dear friend, Mr. Delacruz, that comes to these things is  
32 -- I think he's insane, but he does that.

33  
34 It's unlikely that a diver would go to the bottom in most of  
35 these spots. Some of these things are at 200 feet, and you can  
36 go to the bottom. You can bounce dive, but, if the recreational  
37 fishermen are going to be required to do something, and it says  
38 all, and who knows what that means, then I think we need to  
39 pursue that, I think, as part of our purview.

40  
41 The issue about the anchor, what is a weak link? Somebody needs  
42 to tell me what these guys think it is. Also, all of these  
43 spots that we've been talking about today, does that encompass  
44 all of the areas of concern or are there other reefs out there  
45 that we're not talking about, and what is going to happen to  
46 them?

47  
48 It bothers me that this is our last chance to weigh in on

1 something that is of this importance, not just to my friends in  
2 the commercial business, but the charter guys and the  
3 recreational guys. I don't know if there's any way out of this,  
4 but I don't care for this.

5  
6 **CHAIRMAN GREENE:** Thank you. Mr. Perret, would you care to  
7 weigh in?

8  
9 **MR. CORKY PERRET:** Thank you. Speaking on behalf of the Shrimp  
10 Advisory Panel, one of the group's largest concerns was drawing  
11 the straight lines. My friend, Dr. Crabtree, talks about that  
12 area, and, indeed, it did have a lot of convoluted boundaries,  
13 but they felt that, with current technology today, that they  
14 could adhere to these meandering type of lines rather than just  
15 the straight line type of box.

16  
17 The gentleman with the Flower Gardens Banks that made the  
18 presentation, he said it was done that way because of lack of  
19 enforcement capabilities. Well, in your council letter of  
20 August whatever it is, 18<sup>th</sup>, I think it was very well stated  
21 that, with technology today, fishermen are certainly aware of  
22 boundaries, based on the instrumentation they've got and so on  
23 and so forth.

24  
25 Having worked indirectly with law enforcement for fifty years, I  
26 know their equipment today is a lot better than it was many,  
27 many years ago, and so I think if fishermen are capable of doing  
28 it that certainly our law enforcement people probably have those  
29 capabilities too, and so, from the Shrimp Advisory Panel  
30 standpoint, some of those straight-line boundaries were some of  
31 the biggest concerns they have on some of those areas, and so,  
32 thank you.

33  
34 **CHAIRMAN GREENE:** Okay. Mr. Riechers.

35  
36 **MR. RIECHERS:** I will follow-up, Corky. I hear your concerns,  
37 Leann, and I certainly understand those, but I also hear the  
38 Lieutenant Commander's concerns and I guess I would ask, did you  
39 all -- I doubt you had time, but did you all offer up any other  
40 boundaries, other than just to say that some of the difficulties  
41 here, with the context of the way they're drawn and without  
42 having some more -- As you said, not necessarily square boxes,  
43 but tighten them up a little bit with some edges, and you all  
44 didn't have time or a chance to look at that and offer a  
45 solution to that, did you?

46  
47 I guess I'm a little torn, Leann, because I hear some of the  
48 issues, and I think they're -- Certainly when you look at some

1 of the boxes, based on what was optioned as preferred and what  
2 is now is red, deep-dark red, there are probably some places  
3 where it could tighten up, but we're at a point where we're  
4 going to have to send this today or else we don't get another  
5 shot at it, and so I don't know what we do in that kind of  
6 context, other than to express on the record that at least some  
7 of us have some concerns over that as well.

8

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

10

11 **MR. WALKER:** Camp, I was just going to address your concern  
12 there, and particular types of anchors -- Like I have a rock  
13 anchor that has a bolt in the bottom of it, and, when you pull  
14 forward with your boat, it sheers the bolt, and then it just  
15 pulls right out. Then I think the one we had that Wayne Werner  
16 demonstrated, it was a line at the top. When he pulled it  
17 forward, it pulled the line loose from the top, and it's the  
18 same principle, but they're going to lose the anchors that way,  
19 but that is one thing that is a concern, is being able to figure  
20 out some way that we can anchor in these areas, because, if you  
21 don't allow fishing in these areas, it's going to intensify  
22 efforts in other areas.

23

24 **CHAIRMAN GREENE:** Thank you. Any further discussion? Leann.

25

26 **MS. BOSARGE:** I know we're out of time, and I will get with  
27 Morgan and give her my specific comments for this document  
28 before Full Council, because I don't want you all to bless  
29 something that you haven't seen my comments on it. That way,  
30 she can put it up on the site and you can look at it. A lot of  
31 them are just grammatical errors, and a lot of it is just moving  
32 information, so that they're in our recommendations, but I think  
33 you should see it before you bless this document to send it on.

34

35 G.P., I don't guess there's any time anyway that you could grant  
36 the council an extension to work on this. We essentially are  
37 trying to write regulations in two council meetings, and that is  
38 warp speed for us.

39

40 **MR. SCHMAHL:** I would like to address that, because I've been  
41 thinking a lot about it. I can understand your predicament  
42 here, and I also want to say that we are in the process right  
43 now of looking at some of these specific boundary  
44 configurations. We have a boundary expansion working group that  
45 we have created out of our advisory council, and we will be  
46 working between now and spring, the April/May timeframe, to  
47 tweak some of those boundaries and to adjust some of the  
48 boundaries, where necessary, and it would certainly be

1 appropriate, if we were going to take your recommendation, for  
2 example, about the no-bottom-tending-gear zone and work that  
3 through our advisory council working group, we should certainly  
4 come back to the council and say, okay, this is what we came up  
5 with, and we could have some back-and-forth there.

6  
7 I don't know about an extension, per se, but what this ought to  
8 be is a conversation of some back and forth, and I would  
9 certainly commit to that, to coming back to the council to show  
10 you how we would implement or not the recommendations that you  
11 have provided.

12  
13 **CHAIRMAN GREENE:** Thank you. Further discussion? Okay. Staff,  
14 do you have anything else that is pertinent with this document  
15 that we need to do at this particular point?

16  
17 **DR. KILGOUR:** Not at this time.

18  
19 **CHAIRMAN GREENE:** Does Martin Fisher have anything else that he  
20 wants to bring up?

21  
22 **MR. FISHER:** Thank you very much, Chairman Greene, but I'm good.  
23 Thank you.

24  
25 **CHAIRMAN GREENE:** Okay. With that, we will wrap up this part of  
26 it, and we will continue on through our agenda, which our next  
27 item would be SEDAR 47, Goliath Grouper Benchmark Assessment,  
28 and that will be Tab B, Number 5. I see Mr. O'Hop, and are you  
29 here?

30  
31 **SEDAR 47 GOLIATH GROUPE BENCHMARK ASSESSMENT**  
32 **SUMMARY OF ASSESSMENT**

33  
34 **MR. JOE O'HOP:** Yes, I am. I can make this a very short  
35 presentation, or I can give you a full one. There is plenty of  
36 notes on the presentation itself, and let me know what your  
37 pleasure is, if you want to get back on schedule.

38  
39 I can make this a short presentation and try to get you back on  
40 schedule, or I can go through the full presentation. There is  
41 plenty of notes on the slides, if you would rather have the  
42 short presentation, and so let me know what the committee's or  
43 the council's pleasure is.

44  
45 **CHAIRMAN GREENE:** Council, what would you like to do? Do you  
46 want to go through it in this short, abbreviated deal, or do you  
47 want to go through it step-by-step? I know it's important to  
48 some individuals, and I certainly do not want to take that away

1 from them. Dr. Frazer.

2

3 **DR. FRAZER:** I am happy to expedite this presentation.

4

5 **CHAIRMAN GREENE:** Okay. Let's expedite it, as best you can,  
6 and, if at any point, the council has something or the committee  
7 has something that they want to weigh in, please do so.

8

9 **MR. O'HOP:** Okay. Let me start by saying thank you and good  
10 morning, Mr. Chairman and council members. This is a  
11 presentation about SEDAR 47. Joseph Munyandorero and myself put  
12 this together. It's a data-limited or a data-poor assessment.  
13 Many of the usual necessary inputs are not fully known. There  
14 is some uncertainty in the reported commercial landings and  
15 sketchy data on commercial discards. Recreational landings and  
16 discards are poorly described.

17

18 Age composition is almost non-existent. Some aspects of the  
19 goliath grouper's reproductive strategy are still being worked  
20 out. There are no systematic surveys that comprehensively cover  
21 the assumed geographic range of goliath in the Gulf of Mexico  
22 and the South Atlantic. Needless to say, these data  
23 deficiencies make an assessment of the species pretty  
24 challenging.

25

26 In a brief way, a little history. After After testimony by  
27 fishermen and divers about declines in goliath grouper numbers  
28 in the Gulf of Mexico, the Florida Marine Fisheries Commission  
29 back then, which is now part of the FWC, and both the Gulf of  
30 Mexico and the South Atlantic Fishery Management Councils took  
31 precautions and prohibited the retention of goliath groupers in  
32 1990. Since that time, observations made by divers and research  
33 studies have documented increasing numbers and signs of  
34 population recovery of this species in southern Florida, and  
35 there are increasing sightings in the northern Gulf of Mexico  
36 and in the South Atlantic.

37

38 With that, I will just skip to the last slide. With SEDAR 47,  
39 we built on the structure and recommendations that came out of  
40 SEDAR 23, which was also a rejection of the assessment. We made  
41 further revisions and updates to the indices. We didn't hold  
42 data and assessment workshops, which, in retrospect, was  
43 probably a mistake.

44

45 We didn't feel that there were significant additions of data  
46 that would warrant the workshops, but the reviewers really  
47 wanted to see those particular recommendations that would come  
48 out of those workshops.

1  
2 We, again, used the catch-free model, and we also included a  
3 stochastic stock reduction analysis. Both are age-structured  
4 production models, and they use inputs such as historic time  
5 series of fishery removals, some idea on the vulnerabilities of  
6 the species to gears and to harvest, and indices of abundance  
7 and biological parameters to try and estimate what the  
8 population would have been doing over that time period.

9  
10 The catch-free model, of course, is unique in that it doesn't  
11 require the history of removals. The analyses were rejected by  
12 the review panel. They felt there was insufficient vetting of  
13 the fishery removals, and they were skeptical of our indices of  
14 abundance as representing, I guess, the trajectory of a  
15 population increase. They questioned the proxies we used for  
16 the vulnerabilities at the age structure for fishery catches or  
17 indices. Again, they were concerned that we didn't hold the  
18 workshops and we didn't feel that there was sufficient amounts  
19 of new data that would be useful for the assessment.

20  
21 They recommended that, to go forward, that it would be -- I  
22 guess, in order to make it through an external review, they  
23 suggested that there should be a fishery-independent survey that  
24 was statistically designed to give us better data on population  
25 abundance and distribution, and so that's basically my  
26 presentation. If you have questions, go ahead.

27  
28 **CHAIRMAN GREENE:** Thank you. Any questions? Okay. I am not  
29 seeing anybody waving their hand. With that, I will turn it  
30 back to the staff to help us through the next item, the SSC  
31 Comments.

32  
33 **SSC COMMENTS**

34  
35 **DR. JOE POWERS:** This agenda item came up at the recent SSC  
36 meeting, and we passed a motion essentially saying that the SSC  
37 concurs with the conclusion of the review panel. We also had a  
38 discussion of a number of the things that were brought up, in  
39 terms of the inadequacies of catches and that sort of thing, but  
40 we also talked about are we -- Where are we going with this,  
41 because, as Luiz Barbieri presented to us, there has been a  
42 whole history of trying to do assessments of goliath grouper.

43  
44 Ultimately, what we're trying to do, through these assessments,  
45 is determine status, in terms of where we are now relative to  
46 the potential productivity. In order to get productivity, we  
47 basically have to know how many have been caught or how many  
48 have been killed and/or absolute abundance.

1  
2 We are operating off of indices, pretty t, and I think everybody  
3 is clear that there is more goliath grouper than there used to  
4 be, but I don't think any of us are real confident that the  
5 assessments are going to get any better, and so I think that, in  
6 the long term, without doing additional extensive surveys, you  
7 will have to come to some consensus about what it is that you  
8 want, or what it would take, in order to allow fishing again, if  
9 indeed you want to allow fishing again, and so that's the  
10 essence of our conclusions.

11  
12 **CHAIRMAN GREENE:** Thank you. Comments? Mr. Sanchez.

13  
14 **MR. SANCHEZ:** We have had discussions before at the state level  
15 in Florida, as well as I guess federally, that there is an  
16 interest from the public in perhaps revisiting having some level  
17 of consumptive take of goliath grouper, given the abundance  
18 they're seeing out there.

19  
20 This is very chicken-and-egg, in that how do you arrive at what  
21 potential biomass could become available, once again, without  
22 being able to do some consumptive sampling that, during the  
23 course of these discussions, there were some academic groups out  
24 there that said that technology is available to do some sampling  
25 of the biomass and perhaps arrive at these thresholds without  
26 killing fish.

27  
28 It was just costly and expensive, but it's almost like we've got  
29 to do it or what we're, in essence, saying to the public is,  
30 once we take something, even though it's brought back, because  
31 of this conundrum we're in, this chicken-and-egg situation, you  
32 never reopen it again, and I think we've got to look at that, in  
33 that guise, and maybe revisit this and see if there is some  
34 funding available to take a look at this and see if we can't  
35 justifiably do something.

36  
37 **CHAIRMAN GREENE:** Thank you. Further comments? Mr. Walker.

38  
39 **MR. WALKER:** I was just going to add some discussion. When I  
40 was actually in Tampa two weeks ago with MREP, and I had some  
41 discussion with some of the AP members about the abundance of  
42 goliath grouper, and they said that -- Some of them were divers,  
43 and, when they dive, they send a camera down before they dive a  
44 spot, and they said there were several spots they had that they  
45 were so thick that they didn't even bother diving because there  
46 were so many goliath grouper around. That's just some of the  
47 conversations I've had with them, and they were talking about  
48 the abundance of goliath grouper was -- The biomass was growing.

1  
2 **DR. POWERS:** Within the assessment, and, Joe, correct me if I'm  
3 wrong, there were indices from the Project Reef, which I think  
4 is what you're referring to, and basically there is lots of  
5 questions about how to standardize those sorts of indices, but  
6 they are being used. Like I said, I don't think anybody is  
7 really disagreeing with the conclusion that there's more than  
8 there used to be, which would make absolute sense if you don't  
9 catch any, but there is the larger issues of how do you actually  
10 estimate things like maximum sustainable yield.

11  
12 **CHAIRMAN GREENE:** Thank you. Is there further discussion?  
13 Okay. Seeing none, we will move on down our agenda to Reef Fish  
14 AP Comments and Dr. Simmons.

15  
16 **REEF FISH AP COMMENTS**

17  
18 **DR. SIMMONS:** Thank you, Mr. Chairman. This is on page 11 of  
19 that Tab B, Number 13 report, and the AP didn't make any motions  
20 on this action item, after they heard the presentation from Mr.  
21 O'Hop.

22  
23 As has been stated, several members of the AP have observed  
24 goliath grouper, and they felt the stock is rebounding,  
25 particularly in the northern Gulf, and they thought that, in  
26 order to better inform scientists and managers, there should be  
27 a requirement that all fishermen and divers who have an  
28 interaction with goliath grouper make a report, and they  
29 suggested that anglers should report the time, date, and  
30 location of this interaction with the goliath grouper.

31  
32 Interestingly enough, our staff has developed recently a  
33 learning module with goliath grouper with Angela Collins, who  
34 did her PhD work, and we just put it up on our website, and the  
35 link is actually in the report, and you can -- Anglers can  
36 upload that information, and we have some various life history  
37 information about goliath, to try to educate folks.

38  
39 We informed the panel of that information, and the AP posed a  
40 motion that later failed to recommend a trophy tag program be  
41 explored based on the recreational interest in this species, but  
42 some of the commercial AP representatives stated that the  
43 species would never be a commercially-viable species again and  
44 that basically a lot of the recreational interests -- It has a  
45 lot of ecotourism value, the animal does, because divers want to  
46 observe this big fish underwater.

47  
48 Mr. O'Hop concurred with that, as far as being an edible, viable



1 species again, because of the numerous mercury studies that have  
2 suggested the species was unsafe to consume, particularly when  
3 they get larger, and concludes my report.

4  
5 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.  
6 Sanchez.

7  
8 **MR. SANCHEZ:** Our discussions in Florida addressed known  
9 aggregations that are of value to the dive community, and you  
10 can identify those and then protect them, but, in other areas,  
11 this fish has expanded in its range tremendously. You can make  
12 some available, and you could probably do so with a slot limit  
13 that addresses the mercury concerns and allow some recreational  
14 take of this fish. I mean, we just have to have the data to be  
15 able to do that, but the public surely wants to see that, in  
16 Florida anyway.

17  
18 **CHAIRMAN GREENE:** Thank you. Further comments? Okay. Seeing  
19 no further comments, I believe that was the last item I had  
20 under the Goliath Grouper Assessment. I am not seeing anyone  
21 raising their hand, and we will move on to Draft Framework  
22 Action for Mutton Snapper ACL Management Measures and the Gag  
23 Commercial Size Limit, Review of Draft Framework Action, Tab B,  
24 Number 6, and Dr. Froeschke.

25  
26 **DRAFT FRAMEWORK ACTION - MUTTON SNAPPER ACL AND MANAGEMENT**  
27 **MEASURES AND GAG COMMERCIAL SIZE LIMIT**  
28 **REVIEW OF DRAFT FRAMEWORK ACTION**  
29

30 **DR. JOHN FROESCHKE:** Are you ready for mutton? Okay. If we go  
31 to Action 1 on this, what I would like to do for each of the  
32 actions is kind of reorient you to what the action actually  
33 addresses, and then, for two of the actions, we have comments  
34 from the Law Enforcement Committee. Then, for all of the  
35 actions, we have comments from the Reef Fish AP, and so I would  
36 like to do those first and then discuss the alternatives with  
37 you and get your comments.

38  
39 **CHAIRMAN GREENE:** That sounds to me. Go ahead.

40  
41 **DR. FROESCHKE:** Action 1 addresses the output of the recent  
42 stock assessment, getting less recent by the day, and the stock  
43 assessment recommended a reduction in OFL and ABC from current  
44 levels, and so this was based on changes in the model  
45 configuration and other things.

46  
47 The current OFL is -- Just for your orientation, this is a stock  
48 that is managed with the South Atlantic Council, and so it's a

1 single stock in the Southeast Region, but we do have our own  
2 apportionment, and so we manage that independently of that, and  
3 that's 18 percent of the stock.

4  
5 There are two alternatives with some options in them. The way  
6 the Alternative 2 is structured is there is an ACL and an ACT  
7 option. We currently have an ACT in there. Option 2a in the  
8 document would remove the ACT and just set the management target  
9 at the ACL, and the ACL is equal to the stock ABC times the  
10 apportionment, and so we have 18 percent of the ABC, and so this  
11 would just set the ACL at 18 percent of that, and so that's as  
12 high as could be set under the ABC and the OFL that have been  
13 set by the SSC, and so Alternative 2 is an increasing yield  
14 schedule from 2016 to 2017.

15  
16 Option 2b in this would set an ACT that would reduce the ACL by  
17 application of the ACL/ACT control rule. That resulted in a 12  
18 percent buffer, and so you would take the ACL and reduce that by  
19 12 percent, and that's what the values are in the far-right  
20 column of that table.

21  
22 Alternative 3, what you will notice in here is that there is,  
23 again, no ACT. However, the ACL/ACT control rule was applied  
24 and the ACL was set to -- That 12 percent buffer was placed  
25 between the ABC and the ACL, and so the Gulf ACL in Alternative  
26 3 is equal to the ACT in Option b, Alternative 2, Option b.

27  
28 The difference, in practice, is that, under this one, if you  
29 exceeded the 109,000, for example, in 2016, that would trigger  
30 the accountability measures, whereas, in Alternative 2b, as long  
31 as you didn't go over the ACL, the 124,000 -- It would allow you  
32 some variation about that value without it triggering it.  
33 Carrie, do you want to go over the Reef Fish AP or do you want  
34 me to? I can do it, if you want. It's B-13.

35  
36 **DR. SIMMONS:** The motion the AP made regarding Action 1, was, by  
37 a vote of twelve to zero with two abstentions, the AP  
38 recommends, in Action 1, that Alternative 2a be the preferred  
39 alternative, which would accept the OFLs and ABCs recommended by  
40 the Gulf and South Atlantic SSCs from 2016 through 2020 and  
41 remove the Gulf annual catch target, the ACT, as a management  
42 target.

43  
44 **CHAIRMAN GREENE:** Thank you. Any questions or comments? I've  
45 got Mr. Sanchez.

46  
47 **MR. SANCHEZ:** If somebody could help me out, which alternative  
48 had a five-fish year-round open? Which one of these options in

1 Action 1 would prevent having a closure?  
2

3 **DR. FROESCHKE:** That's Action 2, and so Action 1 just addresses  
4 the ACL.  
5

6 **MR. SANCHEZ:** Exactly, but which choice of ACL do you avoid a  
7 closure if we go to five fish? I would like to understand that  
8 before I get my arms around this.  
9

10 **DR. FROESCHKE:** I think, based on the -- Well, let me just say  
11 the Alternative 2, Option 2a, is the alternative that would  
12 allow you the maximum number of fish. I think, depending on how  
13 you structure the other management, with trip limits and things,  
14 that should be sufficient to allow a year-round commercial  
15 season.  
16

17 **CHAIRMAN GREENE:** Thank you. Does anyone else wish to weigh in  
18 at this time? Dr. Froeschke.  
19

20 **DR. FROESCHKE:** Are you ready for Action 2? Action 2 addresses  
21 mutton snapper recreational bag limits, and we had input from  
22 both the Law Enforcement Committee and the Reef Fish AP. Just  
23 quickly on this, the options that have been proposed are  
24 considering both a within spawning season, or within peak  
25 spawning, and so April, May, and June regulations, and then  
26 regulations outside of that, and so the other nine months, or  
27 just setting consistent regulations year-round, and so the Law  
28 Enforcement had some comments on that, and so I'm going to turn  
29 that over to Ava.  
30

31 **DR. LASSETER:** Okay, perfect. On the Action 2, to provide a  
32 little bit of context, prior to addressing the mutton document,  
33 the committee already discussed the gray triggerfish document,  
34 and so, in that document, they had talked about their concerns  
35 with having multiple season openings and closings, and so that  
36 speaks to what is included in the text in this report, and I can  
37 tell that -- It's page 4. It's at the very top of page 4 on the  
38 report.  
39

40 In discussing the recreational bag limit in Action 2, the Law  
41 Enforcement Committee felt it was a burden on both the officers  
42 and the public to have changing multiple bag limits within a  
43 year, and they felt that this was even more problematic, to have  
44 changing bag limits, than the multiple season openings and  
45 closings, as they had discussed in the gray triggerfish  
46 amendment, and then, in turn, after discussing these different  
47 types of measurements, they noted that, because this is  
48 primarily a South Florida fishery, their greatest preference was

1 to select the alternative that would provide consistency between  
2 the state and federal regulations.

3  
4 Thus, the committee recommended Alternative 4, Option 4d, of  
5 Action 2, which would establish a year-round bag limit of five  
6 fish per person per day within that aggregate bag limit.

7  
8 **CHAIRMAN GREENE:** Okay. Thank you. Is there discussion? Ms.  
9 Guyas.

10  
11 **MS. MARTHA GUYAS:** Just a question. Are we looking to set  
12 preferred alternatives here or are we looking to cut options out  
13 of this document or are we just walking through it and just  
14 looking at what we have here?

15  
16 **DR. FROESCHKE:** What we've brought for you so far is just  
17 Chapters 1 and 2. We typically don't select preferred  
18 alternatives without the supporting documents. What I am hoping  
19 is to refine these actions and alternatives such that you're  
20 happy with them and we can further develop the document and then  
21 select preferred alternatives in January, was what seemed to  
22 make sense with me. I have a couple of points in here that I  
23 will bring up to your attention about perhaps modifying  
24 alternatives or removing a couple of them from consideration.

25  
26 **CHAIRMAN GREENE:** Are you fine with that, Ms. Guyas? Okay, Dr.  
27 Froeschke.

28  
29 **DR. FROESCHKE:** The other thing, for your information, is  
30 Florida has selected also this five fish per person per day  
31 year-round as well as the South Atlantic Council. The Reef Fish  
32 AP, and I think Carrie can tell you, but the motion they passed  
33 was essentially to embrace consistency with the South Atlantic.  
34 The vast majority of the recreational landings of this stock  
35 occur in the South Atlantic. Our recent landings in ours is  
36 only about 1,500 pounds a year, and so I will let Carrie go  
37 through the Reef Fish AP recommendations.

38  
39 **DR. SIMMONS:** Okay. Thank you. That's exactly what was  
40 discussed. I'm sorry.

41  
42 **CHAIRMAN GREENE:** I just wanted to make sure that I understood  
43 Dr. Froeschke. 1,500 pounds was landed by commercial or  
44 recreational?

45  
46 **DR. FROESCHKE:** Recreational. It's primarily commercial in the  
47 Gulf. It's the majority recreational in the South Atlantic.

48

1 **CHAIRMAN GREENE:** Thank you. I just didn't understand what you  
2 said. Dr. Simmons.

3  
4 **DR. SIMMONS:** Based on that information, the AP passed a motion  
5 regarding the recreational management measures, and they wanted  
6 -- In the spirit of maintaining consistency with the South  
7 Atlantic Council and the State of Florida, by a vote of fourteen  
8 to zero, which was unanimous at the time, because we had one AP  
9 member that didn't come in until lunchtime of the second day,  
10 the AP recommends, in Action 2, that the council follow the lead  
11 of the South Atlantic Council for implementation of recreational  
12 bag limits for mutton snapper.

13  
14 **CHAIRMAN GREENE:** Thank you. Any discussion? Okay, Dr.  
15 Simmons, that was the only comment relevant to that? Okay. Mr.  
16 Boyd.

17  
18 **MR. BOYD:** Kind of a related question. Has there been any  
19 discussion in Florida about closing mutton snapper during the  
20 spawning season, or is that not necessary?

21  
22 **CHAIRMAN GREENE:** Ms. Guyas.

23  
24 **MS. GUYAS:** I can address that. Our commission did discuss  
25 mutton snapper, and they moved forward with a final rule package  
26 that's going to take effect in January, and there is no spawning  
27 season closure for mutton snapper, and so there will be a  
28 recreational bag limit of five year-round, across the state.

29  
30 On the commercial side, in Atlantic waters, both state and  
31 federal, and I think the South Atlantic is moving towards the  
32 same way, the commercial would drop down to five per person  
33 during that time, to match the recreational bag limit. There is  
34 a similar regulation in place now with a ten-fish bag limit  
35 that's in place, where commercial drops down, but, at the state  
36 level, we recommended that only for the Atlantic side, and so  
37 that's not necessarily in play here, but no spawning season  
38 closure at this time.

39  
40 **CHAIRMAN GREENE:** Thank you. Is there further discussion?  
41 Okay, Dr. Froeschke.

42  
43 **DR. FROESCHKE:** Action 3 addresses commercial trip limits in the  
44 Gulf, and I have a couple of things here. One of the things, in  
45 the spirit of consistency, the South Atlantic and the State of  
46 Florida have gone with a five fish per person per day in the  
47 spawning months. We don't have that even as an option at this  
48 point.

1  
2 The other thing that has come up, in terms of the current  
3 Alternative 3, is we have options in there for both bag limits  
4 per person per day and bag limits per vessel per day, and the  
5 IPT has discussed this. We've gotten feedback that the vessel  
6 per day is very confusing, and it's been recommended that we go  
7 to bag limits per person per day, and so, in the document, we  
8 have recommended -- We have this revised Alternative 3 in yellow  
9 that we're recommending be used to replace the current  
10 Alternative 3. If that's something that you could support, we  
11 could pass a motion to do that.

12  
13 **CHAIRMAN GREENE:** Thank you. Is there discussion? Ms. Guyas.

14  
15 **MS. GUYAS:** Let me explain where the commission went on this  
16 with the commercial limit. They only put the commercial limit  
17 in place for the Atlantic side, and the reason for that is we  
18 were trying to think of we're going to take this package to the  
19 council and we're going to be looking for consistency,  
20 ultimately. In the Gulf, there is the longline fishery that's  
21 taking mutton snapper, and that's not in play in the South  
22 Atlantic.

23  
24 After speaking to some of the fishermen and the dealers that are  
25 working and landing fish on the Gulf side, the commission  
26 ultimately decided no trip limit on the Gulf side, because most  
27 of these fish are coming from federal waters that are coming in  
28 commercially, and so I am fine with putting in this IPT  
29 recommendation, if that's something that we need to do, but, at  
30 least where I'm at, I don't know -- If the goal of this document  
31 is to be consistent, I guess, with what's going on in state  
32 waters of the Gulf, I don't even know that we need this whole  
33 action for commercial trip limits, but if the council wants to  
34 consider going consistent with the South Atlantic side, then we  
35 would want to keep this. I don't know what other people's  
36 thoughts are.

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

39  
40 **DR. CRABTREE:** That's been my concern with the trip limit,  
41 because there is a substantial number of fish that are coming in  
42 from the longline fishery, and, of course, they are fishing  
43 outside of twenty fathoms, and so it's fairly deep water. To  
44 the best of my knowledge, they're not targeting mutton snapper.  
45 They are catching them incidental to other things, and it seems  
46 to me that there would be a very high mortality rate if we have  
47 them throw those back, and so I think we need -- If we want to  
48 go down the trip limit path, which I tend to agree with Martha

1 that maybe we just don't even need to go there, but, if we do,  
2 we need to -- I think we've got to treat the vessels with  
3 longline endorsements different somehow, because we don't want  
4 to force these guys to just throw dead fish back into the water.

5  
6 **CHAIRMAN GREENE:** Ms. Guyas.

7  
8 **MS. GUYAS:** Roy is right. From our conversations with the  
9 longline fishermen, most of the time it's incidental fish when  
10 they're fishing grouper, but sometimes, during certain times of  
11 the year, they may target mutton snapper, more so than grouper,  
12 depending on what their situation is at the time, but I can make  
13 a motion to remove this action if you're willing to accept one.

14  
15 **CHAIRMAN GREENE:** Certainly.

16  
17 **MS. GUYAS:** I will make a motion to remove Action 3 to  
18 **Considered but Rejected.**

19  
20 **CHAIRMAN GREENE:** We have a motion, and a second by Mr. Sanchez.  
21 The motion is on the board. Is there any discussion? Mr.  
22 Swindell.

23  
24 **MR. SWINDELL:** The advisory panel also suggested to take  
25 Alternative 1 in Action 3, which is just to do no action, and  
26 also no size limit, because they feel that, as Dr. Crabtree was  
27 saying, that the size limit is not effective in this fishery.

28  
29 **CHAIRMAN GREENE:** Thank you. Is there further discussion?  
30 We're going to get the motion up on the board before we vote on  
31 it. Ms. Guyas, is that motion correct? Okay. Is there any  
32 further discussion about the motion on the board before you? **Is**  
33 **there any opposition to the motion? Seeing no opposition, the**  
34 **motion carries.** Any discussion on anything else? Dr.  
35 Froeschke.

36  
37 **DR. FROESCHKE:** Thank you for that swift action. Action 4  
38 addresses the mutton snapper minimum size limit. This is  
39 something that both the South Atlantic and Florida have taken  
40 action to increase from sixteen to eighteen inches. We have  
41 five alternatives, ranging from the current sixteen inches  
42 through twenty inches, in one-inch increments.

43  
44 As Mr. Swindell noted, the Reef Fish AP recommended just no  
45 action for this, stating that it's not an effective management  
46 measure for commercial fisheries, which is predominant in the  
47 Gulf, and so think about that.

48

1 The other thing that the IPT is -- We recommended that  
2 Alternatives 2 and 4, seventeen and nineteen inches, aren't  
3 really necessary in achieving the purpose and need. There is a  
4 figure in here, which is Figure 2.4.1. It basically shows you  
5 the length and the corresponding age. They grow pretty fast in  
6 this range, and so there's not a lot to separate that, and so  
7 what we would recommend, if you want to retain this action, is  
8 removing Alternatives 2 and 4 to Considered but Rejected.

9  
10 **CHAIRMAN GREENE:** Thank you. Anyone want to weigh in on  
11 removing Alternatives 2 and 4? Dr. Crabtree.

12  
13 **DR. CRABTREE:** That makes sense to me. **I would offer a motion**  
14 **to remove Alternatives 2 and 4 in Action 4 to Considered but**  
15 **Rejected.**

16  
17 **CHAIRMAN GREENE:** It's seconded by Mr. Sanchez. Any further  
18 discussion on the motion on the board? **Seeing no further**  
19 **discussion, is there any opposition to the motion? Seeing no**  
20 **opposition, the motion carries.** Dr. Crabtree.

21  
22 **DR. CRABTREE:** Then I think what -- My concern, again, would be  
23 with the longline fishery. Are we just forcing them to discard  
24 dead fish? It would be worth looking at, and I know we do have  
25 observers out on some number of longline trips, and can we  
26 generate a length frequency of what they're catching? I know  
27 they tend to catch bigger and older fish, and so it may be that  
28 you could raise the size limit a little bit without really  
29 affecting them, if you wanted to, but I am not convinced it's a  
30 good idea, in any circumstance, but I would like to see what  
31 size fish they're catching on those longline vessels before we  
32 make any sort of recommendation here.

33  
34 **CHAIRMAN GREENE:** Thank you, Dr. Crabtree. Ms. Guyas.

35  
36 **MS. GUYAS:** I am good with that. The testimony that we got from  
37 those fishermen and the dealers were that, in the commercial  
38 fishery, these are big fish, and the eighteen-inch limit was not  
39 an issue, but an analysis is -- I'm good to go there.

40  
41 **CHAIRMAN GREENE:** Thank you. Is there further discussion?  
42 Seeing none, Dr. Froeschke.

43  
44 **DR. FROESCHKE:** The Reef Fish AP, again, they recommended  
45 Alternative 1 for this, just for your information. Do you have  
46 anything to add to that, Carrie? Okay. Now we can go to Action  
47 5, and Action 5 switches gears a little bit. This addresses the  
48 commercial gag minimum size limits in the Gulf.



1  
2 Currently, it's twenty-two inches. The minimum size limit for  
3 the recreational fishery is twenty-four inches, and so one  
4 potential benefit is achieving consistency between the sectors  
5 for this fishery. Some analysis has been done as part of the  
6 stock assessment that suggests there are biological benefits to  
7 the SPR, which you can see in Table 2.5.1. There are really  
8 just two alternatives here, with no action or Alternative 2.

9  
10 The Reef Fish AP weighed in on this one as well. It followed  
11 the discussion of mutton snapper, when they stated that it  
12 wasn't an effective management tool, and so they had a long  
13 discussion about that, because, for this, the benefits of  
14 achieving consistency and the biological benefits of raising the  
15 size limits, according to the analysis in the document, were  
16 enough to sway them, and they recommended increasing it to  
17 twenty-four inches, which would be Alternative 2.

18  
19 **CHAIRMAN GREENE:** Thank you. Any discussion about size limits  
20 on gag grouper? Dr. Crabtree.

21  
22 **DR. CRABTREE:** Again, I would like to see the same sort of  
23 analysis done of the longline vessels. What size gag are they  
24 catching? Is this going to increase discards? Other than  
25 perception, I am not sure what the benefit of having the same  
26 size limit is.

27  
28 I know there is some of the public who don't like to have the  
29 difference, but it doesn't seem to me that it's an enforcement  
30 problem, but I think we need to have -- I understand there may  
31 be some SPR benefits from raising the size limit, but I am not  
32 sure that those come from requiring the longline fishery to  
33 discard dead fish. That seems, to me, to just be a losing  
34 proposition, and so maybe, again, they're not catching many gag  
35 below twenty-four inches anyway and it's not really a problem,  
36 but I think we need to see some numbers on that before we make a  
37 decision here.

38  
39 **CHAIRMAN GREENE:** Thank you. Mr. Walker.

40  
41 **MR. WALKER:** I didn't know if Martin Fisher was still with us.  
42 I was sitting here looking at the gag landings right now, and  
43 the size limit is just a little over 80 percent with just a few  
44 months left, and so I didn't know how that would affect us being  
45 able to catch our gag ACL of the commercial quota and raising  
46 the size limit and how that would affect that.

47  
48 **MARTIN FISHER:** I am here, David, but what's the question?

1  
2 **MR. WALKER:** What do you prefer on the size limit?  
3

4 **MR. FISHER:** The AP was kind of split. It was a vote of eight  
5 to five with one abstention, and so what I prefer and what the  
6 AP prefers are probably two different things. It doesn't seem  
7 to me that longliners are catching fish predominantly of that  
8 size. They are predominantly catching much larger fish.  
9

10 The hook-and-line fishermen that target gag have interactions  
11 with less than twenty-four-inch fish, but they're fishing in  
12 shallow enough water, and I think the previous science has  
13 showed us that discard mortality is much reduced in eighty feet  
14 or less, or sixty feet or less, where that interaction is  
15 occurring, and so, to be equal with the recreational community  
16 would be a good thing, but a size limit in the commercial  
17 industry doesn't make any sense at all, and so you've got those  
18 two things opposing each other. That's really all I can say.  
19 Thank you.  
20

21 **CHAIRMAN GREENE:** Thank you, Martin. Does any committee member  
22 wish to weigh in? Okay, Dr. Froeschke.  
23

24 **DR. FROESCHKE:** Again, we're not asking you to make a preferred  
25 alternative here. We can complete the required analysis for the  
26 next meeting. We plan to flesh out the rest of the document,  
27 Chapters 3 and 4, and bring you a draft back for the next  
28 meeting, where you can consider preferred alternatives.  
29 Otherwise, that's all I have.  
30

31 **CHAIRMAN GREENE:** Thank you. Anybody have anything else on gag?  
32 With that, we are back on schedule. We are scheduled for a  
33 break at 10:15, and so I think now is the time to take about a  
34 fifteen-minute break, and we will get started just shy of 10:30.  
35

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

38 **CHAIRMAN GREENE:** We are going to pick up on Draft Amendment 42,  
39 Reef Fish Management for the Headboat Survey Vessels. Dr.  
40 Diagne, if you're ready, we will pick up on Draft Amendment 42,  
41 Tab B, Number 7, unless you want to direct us elsewhere.  
42

43 **DRAFT AMENDMENT 42 - REEF FISH MANAGEMENT FOR HEADBOAT SURVEY**  
44 **VESSELS**  
45 **DRAFT AMENDMENT 42**  
46

47 **DR. ASSANE DIAGNE:** Yes, Mr. Chair, and thank you. For  
48 Amendment 42, the review of the amendment, and the subsequent

1 thing we will discuss is the eligibility requirements for the  
2 referendum. For the amendment itself, for this committee  
3 meeting, we would like to just go over some issues, if you  
4 would. Rather than spending a lot of time discussing the  
5 action-by-action, perhaps just try to address some issues for  
6 which we have questions.

7  
8 The first question that we would like to ask the committee and  
9 the council would be, should you decide to go forward with this  
10 Amendment 42, what is your intent when it comes to the bag  
11 limits of the species included in the amendment?

12  
13 As you recall, you have the five major reef fish species in here  
14 of red snapper, red grouper, gag, greater amberjack, and gray  
15 triggerfish, and so would you like to keep the existing bag  
16 limit, even though you may transition to a fishing quota  
17 program, IFQ or PFQ? I will stop there first, and that's the  
18 first issue that we would like to hear some discussion about.

19  
20 **CHAIRMAN GREENE:** Thank you, Dr. Diagne. Anyone want to weigh  
21 in on the bag limits of the species that are included in  
22 Amendment 42? Seeing no one raising their hand, I would assume,  
23 and I always hate to assume, that my interpretation is that it  
24 would follow what is currently there, as listed. I think it  
25 would be an enforcement problem if there were differing  
26 regulations, but, if anyone wants to weigh in, now is the time  
27 to do so. I certainly don't want to steer your perception, but,  
28 with lack of vigor of people raising their hands and weighing  
29 in, I would assume that's what everybody understands this to be.  
30 Seeing a few nods around the table, Dr. Diagne, it would be  
31 under current parameters.

32  
33 **DR. DIAGNE:** Thank you, Mr. Chair, and so we will make sure that  
34 the document reflects the point that you just made, that all  
35 existing, essentially, bag limits would be in effect, even under  
36 a fishing quota program.

37  
38 The second issue that we would like to discuss with you today  
39 has to do with Action 3, and Action 3 is on page 12 of the  
40 amendment. It has to do with the participation at the onset of  
41 the program, the fishing quota program.

42  
43 At the end of the last council meeting, there was some  
44 discussion relative to continued participation in the survey,  
45 the Southeast Survey, to be able to participate in the fishing  
46 quota program, but the amendment, as written, does not include  
47 that requirement, and essentially, moving forward, that  
48 requirement would not be included, because this is a council

1 amendment, if you would, and so the council would decide who is  
2 in and who is out.

3

4 If we base it on future participation in the survey, perhaps  
5 that will be a moving target, and then the decision would be  
6 done by the survey, if you would. If someone is out of the  
7 survey, they will be out of the program, and so anybody who  
8 would have met having landings by the control date that you  
9 selected, meaning October 31 of 2015, will be in the program,  
10 and this was more something to just bring to your attention, but  
11 nothing really to discuss in detail. I could move to Action 4,  
12 unless someone has a question, and I see a hand being raised  
13 there.

14

15 **CHAIRMAN GREENE:** Thank you. Mr. Diaz.

16

17 **MR. DALE DIAZ:** Assane, I am not sure that I understand exactly  
18 what you just said. At the last meeting, we had a discussion,  
19 and I think we even had a vote, about leaving the option in here  
20 for vessels to opt out of the program, and so you're saying that  
21 will not be an option and vessels are in if they were in the  
22 program as of December 31, 2015?

23

24 **DR. DIAGNE:** No, Mr. Diaz, and maybe I didn't express myself  
25 very clearly on this one. This was not really in reference to  
26 the opting out or the staying in the program portion of this.  
27 That set of alternatives, as discussed, is still in the  
28 document. Yes, people will have the option to opt out, but this  
29 was more really in reference to who is going to be considered  
30 for the program in the first place, that's all.

31

32 **MR. DIAZ:** Thank you.

33

34 **DR. DIAGNE:** If I could then move to Action 4, in Action 4, in  
35 the amendment, it is on page 13, and this action deals with the  
36 establishment of a new endorsement or of a permit, and  
37 essentially, for the permit, we would split the federal for-hire  
38 reef fish permit into two, one for those in the program and one  
39 for the others, and the point that we wanted to bring to your  
40 attention is that, if we were to create this permit, it will  
41 have to be very clear that the two permits would have to be  
42 mutually exclusive, meaning one could not acquire both permits  
43 and be able to fish under the program in 42 and then turn around  
44 and fish under the program in 41 or in the recreational sector  
45 at large, if you would.

46

47 If the endorsement is created, we have to also make sure to put  
48 that in the requirements, so that people are not allowed to,

1 quote, unquote, double dip and be able to fish under 42 and turn  
2 around and participate in other programs and take advantage of  
3 those. That is a point also that we wanted to bring to your  
4 attention.

5  
6 **CHAIRMAN GREENE:** Any discussion? Seeing none, carry on,  
7 please, Dr. Diagne.

8  
9 **DR. DIAGNE:** Thank you, Mr. Chair. A final thing that we would  
10 like to discuss with you would be on Action 5, and this has to  
11 do with the allocation of the ACL to this program, the landing  
12 history vessels.

13  
14 The action begins on page 14, but the document includes a table,  
15 Table 2.5.2, which is on page 17, and essentially, as you  
16 recall, in 2014 and 2015, we had an EFP for the headboat  
17 vessels, and the two species considered there were gag and red  
18 snapper.

19  
20 When we look at the percentage of the federal for-hire quota for  
21 red snapper landed historically, we see that there is a notable  
22 jump in 2014. In 2014, the landing history vessels landed 52  
23 percent of the red snapper, when you express the percentage as a  
24 portion of the federal for-hire quota.

25  
26 This is understandable, because vessels who did not participate  
27 in the EFP were constrained to a nine-day season, as you recall,  
28 but participants in the EFP were given, beforehand, a certain  
29 portion of the quota, and so the question that we wanted to ask  
30 is whether you want us to consider in this document options that  
31 would exclude 2014 from the computations of the allocation to  
32 this program.

33  
34 **CHAIRMAN GREENE:** Dr. Crabtree.

35  
36 **DR. CRABTREE:** I think the answer should be yes, that we would  
37 need options to exclude that year, because it's anomalous,  
38 because of the management you put in place.

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

41  
42 **MR. DIAZ:** I agree with Dr. Crabtree. Assane, when I read  
43 Alternative 2 and Alternative 3, you've got, in parentheses,  
44 2011 through 2015, and so the Headboat Collaborative operated in  
45 2014 and 2015, and why would we not have options to exclude 2015  
46 also in Alternatives 2 and 3?

47  
48 **DR. DIAGNE:** Mr. Diaz, if you look at Table 2.5.2, you would see

1 that, in 2015, the landing history vessels, and it's on page 17,  
2 landed 26 percent of the -- They represented 26 percent of the  
3 federal for-hire landings, and so you see that it is not an  
4 issue there, but it is an issue in 2014, because, in 2014, they  
5 landed 52 percent. They represented 52 percent of the landings,  
6 and so, really, excluding 2015 would not do anything for you.

7

8 **CHAIRMAN GREENE:** Dr. Crabtree.

9

10 **DR. CRABTREE:** Isn't the difference, Assane, that Amendment 40  
11 went into effect in 2015?

12

13 **DR. DIAGNE:** Thank you, Dr. Crabtree. That is exactly the  
14 point. By 2015, we had sector separation in effect, and so then  
15 the entire federal for-hire sector, if you would, or subsector,  
16 received a certain portion of the allocation.

17

18 **CHAIRMAN GREENE:** Thank you. Further discussion? Mr. Boyd.

19

20 **MR. DOUG BOYD:** Dr. Diagne, when we talk about an allocation at  
21 this point, we're talking about an allocation from the subsector  
22 allocation for sector separation that's already been done, and  
23 isn't that correct, and not from the entire recreational  
24 allocation?

25

26 **DR. DIAGNE:** Yes, Mr. Boyd. If we are discussing red snapper,  
27 in specifics, because that is, of course, the only species for  
28 which we have sector separation, then, yes, absolutely. This is  
29 an allocation of the federal for-hire quota between the two  
30 components that we are going to identify here, yes.

31

32 **MR. BOYD:** Thank you.

33

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

35

36 **MR. DIAZ:** Dr. Diagne, can you refresh my memory -- I know I  
37 read it, but I can't recall it right at the moment, but what is  
38 the percentage that the headboats generally land of the  
39 charter/for-hire allocation?

40

41 **DR. DIAGNE:** For red snapper? I think we could refer to Table  
42 2.5.2, and it gives us a time series from 1986 to last year,  
43 2015, as far as the percentage of the landings accounted for by  
44 the landing history vessels, meaning the headboats that we are  
45 considering for inclusion in the program developed in Amendment  
46 42, and it varies. In recent history, let's say from 2010  
47 downward, it's somewhere between 26 percent to 50 percent.

48

1 **MR. DIAZ:** Back to my point about having an option to exclude  
2 2015. Depending on where we go with this, it might actually  
3 hurt headboats to leave 2015 in there. I haven't thought though  
4 it enough to know, but, during that time period, they had a  
5 fixed amount of catch that they could catch. It's not the same  
6 as the rest of the years, but, from 2013 back, they did not have  
7 a fixed amount.

8  
9 While 26 is in the range that they've caught historically,  
10 during that particular year, it was fixed, and so I still feel  
11 like there should be an option to exclude 2015 in the document  
12 for Alternatives 2 and 3.

13  
14 **DR. DIAGNE:** Certainly, if that is the intent of this committee,  
15 we will consider, we can consider, options excluding 2015, but  
16 then, if we look at some of the time series, they become very  
17 short. Let's say, if I take Alternative 2, 2011 through 2015,  
18 and cut out 2014 and 2015, it becomes extremely short, but we  
19 could certainly consider it. We have the numbers here in front  
20 of us.

21  
22 **CHAIRMAN GREENE:** Ms. Levy.

23  
24 **MS. LEVY:** Thank you, and just with the understanding that there  
25 was only a percentage of the headboats that were fixed. It  
26 wasn't the whole survey vessels. It was twenty of them or  
27 seventeen or eighteen or whatever it was that were in that EFP,  
28 and so it wasn't like the whole portion of them had some fixed  
29 amount that they were allowed to harvest.

30  
31 **CHAIRMAN GREENE:** Mr. Riechers.

32  
33 **MR. RIECHERS:** I hear both sides of this argument, but I have to  
34 agree with Dale that if you're going to exclude it because it  
35 was years that you had the EFP in place, then that's your  
36 decision rule for excluding them, no matter what percentage  
37 landings they ended up coming up with that year.

38  
39 One year they came up with a higher percentage, and the next  
40 year they came up with a lower percentage, but, either way,  
41 using that logic, they were in the program for both of those  
42 years, and I am like Dale. We at least should have the option  
43 of excluding both of those years as we go through here. It's  
44 just an option, but it doesn't mean that we have to choose it.

45  
46 **CHAIRMAN GREENE:** Thank you. Any further discussion? Mr. Diaz.

47  
48 **MR. DIAZ:** If it's not too late, I will make a motion that we

1 include an Option c in Alternatives 2 and 3 that would exclude  
2 the year 2015.  
3  
4 **CHAIRMAN GREENE:** We will get your motion up on the board here  
5 in just a second. Is there a second for this motion? It's  
6 seconded. Ms. Levy, did you have something?  
7  
8 **MS. LEVY:** I think you probably, if you're going to do that,  
9 want to do Alternative 4 also.  
10  
11 **MR. DIAZ:** All right. From where you're at right there, you  
12 could say, in Action 5, to include, in Alternatives 2, 3, and 4,  
13 an option to exclude 2015.  
14  
15 **CHAIRMAN GREENE:** Dr. Frazer.  
16  
17 **DR. FRAZER:** Dale, wouldn't the wording be to exclude 2014 and  
18 2015?  
19  
20 **MR. DIAZ:** 2014 is already included.  
21  
22 **DR. FRAZER:** In my view anyway, you need them both. You need  
23 both years to accomplish what you're trying to accomplish.  
24  
25 **MR. RIECHERS:** He was suggesting, Tom, that 2014 is already in  
26 there, but are you suggesting that we want to have an option  
27 just excluding 2014 and 2014 and 2015?  
28  
29 **DR. FRAZER:** Yes, they're two separate options.  
30  
31 **MR. DIAZ:** What I am thinking is we could choose preferreds for  
32 whichever way we decided to go. We could choose Option b as a  
33 preferred and Option c and d both as preferreds, if we so chose.  
34  
35 **CHAIRMAN GREENE:** Dr. Crabtree.  
36  
37 **DR. CRABTREE:** Since this related to the Headboat Collaborative,  
38 that was red snapper and gag, and so you're talking about just  
39 red snapper or you're talking about red snapper and gag?  
40  
41 **MR. DIAZ:** I would be talking about both, but I'm just reading  
42 the action to see if the action includes everything.  
43  
44 **CHAIRMAN GREENE:** Dr. Dana.  
45  
46 **DR. PAMELA DANA:** This is just housekeeping, but Option c only  
47 is relevant for Alternative 2. Alternative 3 and 4 already have  
48 an Option c, which is to exclude 2014.



1  
2 **DR. DIAZ:** Thank you, Dr. Dana.  
3  
4 **CHAIRMAN GREENE:** Dr. Crabtree.  
5  
6 **DR. CRABTREE:** Our intent is this would apply to gag and red  
7 snapper, since it's related to the headboat survey, correct?  
8  
9 **CHAIRMAN GREENE:** Okay. Dale, does that motion on the board  
10 accurately collect your intentions? Dr. Crabtree.  
11  
12 **DR. CRABTREE:** The option to exclude 2010, which is presumably  
13 because of the oil spill, that would apply across the board to  
14 all species, but the options for 2014 and 2015, which are due to  
15 the Headboat Collaborative, would apply to gag and red snapper.  
16  
17 **MR. DIAZ:** That's my motion, Mr. Chair.  
18  
19 **CHAIRMAN GREENE:** Okay. Dr. Diagne.  
20  
21 **DR. DIAGNE:** Thank you, Mr. Chair. Because of the discussion  
22 here and the justification provided for this is based on the  
23 EFP, it seems to me then that we can go ahead and simplify this  
24 and just make it one option to exclude 2014 and 2015 at once,  
25 because the justification for them is the same. I guess that  
26 would go towards the point that Dr. Frazer was making, and we  
27 could just make it one option to exclude 2014 and 2015, because  
28 the reason that we are giving for it is participation in the  
29 EFP.  
30  
31 **MR. DIAZ:** That is fine with Mr. Diagne. It's just I don't know  
32 if other council members agree with the motion that I have on  
33 the board. If that's the will of the council, that would be  
34 okay with me, because that's my rationale.  
35  
36 **CHAIRMAN GREENE:** Dr. Frazer.  
37  
38 **DR. FRAZER:** I agree with Dr. Diagne.  
39  
40 **CHAIRMAN GREENE:** Okay. Dale, would you want to include in your  
41 motion 2014 and 2015?  
42  
43 **MR. DIAZ:** I think if this motion passes that Dr. Diagne can  
44 just include it in the document that way,  
45  
46 **DR. DIAGNE:** Yes, and, for now, essentially, these options, as  
47 you see in the text, they are highlighted. That was just as a  
48 placeholder, to make sure that during the discussion that we had

1 something to go through, to follow, but, if that is the intent  
2 of the council, next time you see this, this action would be, in  
3 fact, separated into two sub-actions, one that would deal  
4 exclusively with the two species that were in the EFP, meaning  
5 the gag and red snapper, with those options that were  
6 considered, and one that would deal with the other three species  
7 without those exclusions.

8  
9 **CHAIRMAN GREENE:** Thank you. Any further discussion about the  
10 motion on the board? **Seeing no further discussion, is there any**  
11 **opposition to the motion on the board? Seeing no opposition,**  
12 **the motion carries.**

13  
14 Before we leave that Table 2.5.2, I think it's paramount to  
15 point out the small text at the bottom, the sources of where  
16 this information has come from, but the last part of it is -- On  
17 my copy, it's a little different than what's on the board, but  
18 it says, after LA Creel data, which has not been calibrated to  
19 MRIP data, and is that correct, what I am reading in the  
20 document, because what I see up there is different. Has this  
21 information been calibrated?

22  
23 **DR. DIAGNE:** Yes, I think perhaps the table that's on the board  
24 is a previous version of it. That's where it comes from, your  
25 observation, and, sitting here, I couldn't read it, but what is  
26 in the document is the current version of the document, yes.

27  
28 **CHAIRMAN GREENE:** Thank you. Mr. Riechers.

29  
30 **MR. RIECHERS:** I think maybe what you are -- This table is  
31 different than the next table. One of them includes LA Creel  
32 data which has not been calibrated, and the previous table has  
33 this. I am assuming, in both cases, you are using data that  
34 hasn't been calibrated, but I don't know what the answer to that  
35 is.

36  
37 **CHAIRMAN GREENE:** That's correct. I was looking at 2.5.2. I  
38 don't know if it's been MRIP calibrated or not, but I will let  
39 people have time to look that over, because that would be  
40 something I would want to point out at full council. Does  
41 anyone else have anything before I go on? Dr. Diagne.

42  
43 **DR. DIAGNE:** For this Amendment 42, that's all I have for this  
44 meeting. Thank you.

45  
46 **CHAIRMAN GREENE:** Okay. That takes us back to our next item,  
47 which would be the Final Action Referendum Eligibility  
48 Requirements, Tab B, Number 7(b), and who will take us through

1 that? Dr. Diagne.

2  
3 **FINAL ACTION - REFERENDUM ELIGIBILITY REQUIREMENTS**  
4

5 **DR. DIAGNE:** Thank you. To discuss this short document that we  
6 prepared for your consideration, perhaps we could just go to  
7 page 8 and specifically put up on the board, if possible, Table  
8 3.1. In essence, the table shows us the number of potential  
9 voters based on the threshold that, as a committee, you would  
10 select, and obviously the higher the threshold, the fewer the  
11 number of potential voters in this referendum.

12  
13 For the alternatives that are considered here, we have four of  
14 them, starting with the no-action alternative. As it was  
15 discussed the last time, that wouldn't be consistent with the  
16 provision of the Act. Alternative 2 would set a threshold at an  
17 average harvest of 100 fish during the time period considered,  
18 and the time period considered is a five-year period starting in  
19 2011 and ending in 2015.

20  
21 If we were to select Alternative 2, essentially sixty-four out  
22 of the seventy-one potentially eligible voters would be granted  
23 a vote in this process. These sixty-four voters would represent  
24 in excess of 99 percent of the harvest, of the landings.

25  
26 Alternative 3 has a slightly higher threshold of 400 fish, on  
27 average, during the five-year period. Here, you will still  
28 account for 98 percent of the landings, and the number of voters  
29 would decrease to fifty-six.

30  
31 Finally, if the threshold was set at 1,000 fish, on average,  
32 during the time period considered, the number of voters would  
33 drop to forty-three, but these forty-three voters would  
34 represent in excess of 90 percent of the landings of the five  
35 species considered here, and so essentially, following  
36 discussions, the council may pick a preferred eligibility  
37 requirement, if you would, for voting, and I will stop here for  
38 now, Mr. Chair. Thank you.

39  
40 **CHAIRMAN GREENE:** Thank you, Dr. Diagne. Is there discussion?  
41 Thank you. Dr. Diagne, at this point, we need to pick  
42 preferreds, and is that correct?

43  
44 **DR. DIAGNE:** Yes, Mr. Chair. This is brought before you as a  
45 final action. As you recall, because of the timeline that is  
46 very compressed, if it is the council's intent to consider  
47 implementation by January 1 of 2018, we need to move forward by  
48 addressing this.

1  
2 **CHAIRMAN GREENE:** Ms. Levy.  
3  
4 **MS. LEVY:** Just when you're thinking about the threshold should  
5 be, you're choosing a level for which you have determined that  
6 those participants substantially fished the species to be  
7 involved in the program, right, and so it's the substantially  
8 fished type of language.  
9  
10 Just for reference, when you did the referendum for the IFQ for  
11 grouper/tilefish, I think it was about 30 percent of the reef  
12 fish holders, based on the threshold that was picked, that got  
13 to vote, but that represented 90 percent of the landings. I am  
14 not saying you have to do the exact same thing here, but I just  
15 wanted to remind you of the basis for it, which is the  
16 substantially fished criteria.  
17  
18 **CHAIRMAN GREENE:** Thank you. Mr. Riechers.  
19  
20 **MR. RIECHERS:** Assane, I recall the discussion at the last  
21 meeting regarding that timeline, and did we have a webinar  
22 public hearing or is this our one hearing for this? How are we  
23 handling that for this document?  
24  
25 **DR. DIAGNE:** Yes, keeping in mind that this is not really the  
26 amendment. These are only the eligibility criteria, and, no, we  
27 did not have a webinar or public hearings, but those, of course,  
28 we will have then for the amendment itself.  
29  
30 **CHAIRMAN GREENE:** Mr. Riechers.  
31  
32 **MR. RIECHERS:** But have we -- Obviously we've worked with the  
33 set of people who have been trying to develop this, but have we  
34 at least notified the other participants of the options here in  
35 any way?  
36  
37 **DR. DIAGNE:** No, and to the extent that perhaps they  
38 participated in the council process during the previous council  
39 meeting in which we discussed the range of threshold that we  
40 would bring to you at this meeting, and to the extent that  
41 perhaps they would have an opportunity to offer public comment  
42 tomorrow, but that would be their avenue to provide input to  
43 you, if that's what you are asking.  
44  
45 **CHAIRMAN GREENE:** To that point, Dr. Crabtree?  
46  
47 **DR. CRABTREE:** There would also, in addition to your public  
48 hearing tomorrow, there would be a proposed rule put out with a

1 public comment period on this before the criteria were  
2 finalized, and so there will be an additional opportunity for  
3 public comment.

4  
5 **CHAIRMAN GREENE:** Thank you. Is there further discussion?  
6 Anybody want to pick a preferred? Mr. Riechers.

7  
8 **MR. RIECHERS:** I am struggling with the notion of a preferred  
9 here, simply because, without that notification, we've had very  
10 little input, other than from probably individuals who have  
11 suggested this, but, if you're going to -- Since there hasn't  
12 been public input, I would opt for either Alternative 1 or 2, so  
13 that everyone would get a chance to weigh in with their actual  
14 beliefs about what should be there. That way, you don't  
15 eliminate very many people from your pool, to that extent. I am  
16 not willing to make that motion. I will let someone else do  
17 that, but that's at least some logic about how I would frame  
18 that.

19  
20 **CHAIRMAN GREENE:** Thank you. Further discussion? Mr. Sanchez.

21  
22 **MR. SANCHEZ:** Discussion, but I don't have a motion. I don't  
23 know that we have adequately answered some of the concerns on  
24 why 1,200 folks aren't going to have a vote in this, even though  
25 their permit reads headboat and charter/for-hire, and I think,  
26 unless that's really clear, crystal clear, here -- I would like  
27 to hear some explanation as to the rationale for that and see --

28  
29 **CHAIRMAN GREENE:** Dr. Crabtree.

30  
31 **DR. CRABTREE:** I think the answer is because they're not  
32 eligible to participate, and so they won't be participants in  
33 this program, which it seems to me is seventy-one vessels, some  
34 of which don't have any landings, and so it's hard to argue how  
35 they are substantial participants, but we're looking at the  
36 vessels that are eligible to fish in this program and so will be  
37 affected by the program.

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

40  
41 **DR. DIAGNE:** Dr. Crabtree made my point. Thank you.

42  
43 **CHAIRMAN GREENE:** Anybody else wish to weigh in? Dr. Crabtree.

44  
45 **DR. CRABTREE:** To try and move us forward, I will offer a motion  
46 to adopt Alternative 2b as our preferred.

47  
48 **CHAIRMAN GREENE:** We have a motion to adopt Alternative 2b as

1 the preferred. Is there a second for this motion? It's  
2 seconded by Mr. Blankenship. Is there discussion? Dr.  
3 Crabtree.

4  
5 **DR. CRABTREE:** What I'm looking at is, among the vessels that  
6 are eligible, this would provide the broadest level of  
7 participation. Everyone who meets a relatively low landings  
8 threshold will get a vote, and everybody's vote will count  
9 equally.

10  
11 **CHAIRMAN GREENE:** Thank you. Is there further discussion?  
12 Seeing none, there is a motion. Mr. Diaz.

13  
14 **MR. DIAZ:** I guess a thought hits me, and I want to put it out  
15 on the record. Even though folks don't have a landings history,  
16 they have a headboat that is in this program, and even though  
17 the landings threshold you're proposing, Dr. Crabtree, is only  
18 100 pounds, the only thing that gives me pause is folks have a  
19 vessel, and I don't know what's going to happen to the value of  
20 that vessel by this vote.

21  
22 Even folks that don't have a landings history might have a  
23 financial stake in this vote, and Dr. Diagne is an economist and  
24 maybe he can tell us if the value of these vessels are going to  
25 go down. I mean, I don't know, but they are going to have --  
26 Basically, they're going to be in a program where they're  
27 probably not going to get any fish, and so I don't know if that  
28 helps their vessel price or it hurts their vessel price, but I  
29 am kind of leaning towards having a threshold at zero, where  
30 everybody can vote.

31  
32 **CHAIRMAN GREENE:** Ms. Levy.

33  
34 **MS. LEVY:** First, you haven't decided whether it's going to be  
35 mandatory or you're going to allow people to opt out. Then,  
36 just about having a threshold of zero, I don't think that's  
37 going to meet the requirements of deciding who substantially  
38 fished the species to be included in the program, because we  
39 already know that going to 100 fish captures 99.8 percent of the  
40 landings.

41  
42 If you let everybody vote, there are clearly going to be people  
43 in there that haven't fished any of these species, and the  
44 language of the Act is pretty clear that for multispecies  
45 permits that only those participants who have substantially  
46 fished the species to be included in the program are eligible to  
47 vote, and so I think there has to be some threshold above zero.

48

1 **CHAIRMAN GREENE:** Dr. Crabtree.

2  
3 **DR. CRABTREE:** I think, in this case, Dale, Congress was pretty  
4 clear that we have to conduct a referendum and people who  
5 haven't fished don't get to vote in it, and so I think this  
6 motion chooses the most liberal definition we have and allows  
7 the largest number of folks to vote in it, but I agree with Mara  
8 that to allow everyone to vote, even vessels that have no  
9 landings, doesn't seem consistent with the statute, to me, and I  
10 think, and, Assane, correct me, but these vessels account for  
11 99.8 percent of the landings. That's the fishery right there.

12  
13 **CHAIRMAN GREENE:** Thank you. Further comments? Okay. We have  
14 a motion on the floor, and it was seconded. We have no further  
15 discussion. **Is there any opposition to the motion on the floor**  
16 **before you? Seeing one in opposition, the motion carries.** Dr.  
17 Diagne, that concludes this?

18  
19 **DR. DIAGNE:** Yes, Mr. Chair. That concludes this part of the  
20 discussion, and I will just perhaps direct your attention to the  
21 very last section of this document, Section 5, which deals with  
22 the next steps.

23  
24 Essentially, it states that, after selecting eligibility  
25 requirements, the council would request National Marine  
26 Fisheries Service to publish a proposed rule, et cetera,  
27 following the process that Dr. Crabtree has highlighted. When  
28 this is finished, I assume that's where we're going.

29  
30 **CHAIRMAN GREENE:** Dr. Crabtree.

31  
32 **DR. CRABTREE:** Yes, and then you will need to send us a letter  
33 saying that the council approved these voting procedures and  
34 here is the analysis they had and then request us to conduct the  
35 referendum once the DEIS for the amendment is completed.

36  
37 **CHAIRMAN GREENE:** Okay. Ms. Guyas.

38  
39 **MS. GUYAS:** Just a question. I apologize, because I stepped out  
40 of the room, if you covered this. Roy, when you guys mail this  
41 referendum to the eligible voters, I understand they would get  
42 the suite of preferred alternatives that the council has put  
43 forward, and are they also getting a snapshot of what that  
44 actually means for them, in terms of what they would be  
45 allocated?

46  
47 **DR. CRABTREE:** Well, they will get the council's document,  
48 either a link to it electronically or something, and, to the

1 extent all of that is analyzed in the document, they will have  
2 that, but we won't -- I haven't contemplated that we would send  
3 them any sort of letter that says here is what you would get  
4 under this, and I don't think we did anything like that in the  
5 previous IFQs. It seems, to me, that we provided them -- Now,  
6 they could call and request to see their landings histories, if  
7 they didn't save their logbooks or something like that.

8  
9 **CHAIRMAN GREENE:** Mr. Boyd.

10  
11 **MR. BOYD:** I've got a question about the referendum. If we  
12 approve this and it goes to the Secretary and we have a  
13 referendum, is this a generic referendum that applies to any  
14 type of process that we choose in Amendment 42, because we have  
15 not selected a method of distribution. We haven't selected a  
16 program yet, yet we're having a referendum.

17  
18 **DR. CRABTREE:** We won't conduct the referendum until you've  
19 chosen preferreds for all of the actions and it's all been  
20 completely analyzed and we're at the point where we have a draft  
21 environmental impact statement that has been cleared through the  
22 attorneys and is ready to go, and so you're approving here the  
23 voting procedure, and we can go ahead with the proposed rule and  
24 get the comments and the voting procedure, but you're going to  
25 have to choose all of your preferreds before we actually conduct  
26 the referendum.

27  
28 Then if, after we go through the DEIS and all the rest of the  
29 comments, if you come in and decide you want to change some of  
30 your preferreds, then I believe we would have to conduct another  
31 referendum based on a new set of preferreds.

32  
33 **CHAIRMAN GREENE:** Mr. Riechers.

34  
35 **MR. RIECHERS:** Based on the next steps here and what Roy just  
36 said, and I don't know that it matters, but we were led to  
37 believe that we had to take action on the referendum today, and  
38 what I am really hearing is we need to take action on the  
39 referendum at the same time we take action or we get everything  
40 else set in the other document, and so I don't know that there  
41 is a need for final action today. I am not certain why we  
42 thought that at the last meeting, unless it's to figure out  
43 which six people we don't include in the mail-out, because  
44 that's about what it appears to be here.

45  
46 **CHAIRMAN GREENE:** To that point, Dr. Crabtree?

47  
48 **DR. CRABTREE:** No, it's to give us time to go through the



1 rulemaking and set the voting procedures, so that when you come  
2 in at the next meeting and choose your preferreds that we would  
3 be ready to conduct the referendum, rather than coming in at the  
4 next meeting and then choosing the voting procedures and having  
5 to delay the referendum while we go through all that process.

6  
7 If we did it that way, then I think that delays the  
8 implementation of this off by another year, and so I think the  
9 goal was to try and have an implementation by 2018. In order to  
10 make that happen, we need to get the referendum. If we put this  
11 rule out and we have a thirty-day comment period and we've got  
12 to evaluate the comments and go through that, it will take us  
13 several months just to get through that procedure.

14  
15 **CHAIRMAN GREENE:** Further discussion? Okay. I guess that wraps  
16 up that. Dr. Diagne, do you have anything else?

17  
18 **DR. DIAGNE:** No, Mr. Chair, and thank you very much. I take it  
19 that then, after Full Council, we will take the lead and write  
20 that letter to NMFS for them to follow the procedure.

21  
22 **CHAIRMAN GREENE:** Dr. Crabtree.

23  
24 **DR. CRABTREE:** Just to come back to Robin's question, let me ask  
25 Sue just to kind of go through the timeline of how all of this  
26 goes together, so everybody can see what we need to do to make  
27 it happen, with your indulgence.

28  
29 **CHAIRMAN GREENE:** Ms. Gerhart.

30  
31 **MS. SUE GERHART:** Okay. The reason that you will need this vote  
32 now is because it does take us some time for the rulemaking for  
33 the referendum to take place, and so we anticipate that the  
34 proposed rule would publish about a month from now, and so in  
35 mid-November, and then there would be a thirty-day comment  
36 period ending in mid-December.

37  
38 Then we would get a final rule published by the beginning of  
39 February, before the next council meeting, or during the next  
40 council meeting I guess it would be, and then the council, at  
41 that point, would approve the public hearing draft/DEIS, with  
42 preferreds all chosen.

43  
44 Then, after that meeting is over, we could mail out the ballots  
45 and do the referendum itself during March, the month of March,  
46 and so we would mail them out, and there would be a month's time  
47 that people could reply with their votes. We would have the  
48 ballots due April 1.

1  
2 That way, we would have the results of the referendum ready for  
3 the council at the April council meeting, which is in early  
4 April, and then the council can look at those referendum results  
5 and make their determination if they are ready to take final  
6 action on Amendment 42.

7  
8 **CHAIRMAN GREENE:** Thank you. Any discussion or questions about  
9 the timeline?

10  
11 **MS. GERHART:** I can continue that timeline, just to show how we  
12 get to 2018. Then it usually takes a little while for the  
13 council to submit the amendment. We try to do a very quick  
14 turnaround on this, and then we would have to do the proposed  
15 and final rule for the amendment and the rulemaking associated  
16 with the amendment itself, and so that would take us until the  
17 middle of August is when we would anticipate that being.

18  
19 Now, we have to finish that early, because we have to have a  
20 time to opt out, if the council chooses to allow people to opt  
21 out. We would then need a time period during which people could  
22 notify us that they want to opt out of the program, and so we  
23 would want to give about a month or so for that to happen as  
24 well.

25  
26 In the meantime, we would see the rule become effective, and  
27 then we need also time to calculate what the initial shares and  
28 allocation would be, and that takes a little while as well,  
29 because, at that point, we have to look at who owns what permit  
30 and what vessel at that date, and then that is the person who we  
31 would assign those shares and allocation to.

32  
33 What we did with the commercial program is we began that process  
34 on October 1, and so we're anticipating the same thing here, is  
35 an October 1 time to start figuring out who gets what and then  
36 have that ready for January 1 of 2018.

37  
38 **CHAIRMAN GREENE:** Thank you. Discussion? I see no further  
39 discussion. Dr. Diagne, that takes care of all of the stuff for  
40 that, and I believe I've already asked you that. Okay. Unless  
41 there is any objection, we will move on to our next agenda item,  
42 which will be Preliminary 2016 Red Snapper For-Hire Landings  
43 Relative to the ACT. This will be Tab B, Number 8, and Mr.  
44 Diaz.

45  
46 **PRELIMINARY 2016 RED SNAPPER FOR-HIRE LANDINGS RELATIVE TO THE**  
47 **ACT**  
48

1 **MR. DIAZ:** Thank you, Mr. Chair. I would point out that it's  
2 real important that you go to Tab B, Number 8 to follow along  
3 here. If you happen to have printed this document out ahead of  
4 time, anything you printed out before today is not accurate.

5  
6 These are preliminary MRIP data numbers, and Wave 4 was just  
7 added to this document in the last twenty-four hours, and so, if  
8 you printed anything out ahead of time, it would not include the  
9 most up-to-date information for Wave 4.

10  
11 I want to stress that they are preliminary numbers. Generally,  
12 after a wave, it takes about forty-five days to get numbers in.  
13 There is some stuff that goes on with the people that handle all  
14 the MRIP data, and these numbers do get adjusted after the  
15 preliminary numbers hit, and so they could change, and they  
16 could go up some. I will tell you that Wave 3 numbers changed  
17 by well over 100,000 pounds, once they were corrected.

18  
19 Before we get started talking about the chart, I just kind of  
20 want to talk about why I wanted to talk about charter boat red  
21 snapper landings today. I believe that there is a need for us  
22 to examine the current 20 percent buffer that we have for the  
23 charter/for-hire in relation to red snapper.

24  
25 When we set this 20 percent buffer, it was in 2014, and  
26 charter/for-hire and the private recreational were combined in  
27 one group. We were presented with some information that gave us  
28 different risks at different buffers of what it would take for a  
29 chance of going over the ACL at that time, and bear in mind that  
30 they were one group.

31  
32 In 2014, when they were one group, that year, both groups  
33 combined, fished 29 percent below the ACL, and so the  
34 charter/for-hire in with the private recreational fished 29  
35 percent below the ACL.

36  
37 In 2015, which was the first year that sector separation went  
38 into place, in 2015, the private recreational was 5 percent  
39 below their ACL, but the charter/for-hire were 32 percent below  
40 their ACL and 15 percent below their ACT, and so that makes two  
41 years in a row that the charter/for-hire fished below the ACT,  
42 one year combined and one year not combined.

43  
44 Here we are, we're in 2016, and we've got some preliminary  
45 numbers to start looking at, and bear in mind that I just got  
46 these numbers this morning, and so I had to go through and try  
47 to look at them and see what they mean.

1 Through Wave 4, this year's landings are running behind 2015  
2 landings for the same period of time. What I did this morning  
3 is I tallied up, for 2015, Waves 1, 2, 3, and 4. When you tally  
4 that up, it comes to a little over 2.1 million pounds. I also  
5 tallied up Waves 1, 2, 3, and 4 for the federal for-hire red  
6 snapper for the charter boats. When you tally up Waves 1, 2, 3,  
7 and 4 for 2016, you come up with just a little over two-million  
8 pounds.

9  
10 If you subtract 2016 from 2015, we're about 112,104 pounds below  
11 where we were at for the same time period at the end of Wave 4,  
12 compared to last year. Now, bear in mind the ACT for 2016 is  
13 actually slightly higher than the ACT for 2015 was. Actually,  
14 the difference between the 2015 and the 2016 ACT is 62,773  
15 pounds. Through Wave 4, we have caught a little less fish than  
16 we did compared to 2015, when we were below the ACT buffer, and  
17 we got a slightly higher ACT.

18  
19 I don't have a crystal ball to know what's going to happen in  
20 Wave 5 and 6 that no fishing is open for these folks. It is  
21 closed, but, if you will notice, in Wave 1 and 2, fish were  
22 landed for the charter/for-hire sector, 53,000 pounds in January  
23 and February, and a little over 20,000 pounds in March and  
24 April, when the season was closed, and so some numbers may come  
25 in.

26  
27 If we need an explanation on why there is landings in Wave 1 and  
28 Wave 2, Dr. Stephen is here, and she can maybe do an explanation  
29 on that. It's been explained to me, but I don't feel  
30 comfortable trying to explain it.

31  
32 We could potentially have some more landings come in in  
33 September and October and November and December. We will have  
34 to wait and see. Right now, the percentage of ACT that we've  
35 landed to date is 83 percent of the ACT and 66 percent of the  
36 ACL, when we're looking at the for-hire for 2016. I am going to  
37 stop for just a minute and see if anybody has got any questions.

38  
39 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.

40  
41 **DR. CRABTREE:** Just one thing I would point out is the 2015  
42 numbers include Texas. The 2016 doesn't include any landings  
43 for Texas, and so those are going to come in and will have to be  
44 added to it, and that will push the for-hire landings up some.

45  
46 **MR. DIAZ:** Right, and that's a good point, Dr. Crabtree. The  
47 ACT for 2016 is 2,433,773 pounds. Right now, the preliminary  
48 numbers that we have is 2,016,091 pounds, and so the difference

1 between those two is 417,000, a little over 417,000 pounds. We  
2 do not have Texas numbers yet.  
3  
4 I did check to see, and the total charter boat landings for  
5 Texas for 2015 were about 362,000 pounds, and so it's going to  
6 be a little while before we know what Texas numbers come in, and  
7 that could be something that is substantially different for 2016  
8 than we have in 2015.  
9  
10 **CHAIRMAN GREENE:** Dr. Stunz.  
11  
12 **DR. STUNZ:** Dr. Lucas had her hand up before me.  
13  
14 **DR. LUCAS:** But are you going to Dale's point? Go ahead.  
15  
16 **DR. STUNZ:** No, but I was just going to the point of I would  
17 like some explanation on why those landings are in Wave 1 and 2  
18 for the for-hire. If you don't feel comfortable, if Dr. Stephen  
19 or whoever could explain that, maybe.  
20  
21 **MR. DIAZ:** I would feel better if Dr. Stephen could. It's been  
22 explained to me, but I think it would be better if Dr. Stephen  
23 tried to explain that.  
24  
25 **CHAIRMAN GREENE:** Robin.  
26  
27 **MR. RIECHERS:** To Dale's point and to Roy's point, and we  
28 certainly don't have the expansion of the estimates yet, but, if  
29 you just look at trips, both targeting snapper and those that we  
30 saw snapper in, in all trips, they're both, from a January 1  
31 through a May comparison, they're down in both of those  
32 comparisons, and so, in answer to your question, I don't know  
33 what that means when we expand those out by pressure at the  
34 various places that we see those people, but at least, just in  
35 total observations, they're down.  
36  
37 **CHAIRMAN GREENE:** Thank you. Mr. Walker.  
38  
39 **MR. WALKER:** Robin, when do you project that you will have the  
40 numbers ready?  
41  
42 **MR. RIECHERS:** We run our year through November. It runs from  
43 November to April, and so, when we get to the point where we  
44 reach that point and have those data entered, then we turn them  
45 over as quickly as we can.  
46  
47 **CHAIRMAN GREENE:** Dr. Crabtree.  
48

1 **DR. CRABTREE:** If that's 200,000 or 300,000 pounds or so, then  
2 that puts us a little above last year and puts us at 94 or 95  
3 percent of the ACT caught. The real thing we should be looking  
4 at here is we've gone over substantially on the private sector  
5 side, and so, if you're going to talk about revisiting the  
6 buffer, I think you're going to have to revisit the private  
7 sector buffer too, and I don't think you can do anything that  
8 reduces the overall buffer.

9  
10 I think, if you want to reduce the buffer on the for-hire, you  
11 would have to increase the buffer on the private sector,  
12 because, as you can see, we're estimating 92 percent of the  
13 overall ACL having been caught, and that's without Texas.  
14 Florida is reopening, and I believe Louisiana is reopening, and  
15 Texas is still open, and so there are more landings yet to come,  
16 and the real question is, are we going to end up going over the  
17 overall ACL, which, if we do, we'll trigger a payback for next  
18 year, and the amount of the overage will have to be deducted off  
19 the quota for next year.

20  
21 **CHAIRMAN GREENE:** Okay. Thank you. We had a request for -- Not  
22 to get away from that, but we did have a request for someone to  
23 talk about the charter/for-hire landings in January, February,  
24 March, and April. Dr. Stephen, if you're ready.

25  
26 **DR. JESSICA STEPHEN:** Can we have the question repeated? You  
27 can't hear back there really well.

28  
29 **CHAIRMAN GREENE:** Several committee members have expressed  
30 interest in why the federal for-hire or charter/for-hire  
31 industry has landings for Wave 1 and Wave 2 of about 73,000  
32 pounds.

33  
34 **DR. STEPHEN:** Some things to keep in mind with the SRH survey is  
35 there's also a state vessel in there that is not a federal  
36 vessel. What we do is, when we have any landings from that  
37 survey, we put them into the for-hire, whether they were  
38 considered legally landed or not, and it's only including  
39 landings. The difference between 2015 and 2016 is, of course,  
40 the headboat pilot program could legally land, and that's why  
41 you see those increased ones in 2015 and 2014.

42  
43 **CHAIRMAN GREENE:** Dr. Lucas.

44  
45 **DR. LUCAS:** Dr. Stephen, maybe I am confused, because the note  
46 at the end of this says charter landings outside the federal  
47 season are included against the private angling component, and  
48 is what you just said that --

1  
2 **DR. STEPHEN:** The headboat landings are included against the  
3 for-hire. The charter get included against the private angling,  
4 assuming that most of the charter are non-federally-permitted  
5 vessels.

6  
7 **CHAIRMAN GREENE:** Dr. Dana.

8  
9 **DR. DANA:** Maybe I didn't hear it, but, in the 2016, the first  
10 two waves, why would there be numbers for the federal for-hire?

11  
12 **DR. STEPHEN:** Those came from the Headboat Survey Program, and  
13 those were landings reported to that program, and so we count  
14 those against the for-hire. Now, whether they were allowed to  
15 land that or not, it's landings we get reported that we put in  
16 there.

17  
18 There is also a state vessel that participates in that survey,  
19 and I'm not sure what state that vessel is associated with, and,  
20 if their state was open, those would have been legal landings  
21 going to that state vessel.

22  
23 **CHAIRMAN GREENE:** Dr. Crabtree.

24  
25 **DR. CRABTREE:** I expect, at the next meeting, we can go through  
26 a much more detailed look at all of this and break it down some  
27 more, but we just got a lot of these landings now, and some are  
28 still preliminary and we don't have all of them, and so I think  
29 that's a better time to get into the intricacies of what is  
30 driving the numbers, if you want to do that.

31  
32 **CHAIRMAN GREENE:** Okay. Thank you. We certainly have some  
33 people interested around the table. Mr. Gregory.

34  
35 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree, why could not the  
36 overall buffer, the combined buffer, be revisited?

37  
38 **DR. CRABTREE:** Well, it can be revisited, but, if we end up  
39 going over this year, I think you will have a hard time making  
40 the argument that we can reduce the overall buffer, and we've  
41 got 8 percent left between what's been caught and the ACL, and  
42 we've still got folks fishing.

43  
44 The big unknowns we had this year are, one, Congress extended  
45 state waters out to nine miles off of Alabama, Mississippi, and  
46 Louisiana. Then we did have states open up their season after  
47 the federal season was already announced and put in place, and  
48 so we can see what happens here, but it's pretty obvious that,

1 even if we don't go over, we're going to be very close to  
2 catching 100 percent of it, and I think that makes it a  
3 difficult case to argue that the overall buffer can be reduced.

4  
5 **CHAIRMAN GREENE:** Mr. Banks.

6  
7 **MR. BANKS:** My only question is, is there any idea as to how the  
8 private anglers got so far over the projection? Any idea where  
9 those were coming from?

10  
11 **DR. CRABTREE:** Projections inherently have a lot of  
12 uncertainties in it, but, when Congress extended state waters  
13 out to nine miles, we really had no reliable way to predict how  
14 much difference that would make, and so we clearly  
15 underestimated, particularly off of Alabama, the extent that  
16 that would happen, and you're all aware that we contact all of  
17 the states and we ask you what your seasons are going to be, and  
18 some states changed their season right after we announced the  
19 federal season, and we have no way of factoring that in either.  
20 That's just part of the inherent uncertainties in this and part  
21 of the reason why we need a buffer.

22  
23 Now, looking at the data, you could potentially argue that the  
24 buffer on the for-hire guys is too big and the buffer on the  
25 private guys is too small, and, if you guys want to look at that  
26 and look at making some adjustments to that, I think you  
27 probably could, but I think it's going to be a difficult case  
28 that the overall buffer is too large.

29  
30 Now, I don't know what Congress will do or what will happen with  
31 state-water jurisdictions next year. We will have to wait and  
32 see, but that will have an impact on how all of this plays out  
33 as well.

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

36  
37 **MR. DIAZ:** I started this conversation before I even had a look  
38 at Wave 3 data, and my primary reason for trying to start this  
39 conversation is I would like to us to try to get these buffers  
40 as accurate and fair as we can.

41  
42 I would like for us to revisit this at the next meeting, Mr.  
43 Chair, if you could put it back on the agenda. Part of me wants  
44 to try to move something now, but I think these numbers are  
45 preliminary. There is several things that's going to happen by  
46 the time we have our next meeting, even though the numbers will  
47 still be preliminary at that point. We don't get final numbers  
48 until about April, but, at that point, we should a have a lot



1 better idea of where we sit, and we will have a good handle on  
2 exactly where we're going, and so thank you for indulging me.

3

4 **CHAIRMAN GREENE:** Thank you, Mr. Diaz. Ms. Bosarge.

5

6 **MS. BOSARGE:** Dr. Crabtree, I just saw these numbers for the  
7 first time too, and I'm just wondering, since they are  
8 preliminary, and I'm looking at that 111 percent, and I didn't  
9 realize that's where we were, how much can that change up or  
10 down?

11

12 I mean, is it possible that the private anglers are really 20  
13 percent lower than that? In other words, it wouldn't be 20  
14 percent, but they're at 90 percent or something, and so we're  
15 not continuing to fish over and above the ACL? Could it change?  
16 I am hoping that there's that much wiggle room that we're not  
17 doing something that is --

18

19 **DR. CRABTREE:** I don't really want to speculate on that. All I  
20 can tell you is there is still fishing yet to come, and there is  
21 still landings that are unaccounted for. How the landings might  
22 change when they're revised, I wouldn't want to speculate on it.

23

24 **CHAIRMAN GREENE:** Okay. Mr. Banks.

25

26 **MR. BANKS:** Just a quick point. You can almost guarantee that  
27 there will be another 75,000 or so pounds added from Louisiana.

28

29 **CHAIRMAN GREENE:** Thank you, sir. Okay. Any further  
30 discussion? Madam Chair Bosarge.

31

32 **MS. BOSARGE:** Thank you, and I appreciate that update from  
33 Louisiana, and we do all have to work together, because it is  
34 one big stock of fish, and so I hope that we will continue to  
35 talk about this as a group and realize that we do have to try  
36 and, where we can, get on the same page, because it doesn't do  
37 the fishermen any good if we fish too hard on this stock and  
38 they have to draw out the rebuilding of that fishery to get it  
39 back to a healthy population, to where they can enjoy it again,  
40 and so I just want to keep that in mind, and let's all try and  
41 work towards that goal, and I have no control over what happens  
42 in other realms, but I just hope we will all at least have that  
43 mindset as we talk about those things in your own domains and  
44 make your decisions.

45

46 **CHAIRMAN GREENE:** Okay. I don't see any further discussion, but  
47 I have one question for Dr. Crabtree and some of the individuals  
48 on that side of the table. My understanding of a payback is

1 that, if we are at 111 percent of the ACL and we go over it that  
2 we will subtract 11 percent from next year? Is that correct?

3  
4 **DR. CRABTREE:** In this case, if the private component is over by  
5 300,000 pounds, then that would be deducted off of the private  
6 component ACT and ACL the next year, and their season would be  
7 reduced by that amount.

8  
9 **CHAIRMAN GREENE:** Okay. That's what I understood, and I was  
10 just curious.

11  
12 **DR. CRABTREE:** Yes, and, I mean, if you look at this with a  
13 couple of hundred thousand fish, that's something to be  
14 concerned about, but, compared to the overall uncertainties that  
15 come out of how many days states are going to allow, that's a  
16 much larger uncertainty in the whole thing, and so, in terms of  
17 determining what the private sector season will be next year,  
18 the biggest determining factor will be what are the states going  
19 to do.

20  
21 **CHAIRMAN GREENE:** With the uncertainty in not getting final  
22 numbers until next April and not knowing how far over we are,  
23 how would you handle that? Would we go into the April meeting  
24 and you would say we are this many pounds over and we are  
25 reducing the overall quota by this amount and set the seasons  
26 based on what the state seasons are going to be or are assumed  
27 they're going to be? I hate to bash anyone or imply that, but I  
28 am just trying to figure out, in my head, how this is going to  
29 go down. In April, you come in and these are the updated,  
30 corrected landings and this is our intent of how we move  
31 forward?

32  
33 **DR. CRABTREE:** At some point, we'll have to make the best  
34 determination we can on the landings that we have, as to whether  
35 we're over or not, and we'll make that adjustment, if any is  
36 required, to the quotas for next year. Then we'll go through a  
37 process, again, of asking the states, what are your seasons  
38 going to be, and then we'll do a projection, as we've done in  
39 the past, and put out a season notice, but exactly when that  
40 occurs, I couldn't tell you, but my guess is we will notify you  
41 what the season is something along the same timeline as we have  
42 for the past couple of years.

43  
44 **CHAIRMAN GREENE:** Thank you very much. Mr. Diaz.

45  
46 **MR. DIAZ:** Dr. Crabtree, I am going to -- What you just said is  
47 not quite how I thought it was, and maybe I just misunderstood  
48 you. Tell me if I'm wrong here, but there will only be a



1  
2           **DRAFT AMENDMENT 46 - GRAY TRIGGERFISH REBUILDING PLAN**  
3           **SSC COMMENTS ON COMMERCIAL AND RECREATIONAL DECISION TOOLS**  
4

5 **DR. POWERS:** I am not sure if I had a PowerPoint for this, but  
6 this was reviewed by the SSC, and, basically, the decision tool  
7 for gray triggerfish, the tools, is a spreadsheet mechanism to  
8 try to evaluate what the effects of certain regulations, in  
9 particular season closures and bag limits and things like that,  
10 and the focus, I think, was more on season closures.

11  
12 The SSC basically reviewed this, and this was the motion that  
13 was passed. We recommended that it would be useful, but there  
14 is, as always, some however's. If you go to the next slide,  
15 again, this is a little bit of the background, and one of the  
16 difficulties in these sorts of things is that you're trying to  
17 predict human behavior, basically what happens to people when  
18 fishing has stopped. Do they stop fishing and go home? Do they  
19 do something else that includes fishing and so on?

20  
21 What was done in the past was that this wasn't modeled very  
22 effectively, and, as noted in the document, the underestimate of  
23 what the catches would be was fairly significant, 20 to 30  
24 percent, and so they made some adjustments here, in terms of  
25 trying to accommodate that, by looking at the ratios of catches  
26 in one wave of the MRFSS/MRIP data versus the following waves  
27 and using that ratio as an adjustment. By doing this, and you  
28 did it separately for headboats and charter boats and private  
29 boats, that was accommodated in the methodology.

30  
31 Of course, this sort of -- Any sort of projection like this,  
32 what you're trying to do is say, well, the only data we have  
33 that is kind of indicative of what people might do in the near  
34 term is what has happened over the recent past, and that's  
35 essentially what is being used in this sort of method, but there  
36 are things that happen to the stock itself that are really not  
37 accommodated by this method, and that is changes in sizes of  
38 fish being targeted and changes in recruitment and growth of the  
39 individuals in the population and so on.

40  
41 Essentially, what we're kind of reminding people here is that  
42 this decision tool, I think, is very useful, but don't plan on  
43 using the exact same methodologies year after year after year,  
44 because, basically, you've got to tie it to the most recent  
45 past, and that's essentially the conclusion. Thank you.

46  
47 **CHAIRMAN GREENE:** Thank you. Is there discussion or questions  
48 about the SSC? Okay. I don't see anything for you. Thank you,

1 Dr. Powers. Okay, Dr. Simmons.

2  
3 **REVIEW OF DRAFT AMENDMENT**  
4

5 **DR. SIMMONS:** Thank you, Mr. Chairman. I would like to walk  
6 through the document, and that's Tab B, Number 9(a). Right now,  
7 we have Sections 1 through 3 drafted, and I will walk through  
8 each of the actions and get some feedback from the committee. I  
9 have some specific things as we go through the document, but I  
10 would like to start in the background on page 1.

11  
12 We were requested to update the landings information as far back  
13 as we could go, and that was to 1986. We've included that in  
14 the document, and we've added a couple of paragraphs to explain  
15 the sources and the changes in the recreational landings from  
16 MRFSS to MRIP calibration, and so I wanted to make a note of  
17 that.

18  
19 I would just remind everybody that the reason we're working on  
20 this document is the most recent stock assessment for gray  
21 triggerfish found that we were not making adequate progress  
22 towards rebuilding. The stock is still overfished, and the  
23 council has to prepare a plan to rebuild the stock as quickly as  
24 possible, but not to exceed ten years, but this plan has to be  
25 implemented by November of 2017, and so we're planning to bring  
26 a public hearing draft to the council in January for your  
27 review, and so keep that in mind as we're walking through.

28  
29 If there's no questions on the background information that was  
30 added, we can go to the purpose and need, and that's on page 7.  
31 We haven't made any changes to this since you last reviewed it  
32 in August. We will go on to Action 1, if there is no questions  
33 or comments, and that is on page 11.

34  
35 This starts the management alternatives, and Action 1 would  
36 establish a rebuilding time period. Alternative 1 is the no-  
37 action alternative. It would maintain the current five-year  
38 rebuilding time period that began in 2012 and would end in 2017.  
39 Alternative 2 would be the most conservative alternative you  
40 have, and it would close the fishery, starting in 2017, to  
41 rebuild the stock in six years or less, whereas Alternatives 3,  
42 4, and 5 would use the SSC's recommended rebuilding time period  
43 for gray triggerfish, based on the eight years, which is  
44 Alternative 3, or by the end of 2024, by nine years, or by the  
45 end of 2025, and Alternative 5 is by ten years, or the end of  
46 2026. Would you like me to go to the Reef Fish AP comments, or  
47 I can stop there and see if there is questions and then go to  
48 the comments regarding Action 1.

1  
2 **CHAIRMAN GREENE:** I don't see anybody raising their hand, and so  
3 let's go ahead and go through the AP comments now, please.

4  
5 **DR. SIMMONS:** Okay. We reviewed the document, and all AP  
6 members expressed -- I am on page 5 of Tab B, Number 13, that  
7 big report. It's page 5. We walked through the document. I  
8 walked through the document with the AP, the rebuilding plan,  
9 and we discussed the timelines, but all AP members expressed  
10 concern with the results of the stock assessment, stating that  
11 gray triggerfish were caught on every reef site each member had  
12 fished from St. Petersburg, Florida to Galveston, Texas.

13  
14 One member stated they had caught several gray triggerfish in  
15 sixty feet of water. Some were undersized. However, they were  
16 also catching legal-sized fish. Overall, the AP felt the stock  
17 had recovered and a new stock assessment was needed before  
18 making any management changes. Staff informed them that that  
19 wasn't possible, based on the stock assessment schedule, and the  
20 council has to move forward with a rebuilding plan at this time.  
21 We told them, and I think it's in 2018, we currently have a  
22 stock assessment scheduled for gray triggerfish.

23  
24 Based on what AP members were observing on the water, they felt  
25 that a ten-year rebuilding plan for gray triggerfish was  
26 warranted, and they passed a motion. By a vote of thirteen to  
27 zero with one abstention, the AP recommends, in Action 1, that  
28 the council select Alternative 5 as the preferred. I will stop  
29 there and see if there are some questions.

30  
31 **CHAIRMAN GREENE:** Okay. Thank you. Dr. Crabtree.

32  
33 **DR. CRABTREE:** They said ten years was warranted based on what  
34 they're seeing in the water, and what is that they're seeing in  
35 the water? I am not connecting the two.

36  
37 **DR. SIMMONS:** That the stock had recovered. They are seeing  
38 triggerfish, and they are catching triggerfish of legal size in  
39 the Gulf of Mexico from St. Petersburg, Florida to Galveston,  
40 Texas.

41  
42 **DR. CRABTREE:** But how does that lead you to conclude that we  
43 need to take the maximum amount of time to rebuild? Why  
44 wouldn't that lead one to think that we can rebuild even faster?

45  
46 **DR. SIMMONS:** I think the thinking here was that this  
47 alternative, if you go to Action 2, matches up with the catch  
48 levels, which could be the greatest under the ten-year

1 rebuilding time, and the stock could handle that ten-year  
2 rebuilding time and allow greater catch levels. I think that  
3 was the feeling, and maybe Mr. Fisher is still on the webinar  
4 and he can add to that. He had to leave? I'm sorry.

5

6 **DR. CRABTREE:** That's fine. Thanks.

7

8 **CHAIRMAN GREENE:** Okay. Anybody else want to -- Was there  
9 anything else, Dr. Simmons? Okay. Anybody want to weigh in on  
10 gray triggerfish? I want to, but I am going to hold off. Mr.  
11 Matens.

12

13 **MR. MATENS:** Some of you guys that are professionals may have to  
14 help me here. In Alternative 1, we can stay the course and we  
15 get rebuilt in whatever time it is. In Alternative 2, which is  
16 the most conservative, it takes longer, and am I missing  
17 something in the numbers? With zero fishing mortality, it's  
18 going to take longer than the present plan.

19

20 **CHAIRMAN GREENE:** Dr. Simmons.

21

22 **DR. SIMMONS:** Basically, we're not on track, and we wouldn't be  
23 rebuilding this stock. Our current rebuilding plan ends in  
24 2017, and, based on the stock assessment, and Mara can help me  
25 with this, it was found that we're not meeting -- The stock  
26 assessment told us that we weren't making adequate progress  
27 towards rebuilding, and so basically we have to do something  
28 different. We have to revise the plan. My understanding is  
29 that is not a valid alternative.

30

31 **MR. MATENS:** I understand then that Alternative 1 is a loser.  
32 If we go to Alternative 2, with zero fishing mortality, not, of  
33 course, considering dead discards, we are going to recover the  
34 stock in six years. I just don't think that's -- If that's what  
35 we have to do, and it's still going to take six years, I am  
36 uncomfortable about how we can extrapolate other projects to  
37 eight years, nine years, or ten years, and am I off here?

38

39 **CHAIRMAN GREENE:** Thank you, Mr. Matens. I saw some other  
40 hands, but I guess you've got everybody stumped, Mr. Matens.  
41 Okay. We have had some questions about establishing a  
42 rebuilding timeline. We have a deadline that we have to have  
43 something in place by November of 2017.

44

45 I think it's best that we move on ahead and try to come up with  
46 something a little definitive, as far as which direction as a  
47 committee/council that we want to move on this to be able to hit  
48 our November 2017 deadline of getting this in. Dr. Crabtree.

1  
2 **DR. CRABTREE:** Kind of to Camp's question, the projections are  
3 set up making an assumption that I forget how many years, but  
4 after, I think, four years or so, the recruitments go back up,  
5 and that's why it can't rebuild until you get the recruitments  
6 to go back up, and then it rebuilds very quickly. Now, whether  
7 that will really happen or not is anyone's guess, and, if the  
8 recruitments don't go back up, then it won't rebuild. I don't  
9 think it rebuilds under any scenario.

10  
11 **MR. MATENS:** To that point, Roy, I ask this to you  
12 professionals. The fact that this thing is a nest builder, is  
13 that creating any uncertainty in your projections?  
14

15 **DR. CRABTREE:** I can't answer that. I don't know. There is  
16 always a lot of uncertainty in knowing what recruitment is going  
17 to do. There has been a long, declining trend in recruitment,  
18 and, to the best of my knowledge, no one can explain why that  
19 could happen, and I don't know if Joe can add anything to that  
20 or not, but that, I think, is what makes these projections kind  
21 of unique.  
22

23 **MR. MATENS:** The net is we have a lot of uncertainty.  
24

25 **CHAIRMAN GREENE:** Thank you. As committee chair, I am certainly  
26 not going to make a motion, but, at Full Council, I am, and I  
27 will just tell you that right now I am kind of thinking nine  
28 years is where I'm going to be come Thursday, and so, for your  
29 consideration and complete disclosure, just to let you know  
30 that's what is probably coming down the pipe. If nobody else  
31 has anything, Dr. Simmons.  
32

33 **DR. SIMMONS:** Thank you, Mr. Chair. I was just trying to answer  
34 Mr. Matens's question. I think, in the stock assessment,  
35 recruitment has always been a concern. It's always been an  
36 issue in informing the model, because they have such an unusual  
37 life history, gray triggerfish do.  
38

39 The males have these huge territories, and they build nests in  
40 the sand. They bring the females in and they spawn, and then  
41 the females guard the nests with a dominant male swimming  
42 around, and then the eggs hatch and the larvae go up into the  
43 water column, is what we know, or we think we know, from  
44 studies.  
45

46 Once the larvae are up in the water column, they spend a long  
47 time up in the water column. It's estimated between four to  
48 seven months, and they are closely associated with sargassum.



1 Then they drop down, in the fall, to benthic structure, and  
2 they're closely associated with structure.

3

4 I think that time period that they're up in the plankton, before  
5 they drop down and recruit, is not being captured very well in  
6 our fishery-independent data collection methods. We have the  
7 larval index, but remember that stopped in 2007 in the last  
8 assessment, and so the council wrote a letter and requested the  
9 Science Center update those indices and make sure they're  
10 included in the next assessment, hoping that would help better  
11 inform recruitment.

12

13 I think there's a few things like that, because they're so  
14 unusual, that don't fit the box that we have for many other  
15 species, as far as capturing that type of information that is  
16 causing potentially some of the gaps in recruitment, and so that  
17 may be part of the problem with us trying to inform recruitment  
18 for this species.

19

20 **CHAIRMAN GREENE:** Mr. Walker.

21

22 **MR. WALKER:** I am just going to add that I agree with a lot of  
23 what the AP recommended, or maybe nine years, like Johnny is  
24 leaning towards, but I would say, since 2006, I have noticed the  
25 most triggerfish on the water this last year in a long time, a  
26 lot of bigger triggerfish too, and I know a lot of people are  
27 keeping twelve fish. I heard one guy the other day had a  
28 hundred and something pounds, and he just kept the twelve  
29 biggest fish as he fished along.

30

31 The abundance is up. From Pensacola to Biloxi, there is a lot  
32 of triggerfish, and I would just like to keep that in mind right  
33 now. About the recruitment, I couldn't tell you, but I can tell  
34 you about the abundance of triggerfish. There is plenty of them  
35 there, and I think Johnny has witnessed this as well.

36

37 **CHAIRMAN GREENE:** Mr. Diaz.

38

39 **MR. DIAZ:** To try to spark a little bit more discussion, I am  
40 going to make a motion for a preferred. Are you ready for that  
41 at this time, Mr. Chairman?

42

43 **CHAIRMAN GREENE:** Absolutely.

44

45 **MR. DIAZ:** I will make a motion that we make Alternative 5 the  
46 preferred alternative in Action 1.

47

48 **CHAIRMAN GREENE:** We have a motion, and it's been seconded, for

1 Alternative 5, which would establish a rebuilding time period of  
2 ten years. It's been seconded. Is there any discussion as to  
3 Alternative 5, Dale, as to why you're making that one?

4  
5 **MR. DIAZ:** I just think that the ten-year timeframe is  
6 reasonable. We're going to have another stock assessment coming  
7 in a couple of years, and, just everything I see in the  
8 document, I think, to me, that just seems like the right way for  
9 us to go at this point in time.

10  
11 **CHAIRMAN GREENE:** Okay. Fair enough. Anybody else wish to  
12 weigh in? Ms. Levy.

13  
14 **MS. LEVY:** I just think you're going to articulate how that's  
15 the shortest time possible, taking into account the needs of the  
16 fishing community, meaning the T<sub>min</sub> is six years and then you  
17 have a ten-year maximum, and you're choosing the maximum. There  
18 needs to be some sort of articulation about why choosing the  
19 maximum is appropriate here.

20  
21 The way that this document is structured is a little bit  
22 different, because we have separated the rebuilding time period  
23 from the catch levels, and it's done like that because there is  
24 the possibility of choosing a rebuilding timeframe that's long  
25 enough to allow you to keep the status quo catch levels, right,  
26 because the six-year rebuilding timeframe and the eight-year  
27 rebuilding timeframe would require, obviously, six years of  
28 drastic no catch level, and eight years would require a cut in  
29 the catch level.

30  
31 Nine and ten years allow you to keep the status quo catch level,  
32 and they have higher catch levels associated with those  
33 timeframes, but we've talked a lot about the fact that it's  
34 going to be very difficult to justify increasing the catch  
35 levels when you have a stock that is not currently making  
36 adequate progress towards rebuilding.

37  
38 The way this is structured is it allows you to pick a timeframe  
39 that potentially allows you to maybe keep the status quo catch  
40 levels and come up with a rationale for why that's appropriate,  
41 the shortest time possible and needs of the fishing community  
42 discussion, but, in order to pick a ten-year time period, I  
43 think you're going to need to have more discussion about how  
44 that is the shortest time possible.

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

47  
48 **DR. CRABTREE:** Looking at this, I think, if you look at the next

1 action, the status quo ABC is 305,000 pounds, about. If you  
2 went to eight years, it would require you to cut even deeper  
3 than that, and that would have economic impacts on people, and I  
4 can see why we might want to do that, but, going to ten, and I  
5 agree with Mara.

6  
7 I don't think we're going to be able to raise the catch levels,  
8 and so you're taking extra time, but what I'm looking at  
9 indicates, with the status quo catch levels, we can actually  
10 recover in nine years, and so it's hard for me to argue that we  
11 need to take longer, because we're not going to be able to raise  
12 those catch levels anyway.

13  
14 **I would like to offer, and I think we have a motion on the**  
15 **board, but I'm going to offer a substitute motion that we**  
16 **choose, for Action 1, the preferred alternative to be**  
17 **Alternative 4, which is the nine-year rebuilding plan.**

18  
19 **CHAIRMAN GREENE:** Thank you, Dr. Crabtree. We have a substitute  
20 motion on the floor to make Alternative 4 the preferred  
21 alternative. Is there a second for this motion? It's seconded  
22 by Dr. Frazer. Any further discussion pertinent to Alternative  
23 4? Okay. We've done pretty good on this so far, and so I'm  
24 going to try again. **Is there any opposition to the motion on**  
25 **the board to make Alternative 4 the preferred? Seeing no**  
26 **opposition, the motion carries.** Okay. Is there further  
27 discussion? Okay, Dr. Simmons.

28  
29 **DR. SIMMONS:** Okay. Thank you, Mr. Chair. Let's go to Action 2  
30 on page 13. As has already been discussed, this action is  
31 closely tied to Action 1, the rebuilding time period.  
32 Alternative 1 is the no action alternative, and we have the  
33 current commercial and recreational ACLs and ACTs listed.

34  
35 Alternative 2 would match Alternative 2 in Action 1, where  
36 you're going to zero pounds until a new stock assessment has  
37 been completed, and then Alternative 3 uses the SSC  
38 recommendations of the mean ABC yield streams for 2017 through  
39 2019 for each of the rebuilding times. Option a is the eight-  
40 year, Option b is the nine-year, and Option c is the ten-year.  
41 Then there are the recreational and commercial ACLs and ACTs.

42  
43 The buffer between all the recreational ACLs and ACTs is the 8  
44 percent buffer between the ACL and the ACT for the commercial  
45 sector and 20 percent buffer between the ACL and the ACT for the  
46 recreational sector, and that was based on using the council's  
47 ACL/ACT control rule for landings from 2012 through 2015.

48

1 I wanted to note here, and I think we've discussed this a little  
2 bit already, that we're currently managing the fishery based on  
3 the quotas, the ACTs, and I wanted to point out that if you  
4 select the nine-year rebuilding plan, which you have, in  
5 committee, that any alternative, and this is on page 15, except  
6 Alternative 3, Option c could be selected in this action.

7  
8 If an eight-year rebuilding time period is selected, which you  
9 did not to date, then you are just limited to Alternative 2 and  
10 Alternative 3a. As has been stated, under the nine-year  
11 rebuilding plan, you can select status quo catch levels.  
12 Hopefully I didn't confuse everyone, and I will stop there.

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

15  
16 **DR. CRABTREE:** Given where we are with this right now and that  
17 we have a notification that we're not making adequate progress  
18 in rebuilding, it seems to me the best we can do is to maintain  
19 the status quo catch levels, and so I would make a motion that  
20 we select Alternative 1 as our preferred in Action 2.

21  
22 **CHAIRMAN GREENE:** Okay. We have a motion coming on the board.  
23 Is there a second for this motion? It's seconded by Dr. Frazer.  
24 Thank you. Is there discussion? Dr. Crabtree.

25  
26 **DR. CRABTREE:** I just don't see how we can do any better than  
27 that until we get a new information or a new assessment,  
28 something to give us some justification. I hope what we're  
29 hearing, that the stock's abundance is increasing and there are  
30 good things happening, will show up and that we'll be able to  
31 raise these catch levels, but, until we have that, I just think  
32 this is the best we can do for the fishery.

33  
34 **CHAIRMAN GREENE:** Okay. Thank you. Any further comments?  
35 Seeing no further comments, we have a motion on the board. I  
36 believe it is correct, as it's written. Is there any further  
37 discussion? **Seeing none, is there any opposition to the motion**  
38 **on the floor? Seeing no opposition, the motion carries.** Dr.  
39 Simmons.

40  
41 **DR. SIMMONS:** Thank you, Mr. Chairman. I will just state, for  
42 the record, that the AP's recommendation for this action was  
43 Alternative 3, Option c, as the preferred. Let's go to Action  
44 3, recreational management measures.

45  
46 **CHAIRMAN GREENE:** Hold on one moment, please. Ms. Bosarge.

47  
48 **MS. BOSARGE:** Just a question. That's a projection that we had,

1 and we're going to stay with it, but is that for the whole nine  
2 years, that it will stay at that quota for the nine years?

3

4 **DR. CRABTREE:** I sure hope not, but I think it's until we get a  
5 new stock assessment or some sort of analysis to give us a basis  
6 for changing.

7

8 **CHAIRMAN GREENE:** Thank you. Mr. Diaz.

9

10 **MR. DIAZ:** I know this is not directly related to this document,  
11 but, Dr. Crabtree, did you get a chance to look at the MRIP  
12 projections on what was caught with gray triggerfish in this  
13 current year?

14

15 **DR. CRABTREE:** No, I haven't, but Jack could inquire and we can  
16 find out.

17

18 **MR. DIAZ:** Okay. I don't believe -- I haven't looked at them,  
19 but somebody had told me that we went substantially over, and if  
20 we could at least discuss that while we're talking about  
21 triggerfish today, I would appreciate it.

22

23 **CHAIRMAN GREENE:** Okay. Thank you. Dr. Simmons.

24

25 **DR. SIMMONS:** Thank you. We will go to page 16, recreational  
26 management measures. We currently have three actions regarding  
27 the recreational management measures, a fixed closed season,  
28 modifying the fixed closed season, modifying the recreational  
29 bag limit, and modifying the recreational minimum size limit.

30

31 Alternative 1 under modify the recreational fixed closed season  
32 is no action, do not modify the recreational fixed closed season  
33 of June 1 through July 31 for gray triggerfish. Then you can  
34 see Alternatives 3 through 5 would change that fixed closed  
35 season, and these are the alternatives you currently have for  
36 this amendment.

37

38 Action 3.2 would modify the recreational bag limit. We are  
39 currently at two gray triggerfish per angler per day within the  
40 twenty reef fish aggregate, and so the only alternative is to go  
41 to one fish under this action.

42

43 Then Action 3.3 would modify the recreational minimum size  
44 limit. Alternative 1 is the no-action alternative, do not  
45 modify the recreational minimum size limit from fourteen inches  
46 fork length. Alternative 2 would increase it to fifteen inches,  
47 and Alternative 3 would increase it to sixteen inches fork  
48 length.

1  
2 **CHAIRMAN GREENE:** Okay. What was the AP's decision on this?

3  
4 **DR. SIMMONS:** That is on page 6, and so they voted -- Twelve to  
5 zero with two abstentions, they recommended, in Action 3.1, that  
6 the council select Alternative 4 as the preferred alternative  
7 for the fixed closed season. That is January through the end of  
8 February and from June 1 through July 31.

9  
10 Then they didn't recommend any change on the bag limit, unless  
11 it looked like they were going to have a closure right after the  
12 fixed closed season, and they were basing it on that ten-year  
13 rebuilding time and the increased allowable catches, and so they  
14 were thinking that that fixed closed season would meet the  
15 quotas.

16  
17 They thought that if it was not enough, if that fixed closed  
18 season was not enough to reduce the recreational harvest, some  
19 members stated that reducing the bag limit would be preferable  
20 to an additional closed season later in the year.

21  
22 Then we discussed the minimum size limit. Fourteen inches,  
23 everyone felt that was a big triggerfish and greater than the  
24 size of reproductive maturity and, therefore increasing the  
25 minimum size limit was not recommended at this time. That  
26 should say that in the report. There's a typo. By a vote of  
27 thirteen to zero and one abstention, the AP recommends, in  
28 Action 3.3. that the council select Alternative 1 as the  
29 preferred, no action, for the minimum size limit. I will stop  
30 there.

31  
32 **CHAIRMAN GREENE:** Thank you. Are there discussions about closed  
33 seasons, bag limits, or size limits, et cetera, on triggerfish?  
34 Anybody wish to move forward on this? Mr. Boyd.

35  
36 **MR. BOYD:** Just a question, Carrie. Was there a specific reason  
37 given for a January 1 through either February or January 31  
38 closure? Was there something special about that month or those  
39 two months?

40  
41 **DR. SIMMONS:** We didn't talk about that in a whole lot of  
42 detail. I just assumed the weather is rough and there is  
43 probably not a whole lot of effort then, but, based on the  
44 recent 2015 landings, we did have quite a few landings in 2015  
45 during those months.

46  
47 You have a couple of members of the AP that are in the audience,  
48 and so I don't know if they can help me out with that, but we

1 didn't discuss those specifics, but it's just that this was  
2 projected to meet the ten-year rebuilding plan and those catch  
3 levels that were in Action 3, but now the council has selected  
4 status quo, or the committee has selected status quo, and so  
5 we'll have to do more, I think, when we get to the tables, than  
6 just this fixed closed season, in order to stay within the catch  
7 levels.

8  
9 **MR. BOYD:** Thank you.

10  
11 **CHAIRMAN GREENE:** I will try to elaborate on that. The catch  
12 levels did go up some in January and February in the last couple  
13 of years. Outside of that, I think it's just basically  
14 desperation and trying to find some way to achieve the goal, and  
15 we've got to close it here and close it there and do whatever,  
16 and that's the sense that I get from all fishermen across the  
17 board, recreational or charter or whatever. With that, I kind  
18 of understand where they're coming from on it, and so I am not  
19 going to sway your opinion on this one way or the other, but, if  
20 you all would like to have any discussion, I will certainly be  
21 glad to entertain that now. Mr. Walker.

22  
23 **MR. WALKER:** I would just like to add that I had a comment. I  
24 had a recreational fisherman express to me that he would like to  
25 be able to catch triggerfish when his children get out of school  
26 in the summertime, and so that was just one thought of one  
27 fisherman likes to carry his family out in the summertime. Of  
28 course, there is charter and headboats involved too, and so I  
29 just wanted to add that in there.

30  
31 **CHAIRMAN GREENE:** Okay. Is there further discussion? Okay. At  
32 Full Council, I will probably be looking at the January and  
33 February and June and July closures and probably leave the rest  
34 of it as is.

35  
36 I am pretty well torn between two fish and one fish, and,  
37 granted, fourteen inches is a big triggerfish, but it won't be  
38 for long, because, at the rate they're growing right now, it  
39 won't be uncommon to see some really big ones before long.  
40 That's just my opinion, and I do not wish to sway you either  
41 way, but, come Thursday, that's my direction. Dr. Crabtree.

42  
43 **DR. CRABTREE:** Just coming back to Dale's question about the  
44 landings, you have them in Tab A-10 in the briefing book, and  
45 you are right. There was a substantial overrun on the  
46 recreational side over the ACL.

47  
48 **CHAIRMAN GREENE:** Okay, and so I'm going to go ahead and ask the

1 obvious question. How will that be handled?  
2

3 **DR. CRABTREE:** There is a payback next year, and, if you look  
4 at Table A-10, the ACL is two-hundred-and-one-thousand-and-some-  
5 odd pounds, and we caught 422,000. If you payback that, that's  
6 essentially nothing left.  
7

8 **CHAIRMAN GREENE:** Will that payback be exclusive to one year or  
9 will it carry over into the following?  
10

11 **DR. CRABTREE:** I think, the way the paybacks are set up, it's a  
12 one-shot deal, provided that we don't repeat it next year.  
13

14 **CHAIRMAN GREENE:** Ms. Guyas.  
15

16 **MS. GUYAS:** Just to follow up, I assume that you guys would  
17 announce, sometime before January, that there is no 2017 season,  
18 and is that right?  
19

20 **DR. CRABTREE:** That would seem to be what we'll have to do. I  
21 don't know if we have a timeline set to do that, Sue, yet or  
22 not, but --  
23

24 **CHAIRMAN GREENE:** So we go over the quota and there's no season,  
25 and that's in federal waters, but what happens in state waters?  
26 If they decide to keep seasons open, does that go into the  
27 following year? I mean, because, if all the states keep their  
28 state waters open and we've already hit our quota, we've already  
29 gone over, and it's shut down and the states continue to fish,  
30 which they may or may not, but, if they did, then we're  
31 basically never going to reopen in federal waters. Am I going  
32 down the wrong path here?  
33

34 **DR. CRABTREE:** If the ACL gets low enough and if the states keep  
35 state waters open, it becomes a problem, and it could be  
36 difficult to get out from under that until we get a new  
37 assessment or something.  
38

39 **CHAIRMAN GREENE:** Okay. Thank you. Sorry I injected my  
40 questions before I asked the committee, but, if anybody else  
41 wants to weigh in, please do so now. I couldn't help but take  
42 the bait on that one. Okay. How do you wish to proceed from  
43 here? Ms. Bosarge.  
44

45 **MS. BOSARGE:** I just had a question, and maybe this is for  
46 Bonnie, but, obviously, I guess, there could possibly be some  
47 landings, recreationally, in state waters. If we have no season  
48 this year that's coming up, how will that impact the stock



1 assessment, if you're going to essentially have no landings data  
2 and you're trying to figure recruitment and you only, I guess,  
3 are going to have fishery-independent. Are we going to have an  
4 issue? Is this going to be an even bigger conundrum with the  
5 stock assessment or no?  
6

7 **DR. BONNIE PONWITH:** I would have to go back and take a look and  
8 see if we have any indices that are dependent on fishery-  
9 dependent data, to be able to answer that. I can check with the  
10 analysts and find that out.  
11

12 **CHAIRMAN GREENE:** Okay. Thank you. I am certainly interested  
13 in that. Dr. Powers, would you care to weigh in on this  
14 conundrum that we are in that Ms. Bosarge asked Dr. Ponwith?  
15 Would you care to weigh in or no? Okay. I don't see anybody  
16 else raising their hand. Dr. Simmons.  
17

18 **DR. SIMMONS:** Thank you, Mr. Chair. One thing is you've given  
19 us some guidance on the catch levels and the rebuilding time,  
20 but I wanted to get some feedback, and we haven't spent a whole  
21 lot of time talking about effort shifting, and I don't think I  
22 did a very good job explaining it to the Reef Fish AP, and so I  
23 apologize to them, but I brought backup for the council meeting,  
24 in case I don't do a good job of explaining it to you guys at  
25 this meeting what that means and talk about it a little bit, if  
26 you want to consider that. I think Dr. Powers talked about this  
27 a little bit, and the SSC reviewed it.  
28

29 In the decision tools for the recreational component, you can  
30 select different percentages, and they are called scalars in  
31 there, from zero to 100 percent by private, charter, and  
32 headboat for percentages of effort shifting that you can  
33 consider with your other management measures in the model.  
34

35 To kind of give you an example of how that impacts the projected  
36 landings, if you want to look at Tables 2.3.5 and 2.3.6 in the  
37 document, and that's on page 27 and 28, it gives you an idea  
38 about, based on what you select for effort shifting -- Let's  
39 take a look at 2.3.5.  
40

41 Across the top, I have zero percent effort shifting in the first  
42 part of this table. I've got the closed season alternatives  
43 across the top and then the minimum size limits in the columns.  
44 Then I have 50 percent effort shifting and 100 percent effort  
45 shifting.  
46

47 Then, based on that, we have the projected landings that are  
48 estimated from the decision tool, and then the beautiful colors

1 we've got to play with here is whether or not it meets the  
2 various catch targets alternatives. Alternative 3a is the  
3 green. It's projected to be 142,410, or less than Alternative  
4 1, which is the committee's preferred alternative right now, the  
5 ACT of 217,100. It tells you which of those alternatives and  
6 minimum size limits, with the two-fish bag limit, are projected  
7 to meet that catch target. Then it looks at it for zero  
8 percent, 50 percent effort shifting, and 100 percent effort  
9 shifting.

10  
11 I have repeated that table, or we have repeated that table, on  
12 the next page, on page 28, where it has all the same parameters,  
13 except it goes down to the one-fish bag limit.

14  
15 To try to explain a little bit about the effort shifting, and I  
16 have Dr. Larkin who I think is on the webinar as well, but it's  
17 my understanding is what the model is, when the council sets up  
18 a fixed closed season, like the June/July fixed closed season we  
19 currently have during the spawning season, the effort that would  
20 have occurred in that sixty-some days during that fixed closed  
21 season is shifted to other times the season is open, and so  
22 January to May, based on those daily catch rates that he has  
23 predicted in his model, and so it's shifting the time, the daily  
24 catches that would have occurred in those sixty days during the  
25 fixed closed season, to the open season.

26  
27 Then if you decided to use an effort shift scenario of 10  
28 percent for twenty days of closed fishing, basically it's two  
29 extra days are distributed with those daily catch rates to the  
30 open season. I guess the question we have, from a staff  
31 perspective, is do we want to look at using an effort shift  
32 scalar, and, if so, what range would you like to see, other than  
33 what we currently have in the document? We chose zero, 50, and  
34 100 percent, and we did it across the board for all components.  
35 I will stop there and see if there are some questions, and you  
36 can provide some feedback to us.

37  
38 **CHAIRMAN GREENE:** Thank you, Dr. Simmons. Any discussion about  
39 effort shifting? Seeing none, if we decide not to tackle this  
40 effort shifting thing, then I guess it goes on the shoulders of  
41 someone else, and how would they calculate it?

42  
43 Would they use historical effort shifts or are they looking for  
44 some new information from us about what we think it should be,  
45 because I still don't know that I really truly understand it, to  
46 be completely honest with you, but that's just me being a boat  
47 captain, I guess, but, if we don't do anything with it, then  
48 it's going to go back to National Marine Fisheries, and then

1 they will have to assume effort shifting, which I guess they do  
2 all the time, and am I correct, Dr. Simmons?

3  
4 **DR. SIMMONS:** Yes, I think they would do that, and then they  
5 would use the projections and, say we have a fixed closed season  
6 and say if the catch levels are higher, then we may have an  
7 earlier closed season if they project the catch target is going  
8 to be met.

9  
10 I guess the most recent information that we have, on triggerfish  
11 anyway, is the last decision tool that we used for Amendment 37.  
12 I think the landings were about 21 percent off, or something  
13 like that, the predicted landings that were used in that model  
14 from the actual 2013 catches, as an example, and I believe that  
15 information was given to the SSC, and they discussed it a little  
16 bit, but we didn't spend extensive time on it.

17  
18 It's very difficult to predict these kinds of things. It's  
19 behavioral, and so I think we've only done this, I believe --  
20 Steven, correct me if I'm wrong, but did we do this for gag, a  
21 gag amendment, and we have just started to consider this type of  
22 scenario in the recreational sector.

23  
24 **MR. ATRAN:** No, not that I recall.

25  
26 **CHAIRMAN GREENE:** Okay. Thank you. Anybody else care to  
27 comment or make any discussion points about this? I really  
28 don't know how to -- If it was up to me, I don't know what I  
29 would do with this particular item, and so I will leave it up to  
30 the committee, and it doesn't look like they have any direction  
31 as well, and so, with that, I will hand it back over to you, Dr.  
32 Simmons, and we will carry on.

33  
34 **DR. SIMMONS:** Okay. Thank you. Did you want to get the Law  
35 Enforcement recommendations on the commercial and recreational  
36 management measures as well?

37  
38 **CHAIRMAN GREENE:** Absolutely.

39  
40 **DR. LASSETER:** Okay. I will speak to that. For Action 3,  
41 again, addressing the recreational management measures, the Law  
42 Enforcement Committee did not consider it an issue for them, the  
43 bag limit or the minimum size limit, but they did speak to the  
44 closed seasons, and they expressed a preference not to open and  
45 close fishing seasons more than once a year, and they expressed  
46 a further preference that the federal fishing season be  
47 consistent with the state regulations.

48

1 By consensus, the committee recommends, in Action 3.1, either  
2 Alternative 2 or 3, and they would prefer the alternative that  
3 would establish seasons consistent with state regulations, and  
4 then I can speak to the commercial regulation recommendations  
5 when get to that action.

6  
7 **CHAIRMAN GREENE:** Okay. Thank you. Any discussion about the  
8 Law Enforcement AP and their findings? Okay. I am not seeing  
9 anyone. Dr. Simmons.

10  
11 **DR. SIMMONS:** Thank you, Mr. Chairman. We will get on to our  
12 last action. It's on page 29, Action 4, modify the commercial  
13 trip limit. Currently, we have alternatives that allow the  
14 council to reduce or increase the trip limit. Of course,  
15 increasing the trip limit when they're in a rebuilding plan,  
16 when we haven't made adequate progress, we have to carefully  
17 consider that. The council has to carefully consider that.

18  
19 Since the twelve-fish trip limit was implemented in 2013 through  
20 Amendment 37, the commercial landings have been below, in 2014  
21 and 2015, the catch target, the ACT of the 60,900 whole weight,  
22 and it was 31 percent below in 2014 and 23 percent below in  
23 2015.

24  
25 Based on that, we will go into the alternatives, and that's why  
26 you see this is both a decrease and an increase in alternatives  
27 here, and so Alternative 1 is the no-action alternative, maintain  
28 the current trip limit of twelve gray triggerfish per trip.  
29 That's equivalent to about fifty pounds whole weight of  
30 triggerfish.

31  
32 Alternative 2 would decrease the trip limit for gray triggerfish  
33 to forty-five pounds whole weight, equivalent to approximately  
34 ten fish per trip, and Alternative 3 would increase the trip  
35 limit for gray triggerfish to sixty pounds whole weight,  
36 equivalent to about fourteen fish per trip, and Alternative 4  
37 would increase the trip limit for gray triggerfish to seventy-  
38 five pounds whole weight, equivalent to eighteen fish per trip.  
39 The average weight of triggerfish landed in the commercial  
40 sector currently is 4.28 pounds whole weight. Would you like  
41 the AP recommendations on this action, too?

42  
43 **CHAIRMAN GREENE:** Yes.

44  
45 **DR. SIMMONS:** Okay. These are the end, on page 6, and they  
46 spent considerable time talking about the trip limits, either in  
47 pounds or numbers of fish, and basically they had concerns that  
48 if went to a poundage of fish, and they were just one to two

1 pounds over that trip limit, that they could get a hefty fine,  
2 and so they were in favor of keeping the trip limits originally,  
3 I think how they're proposed in Amendment 37, which is by  
4 numbers, and they passed the following motion.

5  
6 With a vote of twelve to two with one abstention, the AP  
7 recommends, in Action 4, to modify the commercial trip limit to  
8 sixteen fish per trip and support the Law Enforcement AP  
9 recommendation, and they didn't have the new Law Enforcement AP  
10 recommendation, which Ava will give to you in a minute, but they  
11 were referring to what we had in the document, in Amendment 37,  
12 when we had changed it from pounds to numbers. I will stop  
13 there.

14  
15 **CHAIRMAN GREENE:** Okay. Thank you. Is there discussion? Will  
16 you go ahead and give the enforcement and then we'll look at all  
17 of it from there, please, Dr. Lasseter?

18  
19 **DR. LASSETER:** Okay. Thank you, Mr. Chairman. For this action,  
20 the committee noted that when a trip limit weight is low, such  
21 as those under these alternatives, or any weight that would be  
22 less than a hundred pounds or so, it's much easier for law  
23 enforcement to count a number of fish than it is to assess a  
24 weight of such a low amount.

25  
26 In contrast, if the trip limit was to be 500 pounds or more, in  
27 this example they gave, for them, it would then be simpler to  
28 enforce the trip limits by weight rather than number of fish.  
29 Therefore, given the alternatives in this action, the committee  
30 recommended that the commercial trip limit be set as a number of  
31 fish rather than by weight. That completes the Law Enforcement  
32 Report.

33  
34 **CHAIRMAN GREENE:** Okay. Thank you. We have the AP weigh in on  
35 this, and we've got an action here in front of us. Any  
36 discussion on the commercial? Mr. Swindell.

37  
38 **MR. SWINDELL:** I see, in Action 4, that we have in here that  
39 Alternative 4 is eighteen fish per trip, and you have that the  
40 AP had sixteen fish per trip. I mean, that's what is printed,  
41 and so I'm just trying to find out which one is right.

42  
43 **CHAIRMAN GREENE:** I think the AP did come out with sixteen, and  
44 I certainly don't want to speculate. Dr. Simmons, do you have  
45 anything you can add about why the AP came up with sixteen, as  
46 opposed to eighteen?

47  
48 **DR. SIMMONS:** That's a typo, I believe, in Alternative 3. It

1 should say sixteen, because fourteen times the 4.28 is almost  
2 sixty pounds. I apologize, but that should say sixteen.

3

4 **CHAIRMAN GREENE:** Okay. Thank you. Mr. Walker.

5

6 **MR. WALKER:** I guess the AP likes a number of fish and  
7 enforcement likes a number of fish. Then I guess it doesn't  
8 really support my seventy-five pounds that I wanted, and I  
9 certainly would like it to be enforced, and I wouldn't want one  
10 fish to cause someone to have a violation, and so you know,  
11 somewhere in the sixteen to eighteen, and I think seventy-five  
12 pounds divided by eighteen was right around 4.28 or somewhere  
13 like that. It was 17.52, I think. Somewhere in the sixteen to  
14 eighteen fish, and, if the AP is happy with sixteen, I would  
15 agree with that.

16

17 **CHAIRMAN GREENE:** Thank you. Ms. Guyas.

18

19 **MS. GUYAS:** I would tend to agree, I think, with both of the  
20 AP's recommendations to do numbers of fish instead of pounds.  
21 Would you be looking for a motion to restructure this action to  
22 all be in numbers rather than pounds and numbers? Does that  
23 make sense? Okay. I will make a punt at that, I guess. **I move**  
24 **that, in Action 4, the commercial trip limits in the**  
25 **alternatives be expressed in numbers of fish.**

26

27 **CHAIRMAN GREENE:** We have a motion on the board. Is there a  
28 second for this motion? It's seconded by Mr. Diaz. Is there  
29 further discussion? Okay. Thinking back to this, the reason  
30 that we -- We were at numbers, and we got into this poundage  
31 thing because there were people concerned about high-grading,  
32 and that's where this came from.

33

34 As David mentioned earlier, someone had a specific number of  
35 fish that was over a hundred pounds, and so the high-grading is  
36 a concern, and I don't know what we can do about that. I  
37 certainly don't want to have someone go a couple of pounds over  
38 and get a ticket. I think that the way that we put this in  
39 here, sixty pounds, which is equivalent to approximately  
40 fourteen fish, kind of gets at the notion of this is about how  
41 many pounds you should have and this is about how many fish you  
42 should have.

43

44 I don't think it was going to give anybody a leg to stand on to  
45 say, well, you went over because you went over sixty pounds,  
46 because, in the regulation, it clearly says which is  
47 approximately so on and so forth. That's just so people know  
48 that's where that came from. That's why we went down that path,

1 and I just wanted to make sure that people remembered that. We  
2 have a motion on the floor, and it has been seconded. Is there  
3 any discussion? Mr. Diaz.

4  
5 **MR. DIAZ:** I just want to state, Mr. Chairman, that Mr. Walker  
6 had convinced me that the pounds was the right way to go. I did  
7 second this motion, and I'm going to support the motion, because  
8 both the APs are wanting to go with the number of fish, but I do  
9 think the high-grading was a very good point, Mr. Walker, and it  
10 just looks like the APs want to go in a different direction, and  
11 I understand their logic too, and so I just wanted to explain  
12 how I flipped on this thing, but I do think that Mr. Walker made  
13 a very good point. Thank you.

14  
15 **CHAIRMAN GREENE:** Mr. Walker.

16  
17 **MR. WALKER:** I just would think maybe National Marine Fisheries  
18 Service could send out a bulletin just reminding people that  
19 high-grading is illegal, and it's a problem that we need to deal  
20 with, and it would be nice to have a little reminder sent out.

21  
22 **CHAIRMAN GREENE:** Thank you, Mr. Walker. Ms. Guyas.

23  
24 **MS. GUYAS:** I agree with both David and Dale's comments, but I  
25 think, in the end, we're going to have to pick one to put on the  
26 regulations, and it seems like numbers would be more  
27 straightforward for everybody, and so --

28  
29 **CHAIRMAN GREENE:** Mr. Boyd.

30  
31 **MR. BOYD:** I've just got a question for you, Johnny. When we  
32 were talking about establishing rebuilding time periods, we  
33 talked about the current catch limits and regulations, and  
34 didn't we have a comment about the fact that we may not want to  
35 change the way we're catching these fish and the limits, because  
36 then it would extend the rebuilding period? We had that  
37 conversation earlier, but that's what we're doing now.

38  
39 **CHAIRMAN GREENE:** I think I recall what you're talking about,  
40 and I think it was Dr. Crabtree that had mentioned that, but I  
41 don't know that it applied to the commercial side, because  
42 they've been so far under the quota in the last several years.  
43 I think that may be the difference and the contrast that we were  
44 speaking of earlier. It was in the recreational side, where we  
45 were really moving forward.

46  
47 With this being commercial, and they've been under quota the  
48 last three or four or five years, however long it's been, and I

1 don't know that one has to do with the other, but I certainly  
2 don't want to speak for Dr. Crabtree or anyone else, but that  
3 was my interpretation of what was said.

4  
5 **MR. BOYD:** Thank you.

6  
7 **CHAIRMAN GREENE:** Okay. We have a motion on the floor. It was  
8 seconded, and we've had discussion. **Is there any opposition?**  
9 **Seeing no opposition, the motion carries.** We have decided that  
10 we're going to do this in number of fish, and does anyone want  
11 to figure out what number of fish that is? Dr. Simmons.

12  
13 **DR. SIMMONS:** I just wanted to clarify. I did misspeak, I  
14 guess, about the sixteen fish, using the 4.28 pounds, I guess.  
15 If you did want to include that alternative, now that we're in  
16 numbers of fish, that the AP recommended, that would be helpful,  
17 and I apologize for the confusion earlier.

18  
19 **CHAIRMAN GREENE:** Okay. Thank you. I guess we would need to  
20 make a motion to add another alternative to look at sixteen, to  
21 accommodate one of the AP's wishes. Mr. Walker.

22  
23 **MR. WALKER:** I move to make that motion.

24  
25 **CHAIRMAN GREENE:** We have a motion to add an alternative to  
26 increase the commercial trip limit to sixteen fish. Okay. It  
27 was seconded by Mr. Swindell. Any further discussion? Okay.  
28 We have a motion on the board. It is correct, and it has been  
29 seconded. **With no further discussion, is any opposition?**  
30 **Seeing no opposition, the motion carries.** Dr. Simmons.

31  
32 **DR. SIMMONS:** Thank you. I think the only other thing on this  
33 document that we would like you to do is think about public  
34 hearing locations, so we can start working on those after the  
35 January council meeting, when we bring you a public hearing  
36 draft, and, just to remind you, for Amendment 37, we held public  
37 hearings in Naples, and no one spoke about triggerfish there.  
38 In St. Pete, we had forty-five that attended. In Destin, we had  
39 eleven that attended. In Gulf Shores, we had two that attended.  
40 In Kenner, we had zero attendance. D'Iberville was zero,  
41 Galveston was zero, and Corpus had twelve students from Texas  
42 A&M University that showed up, but no testimony about  
43 triggerfish. Thank you.

44  
45 **CHAIRMAN GREENE:** Okay. We need to do something about sending  
46 this out and choosing scoping locations, or I guess there is the  
47 potential for a webinar or something else, and so, Dr. Ponwith,  
48 did you wish to speak?



1  
2 **DR. PONWITH:** I don't want to derail that part of that  
3 conversation, but I do have a follow-up response to Ms.  
4 Bosarge's question regarding the closure. Is that a good time  
5 for that, or did you want to wait until you were done with --  
6  
7 **CHAIRMAN GREENE:** Let's go ahead and decide what we're going to  
8 do on public hearing locations or webinars or something along  
9 those lines. Based on the participation that was outlined, it  
10 kind of has me a little baffled, but does anybody else find that  
11 intriguing and wish to do something different, or would the  
12 state representatives like to pick their locations at this time?  
13 How would you like to proceed? We've got to do something, guys.  
14 We've got to do a webinar or hearing locations. We've got to do  
15 something to stay on track here, and so, Mr. Blankenship.  
16  
17 **MR. BLANKENSHIP:** I feel you will get considerably more input on  
18 this than you got on Amendment 37 from Alabama, and so I would  
19 suggest that we have the public hearing in Spanish Fort, at our  
20 Five Rivers Facility. That's kind of in the middle.  
21  
22 **CHAIRMAN GREENE:** Thank you. Everyone else is in concurrence  
23 with that, I assume. Ms. Guyas.  
24  
25 **MS. GUYAS:** I think you will have participation at this one, and  
26 in-person would be good. We've been hearing a lot about  
27 triggerfish for quite some time. I think we're about to hear a  
28 lot more, and so, for Florida, I would say Destin and the St.  
29 Petersburg area.  
30  
31 **CHAIRMAN GREENE:** Thank you. Mr. Banks.  
32  
33 **MR. BANKS:** I would recommend a webinar in Louisiana. We don't  
34 have a tremendous amount of interest, I don't think.  
35  
36 **CHAIRMAN GREENE:** Thank you. Dr. Lucas.  
37  
38 **DR. LUCAS:** I am willing to go the same route as Patrick, since  
39 we didn't have turnout the last time. I do think we could  
40 possibly publicize it a little bit more, but a webinar would be  
41 fine.  
42  
43 **CHAIRMAN GREENE:** Okay. Thank you. Mr. Robinson.  
44  
45 **MR. ROBINSON:** I will go ahead and say Galveston and Corpus  
46 again. I think we'll get more participation this time.  
47  
48 **CHAIRMAN GREENE:** Okay. Thank you. Then I guess we can also --

1 The constituents in Mississippi can always travel to another  
2 location, and so, if we're good with that, we have picked our  
3 locations. Dr. Simmons, that completes what you need?

4

5 **DR. SIMMONS:** Yes, and thank you very much, Mr. Chairman.

6

7 **CHAIRMAN GREENE:** Okay. Now I will turn back to Dr. Ponwith,  
8 who wanted to reply to a question earlier.

9

10 **DR. PONWITH:** Thank you, Mr. Chairman. The feedback that I got  
11 from our analysts is that fishery-dependent data, those landings  
12 data, are important in the stock assessment, as one of the  
13 indices, but, because they also have a good, strong fishery-  
14 independent index, that is not an insurmountable issue, and so  
15 the short answer is it has an impact, but it's something that we  
16 can manage the stock assessment around.

17

18 **CHAIRMAN GREENE:** Okay. Ms. Bosarge, I think that was directed  
19 at a question you had. Did you have a follow-up, or are you --

20

21 **MS. BOSARGE:** No, but I was just trying to be proactive and  
22 think about down the line, because this was a stock assessment  
23 where, yes, it was given a blessing, but it wasn't the strongest  
24 blessing in the world, and so I just wanted to make sure that  
25 we're taking whatever strides we need to on the frontend.

26

27 If there's anything we can do on the council side -- I can't see  
28 an EFP fitting into this at this point, but I was just trying to  
29 think outside the box and see if there was anything that we  
30 needed to do to have the data that we need a couple of years  
31 from now, so that we don't have a hole and cause even greater  
32 uncertainties in something that we already had a little bit of a  
33 hiccup with.

34

35 **CHAIRMAN GREENE:** Okay. Thank you. I believe that concludes  
36 everything that we had for gray triggerfish, and we're actually  
37 a little bit ahead of schedule, and so I feel pretty good about  
38 that, considering that I did such a poor job at the last meeting  
39 of keeping us in there. We've got two hours slated for  
40 Amendment 41, and we're about thirty minutes ahead. Do you wish  
41 to take a break now? Let's take a break now, and so we will  
42 reconvene in about fifteen minutes.

43

44 (Whereupon, a brief recess was taken.)

45

46 **CHAIRMAN GREENE:** We are going to get started. We have a quorum  
47 of council members in the room. We are going to pick up on  
48 Draft Amendment 41, Red Snapper Management for the Federally-

1 Permitted Charter Vessels, and we're going to start off with a  
2 review of the draft amendment and then the Ad Hoc Red Snapper  
3 Charter AP comments as well. Dr. Lasseter, if you're ready.

4  
5 **DRAFT AMENDMENT 41 - RED SNAPPER MANAGEMENT FOR FEDERALLY-**  
6 **PERMITTED CHARTER VESSELS**

7  
8 **DR. LASSETER:** Thank you, Mr. Chairman. Okay. Yes, exactly.  
9 We're going to review both the document and go through the AP's  
10 comments, and Dr. Freeman and I are going to kind of play tag-  
11 team. I am going to focus on the amendment, and he will provide  
12 the AP's recommendations. I am actually going to let him begin  
13 with the section that precedes when the AP addressed the  
14 amendment.

15  
16 **DR. MATT FREEMAN:** Thank you, Ava. The AP convened for a day-  
17 and-a-half in Kenner last month, and the first section of the  
18 report addresses Dr. Stunz's proposal of a harvest tag program  
19 where tags would be allocated to recreational participants.

20  
21 This first section provides some of the pros and cons that the  
22 AP members came up with. The cons are part of that bulleted  
23 list at the bottom of the first page. One of them, offhand, is  
24 that individuals could purchase these harvest tags with the  
25 intent to not use them, which would then be a negative for the  
26 charter industry.

27  
28 Following the discussion, again, of the pros and cons, the AP  
29 passed the following motion, which is on the second page, to  
30 recommend that the council, regarding distribution of tags to  
31 anglers, that this AP does not recommend any further action or  
32 movement on this issue, and the motion carried ten to three.  
33 Let me pause there to see if there's any questions or discussion  
34 about that motion.

35  
36 **CHAIRMAN GREENE:** Okay. Thank you. Is there discussion? Okay.  
37 Not seeing any discussion, continue ahead, please.

38  
39 **DR. LASSETER:** Okay. Then we'll go ahead and move into the  
40 amendment. We are going to review the alternatives for each  
41 action, and then Matt will provide the AP recommendations, and  
42 then we'll come back for further discussion.

43  
44 Action 1 begins on page 17 of your document, and Action 1  
45 addresses the type of allocation-based management program.  
46 These alternatives have been revised to reflect the motion at  
47 your last meeting, and so we currently have the Alternative 1,  
48 no action. Alternative 2 would establish a fishing quota

1 program that uses both shares and annual allocation, with sub-  
2 options being Option 2a, an IFQ program, or Option 2b, a permit  
3 fishing quota program.

4  
5 Alternative 3 would establish a harvest tag program, and this  
6 would not use shares. It would use annual allocation only, and  
7 the annual allocation, while tags would be distributed each  
8 year, the amount distributed to each vessel would be  
9 recalculated, Option 3a, every three years, or Option 3b, every  
10 five years, and so I am going to turn it back over to Dr.  
11 Freeman to get some recommendations from the AP.

12  
13 **DR. FREEMAN:** Thank you, Ava. Again, the staff provided an  
14 overview and status update on Amendment 41 to the AP. For  
15 Action 1, first, the AP members discussed the council's removal  
16 of the permit fishing allocation, or PFA, program at the last  
17 council meeting.

18  
19 Following that, the members discussed whether they want harvest  
20 tags to continue to be considered by the council, and, again,  
21 this was following their previous discussion of the proposal by  
22 Dr. Stunz. They went through some of the pros and cons of this  
23 type of program and proceeded with the motion that the council  
24 move Action 1, Alternative 3, to Considered but Rejected.  
25 Again, Alternative 3 was establishing the harvest tag program,  
26 and that motion carried seven to six. I will pause there to see  
27 if there is any questions or discussion.

28  
29 **CHAIRMAN GREENE:** Thank you. Any questions or discussion? I am  
30 not seeing any. Continue ahead.

31  
32 **DR. LASSETER:** Okay. Thank you, Mr. Chairman. I also want to  
33 call attention to the structure of the document now. With the  
34 alternatives in Action 1 being narrowed down to two types, to  
35 two alternatives, granted with sub-options, we have consolidated  
36 the amendment, the remaining actions.

37  
38 Rather than there being a Section A and then B and C and D,  
39 there is now just one set of actions that run through the  
40 document, and so I wanted to provide the opportunity -- Was  
41 there any discussion on the programs, the alternatives, provided  
42 under Action 1 before I move on to Action 2?

43  
44 **CHAIRMAN GREENE:** Thank you. Is there discussion or questions  
45 or comments? Okay. I don't see any, and we can continue.

46  
47 **DR. LASSETER:** Okay. Perfect. Then we'll move on to Action 2,  
48 which begins on page 30 of your document. A little recap about

1 this action. This action began, or you requested the addition  
2 of it, to provide a voluntary program, to allow some charter  
3 operators to opt out if they did not want to participate in the  
4 program.

5  
6 Then the council refined what this opt-out really meant. Did it  
7 just mean that the charter operators would need to take actions  
8 themselves to join, or would they be required to take the action  
9 to remove themselves? Based on NMFS's preference and the  
10 feasibility for working the program, we clarified it so that it  
11 would require the operators to opt out of the program.

12  
13 This idea though of program participation overlaps with some  
14 other discussion that has occurred from the AP in terms of who  
15 would participate or what would be the requirements to  
16 participate, and so we're terming that program qualifiers, and  
17 so I'm going to turn this over to Matt to talk about the AP's  
18 recommendations for this action, and we have also lumped  
19 together these program qualifiers there as well.

20  
21 **DR. FREEMAN:** Thank you. Again, as Ava mentioned, Action 2  
22 addresses program participation. AP members noted the  
23 unlikelihood of a charter operator taking the action to opt out  
24 of receiving quota that in essence would be worth something.  
25 Following that line of thought and the discussion that ensued,  
26 they made a motion to recommend to the council that in Action 2  
27 to make Alternative 1 the preferred alternative, and that motion  
28 carried eleven to two.

29  
30 Following that motion, the discussion turned, as Ava pointed  
31 out, to possible qualifiers to participate in the program, and  
32 the thought process there was that the qualifiers would  
33 eliminate inactive permits from the distribution of quota, as  
34 holders of inactive permits would not be likely to meet these  
35 qualifiers. As a side note, some of the qualifiers that were  
36 brought forward may already be in place, may already be  
37 required, or already be under consideration by the council.

38  
39 The first motion they made was to recommend to the council was,  
40 to be in a federally-permitted program, you would need to have a  
41 federal permit, applicable state and charter fishing license,  
42 electronic logbook or other data collection system approved by  
43 NMFS, and an income qualifier, and that motion carried eight to  
44 four.

45  
46 The second motion was, as a program qualifier, require that  
47 vessels must meet all safety requirements and passenger  
48 requirements for their passenger capacity COI, and that motion

1 carried ten to two, and the last motion they made, in terms of  
2 qualifiers, was that, in the development of a PFQ management  
3 system, that the AP recommends that the council take into  
4 consideration the use of mandatory ELB reporting of red snapper  
5 landings in the charter/for-hire federally-permitted sector as  
6 one of the requirements to qualify in the initial allocation of  
7 shares, and that motion carried unanimously.

8  
9 As far as the last motion, I do want to note that this was not  
10 about using ELB reporting to determine initial allocations, but  
11 simply whether one would qualify to participate in that program,  
12 and so, again, I will pause there to see if there's any  
13 questions or discussion.

14  
15 **CHAIRMAN GREENE:** Okay. Thank you. Is there discussion? Dr.  
16 Crabtree.

17  
18 **DR. CRABTREE:** Matt, did they understand that implementing and  
19 getting the electronic reporting in the charter boat fishery --  
20 I mean, we're talking at least a couple of years down the road.  
21 Then, to actually get the results from that that you could use  
22 for something, it would -- We're essentially talking pushing  
23 this amendment out, I think, for several years to do that. Did  
24 they understand that?

25  
26 **DR. LASSETER:** I can speak to that, and I will actually also  
27 point out that we do have the AP Chairman here in the audience,  
28 who could also speak further for the AP if I'm not getting this  
29 correct. Yes, they did recognize that this was down the road.  
30 They were trying to come up with these types of qualifiers to  
31 separate this active and inactive permits.

32  
33 They recognized that, if the ELBs did go in place, they  
34 definitely did not want to use those landings to distribute the  
35 allocation, because they would expect there to be effort  
36 shifting, but they were just trying to come up with something.  
37 In the event that this did not move forward quickly, the ELBs  
38 might even be in place, if the council decided to go forward  
39 with the ELBs. This motion kind of provided support from them  
40 that perhaps that could be used to then assist in identifying  
41 these latent permits in this Amendment 41. I hope I captured  
42 that correctly, and I am kind of looking in the audience for the  
43 Chairman, if that answers your question, Dr. Crabtree.

44  
45 **DR. CRABTREE:** Yes, thank you.

46  
47 **CHAIRMAN GREENE:** Okay. Thank you. Is there further  
48 discussion? Dr. Dana.

1  
2 **DR. DANA:** I was at the AP meeting, and while the AP very much  
3 appreciates and supports electronic logbooks, they did  
4 emphasize, and two of the motions of the three do point it out,  
5 but they say, as a qualifier, electronic logbook or other data  
6 collection system approved by NMFS, and so perhaps that is not  
7 electronic, in the early years before the electronic logbook is  
8 developed, and then the third of those three motions, when it  
9 brings up that the council take into consideration the use of  
10 mandatory ELB reporting, and so, again, it's not as strong as  
11 saying that there be electronic logbook reporting.

12  
13 **CHAIRMAN GREENE:** Okay. Thank you. Are there further comments?  
14 Okay. I don't see any. Go ahead, Dr. Lasseter.

15  
16 **DR. LASSETER:** Thank you, Mr. Chairman. Moving right along,  
17 Action 3 begins on page 32 of your document, and this action  
18 addresses apportioning the charter quota amongst the charter  
19 vessels, and we have modified and updated the alternatives to  
20 reflect some that you had removed at the previous council  
21 meeting, and so Alternative 1, of course, is always our no-  
22 action alternative.

23  
24 The Alternative 2 now is to distribute the charter quota based  
25 on tiers of passenger capacity, and then there is two options  
26 providing how those tiers would be defined. Alternative 3  
27 proposes to use the average historical landings of charter  
28 vessels in each region, and there are two options there provided  
29 for the years to use, the second of which reflects the same  
30 distribution method that was used in Amendment 40.

31  
32 Alternative 4 now provides four options that weight each of the  
33 three metrics differently: distributing quota based on equal  
34 distribution, distributing based on passenger capacity, and,  
35 finally, by historical landings by region. Then you can see the  
36 Options 4a through 4d there.

37  
38 Alternative 5 would distribute the charter quota by auction, and  
39 Alternative 6 is similar to Alternative 4, but it mixes the same  
40 metrics used in Alternative 4 plus the auction, and then there  
41 is options provided there. If the council moves forward with  
42 Alternative 6, you would select one of 6a to 6c and one of 6d to  
43 6g, and so those are the updated alternatives that were  
44 presented to the AP, and so I'm going to turn it back over to  
45 Dr. Freeman to review the AP's recommendations.

46  
47 **DR. FREEMAN:** Thank you, Ava. Again, Action 3 addresses the  
48 distribution of quota among charter vessels. The first part of

1 the discussion, the AP focused on the use of auctions, looking,  
2 again, at pros and cons. One of the negatives that the AP  
3 addressed was that use of an auction could cause fleet  
4 reduction, due to the financial position of some operators at  
5 the time of an auction. One AP member though, as a pro,  
6 supported the use of an auction as a way to recover resource  
7 rent from the fishery.

8  
9 Following that discussion, the AP passed the following motion,  
10 that Alternative 5 and Alternative 6 that contains the provision  
11 for an auction of allocation in the charter/for-hire sector be  
12 moved to Considered but Rejected, and that motion carried twelve  
13 to one.

14  
15 Following that motion, the AP then looked at using tiers of  
16 passenger capacity to distribute quota. They noted that a  
17 vessel with a passenger capacity of seven could receive twice as  
18 much quota as a vessel that may carry only one fewer passenger,  
19 and AP members noted that that seemed unfair to them. Following  
20 that discussion, they passed the motion that Action 3,  
21 Alternative 2, be considered but rejected, and that motion  
22 carried eleven to zero with one abstention.

23  
24 Continuing their discussion of passenger capacity, staff noted  
25 that the council intends to use the permit's passenger capacity  
26 for a share-based program and the lower of the permit or vessel  
27 COI capacity for an allocation-only program.

28  
29 The AP, again, looked at some of the pros and cons of different  
30 uses for passenger capacity and passed a motion that, in the  
31 initial allocation of shares in a PFQ system, that the  
32 distribution using passenger capacity will be by the permit  
33 capacity or the U.S. Coast Guard charter vessel capacity,  
34 whichever is less, and that motion carried eight to three with  
35 two abstentions.

36  
37 Following that motion, the AP discussed whether passenger  
38 capacity in Alternative 4 should be based on a tiered system or  
39 on individual vessel capacity. The AP, following this  
40 discussion, was uncertain about making a recommendation until  
41 they were able to see calculations from NMFS for both options,  
42 and so they proceeded with the following motion, to request that  
43 NMFS add information on passenger capacity by individual vessel  
44 to the decision tool, for the purpose of Alternative 4, to  
45 compare it with passenger capacity by tiers, and that motion  
46 carried unanimously.

47  
48 The AP then discussed an idea for an additional metric looking



1 at the differences in biomass and effort between the eastern and  
2 western Gulf regions, and they passed a motion that, in addition  
3 to passenger capacity and regional landing history, to ask the  
4 council to use the western Gulf/eastern Gulf biomass and the  
5 western Gulf/eastern Gulf effort to help apportion the charter  
6 quota, and that motion carried ten to three.

7  
8 Following that, they passed an additional motion to add an  
9 additional option to Action 3, Alternative 4e, with passenger  
10 capacity of 25 percent and historical landings by region of 75  
11 percent, and that motion carried twelve to one. Lastly, they  
12 passed a motion that, in the decision tool that NMFS provided,  
13 for Action 3, Alternative 3, to use the allocation for the for-  
14 hire industry as a whole and not sub-allocate it between  
15 headboats and charter vessels, and that motion carried eleven to  
16 zero with one abstention. I will pause there for any questions  
17 or discussion.

18  
19 **CHAIRMAN GREENE:** Thank you. Is there discussion? Dr. Stunz.

20  
21 **DR. STUNZ:** I've got a question for you guys about the decision  
22 tool. Early on, I was at I think it was the Data Collection  
23 Committee, and I think it was Andy Strelcheck that presented  
24 this spreadsheet that had various scenarios of what your  
25 allocation may or may not look like, and I know it was very  
26 preliminary, because obviously this whole thing is still  
27 evolving, but is this the same decision tool?

28  
29 I know, Sue, I think maybe someone had mentioned that you  
30 presented or someone presented it, and the reason I'm asking is  
31 I think that would be a very important tool for us to see,  
32 because it helps us run some scenarios on what these allocations  
33 might look like, and so I was trying to get some information on  
34 where we are with that decision tool, if in fact that's even the  
35 one that we're talking about here.

36  
37 **CHAIRMAN GREENE:** Ms. Gerhart.

38  
39 **MS. GERHART:** It's a very similar one. It's the same sort of  
40 thing, but it's modified so that it has the alternatives that  
41 are currently in Amendment 41 in there to be analyzed and the  
42 data for these particular vessels, and that was shown at the AP  
43 meeting.

44  
45 There have been a few modifications. Dr. Stephen is actually  
46 the one who has developed that, and she has made some of the  
47 modifications requested from the AP, but there are other  
48 modifications that will just take too long and we couldn't have

1 them done by this meeting, but she does have that with her, and  
2 that's available to take a look at. It's not quite ready to  
3 give out to the public at this point, because it hasn't been  
4 through QA/QC, but it's something that we can show, if you would  
5 like.

6  
7 **DR. STUNZ:** To that point, Mr. Chairman, I don't know that it  
8 would be worth our time at this point to go through it in  
9 detail, but I think it might be nice just for a short -- I don't  
10 know if we want to do that now or at Full Council or at some  
11 point during this meeting, just to see what's upcoming, and so  
12 you're saying that it would be ready for our January meeting or  
13 something like that, but it would be nice to see what's the  
14 general focus of it, to remind everyone.

15  
16 **MS. GERHART:** Dr. Stephen, I think, is bringing that back to the  
17 computer to put that up there, and so it does -- It is  
18 interactive, so that you can change some of the options and  
19 such, the percentages, for example, in Alternative 4 and things  
20 like that.

21  
22 **DR. STUNZ:** Chairman Greene, I don't want to halt your  
23 efficiency that you've been going through at this meeting so  
24 far, and so we don't have to do this now. That's up to you,  
25 but, at some point when it is appropriate, I would like for us  
26 to spend a few minutes just to review what this is about and  
27 what we might see in January, when you think it's appropriate.

28  
29 **CHAIRMAN GREENE:** Absolutely. It looks like it's up there.  
30 However, I see Dr. Lasseter waving her hand, and so I'm going to  
31 go to her first.

32  
33 **DR. LASSETER:** Actually, right before we get into this, I had  
34 one issue that I wanted to address as far as the alternatives in  
35 the action concerning passenger capacity, and this will lead  
36 into what Jessica is about to show.

37  
38 At the last meeting, the council removed alternatives that would  
39 have distributed purely based on equal distribution and purely  
40 based on passenger capacity. In that version of the document,  
41 what is now Alternative 4, each one of those metrics was  
42 followed by the alternative number. At the time, the equal  
43 distribution said Alternative 2. Passenger capacity said  
44 Alternative 3, and the historical landings by region said  
45 Alternative 4, and so, of course, since you removed those  
46 alternatives, we also removed that language from that  
47 alternative.

48

1 What we are not entirely clear on is the passenger capacity  
2 under Alternative 4. Is it the council's intent that this  
3 should reflect the previous Alternative 3 that would have been  
4 passenger capacity per vessel, or does this passenger capacity  
5 reflect Alternative 3 that uses the tiers, and so if we could  
6 get some clarification on that.

7  
8 In the decision tool that Jessica is going to show, she has used  
9 the tiers at this point, and so, before we got into that, I just  
10 wanted to get some discussion or clarification from the  
11 committee.

12  
13 **CHAIRMAN GREENE:** Thank you. Does anyone wish to weigh in? Mr.  
14 Riechers.

15  
16 **MR. RIECHERS:** I can't say as I recall the exact conversations  
17 about that in the past, but I kind of believe it was the actual  
18 passenger capacity and not a tiered approach, when we were  
19 talking about it before.

20  
21 **CHAIRMAN GREENE:** Okay. Thank you. I don't recall. I have  
22 been trying to sit here and think, but I don't recall. I was  
23 thinking it was the tiers, but Mr. Riechers may very well be  
24 right, but it's no problem to me. Dr. Lasseter, what you're  
25 asking is which way we want to go for her to make the  
26 presentation, based on passenger capacity or tiers? Am I  
27 understanding correctly, or you need that for the document?

28  
29 **DR. LASSETER:** The decision tool had the tiers worked into it,  
30 and so that's why I wanted to bring this up right before she got  
31 into it, because I was going to raise this issue whether or not  
32 we saw the decision tool, and so she is presenting this with  
33 tiers. If that is the way you intended, then the decision tool  
34 would go forward with it that way.

35  
36 If the intention was that it should have reflected passenger  
37 capacity by vessel, then that would provide her guidance with  
38 how to revise the decision tool, and I believe it was Mr. Boyd  
39 that had provided discussion at the last meeting about removing  
40 the words of the alternatives, within that alternative, and  
41 replacing it with passenger capacity, but, otherwise, staff was  
42 not really clear which of the types of passenger capacity should  
43 be used in this alternative.

44  
45 **CHAIRMAN GREENE:** Thank you. Ms. Gerhart, did you have a  
46 comment? Okay. All right. If we're going to go down the  
47 tiered thing, I do want to point out one item that the AP talked  
48 about. It is noted in there that the AP made a discussion about

1 a boat that carries seven gets a substantial amount of fish more  
2 than a boat that carries six, and there is a definitive reason  
3 as to why six or less is chosen for that, and it has to do with  
4 the United States Coast Guard certificate of inspection.

5  
6 That is a very strenuous certificate to obtain. It starts at  
7 the construction of a vessel, and it follows it all the way  
8 through completion, with the annual haul-out and the annual  
9 safety inspections, five-year inspections, and it is very  
10 expensive. There is a big difference in the size of the  
11 vessels, a lot of times, and the cost of the vessels.

12  
13 When they say, well, a boat that carries seven gets a whole  
14 bunch more than a boat that carries six and that doesn't seem  
15 fair, well, you're right that it doesn't, because it is  
16 extremely expensive, and it is a lot of work in between to  
17 maintain those.

18  
19 Being that we're going to look at this based on tiers, just  
20 understand that that's why six is different from seven. When  
21 you get into hauling passengers under a COI, there is some  
22 stipulations of forty-nine passengers or less, and that's why  
23 you see it go to forty-nine. Then the twenty-five was simply  
24 half of forty-nine, and so that's kind of how that stuff was  
25 derived, to the best of my knowledge. As you move forward, I  
26 just wanted to point that out to you, and so, if we would like  
27 to move on with this, I don't see what -- Mr. Riechers.

28  
29 **MR. RIECHERS:** Ava, certainly, and I don't know that it was  
30 intentional or not, but certainly the way it's defined in the  
31 fourth paragraph, the last sentence, it speaks to my  
32 recollection, and so basically that's saying a passenger  
33 capacity based on COI, Alternatives 4 through 6, and so it  
34 directs us at that, as opposed to the tiered approach.

35  
36 **DR. LASSETER:** Yes, that was my recollection as well, and so I  
37 believe I was the one that probably added those words, and it  
38 was just as a group. When we all got together to talk together,  
39 we realized that there could have been a misunderstanding, but  
40 what I'm hearing so far from people is that the intent was  
41 distribution by passenger capacity by vessel, and is that  
42 correct?

43  
44 **CHAIRMAN GREENE:** Yes.

45  
46 **MR. RIECHERS:** It's an alternative, and so do you have both  
47 alternatives built in here?

1 **CHAIRMAN GREENE:** Yes, I agree with Mr. Riechers, and the reason  
2 I made the comments based on the tiers is because that's how Dr.  
3 Stephen has this presentation before you set up, and I just  
4 wanted to draw out the differences between that. Dr. Lasseter  
5 and Dr. Freeman, does that cover your concerns with this before  
6 I go to Dr. Stephen?

7

8 **DR. LASSETER:** Yes, absolutely, and thank you.

9

10 **CHAIRMAN GREENE:** Dr. Stephen, please continue.

11

12 **DR. STEPHEN:** What we did is we took a decision tool that we had  
13 for Amendment 40 and we manipulated it to suit the purposes of  
14 41, and so things have been changed from what you might have  
15 seen previously in 40. I have it really fine-scale now, but I  
16 will blow it up as we get to things, but I just wanted to give  
17 the overall view of it.

18

19 The top half of the portion is some of the areas where we define  
20 the inputs to what the decision tool decides in the long run.  
21 In step one, we define what the ACL will be for the for-hire  
22 sector. In this model, we are using 2016 as a value, just to  
23 give you a feel for everything that's going on.

24

25 In step two, we can specify the difference. The portion of the  
26 for-hire landings get attributed to just the charter boats, and  
27 this is separating out the charter boats from the for-hire, and  
28 there is a drop-down of values that we can choose, and these  
29 values come over here, and these are based on the different  
30 choices that were in Amendment 42, which had kind of decided the  
31 different alternatives for choices of splitting the headboat  
32 from the charter boat.

33

34 Keep in mind this does not have your newest one, where you said  
35 to exclude 2014 and 2015, but those can be worked into a future  
36 iteration of this. What we also did is included, at the very  
37 bottom, the one from Amendment 40, which was basically the 50/50  
38 from 1986 to 2013 and then from 2006 to 2013, excluding 2010,  
39 and so that's how 40 decided the amount to the for-hire, and we  
40 figured that was a worthwhile one to explore as well.

41

42 All of the ones here, shown in this table at this point, are  
43 available in the drop-down, and let's just start with the one  
44 from Amendment 40, for ease of use going through it.

45

46 When that is selected, it changes the for-hire portion of the  
47 ACL, and you can see, for the charter boats, what their portion  
48 of the ACL would be, and then there's an area where you can

1 specify a buffer for it, and we set up just some buffers in 5  
2 percent increments. You can type in any one larger.

3  
4 We set up different 5 percent increments, and I'm going to just,  
5 for the sake of purpose, choose the 20 percent that is currently  
6 the buffer for red snapper, and what that gives you down here in  
7 this final one is you can see what the for-hire ACT would be for  
8 the charter fleet. Now, once all of those decisions are made,  
9 we can page down below and start looking at some of the  
10 different options that are considered in the alternatives in  
11 Amendment 41.

12  
13 The first one is if we just distributed everything equally, and  
14 I want to point out that, in this, we do separate the idea of  
15 all charter vessels and then we have talked about at some point  
16 some of the charter vessels are not home ported within the Gulf.  
17 That's not their official listing, and so what we did is exclude  
18 those and show what that would look like. At some point, we  
19 will probably need to clarify what we're going to do with the  
20 ones that aren't home ported in the Gulf and how we want to  
21 handle that. There is visual graphics that go to it.

22  
23 What you see is, in the amount of pounds per vessel, if you  
24 split everything equally, and I am just going to concentrate on  
25 the all of charter vessels and ignore the home ported only in  
26 the Gulf section. There is about 1,254 pounds per vessel for  
27 the year.

28  
29 The next option that they looked at, and I will just note that  
30 some of my alternatives were based on an older document, and so  
31 it might not match what your current document is, and, again,  
32 we'll update that as we go through.

33  
34 This was looking at distributing the allocation by the two  
35 different passenger capacities that were the tiered capacities,  
36 and so we had the six and seven as one set of tiers, and this is  
37 where the six-packs and less would get around 1,000 pounds per  
38 year, while the seven-passenger and plus group would get around  
39 2,100 pounds per year. It is, in essence, double of what it  
40 was, the way the tiered unit works.

41  
42 There was also a tier where we were looking at three different  
43 tiers, breaking out the six-packs and the group that was  
44 slightly larger, the seven to twenty-four passengers, and then  
45 those that were much greater, the twenty-five and plus passenger  
46 capacities. There, you see it roughly comes out to 1,000,  
47 2,000, and 3,000, respectively, for each of those different  
48 tiers per year.

1  
2 One of the other ones we talked about was looking at just region  
3 in and of itself. Now, in this case, we kept Mississippi by  
4 itself. We had talked at the last meeting about combining it,  
5 and we can work those into future decision tools, but we were  
6 just trying to get a quick, rough-draft idea of what's going on.

7  
8 This breaks out, and you will see how many vessels are in each  
9 different region and what the whole weight would be, and what I  
10 picked here are there were two different time periods in the  
11 amendment of how to take the breakout for each of these regions.  
12 There is a time period of 2003 to 2013 or the split of 2003 to  
13 2013 and 1986 through 2013, and so those are the two different  
14 methodologies you see throughout there, and there are definitely  
15 differences as you go through the different ones.

16  
17 The next set of options worked out this idea of doing the  
18 different percentages by, in this model, the tiered, equal, and  
19 region, and so the above three things we've talked about, and we  
20 play with the percentages. In each one of these, I can put in  
21 any different percentage for each one, plus just look at what it  
22 looks like equally among everything.

23  
24 Once you fill that in, you get a bunch of information below, and  
25 so the results from this have to be broken out by each of the  
26 time periods for the regional, as well as your two different  
27 tier levels, and so we have a lot of different results and those  
28 that are all charter vessels versus only those home ported in  
29 the Gulf. What I want to do here is maybe switch to the  
30 graphics, so you can get some idea of some of the differences.

31  
32 What we can do is start to incorporate some of these graphics,  
33 if people want to see them in more detail, as an appendix to the  
34 amendment as we're moving forward, as well as having the  
35 decision tool later handy with all the modifications. Is there  
36 any scenario that anyone would like to see in particular? If  
37 not, that's all I have.

38  
39 Some things I do want to point out is I will be including in  
40 this at least passenger capacity by the individual level, and so  
41 we'll have this kind of extending down more with the different  
42 options to it, so you guys can compare and contrast the tiers to  
43 the individual passenger capacity, and there are a few other  
44 recommendations we're going to try and incorporate from the AP.

45  
46 **CHAIRMAN GREENE:** Okay. Thank you, Dr. Stephen. Any further  
47 questions or comments? When did you say this would be  
48 available?

1  
2 **DR. STEPHEN:** We are still looking at the preliminary, and I  
3 want to do the modifications from the AP, and so we will have it  
4 available for you by the next council meeting.

5  
6 **CHAIRMAN GREENE:** Okay. Thank you very much. That was very  
7 useful. Any other questions or comments? Mr. Diaz.

8  
9 **MR. DIAZ:** I want to back up just a minute, and this question is  
10 for Dr. Freeman or Dr. Lasseter. The last thing that Dr.  
11 Freeman read was this motion that says that in the decision tool  
12 for Action 3, Alternative 3, use the allocation for the for-hire  
13 industry as a whole and not sub-allocated between headboats and  
14 charter boats, but the report really doesn't say much about the  
15 discussion that went on at the meeting, and can you all  
16 elaborate a little bit about what they were thinking and what  
17 led to that? I mean, it's the first time I have heard something  
18 like this, and I am just kind of curious what the discussion was  
19 like.

20  
21 **DR. LASSETER:** I will take a stab at that, and I may invite our  
22 AP Chairman to provide further clarification. How I understood  
23 the discussion is they wanted to see how the allocation would  
24 look if all for-hire vessels, charter and headboat vessels, were  
25 to be allocated under the same way through Amendment 41, and so  
26 they weren't recommending it as an alternative to the document,  
27 but they were recommending it to the decision tool, so that they  
28 could play with and see how it would look for the entire fleet,  
29 and I'm going to look over and see if our Chairman has anything  
30 further that he would like to add.

31  
32 **MR. JIM GREEN:** I'm Captain Jim Green, Chairman of the 41 AP.  
33 When we went into that, there was -- There has definitely been --  
34 -- Between 41 and 42, there is definitely some inconsistencies.  
35 They do have a grip on who substantially participates, and we  
36 don't.

37  
38 They have multispecies and we don't, and there was different  
39 timeframes and stuff, and we really wanted to explore what the  
40 for-hire sector as a whole would do, and we were doing that  
41 under the premise that it wasn't going to be a tiered system,  
42 and we were kind of moving in the direction of using passenger  
43 capacity as that, instead of using a tiered system.

44  
45 Some of the AP members wanted to try to incorporate that all  
46 together and get a -- This was the first time that we have ever  
47 had a decision tool to where we could play with it, and that  
48 also coincided with some of the things that we wanted to add



1 into the decision tool.

2  
3 In Austin, I believe is when the council made the  
4 recommendations for those certain percentages that were added  
5 into it, and they were good, because we got to kind of fluctuate  
6 them around and play with them, but, to really fine-tune it and  
7 to really tell somebody like, hey, this is what you're projected  
8 to get, by using passenger capacity and a couple of other values  
9 in that, we would really be able to fine-tune it down and see  
10 how that would work for us. It was really to put as much into  
11 that tool as we could and play around with things, so we could  
12 really see what it would bring for our industry as a whole.  
13 Thank you.

14  
15 **MR. DIAZ:** Thank you, Captain Green.

16  
17 **CHAIRMAN GREENE:** Okay. Dr. Dana.

18  
19 **DR. DANA:** Thank you, Chairman Greene, and thank you, Captain  
20 Green. If we were looking at the charter boat, the for-hire  
21 charters, and then the headboats combined, and when we split it,  
22 37 percent is the headboats, correct, based on their headboat  
23 surveys from the past, and that would apply -- There is seventy  
24 or seventy-one headboats that would be getting just under 40  
25 percent of the total for-hire charter allocation, and then the  
26 other 2,000 for-hire charters would be getting the roughly 60  
27 percent, and so you guys want to --

28  
29 **MR. GREEN:** We wanted to combine them, because some of the  
30 disparity is, when Amendment 40 happened, the whole for-hire  
31 sector took a reduction in their historical catch to achieve  
32 something, to try something new. Since then, as these  
33 amendments go forward and we're all kind of busy trying to  
34 figure out -- It is. It's a very arduous, huge undertaking is  
35 what we're trying to do.

36  
37 It kind of seemed that, because the headboats had landings, they  
38 took 100 percent of what they historically caught, and the  
39 charter boats were left with what, after the reduction for a  
40 larger amount of entities, had a reduction in allocation  
41 compared to -- Headboats with a smaller number of entities, they  
42 were getting what they historically reported.

43  
44 Another way that is is kind of all incorporated is that we're --  
45 When it comes down to it, we're talking about who is going to  
46 get what, and the charter boats were not given the privilege,  
47 and I say that with due respect, but they weren't given the  
48 privilege to account for what they caught like headboats were

1 given the opportunity to.

2  
3 They're wanting to add this in, to incorporate it, to see what  
4 it looks like, because we have discrepancies on how the for-hire  
5 industry as a whole was treated. Some got the chance to put  
6 that in and some didn't, and now, when we come down to  
7 allocations and distribution and how this is all going to play  
8 out, we're looking at one group that is -- Because they were  
9 given that opportunity, they're going to get 100 percent of the  
10 allocation they have historically caught, where 1,200 other  
11 federally-permitted vessels are not going to be even close to  
12 being able to realize that, and so that was another part of the  
13 discussion that helped lead to that motion wanting to bring it  
14 all together.

15  
16 **CHAIRMAN GREENE:** Okay. Thank you, Captain Green. Is there  
17 further discussion? I don't see any further discussion. Dr.  
18 Lasseter.

19  
20 **DR. LASSETER:** Thank you, Mr. Chairman. There were a couple  
21 more issues that staff has on this Action 3 that we would  
22 request some clarification on. Actually, the first is more of  
23 an observation that I just wanted to call your attention to, and  
24 it concerns the passenger capacity.

25  
26 Prior to your August meeting, the document discussed the issue  
27 of the two types of passenger capacity since the permit  
28 moratorium went into place, that you have that baseline permit  
29 capacity and then you have whatever the vessel that permit is  
30 attached to. If it has a COI, it's the COI's passenger  
31 capacity. If it doesn't have a COI, of course, it's limited to  
32 six.

33  
34 The document just discussed the issue of how many vessels are  
35 more or less of either one, and it addressed that there are  
36 implications for using one or the other to distribute based on  
37 passenger capacity, depending on which program you selected.

38  
39 At your last meeting, you discussed this further, the type of  
40 program and which passenger capacity should be used, and you  
41 passed a motion recommending that for a share-based program that  
42 you use the permit passenger capacity. For an allocation-only-  
43 based program, you use the lower of the permit or the vessel COI  
44 passenger capacity, and so that has now been incorporated into  
45 the document.

46  
47 I did just want to point out that one of the motions that Dr.  
48 Freeman reviewed from the AP, the AP discussed that quite at

1 length, and their motion to that was that, even for a share-  
2 based program, to distribute based on the permit capacity or the  
3 Coast Guard's charter vessel capacity, whichever is less, and so  
4 I just wanted to highlight that, that they recommended the lower  
5 for either type of program, a share-based or an allocation-only  
6 program. I wanted to point that out. If there is no discussion  
7 on that, I have one further issue of clarification for staff,  
8 still on this Action 3.

9  
10 Also at the last meeting, there was discussion, and I believe it  
11 was in committee and full council, on combining Mississippi and  
12 Alabama into one region. You did pass a motion directing us to  
13 do that, but with further discussion that we should retain the  
14 tables, the information in the amendment, to provide Mississippi  
15 and Alabama separate, so that you could look at them separately.

16  
17 When staff came back and tried to work on this, we were not  
18 entirely sure if we should be maintaining them completely  
19 separate and also providing values together, one, and, also, we  
20 were looking for some clarification as to why Mississippi and  
21 Alabama would be joined together and not Mississippi and  
22 Louisiana.

23  
24 If we were to develop this into say a sub-action to go along  
25 with this Action 3 to define regions, that would be part of a  
26 reasonable range of alternatives. If you're going to combine  
27 Mississippi with one neighboring state, we should at least  
28 analyze and consider it with the other, and so I'm wondering if  
29 I could turn it out to the committee and request some  
30 clarification as to what drove this decision. Thank you.

31  
32 **CHAIRMAN GREENE:** Thank you. Is there discussion? Dr. Lucas.

33  
34 **DR. LUCAS:** I think the originally thing we settled on at the  
35 last meeting was Mississippi and Alabama separate and then  
36 Mississippi and Alabama together. We did have discussion about  
37 also combining Mississippi with Louisiana at that point in time,  
38 and there was discussion on the record, but we had discussions  
39 with Alabama and with several of the people at the podium about  
40 a combination with Alabama, and that's why we -- I think that's  
41 some of the reasoning why we chose Alabama. It wasn't to not  
42 also choose Louisiana. I am perfectly fine if you also want to  
43 analyze it combined with Louisiana, but they should also all be  
44 analyzed separately as well.

45  
46 **CHAIRMAN GREENE:** Ms. Levy.

47  
48 **MS. LEVY:** I think one of the questions that staff was having,

1 or issues and questions they had, was, if they're going to  
2 analyze them separately but also together, then at some point  
3 there needs to be a decision point of what is the council going  
4 to choose, and so is the council looking for some sort of sub-  
5 action or action with alternatives that says do you want them  
6 separate or do you want Mississippi with Louisiana or do you  
7 want Mississippi with Alabama? If you just wanted to put  
8 Mississippi with a particular state, they were looking for more  
9 of the rationale for why it would be Louisiana and Alabama  
10 versus over Louisiana and Mississippi.

11  
12 I think it was either it was do you want a decision point that  
13 you have to make with discussion and then you articulate why  
14 you're choosing a preferred, or did you decide that you want to  
15 put Mississippi with a particular state and then can you  
16 articulate why with that particular state and not another state.

17  
18 **DR. LUCAS:** I think we were just requesting the analysis. I  
19 wasn't necessarily going ahead and saying to yes, combine these  
20 and they're now permanently combined. They were looking for the  
21 analysis, because of the whole discussion on geography, which I  
22 am not sold on geography anyway.

23  
24 It's simply on the fact that I may have people with a  
25 Mississippi address and their boat is not even in Mississippi.  
26 It's in Alabama or it's in Louisiana, but it's going to be  
27 counted in Mississippi. They are going to be listed in  
28 Mississippi when we go to do the allocation or the permits or  
29 whatever, however it ends up.

30  
31 I think the point was the low historical landings in Mississippi  
32 over time and looking at that, and so it was just looking to  
33 analyze it with another state. It was the analysis and not  
34 necessarily -- We hadn't made a decision.

35  
36 **MS. LEVY:** I think staff can work with that. I mean, in my  
37 mind, the easiest way to articulate that then is to have some  
38 sort of sub-action or something that actually has the different  
39 combinations that you would consider so that you can see the  
40 analysis. That might be the most straightforward way for you to  
41 actually look at an analysis and decide what you want to do.

42  
43 **CHAIRMAN GREENE:** Well, some of that was my idea, because, when  
44 I looked at the historical landings from Mississippi, they just  
45 seemed extremely low, and the number of boats that we have and  
46 turnover of boats we have, we could have easily incorporated  
47 those thirty permits into Alabama and it really wouldn't have  
48 made any difference whatsoever, and I certainly was not trying

1 to pick favorites or anything.  
2  
3 I was just trying to look at a way to realistically make it fair  
4 in a state that I just really didn't believe the historical  
5 numbers were even close, and so that was the intent with that,  
6 but, if you need more guidance, I will certainly try to  
7 elaborate some more. Can you work with that, Dr. Lasseter or  
8 Dr. Freeman? Mara, does that satisfy everything for now, or do  
9 you need some more information from us?  
10  
11 **DR. LASSETER:** I am hoping so, yes. I'm looking back at the  
12 original motion, and so, yes, that was not clear to us that it  
13 was asking for analysis. It just said to combine the regions of  
14 Alabama and Mississippi in Table 1.1.1 for the purpose of quota  
15 distribution based on geographic regions.  
16  
17 I think what I would like to propose is that we do create a sub-  
18 action. Therefore, we could provide you with the analysis and  
19 you could look at it. We will have alternatives for them to be  
20 separate and to be together, and that might be the way to  
21 approach this.  
22  
23 **CHAIRMAN GREENE:** Okay. Are you looking for a motion from us to  
24 do that?  
25  
26 **DR. LASSETER:** If I have consensus to --  
27  
28 **CHAIRMAN GREENE:** We passed a motion at the last meeting, and  
29 you were uncertain of what to do with it, and so we've given you  
30 some information here, but is that enough information for you to  
31 further develop the sub-action, or do you need something else?  
32  
33 **DR. LASSETER:** I believe, since I have stated that we are going  
34 to create a sub-action, that, with consensus, we are going to go  
35 ahead and bring that to you for your next meeting, yes.  
36  
37 **CHAIRMAN GREENE:** Is there any committee member that sees it  
38 differently or has any issues with that? I don't see anybody  
39 that has a problem with it, and so I think it's understood what  
40 we're after and what you're going to do. Is there anything  
41 else, Dr. Lasseter?  
42  
43 **DR. LASSETER:** For me, for Action 3, no. Is there any further  
44 discussion on Action 3 before we move into the rest of the  
45 document?  
46  
47 **CHAIRMAN GREENE:** Anybody have any discussion? Okay, Dr.  
48 Lasseter.

1  
2 **DR. LASSETER:** Okay. Action 3 was the end of the previous  
3 Section A. The remainder of the document, the actions would  
4 apply to any of the programs that you could select in Action 1.  
5 If one of the alternatives could not be selected, if the action  
6 would not apply, there will be a note or some text that speaks  
7 to that, but we have basically combined those sections into a  
8 single section.

9  
10 Actions 4 and 5, we'll kind of talk about together. Action 4  
11 addresses the transferability of shares, and Action 5 addresses  
12 the maintenance of shares, who gets to keep shares, and so, of  
13 course, since these both address shares, these would only be  
14 applicable for a share-based program and not an allocation-only  
15 based program, and we will start with the alternatives in Action  
16 4, the ability to transfer the shares.

17  
18 Alternative 1, no action, would be not to allow shares to be  
19 transferable. Alternative 2 proposes to require an account  
20 holder must have an associated charter/headboat permit for reef  
21 fish and an endorsement, if it is selected in Action 2, in order  
22 to receive transferred shares, and this is a requirement in  
23 Magnuson that these shares, these permits, can only be  
24 transferred to U.S. citizens or permanent resident aliens.  
25 Alternative 3 would allow shares to be transferred to anyone who  
26 would qualify under Magnuson, being a U.S. citizen or legal  
27 resident alien.

28  
29 Let me move on to Action 5 and just the alternatives, and then  
30 we will turn it over for the AP comments. Action 5, there is  
31 the no action for maintenance of shares, such that shares could  
32 be held by any U.S. citizen or permanent resident alien or  
33 Alternative 2, similar to the Alternative 2 in the last action,  
34 would be to require that charter/headboat permit for reef fish  
35 and the endorsement, if established, to maintain, to be able to  
36 retain shares. Again, shares can only be held by U.S. citizens  
37 or legal resident aliens.

38  
39 If a participant transfers their permit endorsement or the  
40 permit endorsement expires, and therefore they don't qualify for  
41 the beginning part of this alternative, the owner must divest of  
42 their shares.

43  
44 Currently, this document does not include an action that  
45 addresses divestment of shares, but, as this document would be  
46 developed, that would eventually be an action that would be  
47 added on, and so I'm going to turn this over to Dr. Freeman to  
48 provide the AP comments for Actions 4 and 5.

1  
2 **DR. FREEMAN:** As Dr. Lasseter mentioned, Action 4 addresses the  
3 transferability of shares, and Action 5 addresses the  
4 maintenance of shares. As currently written, these actions  
5 would apply to an IFQ program.  
6

7 Several AP members expressed support for shares remaining with a  
8 permit, but felt that shares needed to be transferable among  
9 permits so that other permit holders who needed additional  
10 shares could have the opportunity to obtain them. Following  
11 that discussion, they passed two motions.  
12

13 The first was to expand Action 4 to include transferability of  
14 PFQ shares between permits, and that motion carried six to four  
15 with three abstentions. An additional motion was to expand  
16 Action 5 to include maintenance of PFQ shares between permits,  
17 and that motion carried ten to zero with two abstentions. I  
18 will pause there to see if there is any questions.  
19

20 **CHAIRMAN GREENE:** Thank you, Dr. Freeman. Any questions or  
21 comments?  
22

23 **DR. FREEMAN:** Following that, regarding the maintenance of  
24 shares, the AP discussed the need to ensure that only operators  
25 actively providing access to the resource for the public would  
26 be able to retain shares. Following that, they passed a motion  
27 that the council explore a use-it-or-lose-it requirement to  
28 maintain shares over a to-be-determined time period with an  
29 appeals process. That motion carried twelve to zero with one  
30 abstention.  
31

32 Part of the maintenance of shares and that discussion, the AP  
33 recognized that redistribution of divested shares would need to  
34 be examined, and so they passed the following motion to explore  
35 establishment of a process of redistribution of divested shares  
36 by the agency with three options. The first was equal  
37 distribution across permits. Two was proportional distribution  
38 to the permits according to the initial allocation formula, and  
39 a third was additional formulas that staff would recommend, and  
40 that motion carried twelve to zero with one abstention.  
41

42 **CHAIRMAN GREENE:** Thank you. Is there discussion? Seeing none,  
43 continue on, please.  
44

45 **DR. LASSETER:** Okay. We have really, the last few meetings,  
46 spent almost all of the time in discussion on the Actions 1  
47 through 3. We have not really discussed much this Action 4  
48 through the end of the document. In merging these Sections B,

1 C, and D together, various issues have come up that we're still  
2 working out to resolve possible alternatives.

3  
4 The way they were set up and the way that staff has understood  
5 an IFQ versus the PFQ, that is why Action 4 was set up as  
6 applying only to an IFQ program and not a PFQ program. As you  
7 work through all these different actions, what you select in one  
8 action and another action could result in a very similar type of  
9 program.

10  
11 When we brought you the recommendations from the AP at a  
12 previous meeting, where they were recommending this permit  
13 fishing allocation program, staff saw that as nearly identical  
14 to a harvest tag program, that they would essentially operate in  
15 the same way, and that they would use annual allocation only,  
16 and, yet, there was a distinction definitely for the Charter AP  
17 between these.

18  
19 In this action, I think this kind of calls attention to a very  
20 similar feature, in that the distinction for staff between an  
21 IFQ and a PFQ program is that IFQ shares could potentially be  
22 transferable. They are assigned to an individual, and they may  
23 or may not be required to hold a permit.

24  
25 In a PFQ program, if the shares are allowed to be transferred  
26 away from the permit, staff is not entirely sure how that would  
27 be different from an IFQ, and so I kind of wanted to call  
28 attention to that, that it seems that you could select different  
29 alternatives in different places and end up with essentially a  
30 very similar type of program. I wanted to highlight that with  
31 the shares in Actions 4 and 5. If there is no further  
32 discussion, we will go on through the remaining actions in the  
33 amendment.

34  
35 Action 6 begins on page 40, and it addresses the transferability  
36 of annual allocation, and so, of course, this action would apply  
37 to any of the programs that would be selected, and so our  
38 Alternative 1 is always our no action. Here, we would not allow  
39 the transferred allocation among participants. Alternative 2  
40 states that an account must have a charter/headboat permit for  
41 reef fish and an endorsement, again if established in that  
42 Action 2, in order to receive transferred allocation. Annual  
43 allocation can only be transferred to United States citizens or  
44 permanent resident aliens.

45  
46 Alternative 3, there would be no restrictions on the transfer of  
47 allocation or harvest tags, if harvest tags are going to be  
48 separate from the distribution of the annual allocation. This



1 annual allocation, again, could only be transferred to U.S.  
2 citizens and permanent resident aliens.

3  
4 Finally, Alternative 4, the annual allocation could be  
5 transferred, but only by surrendering it to a NMFS allocation  
6 bank, from which other program participants could obtain the  
7 allocation by, and we've provided two options here, either  
8 lottery or auction. If there aren't any questions, I will move  
9 on to Action 7, which begins on page 42.

10  
11 Action 7 addresses share caps, and this is a requirement of the  
12 Magnuson-Stevens program under a LAPP. Alternative 1 would not  
13 be a feasible alternative, as no action, because it would not  
14 set a share cap. It's do not cap the amount of shares that one  
15 participant can hold.

16  
17 Alternative 2 is no participant may hold shares equaling more  
18 than the maximum amount of shares issued during initial  
19 apportionment for a participant, as defined in however the  
20 distribution is selected in Action 3. This is how the share cap  
21 was established in the commercial IFQ programs. It was based on  
22 the person that received the largest amount of shares. They  
23 essentially the cap, and were thus constrained and could not  
24 obtain additional shares.

25  
26 Alternative 3 remains open. No participant shall hold shares  
27 which comprise more than some percentage of the total charter  
28 vessel quota, and so we could look for feedback as to how the  
29 council would like to be addressed, or, eventually, staff will  
30 work up some alternatives for discussion, but basically the  
31 concept there is to put some amount as a cap for that  
32 alternative.

33  
34 I want to clarify how I just described the requirement for share  
35 caps. It's that the Magnuson-Stevens Act requires that LAPPs  
36 include provisions to prevent privilege holders from acquiring  
37 an excessive share of the total limited access privileges in the  
38 program, and so we interpreted that as a share cap. If there is  
39 no comments or discussion on Action 7 --

40  
41 **CHAIRMAN GREENE:** Hold on one moment, please. Mr. Boyd.

42  
43 **MR. BOYD:** Ava, I've got a question on that. Was there any  
44 discussion at the AP level that you heard or has staff had  
45 discussion about a person having, and I will use an example of a  
46 shell corporation or a shell partnership under another name,  
47 acquiring additional quota and thereby avoiding the ca?

48

1 **DR. LASSETER:** I'm sorry, but could you repeat that one more  
2 time? I didn't quite catch the --

3  
4 **MR. BOYD:** Did the AP or has staff had any discussion about any  
5 creative ways, if you want to call it that, to get around the  
6 share cap by creating a shell corporation or creating another  
7 name partnership or selling them to your dog?

8  
9 **DR. LASSETER:** Okay. I think I understand. I think what you're  
10 speaking to is the idea of related accounts and that under, for  
11 example, the commercial IFQ programs, because there is not the  
12 requirement that a shareholder also possess a commercial reef  
13 fish permit, that means that that allows public participation.  
14 It allows accounts to be held by anybody, anybody that's a  
15 resident alien or U.S. citizen.

16  
17 The share cap is also set based on an entity, and an entity is  
18 defined as a person. Yes, if a couple, a married couple, they  
19 are two separate entities. Technically, they could each possess  
20 shares that could total up to the share cap.

21  
22 Now, if, and this is the AP's preference, their recommendation,  
23 is to require that a shareholder -- They are preferring the PFQ  
24 program, I believe, but to require a shareholder to be  
25 associated with a permit. Because there is a finite number of  
26 permits under the moratorium, that would not be as possible.  
27 That would not be possible, and I'm going to just look at NMFS  
28 and make sure that I'm correct. Mara may be correcting me.

29  
30 **CHAIRMAN GREENE:** Ms. Levy.

31  
32 **MS. LEVY:** Well, not to correct you, but when people form  
33 corporations and hold their shares or permits or whatever in a  
34 corporation, NMFS is tracking the underlying ownership in that  
35 corporation, and so, if the corporation has four shareholders,  
36 they have to disclose that information, and then each of those  
37 are assigned a quarter of whatever that share is for the cap.

38  
39 They're tracking it by individual, and, if you have five  
40 corporations, then each one of those you're going to own a  
41 percentage of the shares given to that corporation, and you as  
42 an individual cannot exceed the cap. Does that make sense?

43  
44 **CHAIRMAN GREENE:** Thank you. Any further discussion? All  
45 right. Dr. Lasseter.

46  
47 **DR. LASSETER:** Thank you, Mr. Chairman. Then we can move on to  
48 Action 8, and so just how in Action 7 there was the cap on

1 shares, here it's proposing a cap on usage or a cap on  
2 allocation, how much of the allocation could be used, and there  
3 are sub-actions provided here for applying to IFQs and PFQs, the  
4 allocation resulting from that, or the Action 2.8.2 would be  
5 specific to the harvest tag program.

6  
7 These actions are still under development, because we have just  
8 combined them in this version, and so, in 2.8.1, which begins on  
9 page 45, it addresses IFQs and PFQs. Alternative 1, no action,  
10 would not establish a limit on usage of allocation.

11  
12 Alternative 2 would limit the allocation usage to some percent,  
13 to be defined, above the allocation equal to the share cap.  
14 This cap could be set either by the vessel, and so according to  
15 the permit, or per account, and so each unique permit holder.  
16 Alternative 3 would limit the allocation usage to the allocation  
17 equal to the share cap, equivalent to the share cap, and the  
18 same options are provided there, either per vessel or per  
19 account.

20  
21 Similarly, for harvest tags, Action 2.8.2, on page 47, again,  
22 our Alternative 1 would not set a cap on the amount of harvest  
23 tags that a participant could hold. Alternative 2 is no  
24 participant may hold more harvest tags than represented by some  
25 to be defined proportion of the total charter vessel quota at  
26 any point in time. Alternative 3 is going to differ in that  
27 part. No participant may hold and/or use more than some  
28 proportion of the total charter vessel quota cumulatively  
29 throughout a calendar year, and so the distinction there is  
30 Alternative 2 is any point in time and Alternative 3 is  
31 cumulatively throughout a calendar year, and we still need to  
32 develop what the proportions should be.

33  
34 Alternative 4 is no participant may hold harvest tags equaling  
35 more than the maximum number of tags issued to any one  
36 participant during the quota apportionment, and so, again, this  
37 is similar to the idea of share caps under the IFQ program of  
38 setting it at the maximum amount that is initially distributed,  
39 but, of course, the harvest tags, we're talking about annual  
40 allocation only here, and there are not shares. This is not a  
41 share-based program. Are there any questions or discussion?  
42 Okay.

43  
44 I just will point out then that we've had this final section in  
45 the versions which include brief discussions of a lot of the  
46 other issues that would need to be potentially actions in the  
47 document. In Amendment 42, for example, you have, I believe,  
48 fifteen actions or so, and we would need to develop additional

1 actions for this program as it develops, and so that's really an  
2 overview of the actions. If there is no further discussion  
3 right now on the amendment, we do have a few additional  
4 recommendations from the Charter AP. Shall we go ahead and have  
5 Dr. Freeman present those?  
6

7 **CHAIRMAN GREENE:** Thank you. Is there discussion? Dr. Freeman.  
8

9 **DR. FREEMAN:** Thank you. Following the discussion of shares,  
10 the AP began to discuss Amendment 41 in relation to Amendment  
11 42. One of the concerns that was raised was the potential for  
12 headboat operators to opt out of Amendment 42 and be classified  
13 as a charter vessel under Amendment 41 to receive allocation.  
14

15 Following discussion around that, the AP passed a motion that  
16 the council prohibit, as they develop future amendments, vessels  
17 that participated in the headboat fishery or receive shares  
18 under Amendment 42 from participating in the charter/for-hire  
19 sector under Amendment 41 by having a permit from each program  
20 on the same vessel. That motion carried eleven to zero with one  
21 abstention.  
22

23 Following that motion, the AP discussed the time series to use  
24 for allocating the for-hire component's quota between  
25 participants of Amendments 41 and 42, and they made a motion  
26 that Action 5, Alternative 5, of Amendment 42 be the preferred  
27 alternative, the same allocation used in Amendment 40, and that  
28 motion carried twelve to zero with one abstention. That  
29 concludes the report.  
30

31 **CHAIRMAN GREENE:** Thank you. Is there discussion? Okay. That  
32 concludes your report, Dr. Lasseter?  
33

34 **DR. LASSETER:** Okay. I will just add a little bit. I believe  
35 you received the AP's recommendations yesterday on the Generic  
36 Charter Reporting Amendment. At the very, very end of the  
37 meeting, as it was beginning to break up, there was a consensus  
38 statement by the AP that they requested to meet again following  
39 the October council meeting at its earliest convenience, and  
40 then we did adjourn.  
41

42 I did want to request if there is any more feedback on what we  
43 should do next, how staff should advance this document. What I  
44 have now is to add a new sub-action addressing this issue with  
45 Mississippi and Alabama being combined into a region. I believe  
46 we're going to have some work done on the decision tool, and the  
47 AP did provide eighteen motions, recommendations through  
48 motions, on the amendment.

1  
2 Is there any further guidance you could provide us, anything  
3 additional you would like us to work on or add or remove for any  
4 of these actions and alternatives?  
5  
6 **CHAIRMAN GREENE:** Thank you. Is there committee discussion? I  
7 don't see any. Dr. Lasseter, do you have anything else?  
8  
9 **DR. LASSETER:** No, and I guess we're done with Amendment 41.  
10 Thank you.  
11  
12 **CHAIRMAN GREENE:** Dr. Dana.  
13  
14 **DR. DANA:** It may not even be a relevant question, but if --  
15 Looking at, and I can't even remember the action, but if in 41  
16 the total allocation for the for-hire charters and the headboats  
17 is considered when they're -- If we put them together in one  
18 group, how then can 42 move ahead? Wouldn't 41 and 42, the  
19 amendments, have to work in concert with each other if we were  
20 to consider the allocation as one? Does that even make sense to  
21 anyone?  
22  
23 **CHAIRMAN GREENE:** Mr. Riechers.  
24  
25 **MR. RIECHERS:** Pam, I certainly can't speak to the deliberations  
26 that they had, but I think, at least as I understood the  
27 suggestion, was you would be rolling in the partyboats or the  
28 headboats into this as an alternative, and so, therefore, the  
29 thing that makes it different for them would be the passenger  
30 capacity, and so that's what I thought they were suggesting that  
31 we do. I may have that completely wrong, but --  
32  
33 **DR. DANA:** I think in Action 3, Alternative 3, and I don't have  
34 it right in front of me, but I think that was the one, Action 3,  
35 Alternative 3, with the decision tool, and it was to look at the  
36 allocation and not sub-allocations, but have an allocation for  
37 the headboat and the charter/for-hire, rather than automatically  
38 giving 37 percent to the seventy-one vessels in the headboat and  
39 then the 62 percent to the 1,200 remaining.  
40  
41 Now, if that did go forward on Action 3, Alternative 3, if you  
42 looked at the entire allocation and put the two sub-sectors  
43 together, does that affect Amendment 42 from moving quicker,  
44 because we would be giving out allocations or --  
45  
46 **CHAIRMAN GREENE:** Mr. Riechers.  
47  
48 **MR. RIECHERS:** I can only give you my opinion on that. Based on

1 what you just just said though, then I think you would be  
2 subsuming 42 into 41, but not really using those past catch  
3 share histories, but using their passenger capacity to  
4 differentiate them in this group, is what I have heard, based on  
5 this conversation and what I heard when they said they wanted to  
6 at least look at that.

7

8 **CHAIRMAN GREENE:** Thank you. Dr. Lasseter.

9

10 **DR. LASSETER:** Yes, and I concur with Mr. Riechers that they  
11 weren't requesting it into the amendment. They wanted to look  
12 at it. It would be a council decision whether or not to do  
13 anything as far as the amendments, but they did just want to  
14 look at it mathematically, and my sense was to kind of compare  
15 how much of the quota -- How much quota would they be getting if  
16 they were all together versus the approximate percentage that  
17 we're hearing that might go off of red snapper in 42, which I  
18 also don't believe that there is a preferred alternative on  
19 that. I think that there's a range of alternatives in Amendment  
20 42, but I'm not sure that anything has been selected yet.

21

22 **CHAIRMAN GREENE:** Okay. Thank you. Is there further  
23 discussion? Seeing no further discussion, I guess that will  
24 complete our work on Amendment 41 this afternoon. We are about  
25 an hour-and-fifteen minutes ahead of schedule, and so we're  
26 going to take about a fifteen-minute break. When we come back,  
27 we're going to pick up Draft Amendment 36A and finish it today,  
28 hopefully, as well.

29

30 (Whereupon, a brief recess was taken.)

31

32 **CHAIRMAN GREENE:** We are going to go ahead and pick up, and so  
33 if you will carry conversations outside. Here we are, and we're  
34 going to get going with Amendment 36. Dr. Lasseter, if you're  
35 ready, please go ahead.

36

37 **DRAFT AMENDMENT 36A - MODIFICATIONS TO COMMERCIAL IFQ PROGRAMS**  
38 **REVIEW OF DRAFT AMENDMENT**

39

40 **DR. LASSETER:** Thank you, Mr. Chairman. Amendment 36A is  
41 modifications to the commercial IFQ programs, Tab B, Number 11.  
42 We are going to review the actions in the amendment. At the  
43 last meeting, you added a new action, which will be Action 4,  
44 and so we will present that to you.

45

46 The Reef Fish AP has commented and has provided recommendations  
47 on the actions, and the Law Enforcement Committee also has  
48 reviewed and commented, and so we will introduce the

1 alternatives of each action and then provide the AP and Law  
2 Enforcement recommendations and then allow for discussion.

3  
4 Action 1 begins on page 14 of the document, and Action 1  
5 addresses the commercial-permitted reef fish vessel hail-in  
6 requirement, and the alternatives are proposing to expand the  
7 requirement. Currently, Alternative 1 is that the owner or  
8 operator of a vessel that is going to land IFQ species is  
9 responsible for providing a notification to NMFS at least three  
10 hours, but no more than twenty-four hours, in advance of landing  
11 to be in compliance with the regulations.

12  
13 Currently, this only applies to reef fish vessels landing IFQ  
14 species. Alternative 2 and 3 propose to expand this to other  
15 species that were going to be landed besides IFQ species. Both  
16 alternatives apply only to vessels with a reef fish permit, but  
17 many vessels with a reef fish permit also have a permit for  
18 another fishery, or perhaps they catch state-managed species.

19  
20 Alternative 2 proposes to require these vessels with a  
21 commercial reef fish permit, for the owner or operator who is  
22 going to land any other reef fish, any commercially-caught reef  
23 fish, to hail-in. It's not just IFQ species, but it's any of  
24 the species that are included in the Reef Fish Management Unit.  
25 The same timeframe would be required for the notification, and  
26 the landing notification would include the date, time, location  
27 of landing, and vessel identification number.

28  
29 Alternative 3 expands it further, such that any of these reef-  
30 fish-permitted vessels landing any commercially-caught  
31 federally-managed species from the Gulf must provide the hail-in  
32 requirement, and with the same elements of the hail-in.

33  
34 Before we turn to the recommendations, I wanted to point out  
35 some of the data that we have addressing each of these  
36 alternatives, so you can see the number of additional vessels or  
37 trips to which this would apply. If we look at Table 2.1.1, and  
38 this was provided in the last version of the document, and so  
39 you've seen this table before. It's on the top of page 17.

40  
41 In 2015, there were a total of 868 reef fish permits. In that  
42 year, 533 of those permitted vessels made some reef fish  
43 landings, including IFQ species, but it could be additional  
44 other reef fish species landings as well. 335 of those permits,  
45 no landings were made on 335 permits in the year 2015.

46  
47 The bottom part of the table looks at permits that are  
48 associated with IFQ accounts, and there are 763 of these permits

1 associated with an active IFQ account. In the year 2015, 485  
2 vessels made IFQ landings, and so, if we compare the two, 485  
3 vessels, permitted vessels, in 2015 would fall under the  
4 Alternative 1 right now that is currently -- Those vessels are  
5 already required to hail-in, because they're about to land IFQ  
6 species.

7  
8 For the year in 2015, it would have been a total of 533 vessels  
9 that would have been required to hail-in, because they made  
10 landings that did not have IFQ species, but they made landings  
11 with other reef fish species, and so this speaks to the number  
12 of vessels.

13  
14 If we look to the bottom of that page, page 17, Table 2.1.2,  
15 this provides the number of trips, and so we're at the trip  
16 level and not the vessel level. This is the number of trips  
17 taken, comparing whether they harvested IFQ species or any reef  
18 fish, and you have the years 2007 to 2015, and so you can see,  
19 in the first column, the number of trips with any reef fish and  
20 the number of trips with IFQ species out of those.

21  
22 Then the third column shows you that basically we're looking at  
23 88 to 90 percent, on average, roughly, of all trips that are  
24 landing any reef fish species are landing IFQ species, and so  
25 the majority of active commercial reef fish vessels are already  
26 hailing-in, because the majority are landing IFQ species.

27  
28 The last two columns provide the number of trips without any IFQ  
29 species by year and then averaging it out by month, just to kind  
30 of give law enforcement an idea of the additional number of  
31 trips that would potentially be hailing in under Alternative 2.

32  
33 Alternative 3 would apply, again, to just these reef-fish-  
34 permitted vessels, but landing any commercially-caught fish,  
35 even if it's not reef fish, and so Table 2.1.3 on page 18 shows  
36 you, for vessels that have that reef fish permit, other permits  
37 that are also held on that same vessel. Now, these are not  
38 mutually exclusive, and so a vessel with a reef fish permit may  
39 have a king mackerel permit and also one of these other permits  
40 or two or three of these other permits. You can have multiple  
41 permits.

42  
43 Then, if we look at the following page, page 19, let's look at  
44 the bottom table, Table 2.1.5. This is the number of trips  
45 taken that harvested Gulf commercial species or only reef fish  
46 species, and so this is providing the additional vessels, the  
47 additional number of trips, between Alternative 2 and 3.

48



1 If you expand it beyond just reef fish landings, to be any  
2 commercially-caught vessel by these vessels with a reef fish  
3 permit, for the two years provided, you are looking, in 2014, at  
4 an additional 280 trips. In 2015, it's 269 additional trips,  
5 for a monthly average of about twenty-two trips a month.

6  
7 Let's take a look at the alternatives, again. Alternative 1,  
8 again, is our status quo. Only vessels landing IFQ species must  
9 hail-in. Alternative 2 would be those reef fish vessels landing  
10 any reef fish species in the management unit, and Alternative 3  
11 is expanding it to any commercially-caught federally-managed  
12 species. I am going to turn it over to Dr. Simmons to provide  
13 us the Reef Fish AP recommendations.

14  
15 **CHAIRMAN GREENE:** Dr. Simmons.

16  
17 **DR. SIMMONS:** Thank you, Mr. Chair. On the Reef Fish AP Report,  
18 I am on page 3 of the report. AP members supported the  
19 requirement for all reef-fish-permitted vessels to hail-in.  
20 They thought, based on the current preferred alternatives that  
21 are in the for-hire reporting amendment, that the council seems  
22 to be moving towards a mandatory hail-in requirement for for-  
23 hire vessels, and, thus, the same rule should apply to the  
24 commercial vessels as well. By a vote of thirteen to zero with  
25 two abstentions, the AP recommends, in Action 1, that  
26 Alternative 3 be its preferred alternative.

27  
28 **CHAIRMAN GREENE:** Okay. Thank you. Is there discussion? Just  
29 remind me on this document. Do we need to pick preferreds and  
30 move forward? Is that correct?

31  
32 **DR. LASSETER:** Actually, at this time, I was going to discuss  
33 the timeline, once we go through the actions, but I believe we  
34 have discussed -- At the last meeting, we were planning to bring  
35 a public hearing draft to you in January. At that time, we will  
36 have additional analysis, at which time you could select  
37 preferreds.

38  
39 At this meeting also, if appropriate, if you would like to go  
40 and select public hearing locations, we could begin planning for  
41 that as well. At this time, we're just providing you the  
42 information and comments from the Reef Fish AP. I'm going to  
43 provide the Law Enforcement comments now, and, if there's any  
44 discussion, if you have any revision to the alternatives,  
45 additions or subtractions or comments, we would appreciate  
46 those.

47  
48 **CHAIRMAN GREENE:** Okay. Thank you. Ms. Guyas.

1  
2 **MS. GUYAS:** I have a question about Alternative 3 in this table  
3 that has all the different federal permits out there across the  
4 Gulf and South Atlantic and all over the place, and so is this  
5 saying that -- Like, for example, the South Atlantic black sea  
6 bass endorsement is on this list. Is this saying that if you  
7 have a black sea bass endorsement and you're bringing in black  
8 sea bass, which is not federally-managed in the Gulf, that  
9 they're still reporting that under Alternative 3 or they're  
10 having to hail-in?

11  
12 **DR. LASSETER:** Actually, the Alternative 3 will -- We will  
13 extend the underlining a little further, but it does speak to  
14 federally-managed species from the Gulf, and so it would be only  
15 applying to species, to fisheries, that are caught within just  
16 your jurisdiction.

17  
18 **MS. GUYAS:** But what if it's a federally-managed species, but  
19 it's not a Gulf federally-managed species? Do you see what I am  
20 saying?

21  
22 **DR. LASSETER:** Yes, and that's why the alternative says  
23 federally-managed species from the Gulf.

24  
25 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.  
26 Lasseter.

27  
28 **DR. LASSETER:** Thank you, Mr. Chairman. The Law Enforcement  
29 Committee has previously reviewed this action, and they did not  
30 support the hail-in requirement, and they still expressed some  
31 concerns, and so I wanted to share with you some of these  
32 concerns.

33  
34 It seems that, for law enforcement to observe landings, if an  
35 officer wants to go and patrol a particular area, they enter --  
36 They request the hail-in notifications. That officer receives  
37 them as emails, as separate emails for each one of these hail-in  
38 notifications and, across all of the state law enforcement  
39 officers that were there, they all found the abundance of emails  
40 was very difficult to weed through and to identify hail-ins that  
41 are in the area that they're currently in and are thus able to  
42 patrol and go observe landings.

43  
44 They initially provided a recommendation. They requested that  
45 NMFS narrow the size of these regions for which officers receive  
46 hail-in notifications, so that officers receive fewer emails and  
47 can more easily identify the landings that will occur in the  
48 area they are patrolling.

1  
2 Alternately, the committee suggested that all notifications go  
3 to a database that they may search rather than receiving an  
4 abundance of emails, and this was a theme through much of the  
5 discussion of this document, was, while they appreciated  
6 additional information, it, at times, is overwhelming and it's  
7 difficult for them to identify the relevant information.

8  
9 We did provide -- Both NOAA OLE and myself explained that  
10 expanding this hail-in requirement would provide them with more  
11 information, but not necessarily information that they needed to  
12 act on, and so this was another concern that the committee  
13 expressed, was would they be -- If the hail-in requirement was  
14 expanded to be more trips, would the officers also be expected  
15 to increase the number of landings that they go and observe?

16  
17 They were informed by NOAA OLE that this was just information  
18 that would be available to them, so if they did have some  
19 information that there were some trips or vessels that they  
20 needed to investigate that this information would be available  
21 for them for those vessels that may not be landing IFQ species,  
22 which this did come from an original law enforcement concern.

23  
24 Through that discussion, the committee did then support the idea  
25 of, okay, expand the hail-in requirement, but just please don't  
26 bombard us with emails. By consensus, the committee  
27 recommended, in Action 1, Alternative 2 or Alternative 3. They  
28 didn't see that there was much difference between the  
29 alternatives in the additional number of trips per month, and so  
30 they did note the small difference in the number of trips.

31  
32 They did have an additional recommendation that perhaps this  
33 requirement be initially expanded to just all reef fish  
34 landings, Alternative 2, and, if that goes well, later expand it  
35 to include the landings of any federally-managed species, as  
36 under Alternative 3.

37  
38 Out of concern with receiving this additional information, the  
39 committee did inquire if additional funds could be made  
40 available to them so that they could also increase the number of  
41 vessel landings that they were able to observe. I will pause  
42 there for a moment and see if there is any discussion or  
43 questions on Action 1.

44  
45 **CHAIRMAN GREENE:** Is there discussion? Lieutenant Commander  
46 Danaher.

47  
48 **LCDR DANAHER:** Thank you, Mr. Chair. Just something to mention

1 here with regards to the law enforcement aspect is the Coast  
2 Guard, when it comes to landings, is kind of out of the picture.  
3 We really don't have any authority to start doing inspections at  
4 the dock for landings, and so your pool of law enforcement  
5 officers that can perform these roles shrinks pretty  
6 substantially, and that's not my decision. That's just the way  
7 the Service operates.

8  
9 The only thing I can really do at the dock is inspect the TED,  
10 and then the marine safety guys can come down and do the safety  
11 inspections, but I just wanted to make that point clear with  
12 regards to some of the overwhelming hail-in inspections that  
13 they're receiving.

14  
15 **CHAIRMAN GREENE:** Thank you. Mr. Walker.

16  
17 **MR. WALKER:** I was just going to add that the industry supports  
18 this action. Alternative 3 is what I'm hearing from the AP, and  
19 the industry as well. There's a lot of people that come in at  
20 night unloading fish, and I just think it would be a good tool.  
21 If someone was suspect, it could be a valuable tool that would  
22 help enforcement.

23  
24 If they're bombarded with emails, I'm sure there's a way, like a  
25 database that they were talking about. There may be someone  
26 suspect out there that something could come up and try to catch  
27 somebody that's doing something wrong, and I think it just  
28 closes the loopholes, and the industry believes that as well.

29  
30 **CHAIRMAN GREENE:** Dr. Crabtree.

31  
32 **DR. CRABTREE:** Just with respect to the committee suggesting  
33 that the notifications of stuff goes into a database, it's my  
34 understanding that it does go into a database and there is a  
35 database, but people have preferred emails, and so I think we  
36 could do that.

37  
38 Generally, what I have heard from our people is more support for  
39 Alternative 2, to expand this to all reef fish, and see how that  
40 goes and work through that, and then we could come back in and  
41 look at expanding it further, but I think there is some concern  
42 with overloading things.

43  
44 **CHAIRMAN GREENE:** Thank you. Is there further discussion by the  
45 committee? Mr. Swindell.

46  
47 **MR. SWINDELL:** With that, from listening to the enforcement  
48 report that was given earlier, the database is necessary, but

1 shouldn't it be regional of some sort? You don't want the agent  
2 to have to go through a whole Gulf-wide database to find  
3 something that fits his area where he is at. It needs, to me,  
4 to be some sort of regional database that he can go to, and I  
5 don't know how to get that done, but I am just suggesting it.

6  
7 The other thing was, as I remember, they wanted to know  
8 definitely a time before landing that they said that they need  
9 to inspect before the boat hits the dock, because, otherwise,  
10 they're not counting on the fact that the boat won't hit the  
11 dock and some of the fish taken off and going elsewhere, and, if  
12 you want to really inspect the vessel, you need to get it before  
13 it hits the dock, I believe, and that's possible, or, as it's  
14 coming in, they could watch it and do it.

15  
16 There has been a lot of concern expressed, at times, from  
17 different fishermen that they don't want to have to be waiting  
18 at the dock for the agent to come inspect, and I have thought  
19 all along that you can't do that. To me, they make the  
20 announcement, and if there is nobody there when they are  
21 offloading, so what? The agent had the opportunity to inspect  
22 them before they hit the dock. Thank you.

23  
24 **CHAIRMAN GREENE:** Thank you. Further discussion? Ms. Guyas.

25  
26 **MS. GUYAS:** It seems to me, no matter which alternative we  
27 choose here, if we're going to move forward with one of these  
28 that we need to deal with the landings locations too, because,  
29 if you do this and you don't update the landings locations, then  
30 we haven't really gained anything, and the officers can't  
31 necessarily get to where these people are landing to make  
32 inspections, and so I don't know, if we add something into this  
33 action or that's a separate action or if it's just discussion,  
34 but it seems like it needs to be addressed somehow.

35  
36 **CHAIRMAN GREENE:** Dr. Lasseter, is the landings locations going  
37 to be handled in another action, or can it be simply added here?

38  
39 **DR. LASSETER:** That is definitely something that is addressed in  
40 the document, but it has not been decided, and so that is  
41 something for the council to discuss. If you want it to be a  
42 decision point, in terms of an action, we could add it that way.  
43 Otherwise, what we have from law enforcement is that it would  
44 need to be at approved landing locations in order for it to be  
45 functional and practical.

46  
47 There are some obstacles in the actual drop-down menus or  
48 whatever that I believe the people that work on the software are

1 aware of and are addressing, but let me turn this over to NMFS  
2 to make sure that I am speaking correctly and that this is how  
3 they envision doing it, or if this should be a decision point.

4  
5 **CHAIRMAN GREENE:** Thank you.

6  
7 **MS. GERHART:** Jessica will come here and talk about that from  
8 the IFQ standpoint, but we have talked a little about this with  
9 our local law enforcement guys and gotten their input on this  
10 idea as well.

11  
12 **DR. STEPHEN:** Just a little clarification of how everything  
13 works. All the preapproved landing sites are put into the IFQ  
14 website, and that is currently how officers get emails to them.  
15 They can choose to opt in or out to getting the emails, and  
16 emails are set up by specific region, set up by the law  
17 enforcement group, and so we can work with them, if they think  
18 their regions are too large, to start narrowing it down.  
19 Typically, it's the same region as that officer has the ability  
20 to enforce, and so we keep it to their enforcement region  
21 they're assigned to.

22  
23 With respect to the preapproved landing locations, we are  
24 working with the VMS vendors to modify the way the VMS system  
25 works, and so the commercial guys are probably well aware that  
26 you ask for a preapproved location and it gets approved and it  
27 doesn't show up in your VMS list. What it does is it shows up  
28 on the IFQ website or the call service, and we have a lot of  
29 trouble getting the VMS vendors, because we have to have  
30 individual contracts with each vendor in order to update that.

31  
32 What we're working with is to switch that to a numeric system,  
33 and so a numeric system for every vendor. Instead of a drop-  
34 down list or whatever different method each vendor uses, you  
35 will type in a five or six-digit number, however many we get up  
36 to of landing locations, and that would automatically then be  
37 updated. It will hit our database and say, yes, it's valid on  
38 the list, and you will be considered good.

39  
40 With that methodology, we can incorporate adding a bunch more  
41 landing locations that would need to be preapproved for this to  
42 that system without having that impact on VMS that it isn't  
43 available to them at that point in time.

44  
45 **CHAIRMAN GREENE:** Okay. To make sure I understand, to land a  
46 fish now, you have to have a preapproved landing location. If  
47 we increase it to include all reef fish, then that requirement  
48 for a preapproved landing location is still relevant, correct?

1  
2 **DR. STEPHEN:** Yes, and, our local agents at NMFS, we talked to  
3 them about it, and they said that if you don't have it  
4 preapproved that they don't know whether they can actually  
5 publicly access it, and so the rules for the preapproved  
6 location is that it has to be publicly accessible by land and by  
7 sea, no chains and no dogs, and it has to be in an area that  
8 they consider safe to go to. All of those conditions would need  
9 to apply.

10  
11 **CHAIRMAN GREENE:** If we expand the current situation that we  
12 have now, which is specific to IFQ programs, and we expand it to  
13 all reef fish, the requirement that you have to have a  
14 preapproved landing location is already in effect, and it will  
15 continue on, or do we need to have another action because we are  
16 increasing the number of participants?

17  
18 **DR. STEPHEN:** The way I see it is, within this action, and I  
19 don't know if we page to where the alternative was listed, but  
20 it said that what would be required in that hail-in requirement,  
21 and it listed a landing location.

22  
23 If we say it's preapproved in there, we have a methodology for  
24 everyone to submit theirs, and we probably have to do a little  
25 bit of public awareness to get enough people to submit it in  
26 advance of implementation, because we don't want the fact that  
27 it's not approved to delay their landings, and get law  
28 enforcement to do it, and they have, I believe, forty-five days  
29 after it's submitted in order to approve or disapprove a  
30 location. I think, if we just make sure in the language here  
31 that we say it's a preapproved location and we can detail in the  
32 regulations where they would go to submit that.

33  
34 **CHAIRMAN GREENE:** I think I understand it that we're not going  
35 to need another action to include new landing locations, because  
36 it's already been taken care of, and so I think that clarifies  
37 where I was hung up on it. Dr. Simmons.

38  
39 **DR. SIMMONS:** Thank you, Mr. Chairman. I think Martin Fisher is  
40 on the webinar again, and he wanted to add something about this  
41 action, if that's okay.

42  
43 **CHAIRMAN GREENE:** Absolutely. Please go ahead, Martin.

44  
45 **MR. FISHER:** Thank you, sir. One thing that I think the council  
46 needs to consider is that, currently, the IFQ program provides a  
47 3 percent cost recovery fee, in part to pay for enforcement of  
48 the program, and these new vessels that aren't landing IFQ fish

1 would not be paying that premium or that cost recovery fee, and  
2 so it's going to put a burden, financially, on the system that  
3 already exists, and I just wanted to point that out.

4  
5 **CHAIRMAN GREENE:** Okay. Thank you, sir. Are there further  
6 comments? Mr. Boyd.

7  
8 **MR. BOYD:** I want to go back a second, Johnny, to what you were  
9 asking. We had discussion at the LEAP meeting last week, and my  
10 understanding was that people who are landing, commercial who  
11 are landing, non-IFQ species can land in their backyard, if they  
12 want to, if they have a dock back there, and the law enforcement  
13 representatives just said, please, don't make us have to try to  
14 find somebody's backyard, and we're not going to go do that. We  
15 would like to have those people have to land at an approved  
16 landing site, and so I'm not sure if you got the right answer to  
17 your question a while ago, if I understood the question that  
18 they were asking and what they were requiring, or what they  
19 would like to require.

20  
21 **CHAIRMAN GREENE:** Okay. Thank you. My thing is that, if we're  
22 going to have approved landing locations and we're going to  
23 increase the number of vessels that are landing, are they going  
24 to apply for new landing locations, et cetera? I just want to  
25 make sure, because, if this needs to be a new action and we need  
26 to insert it here, we can do so.

27  
28 I was thinking that it may already be required, but it may not  
29 be, because it's not an IFQ, and so I'm trying to spit it out.  
30 I really am, but maybe I'm not doing a good way of conveying it,  
31 but, Dr. Stephen, did you want to --

32  
33 **DR. STEPHEN:** Let me try and clarify this a little bit. They  
34 would need to ask for a location they want to land at to be  
35 preapproved. I don't think it necessarily needs to be an  
36 action, and I will defer to the other IPT members and leads on  
37 that, but they would still have to apply for -- It would have to  
38 be approved before they could land at it, and so I would assume  
39 there is going to be an uptick at that point in time, like when  
40 grouper/tilefish came on. We had a bunch more that had to be  
41 approved, and then we'll slow down to the amount we have kind of  
42 per month, per region, currently.

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

45  
46 **MS. BOSARGE:** Okay. I think I understand. Essentially, the way  
47 that it will be written is that you will have to land at a  
48 preapproved landing spot. Then the natural progression from



1 there is that, because we're expanding this scope of the people  
2 that will be landing, there is going to be some new preapproved  
3 landing spots that are going to go through your system to apply  
4 and be checked out and be blessed, and so there will be a wider  
5 universe, a broader universe, of preapproved landing sites at  
6 that point.

7  
8 **DR. STEPHEN:** That's correct. In the IFQ website portion, where  
9 you apply for a landing site, you do not have to be an account  
10 holder to do it. Anyone can go there and ask for one.

11  
12 **CHAIRMAN GREENE:** Thank you. Ms. Guyas.

13  
14 **MS. GUYAS:** I think we're all kind of saying the same thing. I  
15 was just going to say, Ava, do you need direction or a motion to  
16 I guess modify the wording in the alternatives to reflect that  
17 this would be landing at a preapproved site or you have the gist  
18 of it?

19  
20 **DR. LASSETER:** I have the gist, but I think a motion would be  
21 useful, just to make sure it's perfectly clear that that is your  
22 recommendation.

23  
24 **CHAIRMAN GREENE:** Thank you. Ms. Guyas, go ahead.

25  
26 **MS. GUYAS:** I will make a motion in Action 1 to modify the  
27 alternatives to reflect that landing shall occur at a  
28 preapproved site.

29  
30 **CHAIRMAN GREENE:** Okay. Thank you. We have a motion on the  
31 board. Is there a second for this motion? It's seconded by Mr.  
32 Walker. I think the motion is correct, and I think it does what  
33 we want it to do. It's getting late in the day, and I want to  
34 make sure we don't have to go back and do this later. Is there  
35 any further discussion about this? Mr. Swindell.

36  
37 **MR. SWINDELL:** What does it take to get to be a preapproved  
38 site?

39  
40 **CHAIRMAN GREENE:** I don't know, but I am sure that somebody,  
41 like Dr. Stephen, can tell us.

42  
43 **DR. STEPHEN:** It's pretty easy. There is probably some more  
44 specifics, but, generically, it has to be publicly accessible,  
45 and so the officer has to be able to get to it. Now, there are  
46 some houses that they have approved, because there are no chains  
47 or no dogs or hazard to the officer or any impediment of them  
48 getting to it at any point in time.

1  
2 Those are their main criteria, and the officers have the  
3 discretion to preapprove or to not approve the location. There  
4 is more information under IFQ in the frequently asked questions  
5 about the preapproved locations.  
6

7 **MR. SWINDELL:** So the preapproval comes from the enforcement  
8 agency?  
9

10 **DR. STEPHEN:** Correct, and the NMFS agents also have that worked  
11 out with the joint enforcement agents, and so it's a joint task  
12 of whoever is in the region to approved.  
13

14 **CHAIRMAN GREENE:** Thank you. Is there further discussion? We  
15 have a motion on the floor. **Is there any opposition to the**  
16 **motion? Seeing no opposition, the motion carries.** Dr.  
17 Lasseter.  
18

19 **DR. LASSETER:** Thank you, Mr. Chairman. If there is no further  
20 discussion, we can move on to Action 2, which begins on page 21.  
21 Action 2 addresses the inactivated IFQ shareholder accounts, and  
22 this action has two sub-actions. The first one addresses which  
23 shares to return to NMFS and when, and the second sub-action  
24 addresses the method of redistributing those shares, how they  
25 would be redistributed, and so we'll start with Action 2.1,  
26 returning inactivated IFQ shares to NMFS.  
27

28 Alternative 1, taking no action, would allow those shares in  
29 accounts that have never been activated to remain there unused,  
30 and, over time, other commercial fishermen have identified and  
31 located the individuals holding these accounts that have never  
32 been activated and have acquired some of those shares, and so  
33 the amount of shares held in these accounts has continued to  
34 decrease, and it's likely that that would continue to do so at  
35 some point.  
36

37 Alternative 2 addresses the shares from the red snapper IFQ  
38 program, and, again, in accounts that have never been activated  
39 in the current system. This alternative would have those shares  
40 in the red snapper IFQ program returned to NMFS on, Option 2a,  
41 on the effective date of the final rule implementing this  
42 amendment, or, Option 2b, one year following the effective date  
43 of the final rule implementing this amendment.  
44

45 Alternative 3 is similar, and it just applies to the  
46 grouper/tilefish IFQ program, with the same options. Those  
47 shares in the inactivated accounts would be returned at the time  
48 this amendment is implemented or, Option b, allowing one year

1 following the date of implementation.

2  
3 A little more context there is, again, the red snapper program  
4 began in 2007. The grouper/tilefish began in 2010, and so there  
5 is a three-year difference there, and I will add that there is a  
6 note there that you could select both Alternatives 2 and 3 as  
7 preferred and then just select different options as preferred  
8 for each. I think I will turn it over to Dr. Simmons now and  
9 we'll hear from the AP's comments.

10  
11 **DR. SIMMONS:** Thank you. This is on the top of page 4. The AP  
12 supported the action to return the shares in the inactivated  
13 accounts to NMFS, but they noted the red snapper program has  
14 been in place a lot longer than the grouper/tilefish IFQ  
15 program, and so they were in support of providing the additional  
16 time for the shareholders of those inactivated accounts in the  
17 grouper/tilefish program to divest of their shares.

18  
19 They passed the following motion. By a vote of twelve to zero  
20 with three abstentions, the AP recommends, in Action 2.1,  
21 Alternative 2, Option 2a, and Alternative 3, Option 3b, as its  
22 preferred alternatives. Alternative 2 is for the red snapper  
23 IFQ program and 2a is on the effective date of the final rule  
24 implementing this amendment. Then, for the grouper/tilefish  
25 program, Alternative 3, those accounts that had never been  
26 activated in the current system, return the shares to NMFS one  
27 year following the effective date of the final rule implementing  
28 this amendment. Thank you.

29  
30 **CHAIRMAN GREENE:** Thank you. Is there committee discussion?  
31 Dr. Crabtree.

32  
33 **DR. CRABTREE:** Carrie, is the idea of making it one year  
34 following the effective date somehow the hope that people will  
35 realize they have an account that's inactive and they will  
36 activate it and do something. Is that the thought process?

37  
38 **DR. SIMMONS:** I believe so, and, also, the fact that the red  
39 snapper program has been in existence longer than the grouper  
40 tilefish program, I believe.

41  
42 **DR. CRABTREE:** I got that, but, you know, grouper/tilefish was  
43 2010, right, and so that's -- By the time this actually happens,  
44 it will be seven years. It seems, to me, that neither one of  
45 these is a new program, and my -- I hate to see us do it one way  
46 in one instance and a different way in the other.

47  
48 That always leads to problem and questions and confusion, and I

1 suspect that, if these guys haven't activated the account by  
2 now, they're probably not going to activate them, and so I guess  
3 my preference would be to handle them both the same and have it,  
4 in both cases, that it happens on the effective date of the  
5 final rule. I just don't see much gain from delaying it for a  
6 year and doing it differently in the two programs.

7  
8 **CHAIRMAN GREENE:** Thank you. Is there further discussion?  
9 Seeing none, Dr. Lasseter.

10  
11 **DR. LASSETER:** Thank you, Mr. Chairman. Let's just take a look  
12 at the top of page 23. The Table 2.2.1 provides the number of  
13 accounts and the amount of shares in these inactivated accounts,  
14 and the final column is that equivalent pounds for the 2016  
15 quota.

16  
17 We have updated this equivalent pounds, the amount of shares and  
18 the equivalent pounds, as of September 26, and then I did just  
19 get an email with updates from as of October 13, and so the main  
20 difference is the amount of red snapper shares in inactivated  
21 accounts has decreased. As of October 13, the equivalent pounds  
22 for 2016 is 18,358 pounds, and so the amount of quota held in  
23 these accounts is continuing to decrease, even while we are  
24 working on this amendment. I just wanted to call attention to  
25 that table for you.

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

28  
29 **MR. RIECHERS:** I just want to make sure that I heard that right.  
30 The inactivated accounts, even though Dr. Crabtree is suggesting  
31 that, if they haven't gotten them by now, they wouldn't get  
32 them, you have been -- People have been tuning in and now trying  
33 to deal with their inactivated accounts.

34  
35 **CHAIRMAN GREENE:** Dr. Lasseter.

36  
37 **DR. LASSETER:** From what I understand from the fishermen, it's  
38 actually commercial fishermen locating these people with the  
39 inactivated accounts, rather than the people with the  
40 inactivated accounts taking the initiative to do something about  
41 it.

42  
43 **MR. RIECHERS:** Sure, and I guess my point is that, at least from  
44 my thoughts on this, it doesn't matter how they're being  
45 notified, whether they're doing it or whether someone is finding  
46 them, but it just may speak to the notion of -- I agree with Roy  
47 in that, whatever we do, let's handle them the same way, but it  
48 may speak to the notion of giving them a year from the time.

1 Either way, I am not too hung up on that, but that's just -- I  
2 do agree that let's do it the same way when we get to that  
3 point.

4

5 **CHAIRMAN GREENE:** Dr. Crabtree, did you have something?

6

7 **DR. CRABTREE:** No, but just that what I've heard too is that it  
8 is commercial fishermen who are looking for the owners of the  
9 inactivated accounts and essentially buying them out, and I  
10 don't have any objection if you want to give them another year  
11 after the effective date of the rule. That's fine, and I agree  
12 with Robin though that I would like to see us do it all the  
13 same.

14

15 As that happens, that means there is fewer and fewer pounds of  
16 fish we're going to be distributing to folks, which kind of  
17 leads me to be inclined towards Alternative 2, to just divide it  
18 up equally and be done with it.

19

20 **CHAIRMAN GREENE:** Thank you. It must be a full moon. Dr.  
21 Crabtree and Mr. Riechers are agreeing. I was just trying to  
22 lighten the mood a little bit.

23

24 **DR. CRABTREE:** It is worrisome.

25

26 **CHAIRMAN GREENE:** Anyway, I'm just making sure you all are  
27 awake. Dr. Lasseter.

28

29 **DR. LASSETER:** Thank you, Mr. Chairman. Actually, Dr. Crabtree  
30 jumped ahead of me there. Action 2.2 addresses this method of  
31 redistributing shares from inactivated accounts, and he just  
32 pointed out that Alternative 2 would redistribute the shares  
33 from each share category equally among all shareholders of that  
34 share category.

35

36 To take a step back to the Alternative 1, the no action would  
37 not redistribute the shares that were returned to NMFS.  
38 Alternative 3 would redistribute the shares from each share  
39 category according to the proportion of shares held by  
40 shareholders of that share category at the time the shares are  
41 redistributed by NMFS. This alternative is similar to how, when  
42 allocation is distributed each year, it's distributed according  
43 to the proportion of shares held by each shareholder.

44

45 Alternative 4 proposes to redistribute red snapper shares among  
46 grouper/tilefish shareholders in proportion to their  
47 shareholdings and, inversely, redistribute the grouper/tilefish  
48 shares among red snapper shareholders, in proportion to their

1 shareholdings.

2  
3 Finally, Alternative 5, you tweaked at the last meeting, and it  
4 is to redistribute the shares from each share category to the  
5 allocation-only account holders that have a commercial reef fish  
6 permit and made landings in 2016 for that share category, but  
7 are not related to other accounts with shares.

8  
9 I will point out that we don't have Law Enforcement Committee  
10 recommendations. They did not feel that this applied to them  
11 for Actions 2 or 3, but we do have Reef Fish AP comments, and so  
12 I'm going to turn it over to Dr. Simmons.

13  
14 **DR. SIMMONS:** Thank you, Mr. Chairman. I think the AP made  
15 several motions regarding this action, and they noted this was a  
16 small amount of quota for each share category. They had some  
17 support for the use of quota banks, but, following a failed  
18 motion, a substitute motion passed recommending to redistribute  
19 the shares to the allocation-only account holders, and that was  
20 by a vote of nine to four and two abstentions. The AP  
21 recommends, in Action 2.2, that Alternative 3 be its preferred  
22 alternative.

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

25  
26 **DR. CRABTREE:** I know, when we started talking about Alternative  
27 4, the biggest concern was trying to address some of the red  
28 snapper discards occurring in the grouper fishery, and it almost  
29 seems to me now that there's not enough quota to be  
30 redistributed to accomplish any of that. Is there any analysis  
31 anywhere, Ava, that indicates that would be a productive thing  
32 to look at?

33  
34 **DR. LASSETER:** We have not quantified these alternatives. You  
35 can look at the number of accounts in each of these. We are  
36 talking about a total of 13,610 pounds across all the  
37 grouper/tilefish share categories, and, as of October 13, we're  
38 looking at less than 19,000 pounds of red snapper, and so I'm  
39 not sure if just the scale of that maybe speaks to your  
40 question.

41  
42 **DR. CRABTREE:** Yes, and so I think this was Roy Williams and my  
43 idea, and I think, at this point, it probably isn't very  
44 productive, and so I guess I would make a motion that we move  
45 Action 2.2, Alternative 4, to Considered but Rejected.

46  
47 **CHAIRMAN GREENE:** We have a motion to go on the board to move  
48 Alternative 4 to Considered but Rejected. While she's getting

1 that on the board, do we have a second for this motion? It's  
2 seconded by Mr. Riechers. Further discussion? Mr. Swindell.

3  
4 **MR. SWINDELL:** I really don't understand the reason to eliminate  
5 this. What are we trying to do by not redistributing the  
6 shares? To me, if we don't -- We have set up a program here,  
7 and you have already gone through let's say an OY situation of  
8 coming up with the number of shares to have out there for  
9 utilization of the fishery resource that's available. To me,  
10 you ought to keep trying to do that without just holding the  
11 shares. To me, Alternative 1 shouldn't even be in there,  
12 because that lowers your effort through Magnuson to get OY  
13 utilization of the resource.

14  
15 You're going to do the same thing in Alternative 4 if you  
16 eliminate it. You're going to do the same thing. You have  
17 other things you can use, but I think you need to find some way  
18 to redistribute the shares.

19  
20 **CHAIRMAN GREENE:** Dr. Crabtree.

21  
22 **DR. CRABTREE:** I agree with you, Ed, that we want to  
23 redistribute the shares, but it's just a matter of who gets the  
24 redistributed shares, and, in Alternative 4, the red snapper  
25 shares that are inactive would all go to grouper/tilefish  
26 holders and vice versa, and I just don't think that's, based on  
27 what I am seeing, the way we want to do it. I think we probably  
28 want to redistribute the red snapper shares to the red snapper  
29 holders and the grouper to the grouper guys.

30  
31 **MR. SWINDELL:** I apologize for not fully reading the item, but I  
32 agree with you.

33  
34 **CHAIRMAN GREENE:** Thank you. Is there further discussion? We  
35 have a motion on the floor. It's been seconded. **Is there any**  
36 **opposition to the motion on the floor before you? Seeing no**  
37 **opposition, the motion carries.** Dr. Lasseter.

38  
39 **DR. LASSETER:** Thank you, Mr. Chairman. If there is nothing  
40 further on Action 2, we will move into Action 3, which begins on  
41 page 27. Action 3 addresses retaining annual allocation before  
42 a quota reduction, and our Alternative 1, always our no-action  
43 alternative, would continue to distribute 100 percent of the red  
44 snapper and grouper/tilefish annual allocation to IFQ  
45 shareholders on January 1 of each year.

46  
47 Alternative 2 would provide the Regional Administrator the  
48 authority to withhold the amount of red snapper or

1 grouper/tilefish annual allocation before distribution at the  
2 beginning of a year in which a commercial quota reduction is  
3 expected to occur.

4  
5 Withheld red snapper or grouper/tilefish annual allocation will  
6 be distributed to shareholders if the effective date of the  
7 final rule implementing the quota reduction has not occurred by,  
8 and there is two options, either June 1 or August 1. Again, we  
9 don't have any Law Enforcement comments, but I am going to turn  
10 this over to Dr. Simmons to provide the Reef Fish AP comments.

11  
12 **DR. SIMMONS:** Thank you, Mr. Chair. The AP was not in favor of  
13 a midyear quota reduction. They stated there are problems with  
14 managing quota changes midyear, as the market is affected, and  
15 especially if changes occur later in the year. By a vote of  
16 thirteen to zero with two abstentions, the AP recommends, in  
17 Action 3, that Alternative 1 be its preferred alternative, and  
18 that's the no-action alternative. Thank you.

19  
20 **CHAIRMAN GREENE:** Dr. Crabtree.

21  
22 **DR. CRABTREE:** Well, I mean, I understand where they're coming  
23 from, but it's not a midyear quota reduction. The quota  
24 reduction would occur at the beginning of the year, but it just  
25 avoids the problem of having to delay a needed reduction for a  
26 whole year, and I think it would be difficult to reduce the  
27 recreational side if we couldn't reduce the commercial side.  
28 Then if we get into an overfishing or some kind of problem  
29 situation, where we know we need to reduce the catches, it just  
30 prevents us from getting that done, and so I still think this is  
31 something we need to do.

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

35  
36 **MR. MATENS:** Roy, I see where you're coming from, and I probably  
37 agree with you, but I'm curious. Does the industry think  
38 there's a difference, or do you think there's a difference,  
39 between June 1 and August 1?

40  
41 **CHAIRMAN GREENE:** Dr. Crabtree.

42  
43 **DR. CRABTREE:** I will defer to David, but I know they want to --  
44 If the quota reduction turns out not to be necessary, I know  
45 they would want to get the extra fish and have time to catch  
46 them and sell them and get a good price for it, and so I am sure  
47 they would prefer June 1, and I am fine, I think, with June 1.

48



1 **CHAIRMAN GREENE:** Mr. Walker.

2  
3 **MR. WALKER:** Yes, and that's the understanding from industry,  
4 everyone I've talked with. If you've got to go with Alternative  
5 2, we need Option a. We need time for business plans and to  
6 plan our businesses. If they can get the recreational sector  
7 open, I'm sure they could get -- Like Roy said, they could  
8 probably get it to us by June 1. If we're going to go with  
9 Alternative 2, it would certainly need to be Option a, would be  
10 preferred.

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

13  
14 **DR. CRABTREE:** Just to point out that we have encountered this  
15 situation on a couple of occasions, and we had to go through an  
16 entire framework amendment, and that entails a lot of staff time  
17 and council time and everything else, and so it seems, to me,  
18 that we would want to avoid doing that.

19  
20 **CHAIRMAN GREENE:** Thank you. Further discussion? Mr. Riechers.

21  
22 **MR. RIECHERS:** So it's a difference between five and seven  
23 months and some seasonality associated with fisheries here, and  
24 so one of the things maybe, as we get to review it the next  
25 time, could we at least get a frequency distribution of catch by  
26 month? It doesn't have to be included in the document, but just  
27 have that available? I know we can find it in other documents,  
28 but that would be helpful as we look at those times.

29  
30 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.  
31 Banks.

32  
33 **MR. BANKS:** I agree with what Robin was getting at, and I was  
34 going to ask a question of David. Do you anticipate, if this  
35 situation occurred, that you would be sitting there with nothing  
36 to do for several months before June rolled around?

37  
38 **CHAIRMAN GREENE:** Mr. Walker.

39  
40 **MR. WALKER:** Everyone's business plan, I guess, would be  
41 different, depending on how you fish. Some people fish hard  
42 during Lent, earlier in the year, and then people just make  
43 plans on what quota they're going to have, and so some people  
44 fish hard in the summertime, when the restaurants and the  
45 tourism is heavy, and so it's just -- I guess it basically  
46 depends on the individual business.

47  
48 **CHAIRMAN GREENE:** Ms. Bosarge.

1  
2 **MS. BOSARGE:** I guess I look at this action kind of from the  
3 flip side perspective, just because of one of the scoping  
4 meetings that we had in Mississippi, and I don't look at it so  
5 much from the withholding perspective as I do from the pushing  
6 the quota out perspective.

7  
8 Say we end up in a situation where some quota has been withheld  
9 and we chose Option b as our preferred alternative and  
10 everything passed and that's what's on the books. Well, there  
11 is a possibility that, if I'm reading this right, that NMFS  
12 could push some amount of quota out to somewhere around August  
13 1.

14  
15 Well, at least where I'm from, when you get into October or  
16 November or December, it's usually blowing pretty well, and so  
17 you're looking at some amount of quota that these guys are  
18 going, okay, I've got August and September really of decent  
19 weather to go try and land that quota, and so now they've got  
20 two months to try and land it, and that's where they get into a  
21 little bit of a pickle. That's the perspective I was looking at  
22 it from.

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

25  
26 **DR. CRABTREE:** Bear in mind that I think it would be very rare  
27 that the quota would be pushed out at that date. The way this  
28 would work is it would mean the council had already approved an  
29 action that was going to change the quota somehow, only it  
30 couldn't be implemented before January 1. Unless NMFS  
31 disapproved the council action, the quota wouldn't be pushed  
32 out. The reduction would go into place, but we're just holding  
33 it back so when the reduction goes into place that we can put  
34 the reduction in place.

35  
36 The last time this happened was with Amendment 28. This council  
37 voted to reallocate some fish, and then we had to do a framework  
38 to hold some of it back, or everything would have gotten pushed  
39 off for another year.

40  
41 It could also happen if we had a stock assessment that showed we  
42 needed to reduce the quota, and so, unless NMFS essentially  
43 disapproves the council action, the quota is not going to be  
44 pushed out, and you can look back at the record. We don't  
45 disapprove very many council actions, and so, in the vast  
46 majority of cases, it isn't going to be an issue, because the  
47 quota is not going to be pushed out. It would be the exception  
48 to have that happen, rather than the rule.

1  
2 **CHAIRMAN GREENE:** Thank you. Mr. Walker.

3  
4 **MR. WALKER:** I was just going to add, kind of Patrick, that the  
5 later in the year we get these fish, we run into things like  
6 Thanksgiving. A lot of times, the fish dealers cut us off  
7 before Thanksgiving gets here, because people are wanting hams  
8 and turkeys.

9  
10 After Thanksgiving, they're sick of them, and they want some  
11 fish, and the same thing goes with Christmas. From about  
12 December 17 or 18, they cut us off, and then you have to get  
13 right back out after Christmas. The later in the year we wait,  
14 the more issues we run into.

15  
16 **CHAIRMAN GREENE:** Any further discussion? Mr. Walker, it seems  
17 to me that you have the opportunity to get some fish in June or  
18 wait until the following January, June or August or January of  
19 the following year, and am I misunderstanding something here?  
20 It seems like we're trying to withhold some fish to reduce the  
21 quota at the beginning of the year when we need to -- It's a  
22 declining yield, and we need to withhold some fish.

23  
24 **DR. CRABTREE:** When we had the declining yields built in, that  
25 wouldn't affect this, because that would happen in time. It's  
26 when something happens, you either make a decision with respect  
27 to allocation or you get new information that indicates that you  
28 need to lower the quotas, but we're not able to get the action  
29 in place before we release all of the IFQ shares in June.

30  
31 This allows us to go ahead and process your action and put it in  
32 place, but hold back those extra fish so that it goes in place.  
33 Then, when it goes in place, those fish are never going to be  
34 released, because you have released the commercial quota, and  
35 those fish aren't going out. It's only if NMFS decides the  
36 action the council took violates some National Standard or  
37 something and disapproved it that then those fish would go back  
38 out at that point.

39  
40 That's why I say, in the vast majority of cases, those fish are  
41 never going back out. Without this, you would either have to do  
42 a whole framework action to do that or you would have to delay  
43 the change to the allocation or the TAC reduction for an entire  
44 year and do it then, and that may be something you don't want to  
45 do, or it may be something that creates a whole host of other  
46 types of problems, and this just gives you the flexibility to  
47 avoid that situation without having to go through a bureaucratic  
48 exercise.

1  
2 **CHAIRMAN GREENE:** I think that's exactly correct, because it  
3 seems like you either get them in June or you wait until the  
4 following year, and that's what I was trying to get at earlier.  
5 Thank you for putting it to where I can understand it. Does  
6 anybody else have any further discussion? Mr. Walker.

7  
8 **MR. WALKER:** I think what industry was saying was if you're  
9 going to -- Don't withhold the fish and take them out the next  
10 year. That's what their hope was, to not take them out during  
11 the middle of the year. If you're anticipating it, you're not  
12 for certain, but they were saying, the next calendar year, take  
13 those out, because they wanted to make their business plans at  
14 the beginning of the year, but, if you're going to do it this  
15 way, Alternative 2, Option a was what they preferred.

16  
17 **DR. CRABTREE:** The council, if you took an action, you would  
18 still have the discretion to say, but we don't change the quota  
19 until the next year. You could do that. This doesn't preclude  
20 you of the ability to do this, but, if you thought it was best  
21 to go ahead and do it, this helps you avoid having to go through  
22 a whole framework action in order to make that happen.

23  
24 **CHAIRMAN GREENE:** Okay. Any further discussion? Okay, Dr.  
25 Lasseter.

26  
27 **DR. LASSETER:** Thank you, Mr. Chairman. Moving on from Action  
28 3, our final action is Action 4, which begins on page 28, and  
29 this addresses a dealer notification requirement for beginning  
30 to offload IFQ species.

31  
32 This action, you discussed and requested at the last meeting, in  
33 August, and so Alternative 1 is always our no action, do not  
34 require IFQ dealers to provide notification to NMFS specifying  
35 when a vessel will offload IFQ species. Currently, dealers do  
36 not provide any such notification.

37  
38 Alternative 2 would require IFQ dealers to notify NMFS when a  
39 vessel will offload IFQ species. The notification must be made  
40 at least one hour, and no more than twenty-four hours, before  
41 offloading begins. Alternative 3 is very similar, but it  
42 changes the one hour to three hours, and so it's to require IFQ  
43 dealers to notify NMFS when a vessel will offload IFQ species.  
44 The notification must be made at least three hours, and no more  
45 than twenty-four hours, before offloading begins. Then, within  
46 the notification, there would be the time that you would expect  
47 to notify. I will turn this over first to the Reef Fish AP  
48 comments.

1  
2 **DR. SIMMONS:** The AP spent a lot of time talking about this  
3 action, and there was a lot of discussion about, from law  
4 enforcement, of was this a regional or a Gulf-wide concern, as  
5 to why this action was needed with law enforcement. Basically,  
6 other members responded that this has been a problem among  
7 small, mobile operations, rather than large fish houses.

8  
9 They also discussed the fact that they were concerned that this  
10 is putting a lot of burden on the dealers, and they thought any  
11 potential violations from inaccurate or incomplete notifications  
12 in that regard could be an issue. Then they discussed that  
13 maybe this burden should be on vessel operators. They went back  
14 and talked about that, but a motion to make this action or  
15 recommend that this action be changed to the vessel operators  
16 failed.

17  
18 Then they made a subsequent motion that, by a vote of nine to  
19 zero with six abstentions, the AP recommends, in Action 4, that  
20 the preferred alternative be Alternative 2.

21  
22 They did say that they still had some concerns with the details  
23 of the notification requirement, because it remains largely  
24 unknown, and what's meant by that is the logistics that would be  
25 defined by NMFS, such as the ability to resubmit notification  
26 due to delay in offload and what would be that window, those  
27 hours, for offloading. They thought there were still some  
28 outstanding questions regarding this action. Thank you.

29  
30 **CHAIRMAN GREENE:** Thank you. Is there committee discussion?  
31 Mr. Blankenship.

32  
33 **MR. BLANKENSHIP:** Did the Law Enforcement Committee have any  
34 comment on this one?

35  
36 **DR. LASSETER:** Why, yes, they did, and thank you. The Law  
37 Enforcement Committee did review this action, and they felt that  
38 it would be very difficult for both the dealers and the vessel  
39 operators. They noted that, one, they are very familiar with a  
40 lot of the commercial fishermen in their area and the dealers,  
41 and they said that it's often at a fish house that there could  
42 be multiple vessels waiting to offload, and it wouldn't be  
43 possible for the dealer to know when each vessel is finished and  
44 therefore the next vessel would be able to begin.

45  
46 That potentially could require a lot of resubmissions of the  
47 notifications, and, of course, this leads back to the law  
48 enforcement concern theme of additional email notifications.

1 That was not desired for them.

2  
3 Further, they also felt that this may not fix the problem that  
4 they felt was identified. They felt that it could easily be  
5 circumvented, that those who are intending to engage in illegal  
6 activity would be able to find a way around and would still  
7 offload when nobody is there, and so they weren't sure that this  
8 would really address the problem. By consensus, the committee  
9 recommended taking no action on Action 4. That concludes the  
10 Law Enforcement comments.

11  
12 **CHAIRMAN GREENE:** Thank you. Is there committee discussion?  
13 Dr. Crabtree.

14  
15 **DR. CRABTREE:** I have heard that there are a lot of problems  
16 with doing this one, which I can't fully explain them all.  
17 Jessica probably could shed some more light on it if you're  
18 interested, but I think this was a well-intentioned idea, but I  
19 am just a little worried that law enforcement doesn't really  
20 seem to want us to do this, and so I wonder if we ought to talk  
21 about whether we want to leave this in the document or not at  
22 this point. I know this was something that David supported, and  
23 I don't know, David, if you guys have had any rethinking of  
24 this, based on the law enforcement comments, or not.

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

27  
28 **MR. WALKER:** I think the AP had discussion, and the industry  
29 seems to think there's a problem. Maybe everybody doesn't want  
30 to bombard the 800 number for law enforcement problems, and this  
31 was another way to do it or something, but they wanted this one-  
32 hour window. I think someone was saying, well, what are you  
33 going to do when you get there at eight o'clock or whatever, and  
34 that's why they went to one hour, was to give -- If you call  
35 your fish dealer at seven o'clock or eight o'clock, he's not  
36 going to get there until nine, and it was just trying to close  
37 that window.

38  
39 Yes, there is ways around it. I remember, in the derby days,  
40 people could unload 2,000 pounds of fish in thirty minutes and  
41 have them off the boat in the box and turn loose from the dock  
42 and head back offshore, and so there is ways around it, but the  
43 industry just thought this was an opportunity to close maybe  
44 some loopholes of some things that are going on, but, if that's  
45 what law enforcement -- I guess we'll have to listen to some  
46 more testimony on that.

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

1  
2 **MR. RIECHERS:** I am inclined to agree with Roy on this one as  
3 well, but, if I'm reading this correctly, they can contact you  
4 at twenty-four or up to one hour before, and so, based on their  
5 choice, they can still be at the same contact time that we had  
6 before from the -- You're not really doing anything here other  
7 than making another person report a wider window of time. They  
8 can choose to tell you an hour before, but they don't have to.  
9  
10 **CHAIRMAN GREENE:** Dr. Lasseter.  
11  
12 **DR. LASSETER:** This action speaks to when the dealer must  
13 provide the notification. Within that time period, but this is  
14 not a council decision point, the dealer would need to provide a  
15 more narrow range of time when that would occur. It's just that  
16 the decision point here is that the dealer has between either  
17 one and twenty-four or three and twenty-four hours to say, hey,  
18 at this time, the offloading will begin, but the actual  
19 determination of how long that window could be within the  
20 notification will be determined by NMFS.  
21  
22 **CHAIRMAN GREENE:** Mr. Walker.  
23  
24 **MR. WALKER:** If you come in at seven o'clock at night and you  
25 give your landing notification, that doesn't necessarily mean  
26 you have to have a time period to unload your fish. If no one  
27 knows when you're going to unload, they're not going to know. A  
28 fish dealer is not going to call them, and you're not going to  
29 call them. That's just a loophole they were trying to close. I  
30 mean, if Roy and the enforcement agents think it's an issue,  
31 then I would like to hear some more testimony from industry of  
32 whether they support this or they have a change of opinion after  
33 law enforcement's comments.  
34  
35 **CHAIRMAN GREENE:** Thank you. Is there further committee  
36 discussion? Okay. I don't see anything further. Dr. Lasseter.  
37  
38 **DR. LASSETER:** That's actually the last action in the document,  
39 and there is a short discussion on the timeline, if we want to  
40 pick that up in the morning and select public hearing locations,  
41 but what is your preference, Mr. Chairman?  
42  
43 **CHAIRMAN GREENE:** Mr. Boyd.  
44  
45 **MR. BOYD:** Thank you, Mr. Chairman. I've got a question for  
46 Mara. Mara, you and I talked at the last meeting about changes  
47 in the IFQ program that triggered or required a referendum, and  
48 do the IFQ program modifications in this amendment trigger a

1 referendum?

2  
3 **MS. LEVY:** No, and we already discussed that before you started  
4 working on it, because, if it did, you would have had to have  
5 the referendum before you started to prepare it. This was  
6 included in the big list of things that you were contemplating  
7 for Amendment 36, and we went through those and none of them  
8 were going to require a referendum, other than the auction  
9 provisions, which you took out, and then you divided Amendment  
10 36 into A and B, and so this is still within what you were  
11 considering when you were talking about Amendment 36 as a whole.

12  
13 **MS. BOSARGE:** All right. If that wraps up our conversation on  
14 that, I think we have done all the damage we can do for one day,  
15 and we will pick back up in the morning and we will touch base  
16 on the timeline and locations. We will see you back here  
17 tomorrow morning at eight o'clock sharp. We are adjourned for  
18 the day.

19  
20 (Whereupon, the meeting recessed on October 18, 2016.)

21 - - -

22  
23  
24 October 19, 2016

25  
26 WEDNESDAY MORNING SESSION

27 - - -

28  
29  
30 The Reef Fish Management Committee of the Gulf of Mexico Fishery  
31 Management Council reconvened at the IP Casino and Hotel,  
32 Biloxi, Mississippi, Wednesday morning, October 19, 2016, and  
33 was called to order by Chairman Johnny Greene.

34  
35 **CHAIRMAN GREENE:** Thank you. Yesterday afternoon, we did not  
36 get all the way through Amendment 36. We only have one item  
37 remaining. However, we are going to skip ahead in the agenda,  
38 and we will come back to Amendment 36 at this point. Never  
39 mind. Ava is giving me thumbs-up that she's ready, and so we're  
40 in good shape. We will pick up where we left off yesterday, and  
41 if you will remind us where we are, what tab number and all that  
42 good stuff, Dr. Lasseter, whenever you're ready.

43  
44 **DR. LASSETER:** Okay. Perfect. Thank you, Mr. Chairman. We're  
45 just going to wrap up the Tab, Number 11 is the document. This  
46 is Amendment 36A, the modifications to the commercial IFQ  
47 programs. We did complete the review of the document. The only  
48 remaining item on your scope of work was to address the timeline



1 of the document.

2  
3 We have been working on the premise that we would be bringing  
4 you a public hearing draft at the January meeting, and we were  
5 wondering if you would like to go ahead and select public  
6 hearing locations at this time. Is developing a public hearing  
7 draft at this time still your intent? I just wanted to bring  
8 that up for discussion.

9  
10 **CHAIRMAN GREENE:** Is there committee discussion? Does anyone  
11 want to weigh in or have any objections to proceeding on down  
12 the path for scoping locations? Dr. Simmons.

13  
14 **DR. SIMMONS:** Doug and I talked about this this morning, and  
15 we're a little bit concerned, basically, about the number of  
16 public hearings we're going to be doing, potentially, after the  
17 January council meeting.

18  
19 With this particular document, I think we could potentially do a  
20 directed mail-out, like we did for the federal for-hire  
21 amendment, and then have a webinar after that, or maybe just go  
22 to a few locations in addition to doing that, because we have  
23 potentially public hearings for gray triggerfish, Amendment 46,  
24 Shrimp 17B, coral scoping, and now 36A.

25  
26 The other option is we could go ahead and do all the in-person  
27 meetings, but potentially maybe after the April council meeting.  
28 We could work with the Chair and Vice Chair after that more on  
29 timing, but I thought it was important to talk about that and  
30 think about that right now. Thank you.

31  
32 **CHAIRMAN GREENE:** Thank you. Does anyone want to weigh in on  
33 that this morning on what your thoughts are? Ms. Guyas.

34  
35 **MS. GUYAS:** I think I'm good with the mail-out idea. I think a  
36 lot of these changes are fairly straightforward, and I would  
37 like to think that they're not super controversial, but I'm open  
38 to other ideas, too.

39  
40 **CHAIRMAN GREENE:** I tend to agree. Does anybody else have any  
41 concerns? Then I will assume that that will be the direction  
42 that we will go, will be a direct mailing and followed by a  
43 webinar. Is there anywhere that an in-person meeting might be  
44 more beneficial, if we were to have one somewhere, or not, or is  
45 everyone just fine with a directed mailing and a webinar? I am  
46 seeing some heads shaking, and I'm assuming that means webinar  
47 or a directed mailing type of deal for Amendment 36A. Dr.  
48 Simmons, that sounds like a plan for us. Ms. Bosarge.

1  
2 **MS. BOSARGE:** Carrie and I had a conversation too that if you do  
3 feel like you need an in-person location and we have decided to  
4 go with the webinar, Kelly and I talked about we could always  
5 have someone at the DMR with the PowerPoint presentation or  
6 something like that that is there during the webinar, in case  
7 you want to have a place for them to come, and so that's an  
8 option as well.

9  
10 **CHAIRMAN GREENE:** That sounds like a good idea as well. Okay.  
11 Anything else? Dr. Lasseter, does that complete everything?

12  
13 **DR. LASSETER:** It does, Mr. Chairman, and thank you.

14  
15 **CHAIRMAN GREENE:** Okay. You're good on your direction for 36A  
16 and you don't need anything else from the council?

17  
18 **DR. LASSETER:** Not hearing further discussion, I am assuming  
19 that we're going to carry on with developing a public hearing  
20 draft for the January meeting.

21  
22 **CHAIRMAN GREENE:** If staff is satisfied with it, then so am I.  
23 That will conclude Draft Amendment 36A, and we will move to the  
24 Standing and Reef Fish SSC Summary and Dr. Powers.

25  
26 **STANDING AND REEF FISH SSC SUMMARY**  
27 **DISCUSSION ON LIMIT AND TARGET REFERENCE POINTS AND MSY PROXIES**  
28 **FOR REEF FISH**

29  
30 **DR. POWERS:** Good morning. There are a couple of items that we  
31 discussed at the SSC meeting, and they're both in the same  
32 PowerPoint, and so we may want to pause in between the two  
33 things.

34  
35 The first one was the discussion on limit and target reference  
36 points, and particularly MSY proxies, and the second is some  
37 discussion about the review of the ABC control rule  
38 alternatives. Largely, these items are more in the scientific  
39 realm, but there are some important aspects that the council  
40 should be not only aware of, but contribute to as time goes on.

41  
42 In terms of our discussion of target and limit reference points,  
43 there were several things that came up, what's the difference  
44 between them, how do you account for risk and uncertainty, and  
45 probably the most important part is how do you choose maximum  
46 sustainable yield, MSY, proxies, and then one of the suggestions  
47 was perhaps ad hoc working group amongst the SSC.

1 This just is a reminder, and I'm sure you've seen this many,  
2 many times, but, basically, when we talk about MSY proxies, we  
3 are talking about that top horizontal line of where do you  
4 define the overfishing limit, and then, secondarily, which  
5 relates to the uncertainty, is where do you find the ABC  
6 relative to that, and so the second horizontal line.

7  
8 Essentially, what we're trying to do, in a control rule or  
9 determining the overfishing level, is defining a probability  
10 distribution, and so what is the catch at MFMT, which is the  
11 same thing as the overfishing limit, and then, therefore, the  
12 peak there would be our best estimate, and how much buffer you  
13 want to do as it relates to the probability, and these sorts of  
14 probability distributions have been used quite a bit.

15  
16 One of the things about MSY proxies is there tends to be kind of  
17 a one-size-fits-all sort of framework in which they have been  
18 discussed thus far, and one of the things that has come up is  
19 that basically these proxies that we use, and they are typically  
20 based on spawning potential ratios, SPR, and so, if you're at 30  
21 percent SPR or 40 percent SPR, that is essentially a measure  
22 that will be used, typically used, as a proxy, but whether it's  
23 20 percent, 30 percent, or 40 percent really depends a lot on  
24 the life history, and so I think what the SSC is suggesting is  
25 we need to move to a little more detailed look, amongst the reef  
26 fish, about what are the different life histories and can we  
27 classify certain MSY proxies between those ranges of SPRs.

28  
29 There has been discussion of setting up a working group to deal  
30 with this, and I don't think anybody is looking at major  
31 workshops or anything like that, but more of an ad hoc group  
32 that would work outside of the formal SSC and the report to the  
33 formal SSC, but even that, a lot of that we wanted to wait until  
34 after the data review, the review workshop for the data-poor  
35 species, which is November 1, two weeks from now, in Miami, and  
36 so we're going to wait to see kind of what are some of the  
37 aspects of that come out.

38  
39 There is also issue, and this relates to that  $P^*$ , or that  
40 buffer, and that is what sorts of risk policies does the council  
41 want? The council has specified a basic risk policy, in terms  
42 of  $P^*$ , and that's used to convert from the OFL to the ABC, but  
43 there are a lot of aspects that go into that, and so I think the  
44 SSC wants to explore or develop mechanisms to kind of inform the  
45 council about what alternative they have in making those sorts  
46 of decisions.

47  
48 Essentially, that gets to the point of the difference between

1 limits and targets, and remember that limits are basically these  
2 overfishing limits, the maximum sustainable yield, which is  
3 defined by biological sort of characteristics, and then targets,  
4 which will encompass the uncertainty, but also encompass  
5 whatever objectives the council has in developing their FMP.  
6 That is, I think, one of the issues that we in the SSC want to  
7 start dealing with.

8  
9 One of the suggestions that was brought up, and I believe will  
10 be actually implemented, is there are a number of sociologists  
11 and economists that are on the SSC, and they were very  
12 interested in trying to explore, so that you could make this  
13 explanation, of what the consequences are, in terms of risks  
14 associated with the definition of the targets and the ABC and so  
15 on. Then reporting to the SSC, which, again, would then report  
16 to the council itself.

17  
18 Basically, what we're talking about here is some actions that  
19 the SSC has taken, or is in the process of taking, to address  
20 some of these issues, but we haven't really formalized a  
21 specific strategy. We wanted to wait a little bit, until we get  
22 some more information from the data-poor workshop and so on.  
23 That is the issue of limits and control rules, and I can go. If  
24 there's no questions, I can go on to the next section as well.

25  
26 **CHAIRMAN GREENE:** Does anybody have any questions? I don't see  
27 any, Dr. Powers. Please continue.

28  
29 **REVIEW OF ABC CONTROL RULE ALTERNATIVES**

30  
31 **DR. POWERS:** The other issue is the review of the ABC control  
32 rule alternatives, and one of the issues with the ABC control  
33 rules is that probability distribution. Typically,  
34 scientifically, it's hard to develop a nice probability  
35 distribution that's specific to each individual stock and each  
36 individual time, and so there are some ways to approximate this,  
37 but what has happened, in the case of the reef fish, is that  
38 probability distribution is kind of narrow, and so, therefore,  
39 the buffer is fairly narrow, and it doesn't really change much  
40 from one stock to another, and that really sort of flies in the  
41 face of what we know about one set of stocks and what we know  
42 about the other.

43  
44 If you remember in the control rules, there were different  
45 tiers, based on what we thought we knew about the stocks, and so  
46 I think we need to clear up some of those tiers and that sort of  
47 thing.

48

1 One of the possible solutions that was developed by people  
2 working with the Pacific Council was, instead of trying to  
3 estimate that probability distribution for each individual  
4 assessment, but rather based on generic things about life  
5 history, you could get an approximation of it, but, again, that  
6 sort of tradeoff, I think, has to be evaluated. Basically, what  
7 we're trying to do is how do you define that probability  
8 distribution.

9  
10 Again, what we're talking about is making a better distinction  
11 between Tier 1 and Tier 2, what we would consider data-rich and  
12 data-poor, in terms of the fishing mortality rate that is being  
13 used as a proxy for MSY, and therefore the peak of that  
14 probability distribution, and so I think it's going to take some  
15 discussion within the scientific community and some work there.

16  
17 The other aspect of a control rule is this is sort of a generic  
18 control rule. Basically, the horizontal axis is the biomass,  
19 or another way to say that is the spawning stock biomass. It's  
20 how much reproductive potential is out there, whereas the  
21 vertical axis is the fishing mortality rate, and you are  
22 basically saying, with the control rule -- On the right-hand  
23 side there, that line is horizontal, and you're saying, when the  
24 stock is in that sort of range, it's above MSST, and, therefore,  
25 you can keep the fishing mortality rate at some level, and that  
26 level should be picked at a point that would keep you from  
27 overfishing.

28  
29 If a stock ends up being overfished, then you would want to  
30 reduce that fishing mortality rate so that it would recover more  
31 quickly, and that sort of decline on there has been discussed  
32 for a long time, in terms of developing these control rules, but  
33 I think we need, within the scientific community, to evaluate  
34 how that particularly happens.

35  
36 One of the ways to do that, and I know within the National  
37 Marine Fisheries Service there has been an emphasis on trying to  
38 develop what they call management strategy evaluations, which  
39 are, in essence, saying -- It's doing lots of simulation work  
40 that says, if we develop a simple rule for managing, what  
41 happens to the stock when we implement it?

42  
43 In some cases, it might go over, and, in some cases, it might go  
44 under, but, over the long run, what is the expectation, and I  
45 think this is -- Within the scientific community, this is an  
46 important topic that's being developed, and I know, within the  
47 National Marine Fisheries Service, there is efforts in all the  
48 centers and on a national level to try to develop this within

1 the community. I think that's it for the control rule  
2 alternatives.

3  
4 **CHAIRMAN GREENE:** Thank you. Any questions for Dr. Powers?  
5 Chis.

6  
7 **MR. BLANKENSHIP:** Have you looked at some of the assessments  
8 that have been done to see if you change the ABC control rule to  
9 something like what the Pacific Council uses or some other  
10 method, how it would change the recommendations of the SSC, for  
11 particularly like triggerfish?

12  
13 **DR. POWERS:** If you're on that horizontal line, it's basically  
14 going to be the same, except for the issues of uncertainty and  
15 that sort of thing, and so, in terms of a limit, that is going  
16 to be the same. The issues, from the perspective of the  
17 council, are, one, how do you deal with the uncertainty so that  
18 you keep from going to that limit, but you maintain at some  
19 target level, and then the other aspect is, if things go bad and  
20 a stock is overfished, then what's the best response for  
21 recovering the stock?

22  
23 **MR. BLANKENSHIP:** So you all haven't -- Like with triggerfish,  
24 that was deemed to be overfished and that is still being  
25 overfished --

26  
27 **DR. POWERS:** Well, I won't speak to the specifics of  
28 triggerfish, but it's exactly that sort of issue, is, given the  
29 uncertainty, is there some sort of simple rule that gives you a  
30 pretty good likelihood of achieving what you are trying to  
31 achieve, and that is essentially what the MSE is trying to do.

32  
33 **CHAIRMAN GREENE:** Okay. Thank you. Are there further  
34 questions? I have one. Has the MSE been used at all in any  
35 fishery by any council?

36  
37 **DR. POWERS:** Internationally, yes. In South Africa and  
38 Australia, and I've been involved in some of those, and then  
39 also nationally for I think -- Let Bonnie respond.

40  
41 **CHAIRMAN GREENE:** Dr. Ponwith.

42  
43 **DR. PONWITH:** Thank you, Mr. Chairman. Yes, when we conducted  
44 our programmatic review of the stock assessment process in each  
45 of the Fisheries Science Centers a couple of years ago, one of  
46 the recommendations coming out of that nationally was there was  
47 a strong recognition of the need for the ability to take this  
48 simulation approach for problem solving and probing, and so, to

1 that, end, nationally, they set aside the resources for each of  
2 the Science Centers to hire a person to lead management strategy  
3 evaluation planning and execution for the Science Centers.

4  
5 This is tool we're using now, and it's a tool that we see a  
6 growing need for. The recruitment announcement for that  
7 position has closed, and I believe we are in the process of  
8 setting up interviews for that hiring, and, probably by the next  
9 council meeting, I will be able to tell you who that is that's  
10 going to be leading those efforts for us.

11  
12 **CHAIRMAN GREENE:** Thank you. Any further discussion? Dr.  
13 Ponwith, would the council be the body that would say we want to  
14 look at an MSE for gray triggerfish, or does that come from your  
15 shop or from the SSC? How does that work?

16  
17 **DR. PONWITH:** What I picture is understanding what the council's  
18 science needs are to do your job, and so, if you have a question  
19 you need an answer to, posing that question to the SSC and the  
20 Center gives us the ability then to evaluate what is the most  
21 robust analytical approach to answering that question. Then we  
22 would go through that process, which is kind of a science  
23 process, and then deliver the response to you, and so we're  
24 always interested in knowing what your view is on what your  
25 highest priority science or research needs are.

26  
27 **CHAIRMAN GREENE:** Thank you. Is there further committee  
28 discussion? Okay. Thank you, Dr. Powers.

29  
30 **OTHER BUSINESS**

31  
32 **DR. POWERS:** There is one other item that I should bring up, and  
33 I guess it would be under what you would call Other Business,  
34 and that is we had a discussion about underharvest and how to  
35 handle that, that sort of thing, and so I have about three  
36 slides.

37  
38 Essentially, the SSC was presented with the same sort of  
39 documents that have been presented to you as a council, in terms  
40 of questions about how to deal with carryover of quota  
41 underharvest, and these have some scientific implications, and  
42 we wanted to discuss those, which we did, but, ultimately, what  
43 you pick is going to be a council decision.

44  
45 Basically, with an underharvest, what you're doing is saying, if  
46 we have an underharvest, we want to payback those people that  
47 paid the price for that underharvest, to allow them some extra  
48 catch in the ensuing years, and so you want to develop a rule to

1 do that, and is it a one-to-one sort of issue? That really gets  
2 into some of the objectives of what the council wants.

3  
4 For example, if it's a recovering fish stock, then, by paying  
5 back underharvest one-for-one, you're, in essence, delaying, to  
6 some extent, the recovery aspect, and so it's always going to be  
7 sort of a -- That sort of tradeoff that the council has to deal  
8 with, but there are some technical issues, in terms of -- Given  
9 the council objectives, there is some technical issues about  
10 what the effect of an underharvest is and if you pay back one-  
11 for-one, and those relate to things like recruitment variation  
12 from one year to the next, and an underharvest one yet has one  
13 set of effects, and an underharvest another year has a different  
14 set of effects, because of the different year class strengths  
15 and things like that.

16  
17 Another aspect of it is that do you discount for the natural  
18 mortality? In other words, the fish that survive this year,  
19 some of them don't survive. They die from natural mortality,  
20 and so do you discount for that sort of thing? The size  
21 distribution, if the underharvest is mostly related to a fishery  
22 that has younger fish, do you have a payback that allows for the  
23 older fish, and so there is many issues that relate to that.

24  
25 To fully evaluate that, in essence, it would be another  
26 assessment, but I know that is not what is wanted here. You  
27 want a simple rule that will, quote, unquote, work most of the  
28 time, and so what we are suggesting, in terms of the SSC, is to  
29 look at those questions that were in the document that was  
30 presented to us.

31  
32 There are a series of questions about what it is the council  
33 really wants to achieve out of this, and so it -- From a  
34 scientific standpoint, we could do, over the long run anyway, we  
35 could do lots of sophisticated analysis, in terms of simulation  
36 about what this is, but I realize though that you're looking for  
37 really pretty simple rules that will work over the long term.

38  
39 That first paragraph is probably more technical, but it's some  
40 of the issues related to the natural mortality rate and whether  
41 it's a young fish or an old fish, but it was brought up at the  
42 council meeting that I had done this paper about eight years ago  
43 that was looking at underages and overages, and the context of  
44 it, at that time, was more my experience with ICCAT, where you  
45 had different countries being over and under.

46  
47 There are some subtleties there, in terms of the incentives that  
48 you're creating by underages and overages, and it's somewhat



1 technical, and you may want to look at that, in terms of the  
2 consequences. Thank you.

3  
4 **CHAIRMAN GREENE:** Thank you. Is there committee discussion?  
5 Okay. I am not seeing any, Dr. Powers. Thank you. That will  
6 wrap up that agenda item, and we will move next to the AP  
7 Summary, the items that were not discussed, and Dr. Simmons.

8  
9 **REEF FISH AP SUMMARY**  
10 **VERMILION SNAPPER STOCK ASSESSMENT RESULTS**

11  
12 **DR. SIMMONS:** Thank you, Mr. Chairman, and I think Martin Fisher  
13 is on the phone as well this morning, and so we have three items  
14 that we haven't covered yet from yesterday's agenda, and so I  
15 will start with the Vermilion Snapper Stock Assessment Results  
16 and SSC Recommendations and then the Draft Options to Modify the  
17 Vermilion Snapper ACLs and MSY proxies.

18  
19 Staff reviewed the SSC recommendation from the stock assessment,  
20 based on the two ABC yield streams. One was a constant catch  
21 and one was an average of the constant catch fishing mortality  
22 from 2017 to 2021, and so the council, in the future, will need  
23 to decide which one they want to base the ABCs and the ACLs on.

24  
25 We briefed the AP on this in a presentation, and some of the  
26 discussion that occurred after that was AP members said they had  
27 observed the western Gulf appearing to be more productive for  
28 vermilion snapper than the eastern Gulf, and they were asking if  
29 there might be two separate stocks.

30  
31 Basically, in the stock assessment, there had been some  
32 discussion of that, but, basically, there wasn't enough  
33 information, I believe, to move forward with any other analysis  
34 in managing or assessing vermilion differently.

35  
36 By a vote of fourteen to zero, and it was unanimous, the AP  
37 recommends taking no action on the ACL alternatives for  
38 vermilion snapper at this time, because they felt like they  
39 didn't have enough information, and they asked NMFS, the agency  
40 or the Science Center, to evaluate if there are two vermilion  
41 snapper stocks in the Gulf, and they passed the following  
42 motion. By a vote of fourteen to zero, unanimous, the AP  
43 requests the Science Center to determine whether are two  
44 separate stocks between the eastern and western Gulf for  
45 vermilion snapper, and I will stop there, to see if there is any  
46 questions.

47  
48 **CHAIRMAN GREENE:** Okay. Thank you. Any discussion? Mr. Diaz.

1  
2 **MR. DIAZ:** I've just got a question. When is the council going  
3 to have the information before us where we can set the ACL and  
4 the ACT for vermilion? What is the timeline on that?

5  
6 **DR. SIMMONS:** We were thinking about bringing our draft options,  
7 our white paper, to this council meeting, but the agenda was so  
8 full, and we were cramming everything else in, that I think it  
9 will probably be in January. We have an IPT put together, and I  
10 don't think they've even met yet, and so I'm hoping that in  
11 January that you will have a draft to review.

12  
13 **CHAIRMAN GREENE:** Thank you. Mr. Riechers.

14  
15 **MR. RIECHERS:** I guess this is maybe a question to Bonnie, but  
16 do we know if we have any genetic analysis already on vermilion,  
17 or would this all have to be collected and then analyzed, or is  
18 it out there in certain frames of reference already? I just  
19 don't know the answer to the question.

20  
21 **DR. PONWITH:** Off the top of my head, I don't know the answer.  
22 I would hate to call something out and misspeak, and so what I  
23 can do is check with the analysts and see what is out in the  
24 peer-reviewed literature. I know we haven't been working on  
25 genetic makeup of that population, but I can check with them and  
26 find out.

27  
28 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.  
29 Atran.

30  
31 **MR. ATRAN:** There was a very brief discussion in the SEDAR  
32 assessment document on that. It didn't say anything about any  
33 genetic analysis, but it did indicate that there was some  
34 evidence of differences in stock structure between the western  
35 and eastern population. The problem is not having enough data  
36 to be able to determine that for certain, particularly there is  
37 very little catch data from the recreational fishery to make  
38 that sort of determination. There is more from the commercial,  
39 but the assessment said maybe there is two stocks, but they  
40 simply don't have enough data to make that determination at this  
41 time.

42  
43 **CHAIRMAN GREENE:** Thank you. Mr. Walker.

44  
45 **MR. WALKER:** I was just going to add that I hear this all the  
46 time, about two separate stocks, and you know, where is the  
47 line? I have fished at the mouth of the Mississippi River, and  
48 fish can go one way or the other. They don't stop at the river.

1 I am just kind of interested in that fact, because there's a lot  
2 of fishing right around between the South Pass and Southwest  
3 Pass, and I don't think the river is stopping them from moving  
4 east or west.

5  
6 **CHAIRMAN GREENE:** Okay. Thank you. Is there further  
7 discussion? I am not seeing any further discussion, and we will  
8 continue on.

9  
10 **DISCUSSION ON CARRYOVER OF UNDERHARVESTED RED SNAPPER ACL TO THE**  
11 **FOLLOWING SEASON**

12  
13 **DR. SIMMONS:** The next item the AP discussed was the carryover  
14 of underharvested red snapper to the following season. This is  
15 on page 11, and basically staff explained those barriers that  
16 Dr. Powers just went through that the SSC had brought up, as far  
17 as implementing such a carryover program and these preliminary  
18 landings and basically having to do an update assessment to  
19 accomplish this.

20  
21 The AP passed several different motions with respect to this  
22 issue, and the one that they agreed upon, and this is on the top  
23 of page 12, is, by a vote of seven to four and four in  
24 abstention, the AP recommends the council aim to address any  
25 hurdles pertaining to data precision and timeliness regarding  
26 the presentation they had on the carryover of uncaught red  
27 snapper. I will stop there.

28  
29 **CHAIRMAN GREENE:** Thank you. Is there discussion? Dr.  
30 Crabtree.

31  
32 **DR. CRABTREE:** I guess I am -- Carrie, what are our next steps?  
33 I know the SSC had some questions about it, but I still think  
34 it's a doable idea. Are we in a place where we're putting  
35 together an amendment to allow for this? I guess tell us where  
36 we are and what next.

37  
38 **DR. SIMMONS:** Can I ask Ryan to weigh in on this, because I  
39 didn't participate in the IPT call. I know there's been some  
40 discussions on this, regarding the questions that were asked at  
41 the last council meeting, but you heard several of the issues  
42 that the SSC had with this type of carryover process, and so I  
43 would like Ryan to weigh in on it, and maybe Dr. Powers has some  
44 suggestions on how we can move this forward.

45  
46 **MR. RYAN RINDONE:** Thank you. You heard Dr. Powers talk a  
47 little bit about what the SSC thought that they would need to be  
48 able to do a sort of carryover, and, in order to get the amount

1 of information necessary, it's just about tantamount to an  
2 update assessment, and that's not to say that something like  
3 that can't be done, but it does come at a cost, because the  
4 Science Center would have to dedicate time and resources in  
5 order to handle that kind of activity, and so something else  
6 would have to give to make room in the assessment schedule.

7  
8 On the other side of it, there is timing issues, in that the  
9 total Gulf landings for red snapper don't conclude until  
10 December 31, and those data aren't going to be available, and  
11 historically haven't been available, until about the end of  
12 April, and so you would have to wait until about then before you  
13 had the final numbers in place to actually make a call on what  
14 was landed in the previous year and know what could be carried  
15 over.

16  
17 Then, beyond that, you have the fact that, if the ABC is  
18 adjusted, that any carryover would apply across the board, and  
19 then it would be apportioned based on the allocations for the  
20 commercial sector and the private and charter/for-hire  
21 components of the recreational sector.

22  
23 Even if one component of the three had more of a carryover than  
24 the other, they're all going to benefit equally, because it's  
25 the sum of them, and, if you wanted to apportion things by  
26 component, then that's an allocation issue, and so not only  
27 would there have to be a temporary rule issued to cover a  
28 temporary ABC increase, if that was approved by the SSC, but  
29 also a temporary allocation change, to make things component-  
30 specific, like you guys indicated that you wanted at the last  
31 meeting.

32  
33 There are a lot of hurdles that are in the way, but I think the  
34 biggest one is probably the timing one, in that the landings  
35 data just simply aren't available soon enough to act on this and  
36 get this in place in time for the opening on June 1.

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

39  
40 **DR. CRABTREE:** Well, I understand that there are lots of  
41 questions and concerns here, and I am somewhat concerned that  
42 we're making this much more complicated and difficult. I do not  
43 believe that this requires anything remotely close to an update  
44 assessment to do this.

45  
46 I've had discussions with the Science Center, Clay Porch and  
47 Shannon Cass-Calay, and they think this is doable, and so I  
48 don't want to give this up, and I think all of these allocation

1 issues and all the things that Ryan brought up are just things  
2 we would have to deal with. It's going to take a plan amendment  
3 to put a process in place to make this happen and make sure it's  
4 automated, to the extent we can, and nothing has to go out for  
5 notice or comment or any of those kinds of things.

6  
7 I would like to set this up so it doesn't even come before the  
8 council. It's just here is the end of the year and here is the  
9 landings and this is how much was under and this is the formula  
10 and boom, this is how we do it.

11  
12 I think all of that can be dealt with. I think the allocating  
13 who gets what can all be dealt with, and we are not going to  
14 have anything to carry over, it's pretty apparent, this year,  
15 and so I think we have some time to work on this, but I still  
16 think this is something that is worth looking and worth dealing  
17 with, and I am convinced that it can be done, and so I think I  
18 would like to see staff continuing to work with our folks on it.  
19 I would like to see them pull Clay and Shannon in for a  
20 discussion about it and then try to go back to the SSC and hash  
21 through some of these at their next meeting.

22  
23 **CHAIRMAN GREENE:** Thank you. Dr. Stunz.

24  
25 **DR. STUNZ:** Dr. Crabtree made two of my points. I too don't see  
26 this as that difficult, and I was going to suggest as well that  
27 I think this could be set up as an automatic procedure that just  
28 gives Roy the ability to do this, if there is this overage. I  
29 think this is just an opportune that we don't really want to  
30 pass up. We could do a lot of good things with these fish,  
31 things like these long-standing tournaments we have, for  
32 example, that you could give maybe -- I don't know how we could  
33 distribute it, but there is a lot of things that we can talk  
34 about.

35  
36 As far as all the other assessments and things, I understand  
37 accounting for that mortality and things. I can't imagine that  
38 it's going to be that high. In a way, I guess you could argue  
39 that, other than that these fish have been around for a year,  
40 we've already accounted for some of that mortality in the past  
41 assessments, in a way, and so I think we just would be passing  
42 up an opportunity not to consider this a little further and move  
43 on it.

44  
45 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.  
46 Diaz.

47  
48 **MR. DIAZ:** I agree with everything that's been said so far. It

1 just occurs to me though, after reading this, and even hearing  
2 Dr. Crabtree speak, with the method he's laying out, when we  
3 first brought this up, it seemed like it might be something  
4 simple and straightforward that we could do relatively quickly.

5  
6 Even with the path that Dr. Crabtree laid out, I think it's  
7 going to be fairly involved, fairly time consuming, and it  
8 probably could take us a long time to go through it. I do  
9 support it, and I think it's a good idea. We ought to try to  
10 make it happen, but it's going to take us quite some time.  
11 Thank you.

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

14  
15 **DR. CRABTREE:** Well, I mean, it will take a plan amendment, and  
16 we're essentially talking about -- Joe touched on this, but  
17 we're talking about setting up a control rule, a sort of  
18 framework, that this is how we do it. There is this much  
19 overage, and this is how much gets carried over. This is how it  
20 gets allocated, and this is who gets it. Here is how we're  
21 going to do the notice and here is the way it all is going to  
22 happen, and so it is going to take some time, but I think it's  
23 very doable, but it will require a plan amendment.

24  
25 **CHAIRMAN GREENE:** Okay. Thank you. Is there further  
26 discussion? Dr. Stunz.

27  
28 **DR. STUNZ:** Are we at a point where we need a motion to move  
29 this forward, or are we still discussing it at this point?

30  
31 **CHAIRMAN GREENE:** Dr. Crabtree was asking, and I am not certain  
32 which way we need to go, and so I'm going to defer to staff.  
33 What would be the appropriate manner, if we wanted to move  
34 forward with this? Is it just to request a white paper? Dr.  
35 Simmons, can you help?

36  
37 **DR. SIMMONS:** Thank you, Mr. Chairman. We have this on our  
38 action schedule, and we understand now that the council wants us  
39 to continue working on this, even though there's been all these  
40 issues that have been brought up, and so we will work on  
41 bringing something for the January council meeting.

42  
43 **CHAIRMAN GREENE:** Great. Thank you. Is there further  
44 discussion? Ms. Bosarge.

45  
46 **MS. BOSARGE:** I went to that SSC meeting, and I agree with the  
47 comments around the table that the SSC essentially said, yes,  
48 this is not impossible, and there are a lot of factors that

1 would really go into this, but they tried to scale that back and  
2 come up with a somewhat simple formula that could possibly be  
3 used to go forward with a program like that.

4  
5 The one take-away that I had from their conversation was,  
6 because there are a lot of variables that we are not going to  
7 take into account, that we're not going to go back through a  
8 stock assessment process and get a real good handle and a grip  
9 on that calculation, we should probably err on the side of  
10 caution. In other words, with that formula, the formula that  
11 was thrown out was one minus the natural mortality, and that's  
12 what you would use for your carry forward.

13  
14 In other words, let's not go so far as to take into account  
15 growth and reproduction from this fish that live that extra year  
16 before we kill them, but err a little bit on the side of  
17 caution, and I am not saying how to write the amendment, but I  
18 think that's something that we need to keep in mind as we go  
19 forward with it, that we can do it, but we just need to be  
20 careful about it.

21  
22 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.

23  
24 **DR. CRABTREE:** I think, if you look at this, the fact that we  
25 delayed catching these fish for a year means the stock is going  
26 to recover more quickly than it otherwise would have, even if  
27 you carry over all of the fish to the next year, and so I think  
28 there is something inherently conservative about the fact that  
29 you had the underage to begin with.

30  
31 Now, I'm fine for looking at natural mortality and all of that,  
32 but I think just the fact that you delayed catching the fish in  
33 and of itself increases the recovery rate of the stock. I mean,  
34 think about it. We may have a small overrun this year, but  
35 we've had big underruns for the last couple of years, and so, on  
36 balance, we're ahead of the game.

37  
38 **CHAIRMAN GREENE:** Thank you. Is there further discussion? I am  
39 not seeing any. Dr. Simmons.

40  
41 **RECREATIONAL AND COMMERCIAL ALLOCATION EXCHANGE**

42  
43 **DR. SIMMONS:** Thank you, Mr. Chairman. There was one other item  
44 under the AP Report for the Reef Fish Committee, and it was  
45 under Other Business. It's the recreational and commercial  
46 allocation exchange discussion.

47  
48 This was requested by Chairman Fisher. He presented a white

1 paper on this to the AP regarding this exchange, and he just  
2 suggested for stocks such as king mackerel and red grouper,  
3 where the stock assessments were robust, but the quotas are not  
4 being caught, that one sector could share. If one sector was  
5 close to exceeding, where the other sector wasn't, there could  
6 be a sharing or a portion of the foregone yield that could be  
7 utilized or exchanged for that sector that was in need of the  
8 fish.

9  
10 There was quite a bit of interest in this with the AP, but we  
11 were pretty much out of time. It was at the end of the meeting,  
12 and there were no motions made regarding this, and I don't know  
13 if Martin is on the webinar and if he wanted to say anything  
14 else, but this concludes the reef fish portion of the AP report.  
15 I will be going through -- When we get to the Coral/Habitat  
16 Committee, they did have some recommendations regarding those  
17 areas, and then that would complete this report. Thank you.

18  
19 **CHAIRMAN GREENE:** Thank you. Is there committee discussion?

20  
21 **MR. FISHER:** I am here, Chairman Greene, if anybody has any  
22 questions.

23  
24 **CHAIRMAN GREENE:** Okay. Just a second, Mr. Fisher. Mr. Boyd.

25  
26 **MR. BOYD:** Thank you, Mr. Chairman. Under the Other Business,  
27 the Recreational and Commercial Allocation Exchange, we have  
28 been calling this allocation sharing at some point. Allocation  
29 sharing, allocation shift, intersector trading, these are all  
30 getting at the same point, which is what's the highest and best  
31 use of the stocks and how can we meet the National Standards.

32  
33 I think it's time that we start to consider how we want to do  
34 that in an amendment and not just talk about it individually by  
35 fish stock, and so I think that we ought to have some discussion  
36 at this point about how to talk about allocation shifting and  
37 intersector trading or whatever else you want to call it. Thank  
38 you.

39  
40 **CHAIRMAN GREENE:** Thank you. Is there further discussion? I am  
41 not seeing any further discussion on that.

42  
43 **MR. BOYD:** I guess nobody wants to discuss that, Johnny.

44  
45 **CHAIRMAN GREENE:** No, I am not seeing anybody jumping up and  
46 down ready to discuss it. Martin, do you have anything else for  
47 the AP?

48



1 **MR. FISHER:** No, I really don't, Chairman Greene, and thank you  
2 very much,

3  
4 **CHAIRMAN GREENE:** Thank you for your patience and being  
5 available for the webinar over the last couple of days. We  
6 appreciate it. Okay. I did not have anything else indicated  
7 under Other Business, but Mr. Swindell has his hand up.

8  
9 **OTHER BUSINESS**

10  
11 **MR. SWINDELL:** There was one other thing I think that wasn't  
12 covered in the AP report, and that was that the members felt  
13 that the red grouper stock assessment was not correct and that  
14 the quotas were being increased too much, and I thought that was  
15 very interesting coming from the advisory panel that's full of  
16 people that are there harvesting these fish, and they just want  
17 us to be certain that we take a good look, I think, at that  
18 stock assessment. Thank you.

19  
20 **CHAIRMAN GREENE:** Okay. That's an interesting comment. Does  
21 anybody want to discuss the red grouper stock assessment or  
22 anything else? Out of curiosity, does anyone know when the next  
23 red grouper stock assessment or update or anything would come  
24 down the pipe, Mr. Atran or anybody, Mr. Gregory?

25  
26 **EXECUTIVE DIRECTOR GREGORY:** Ryan, when is red grouper on our  
27 SEDAR schedule? I don't have it in front of me.

28  
29 **MR. RINDONE:** 2019.

30  
31 **CHAIRMAN GREENE:** 2019. I do find it interesting, but most  
32 fishermen will come to you if they feel there's something not  
33 right and tell you, as I'm sure all of you have seen and heard  
34 in the past, but when they come to you and tell you that  
35 something is too high, that's certainly very interesting. I did  
36 not have anything else on Other Business. Is there any other  
37 business to come before the Reef Fish Committee? Seeing no  
38 further business, this concludes Reef Fish early, for a change.

39  
40 (Whereupon, the meeting adjourned on October 19, 2016.)

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42 - - -