

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

SUSTAINABLE FISHERIES COMMITTEE

Hyatt Centric French Quarter New Orleans, Louisiana

New Orleans, Louisiana

JANUARY 27, 2020

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35
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40 possession of any species of Gulf reef fish is prohibited year-
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48

1 The Sustainable Fisheries Committee of the Gulf of Mexico
2 Fishery Management Council convened at the Hyatt Centric French
3 Quarter, New Orleans, Louisiana, Monday afternoon, January 27,
4 2020, and was called to order by Chairman Dale Diaz.
5

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

10 **CHAIRMAN DALE DIAZ:** I would like to call the Sustainable
11 Fisheries Committee to order. The members of the committee are
12 myself, Dr. Stunz is Vice Chair, Mr. Schieble, Mr. Anson, Ms.
13 Bosarge, Dr. Crabtree, Mr. Donaldson, Ms. Guyas, Mr. Robinson,
14 Mr. Swindell, and Mr. Williamson.
15

16 The first order on the agenda is the Adoption of the Agenda.
17 Are there any changes or additions to the agenda? Seeing none,
18 is there any opposition to adopting the agenda? Seeing none,
19 the agenda is adopted.
20

21 The next order of business is Approval of the October 2019
22 Minutes. Are there any changes to the October 2019 minutes? Is
23 there any opposition to adopting the October 2019 minutes? The
24 minutes are adopted.
25

26 Item Number III is the Action Guide and Next Steps, and I would
27 like to go through them as we take them up, one at a time. It's
28 not really applicable to Item Number IV, and I believe that Dr.
29 Simmons is going to introduce Item Number IV. Dr. Simmons.
30

31 **INTERAGENCY COORDINATION OF AQUACULTURE SCIENCE AND MANAGEMENT**
32

33 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Thank you, Mr. Chairman.
34 The first item we have under Sustainable Fisheries is a
35 presentation from Mr. David O'Brien. He's with the NOAA Office
36 of Aquaculture in D.C., and he's going to give us a presentation
37 on aquaculture updates and discuss an outline, including policy
38 legislation and grant updates, with the goal of improving the
39 efficiency, predictability, and timelines of regulatory
40 requirements for the aquaculture projects.
41

42 We received a presentation during the November Council
43 Coordinating Committee, and this is, I think, an update version
44 of some of the Aquaculture Task Force outline work that had been
45 done, and I thought that a lot of this information was pertinent
46 to the Gulf Council, because we had the Army Corps come and give
47 us presentations, and we've been following the EPA comment
48 periods for the Velella Epsilon and Manna Farms, and so I

1 thought a lot of this work was relevant to what we've been
2 discussing here at the council, and I appreciate him coming.
3 Thank you.

4

5 **MR. DAVID O'BRIEN:** Thank you, Carrie, and thank you to the
6 council for inviting me down here. I greatly appreciate the
7 opportunity to come down and talk to you about aquaculture
8 today. My name is David O'Brien, and I am the Acting Director
9 of the NOAA Fisheries Office of Aquaculture. I am based out of
10 Silver Spring, Maryland.

11

12 Just as a little context here, we at NOAA operate as the NOAA
13 Aquaculture Program with the Fisheries Service, where I see,
14 working very closely with the Sea Grant Office, as well as our
15 partners at the Ocean Service. Collectively, what we're trying
16 to do is support the sustainable development of domestic marine
17 aquaculture.

18

19 Before I get into the actual slides, I wanted to just take a
20 moment to maybe set the stage. This might be familiar to a lot
21 of you, but I think it's worth just setting the stage for this
22 presentation.

23

24 Over the past thirty years or so, there's been increasing
25 interest domestically, and certainly globally, in aquaculture,
26 stemming largely from the fact that wild fisheries, again going
27 back thirty or forty years now, are largely flat, on a global
28 basis anyway, of roughly ninety-million metric tons. Starting
29 in the mid-1980s or so, when that plateau was reached, a lot of
30 other countries starting looking forward and seeing this
31 increasing demand for seafood and this flat sort of available
32 harvest from the wild, at least sustainable harvest from the
33 wild, and said we need to look at aquaculture as a way to fill
34 that gap, both now and in the future.

35

36 In general, Asian nations really jumped at that opportunity, and
37 I'm not going to display this graph today, but you may have seen
38 it in other presentations, and it's basically a growing wedge of
39 aquaculture for projecting out seafood supply over time, and
40 that wedge -- Right now it's about half of what we eat, or a
41 little bit more than half of what we eat, actually comes from
42 aquaculture, and, in the U.S., we import somewhere around 85 to
43 90 percent, is the best estimate we have of our imports. It's a
44 little hard to figure out exactly, given the challenges of the
45 data, but that's about what we import.

46

47 There's been growing interest, going back for really thirty
48 years or more in the United States, in how do we develop a more

1 sustainable and robust aquaculture industry to support working
2 waterfronts, to create jobs, to create more seafood, and to do
3 all of that in a sustainable manner, keeping in mind, at least
4 at NOAA, our essential mandates to protect marine mammals,
5 essential fish habitats, et cetera.

6
7 That's the context that we're talking about now, and, really,
8 I've been in NOAA for about fifteen years, or in the Office of
9 Aquaculture for fifteen years, and there's been a slow but
10 steady increase in the interest in aquaculture and the support
11 for aquaculture, and I think that largely mirrors what we're
12 seeing around the nation as well, where there is growing
13 interest in certain communities, in Maine and Alaska and
14 California and the Gulf and elsewhere, where some fishermen, and
15 fishing communities, seafood communities, are looking at
16 aquaculture as a way to diversify and to bring in more jobs, to
17 get more local seafood on the plates and at your local
18 restaurants. There's a whole wide range of reasons to adopt
19 more aquaculture and to do so in a way that really complements
20 our wild fisheries and our seafood sector.

21
22 That is where this is all coming from, and that's sort of
23 setting the stage of why I'm here and why the NOAA Office of
24 Aquaculture is set up to help promote -- That's not the right
25 word. Help advance marine aquaculture in the United States.
26 That leads me to my actual slide presentation.

27
28 **EXECUTIVE DIRECTOR SIMMONS:** I think we're having some technical
29 difficulties here. Sorry.

30
31 **MR. O'BRIEN:** No problem. I can say the first couple of slides
32 just verbatim, and you can look at it later if you want, and I'm
33 sure people are seeing it on their screens.

34
35 **CHAIRMAN DIAZ:** If you would, Mr. O'Brien, we've got a question
36 for you, while we're waiting on the presentation to come up.
37 Dr. Frazer.

38
39 **DR. TOM FRAZER:** I just thought I would take this opportunity to
40 give some clarification. When you said that we're importing 85
41 to 95 or 90 percent of our product, is that specific to
42 aquaculture products, or is that total seafood products?

43
44 **MR. O'BRIEN:** That's total seafood in the United States. We
45 import in that ballpark, and that may be slightly overestimated,
46 because we have a lot of product that is caught in the U.S. and
47 shipped overseas for processing and comes back, and that
48 complicates the math, but, at minimum, it's probably around two-

1 thirds of our seafood, and up to 90 percent, of our overall
2 seafood consumption in the United States comes from imports, and
3 about half of that is from farmed food.

4
5 **DR. FRAZER:** But, within our own domestic wild stock, what
6 proportion of that harvest is kept in the United States?

7
8 **MR. O'BRIEN:** I don't have that statistic. I'm not sure, but I
9 do know that some goes overseas and comes back, which can only
10 complicate -- Whatever number I did have, it would be a little
11 bit hard to be precise about.

12 **DR. FRAZER:** Okay. Thank you.

13
14 **MR. O'BRIEN:** Sure. Going back, again, aquaculture stems back
15 several decades, and, in 1980, the National Aquaculture Act was
16 passed and signed by President Carter, before President Reagan
17 came in, and that act did a number of things, one of which was
18 to establish aquaculture as a national priority, and it charged
19 the Secretaries of Commerce and Agriculture, in particular, with
20 taking steps to promote aquaculture, for all the reasons I just
21 said. I mean, the actual basic reasons have not changed in
22 thirty years. It was to create jobs, reduce the seafood trade
23 deficit, et cetera.

24
25 One of the specific things it did was it established a sub-
26 committee on aquaculture, which is an interagency taskforce
27 changed with better coordinating with the management and the
28 science of aquaculture to achieve the goals of this act, again
29 to support the sustainable development of aquaculture.

30
31 This sub-committee, the SCA on your screen, has been around
32 since that time, and so since 1980, and its status and its
33 efforts have sort of waxed and waned over the years, but, in
34 this administration, they have really stepped up, and there's
35 been a lot of emphasis from President Trump and Secretary Ross
36 at the Department of Commerce in supporting aquaculture
37 development, and, as part of that emphasis on aquaculture, they
38 have emphasized the sub-committee, and they elevated, and I
39 won't get too wonky on you, but they have elevated it in sort of
40 the hierarchy of the White House offices. Right now, the White
41 House itself, under the Office of Science & Technology policy,
42 is chairing, or co-chairing this effort, which has never
43 happened before in my recollection.

44
45 This group is charged with developing a new interagency plan to
46 set the stage for improved interagency efficiency for
47 aquaculture, and there's a companion plan, which I'm not going

1 to talk about much today, to look at science coordination as
2 well, but, for today, I'm going to focus on the key players on
3 the federal agency side, again, NOAA, EPA, the Army Corps of
4 Engineers, and some others, Fish and Wildlife Service, and how
5 this plan is being drafted to help support our interagency
6 efforts.

7
8 Before I move on to the next slide, the third bullet there is a
9 key one. All of the actions in this plan, which I will talk
10 about in just a moment, by definition would be executed within
11 existing statutory authorities and budgetary resources, and so
12 that's the sort of two side boards, and important ones, for this
13 discussion. We are not talking about writing new laws here.
14 We're saying, given what we already have available, in terms of
15 legal mandates, what can we do better.

16
17 The regulatory efficiency plan addresses three main things,
18 efficiencies in the aquaculture permitting and written
19 authorization programs, and it addresses aquatic animal health
20 management, and also tools for aquaculture regulatory
21 management.

22
23 I am going to mostly about the first one, a little bit about the
24 second, and then I will pause on the third one as well, but the
25 first one is of potential to have a lot of interest in this
26 group, and I want to make sure that you have time to have any
27 discussion as we go along, and, in fact, I should have said from
28 the very beginning, and I'm not sure how these meetings normally
29 go, but, as far as I'm concerned, if there's questions along the
30 way, if you have discussion on any of these topics, we can pause
31 and have that discussion.

32
33 This plan, importantly, is not intended to be comprehensive.
34 It's not intended to cover everything that every agency does
35 with respect to aquaculture permitting. The goal was to find
36 those potential efficiencies, both as individual agencies and
37 together, to move the ball forward, in terms of developing a
38 more efficient regulatory process for aquaculture.

39
40 The other important context here, before I go on, is that this
41 is very much in draft. I talked to Carrie back at the CCC
42 meeting in November, and we had hoped that the actual draft plan
43 would be out right around now, and I would have an actual
44 concrete draft to show and share and discuss. It's still in the
45 clearance process, and it will probably be a few more weeks, at
46 least, before it comes out, and so this is still -- Nothing is
47 set in stone here, and things could change, and maybe will
48 change, but I want to at least give you a flavor of the

1 direction that I think we're going and have that discussion, and
2 I'm happy to take any feedback back as we finalize the draft as
3 well.

4
5 Under that first priority area, permitting and authority
6 authorization programs, there is sub-areas, five priority areas.
7 One is to expand the range of activities authorized under
8 general permits and through programmatic consultations, and,
9 again, before I even get into this, I will provide yet more
10 context.

11
12 One of the key challenges -- I mentioned earlier that the U.S.
13 has not really -- Asia and other countries have really jumped on
14 aquaculture and pursued it aggressively. The United States has
15 not, for a number of reasons. In fact, if we look over the past
16 ten years or so, our production for aquaculture is relatively
17 flat, despite the efforts over the past ten years to improve it.

18
19 There's a number of reasons for that, and I won't go into all of
20 them, but certainly one of the chief ones is this inefficient
21 federal regulatory process, and so looking at ways to make that
22 more efficient is really a core element of this part of the
23 plan.

24
25 One way we do this, and that's Number 1 here on this slide, is
26 to look at expanding the range of activities authorized under
27 the general permits and through programmatic consultations.
28 This is really targeted at the Army Corps of Engineers and the
29 EPA. Both of them have what are called sort of general permits
30 available, where they can -- Instead of issuing a permit on an
31 individual basis, for an individual farm, they can look at a
32 collection of activities, or a range or type of activities in a
33 certain area, and say are we able to sort of draw a circle
34 around this cluster of interest and do some sort of holistic
35 analysis and say, in this area, given these constraints, given
36 these concerns, let's set the programmatic permit conditions for
37 this type of aquaculture.

38
39 The most comprehensive version of this we have right now is
40 under the Army Corps of Engineers, and they have a whole series
41 of nationwide permits, over fifty of them now, and Nationwide 48
42 addresses shellfish aquaculture, and that is -- Again, it's a
43 nationwide permit that any shellfish grower -- Any state that
44 wants to adopt it can, and they don't have to, but, if they do
45 want to adopt, any state, any individual grower, can come in for
46 a permit application under this nationwide permit, and, as long
47 as they meet certain criteria, it's basically going to have a
48 much easier path forward.

1
2 Those nationwide permit is associated with the Endangered
3 Species Act consultations, the NEPA consultation reviews, all
4 those things, but it's all done upfront, or, as much as
5 possible, it's done upfront, to make it easier for each
6 individual applicant.

7
8 That general model could be very effective for aquaculture in
9 other parts of the country and other types of species, and
10 there's some challenges with doing that, but that's one area
11 that we're pursuing. Again, nothing is set in stone here, but
12 that's an area that both the Army Corps and the EPA are looking
13 at. An easier one, in a sense, is Number 2, which is just to
14 maintain and update state information.

15
16 **CHAIRMAN DIAZ:** I have a question for you, Mr. O'Brien. Mr.
17 Dyskow.

18
19 **MR. PHIL DYSKOW:** Thank you, Mr. Chairman. Just to kind of set
20 the stage of where we are, our starting point, if you will, how
21 many separate and distinct aquaculture permits have been
22 established for federal waters by NOAA?

23
24 **MR. O'BRIEN:** In federal waters, there is only a single
25 commercial operation operating in federal waters. It's in
26 California. The one in Hawaii is in state waters. There has
27 been some other permits issued. Well, actually, to be clear,
28 there is no permits issued by NOAA, except for some experimental
29 ones in Hawaii, and I don't want to get into the weeds, but
30 there's some exempted fishing permit models, and the Pacific
31 Islands Region has done some permits, but that's not for a
32 commercial operation.

33
34 The only commercial operation currently operating in federal
35 waters is not using any NOAA permit at all. It's using just an
36 Army Corps of Engineers permit, but that's it, and then there is
37 consultations under the Endangered Species Act and others. Does
38 that answer your question? Okay.

39
40 So, getting back to Number 2 here on the slide, maintaining
41 updated state-by-state information, as I'm sure everyone knows,
42 each state in coastal waters, where the vast majority of
43 aquaculture is occurring, to your point, one of the last
44 questions, each state is responsible for setting its own
45 standards. There are some side boards, especially if they use
46 Nationwide 48, as I mentioned a moment ago, but each state is
47 responsible for its own permitting system, and so it's very
48 complicated, and these things change all the time, and the

1 points of contacts change all the time.
2

3 One thing we've been asked to do by the shellfish industry is
4 just to help keep track of all that, and so we did this once a
5 couple of years ago, and we had a comprehensive list of all
6 these requirements, and we'll continue to maintain that.
7

8 That sort of gets to maybe a more general point that I wanted to
9 make, which is, while NOAA is -- We have certain
10 responsibilities in federal waters, but we also have
11 responsibilities in state waters for aquaculture. We don't have
12 any regulatory authority, except through consultations, but, at
13 the Office of Aquaculture, we've taken it upon ourselves, and
14 we've been told by our administration, to assist any way we can,
15 basically, with state programs, to help them get better science,
16 improve their own regulatory systems, if they want our help, but
17 not in a regulatory way, but in assisting them with their own
18 processes.
19

20 Continuing this permitting authorization programs, one of the
21 things this plan calls for is to establish regional interagency
22 coordinating groups, and this is based very much on what
23 happened in the Gulf of Mexico, following the Gulf FMP and the
24 subsequent regulations that were issued.
25

26 The Gulf of Mexico and this group is really out in front on
27 federal waters management of aquaculture, and one of the --
28 There's lots of good things that came out of that, and I won't
29 get into where we are on the lawsuit, unless Roy wants to
30 mention something later, except to say that it's still pending,
31 and we're still seeing where this appeal stands, but, regardless
32 of that, what that process did is it helped us to get a better
33 handle on how to work better with the EPA, with the Army Corps,
34 with the Department of Defense, on a wide range of things, and
35 an MOU was established several years ago to sort of codify how
36 these different agencies would work together in the Gulf of
37 Mexico, and there was also subsequent sort of internal guidance
38 on how to actually interpret that MOU.
39

40 One of the key things was establishing pre-application meetings,
41 and there's a whole series of other steps as well, but basically
42 what we've said at the national level is that's a really good
43 model, and it could be improved upon, and it was the first time
44 that it was ever done, but let's do something like that around
45 the nation as part of our overall strategy.
46

47 That sub-bullet there under Number 3 is something that I wanted
48 to mention, and I won't go through every slide in this much

1 detail, because I know you have other things to talk about
2 besides aquaculture, and I could stay here all day, but I do
3 want to focus on this piece as well.

4

5 Aquaculture management areas is a concept that's been used in
6 other countries with some effect, and it's still something
7 that's being batted around, and I would say nothing, again, is
8 firmly established, but there's some interest, both in Congress
9 as well as in this administration, to use aquaculture management
10 areas as a tool to help facilitate the permitting process, and
11 so what is an aquaculture management area?

12

13 Conceptually -- Well, first of all, it's not prescriptive.
14 Sometimes, when you talk about these, people think NOAA is going
15 to say farm here and don't farm there, and that's not the
16 intent. Under this model, anyone can still come in for an
17 individual permit application, just as they could today, but
18 what we are trying to say is, if there are areas, where there is
19 a cluster of interest and a cluster of opportunity from
20 industry, can we look at that area more holistically and look
21 at, within that area, where are the options for sort of higher
22 or lower suitability of aquaculture, based on a whole suite of
23 parameters, including presence of endangered species or
24 sensitive habitats, potential user conflicts, such as the
25 fishing industry others, avoiding things like military bases,
26 and there's a whole series of thing that we put into a siting
27 model, like a GIS-type model, to look at the relative
28 suitability of these areas as a step.

29

30 That can then be coupled with a more detailed analysis of --
31 More akin to a NEPA analysis or an ESA consultation, to say,
32 given the species that are here and the potential risk for those
33 species, how do we establish mitigation measures to bring those
34 risks down to a certain level?

35

36 By marrying this sort of spatial planning element with some sort
37 of upfront analysis, you could conceivably have a more
38 streamlined approach, so that an individual permit applicant can
39 come in, and hopefully a certain percentage, a large percentage,
40 ideally, of that thinking has already happened, and so it
41 streamlines the process from their standpoint, as well as makes
42 it easier for the federal government, because, instead of doing
43 things on a case-by-case basis, you can do things a little more
44 holistically.

45

46 That's the concept of management areas, and, again, there is
47 other models to look at in other parts of the world, and there's
48 a lot of interest, and it's called slightly different things in

1 different contexts, but I think you will probably hear more
2 about that, one way or another, in the near future.

3
4 I am going to move a little more quickly now, and, again, I
5 won't go through all of these, because you have it your slides
6 in front of you, but, looking at the NPDES, which is EPA's Clean
7 Water Act program, and NPDES stands for the National Pollutant
8 Discharge Elimination System.

9
10 Anytime you have finfish aquaculture, the effluent coming out of
11 that farm, and it could be excess feed or fish waste, is a
12 pollutant from the EPA standpoint and from the Clean Water Act
13 standpoint, and the EPA monitors that regulates that, as it
14 would any other point source pollution, and so NOAA is working
15 very closely with the EPA, because they don't have much -- They
16 don't have much experience with this at this point, and so our
17 modelers at the Ocean Service are working very closely with the
18 EPA to help put their Clean Water Act authorities into the
19 context of aquaculture in a more efficient way, including
20 providing more outreach and information to growers.

21
22 The last one on this slide is just establish a clear and
23 transparent process for the safety of molluscan shellfish. It's
24 just a bit of an aside, in a sense, but, just so people know,
25 it's a whole bunch of rocks that we turn over in the context of
26 aquaculture in federal waters, and you find things you weren't
27 expecting, and one of which came up a couple of years ago.

28
29 We realized that all the processes for permitting shellfish, and
30 you've got to make sure that they're clean and safe for human
31 consumption, but they were all based on state-water shellfish,
32 and shipping in a product in from federal waters and landed in
33 say California, there was no clear process there, and so we're
34 working on that, both with California but now on a national
35 level as well.

36
37 Aquatic animal health management, I am going to just touch on
38 this, in part because it's very complicated, and, frankly, I
39 don't understand all the pieces to it, and others in NOAA and at
40 the Food and Drug Administration and the USDA could do a better
41 job explaining this, and I will say that it is very complicated,
42 and it's not been very well coordinated, or it could be better
43 coordinated in the future, and we work with the FDA and with the
44 Fish and Wildlife Service and with USDA and NOAA as well on
45 various aspects of aquatic animal aquaculture health.

46
47 A key deliverable of this plan is that first one, Bullet 1, and
48 it's to sunset that current National Aquatic Animal Health Plan,

1 which is an effort we did back in 2008 to pull the agencies
2 together, much like we're doing now, to develop an interagency
3 plan for aquatic animal health. For various reasons, it was not
4 fully implemented, and so one of the key deliverables now is to
5 either redraft or start from scratch, but to develop a new plan
6 and then actually implement it more effectively.

7

8 **CHAIRMAN DIAZ:** Ms. Bosarge.

9

10 **MS. LEANN BOSARGE:** Thank you. On that last slide, and it kind
11 of goes to the slide before that, if you could back up one, and
12 so, as you try and develop this new health plan, will you
13 hopefully build in a good bit of transparency there for the
14 public, because it seems like one difference between land
15 aquaculture and offshore aquaculture, and even farming on land,
16 and you're on private land, and so there's a little bit more
17 privacy that goes into maybe what the animals are being fed and
18 what biologics are there and things of that nature, versus what
19 you're putting into a public resource, so that, when you grow
20 fish offshore, that is an environment that owned by all of us,
21 right, and we are using it.

22

23 Will there be some transparency built into that, so that any
24 inspections that you do, any audits or things like that, will be
25 open and transparent to the other users of that resource, the
26 public in general?

27

28 **MR. O'BRIEN:** This plan is just being developed now, or,
29 actually, we're just talking about developing it, and so I can't
30 predict with 100 percent assuredness how it's going to proceed.
31 However, I will say that, throughout this entire process, and
32 this administration in general, we are focusing on being as
33 transparent as possible, and that's one reason that I'm here,
34 and I am trying to reach out to a lot of other audiences and say
35 here's what we're doing.

36

37 We're going to put out draft plans, and please give us your
38 comments. We're trying to be as transparent as possible, and so
39 I think there will be an opportunity there, certainly, to
40 provide that input in one way or another, and I can't say
41 exactly how right now.

42

43 I should also say, and, if this wasn't clear from the beginning,
44 I apologize, but this plan is not just for federal waters, and
45 not just marine waters, but it's actually all aquaculture,
46 including on land. We're working very closely with the USDA,
47 and they have responsibilities related to catfish aquaculture
48 and trout aquaculture and other freshwater aquaculture. We have

1 talked about especially this aquatic animal health area, and
2 this is really talking about nationwide land and freshwater and
3 marine and offshore and coastal, and so that's all in there.

4
5 I will just touch on Number 3 here, improving efficiency to the
6 drug approvals and licensing of biologics, and this has been a
7 challenge for the aquaculture industry for quite some time, and
8 whether they also apply to the terrestrial farming, I'm not
9 quite sure, but getting new drugs approved through the FDA
10 process is a very onerous, long, tedious task, and it takes a
11 lot of effort to do it and do it right.

12
13 There are challenges there, and, because aquaculture is so new -
14 - I think, in the cattle industry, they have the resources to
15 put into doing the research, and it's a little harder if you're
16 a series of, for the most part, mom-and-pop oyster operations,
17 and how do you fund that research to develop new types of
18 biologics, for example, but we do recognize that this is a real
19 need for the sector, and NOAA and the USDA are in active
20 discussions about how we can better work together with FDA to
21 move this process along, and I will skip the rest of those on
22 this slide.

23
24 Another important piece of aquatic animal health management is
25 related to international trade, and, in fact, that's the main
26 reason, really, that NOAA is involved. We're responsible, in
27 part, for working on certifications for exports, which has an
28 animal health angle to it, of course, and so we are trying to
29 better clarify and define the federal agency rules. Again,
30 we've done a pretty good job in this, but there's room for us to
31 improve here as well, in terms of who is doing what and in terms
32 of attestations and certifications for both the import and
33 export of aquatic animals and establish those standard operating
34 procedures for industry communication as well.

35
36 This comes to the third sort of main theme of this plan. Again,
37 the regulatory efficiency was number one, and the animal health
38 management was number two, and number three being the science to
39 support regulatory management.

40
41 This is where NOAA has spent a lot of effort over the years, and
42 I'm going to say more than what's on this slide. Basically, we
43 have two main customers, so to speak, for our science
44 enterprise, and one is the industry itself, to the extent they
45 need help with bringing new species online, with disease
46 management issues, and there's a whole series of questions about
47 hatchery technologies. We work, both in the Fisheries Service,
48 but largely through the Sea Grant Program, to help fund that

1 research.

2
3 The other main customer is our regulators, which is largely our
4 own folks, and we're working on endangered species
5 consultations, doing NEPA reviews, things like that, and how do
6 we give them the information they need to make a more informed
7 decision as efficiently as possible?

8
9 We have identified three main steps here, and one is to identify
10 the additional science information that's needed for federal and
11 state permit reviews, consultations, et cetera. Reaching out to
12 those in the regulatory community and asking them what do you
13 need more of, or what do you need in what format, and sometimes
14 the packaging of the information is as important as anything
15 else, to make sure we understand exactly what they need.

16
17 Then Number 2 is to develop, refine, and test scientific tools
18 to help fill those data gaps. The one specific example is we
19 know there is questions, as we move deeper offshore, about
20 entanglement risk for marine mammals, for example, and how do we
21 give our endangered species and marine mammal protection
22 biologists the tools they need to say here is some mitigation
23 strategies, for example, on how to reduce that risk, or how do
24 we quantify that risk for different species and in different
25 situations, and so we get away from this sort of qualitative
26 discussion and into a more quantitative one that can help make
27 the current process easier.

28
29 Then, lastly, it's to implement coordinated priority actions to
30 develop these tools, and, again, coordinated in this case with
31 the USDA, with the Army Corps of Engineers, et cetera, and
32 that's really the third piece, and I think that might be my last
33 slide. That is the last slide.

34
35 I wanted to leave ample time for any questions or discussion,
36 and I'm happy to talk about this plan or anything related to
37 sort of NOAA's involvement in aquaculture that you might want to
38 talk about, but thank you for your attention.

39
40 **CHAIRMAN DIAZ:** Thank you, Mr. O'Brien. Are there questions for
41 Mr. O'Brien? Ms. Guyas.

42
43 **MS. MARTHA GUYAS:** Thank you for your presentation. I had two
44 questions. The first one is on Slide 5, and it's Number 2, on
45 the permitting and authorization programs, and it's maintaining
46 and updating state-by-state information on shellfish farming
47 requirements, and is there a reason why you limited that just to
48 shellfish?

1
2 **MR. O'BRIEN:** The main reason is that's where we were hearing
3 the concerns from the industry, and that's where -- Again, most
4 of the aquaculture in state waters is shellfish, and, as
5 shellfish aquaculture is really growing, especially in the
6 Northeast, and in the Gulf of Mexico as well, there was
7 increasing need that we were hearing over and over again, from
8 the industry standpoint, that it was really hard for them to
9 keep track and keep up with all of the changing requirements and
10 the changing personnel that were involved in different states,
11 and could NOAA help, and so we initially hired a contractor, a
12 couple of years ago, and he finished his work about two years
13 ago, to sort of set the stage, and it's been on our to-do list
14 to actually update that on an annual or semi-annual basis.
15 That's where that came from.

16
17 **MS. GUYAS:** My other question is for the next slide, Number 3,
18 and so, these regional interagency coordinating groups, can you
19 talk about how the states are being involved in these groups and
20 the state CZMA enforceable policies are being incorporated in
21 that?

22
23 **MR. O'BRIEN:** The first one, and I'm pausing now, because we're
24 really basing this in large part on what happened in the Gulf of
25 Mexico, which was specific to federal waters, and so I think,
26 depending on if you're in federal waters or state waters, that
27 rule would change, but, in state waters, it would be really
28 state-water different process entirely, and so I think this is
29 really intended for federal waters, and I think there's room for
30 more coordination in the state waters as well.

31
32 **MS. GUYAS:** Right, but, if it's in federal waters off of a
33 state, then its CZMA policies come into play.

34
35 **MR. O'BRIEN:** Yes, and I'm not sure if actually Roy or Mara have
36 any thoughts, and I'm not sure to what extent states were
37 involved in those processes for the applications in the Gulf of
38 Mexico. I know certainly there is a lot of effort, continuing,
39 ongoing effort, to reach out to various stakeholders in state
40 waters and elsewhere, as those permits were going through the
41 pipeline, and I believe Neil Sims has been here a number of
42 times talking about his project.

43
44 I'm not sure if the states were formally part of this committee
45 or not, these coordinating groups, but we certainly made sure,
46 and we continue to make sure, that the states and other
47 stakeholders are involved and at least aware of what's going on
48 and have a chance to weigh-in, but I believe these groups are --

1 I believe they are really set up for the regulatory side of
2 things, and the states and the federal waters, in general, and I
3 will get to the CZMA in a moment, but, in general, the
4 regulatory authority rests with the federal agencies.
5

6 The CZMA though is certainly a piece of -- I will raise it,
7 since you raised it, and that is an area of ripe discussion,
8 mostly in the context of the aquaculture legislation that's
9 going through Congress now about sort of state and federal
10 rights in federal waters, and I'm not an expert in CZMA by any
11 stretch, but I do know that, under the consistency provisions of
12 the CZMA, any state can -- I'm not sure of the exact term, but
13 they can cite concerns with an operation in federal waters in a
14 formal way, and it sparks this sort of official discussion, sort
15 of a way to push back on say an aquaculture operations in
16 federal waters.
17

18 **CHAIRMAN DIAZ:** Ms. Levy.
19

20 **MS. MARA LEVY:** Just if you're asking specifically about CZMA
21 for that one project, and was that your question? Generally,
22 there is different CZMA processes, depending on what's
23 happening. For a federal permit, there's a different process,
24 where the applicant has the burden of doing a CZMA consistency
25 determination and submitting it to the state and such, and it's
26 a little bit different than what we go through with fishery
27 management plans, because that's another federal action, and
28 it's not a permit, and so then the agency, NMFS, is doing the
29 CZMA consistency stuff, to the extent practicable language and
30 all that, and so there should have been, for that project and
31 for any project that is just getting a permit, a federal permit,
32 like an EPA permit in federal waters -- The applicant should be
33 doing the CZMA consistency determination and submitting that to
34 the state clearinghouse.
35

36 **CHAIRMAN DIAZ:** Dr. Frazer.
37

38 **DR. FRAZER:** Thanks, David. I thought the presentation was
39 really good, but, on the same slide, I had a question. You made
40 reference to an MOU that's been established already for the Gulf
41 of Mexico, and my question there is who is involved in the MOU,
42 and when was it established, and where might we be able to look
43 at it or find it?
44

45 **MR. O'BRIEN:** Again, Roy or Mara may have more details on that.
46

47 **DR. ROY CRABTREE:** We did MOUs preparing for the Gulf
48 aquaculture plan permitting process, and so I suspect those have

1 to be updated and changed now, and I would have to check to see
2 where they are, if they're on our website or if they're
3 available.

4

5 **MR. O'BRIEN:** I believe, last I checked, they were still on the
6 website. There was some question, given the status of the court
7 ruling in the Gulf of Mexico and the ongoing appeal, there was
8 some question if we were able to do those MOUs in the meantime,
9 but they were established several years ago. I forgot the exact
10 date, but, several years ago, the MOU was established, and then
11 there was subsequent sort of internal guidance for how to
12 interpret that on a sort of day-to-day basis amongst the staff
13 of the different agencies.

14

15 **CHAIRMAN DIAZ:** Ms. Bosarge.

16

17 **MS. BOSARGE:** Thank you. In an effort to -- I see you're trying
18 to streamline and make this a more efficient process, which I
19 completely understand, because it is a somewhat convoluted
20 process for an applicant, because they have to go through so
21 many different entities within the government, federal and
22 state, and I would encourage you though, in your interagency
23 coordination of aquaculture, science, and management, to
24 formally put something in there where the council is looped in
25 early in the process, and we saw this with the one fish farm
26 that's going to be going in here in the Gulf.

27

28 Siting was one of the big concerns for the council, and, even
29 after the lawsuit came down, and that kind of took us out of the
30 loop, that particular applicant really tried to continue working
31 with the industry, on when they had to change their siting plan,
32 and I think that did streamline their process, because, once
33 they had that communication with us, and we said, actually, if
34 you could move it just a little bit here, then they didn't have
35 to go through the process and hear public comments saying, no,
36 that's not going to work, and we're going to take your stuff out
37 when we trawl through there, and they were able to clear it up
38 and come to a solution on the frontend, and we've said the same
39 thing to the Corps of Engineers, because that's part of their
40 permitting process.

41

42 I know siting is tough, and there's a lot of things out there
43 that you're trying to work around, but I think formally looping
44 in the council and having that discussion before you get to the
45 end of the permitting process would be really helpful, to bring
46 those to us, and it would be sort of like our EFP process. We
47 can't approve those, and those are approved through NMFS, but
48 they are still brought to us for feedback, and we give some

1 recommendations and try and help them work out some glitches,
2 and so I think that would be good.

3
4 **MR. O'BRIEN:** Could I actually ask you a question back along
5 those lines? Certainly, in Neil Sims' project, and I believe
6 both projects, there was discussion with the councils, and so
7 the effort was there for the applicant to have this
8 conversation. Now, when I think about it, should we change the
9 process? Was the process itself okay? Should it be changed,
10 because we're looking at the best way to do this.

11
12 Certainly there's a lot of interest in working with the councils
13 and making sure you are all in the loop and onboard with the
14 siting and other aspects of aquaculture. The best mechanism to
15 do so, I'm not quite sure about that, if this was an effective
16 process or something needs to be adjusted, from your point of
17 view.

18
19 **MS. BOSARGE:** I thought it worked very well, and they came in
20 person to give a presentation on it, and I don't necessarily
21 think that always has to be the case. It could be just
22 something -- Whatever information that NMFS has on that
23 permitting package could be presented to us, and, like I said,
24 siting was really one of the major issues for the council, and I
25 think that that definitely should come before the council at
26 some point before you get too far along in the process.

27
28 Obviously, you want to nail down a few things and make sure you
29 have your variables worked out, but it does need to come before
30 the council, and let us give them some feedback, and that would
31 be helpful for us and for them.

32
33 **MR. O'BRIEN:** Thank you.

34
35 **CHAIRMAN DIAZ:** Dr. Frazer.

36
37 **DR. FRAZER:** This is not necessarily for David, but either Roy
38 or Mara, and I was just wondering if we might get an update of
39 where things sit with regard to the courts and everything with
40 regard to this aquaculture situation.

41
42 **DR. CRABTREE:** Are you ready now for that?

43
44 **CHAIRMAN DIAZ:** Yes, and go ahead, Dr. Crabtree.

45
46 **DR. CRABTREE:** All right. I will start with the Velella Epsilon
47 project. Kampachi Farms is the applicant, and they are
48 currently in the process of applying for a federal permit to

1 site a single-cage pilot project in federal waters of the Gulf,
2 about forty-five miles southwest of Sarasota. The project would
3 culture a single cohort of about 20,000 almaco jacks over one
4 year and produce a maximum annual harvest of 88,000 pounds.

5
6 The facility will include a supporting vessel and a single
7 floating cage in a water depth of 130 feet. The applicant has
8 applied for a National Pollutant Discharge Elimination System
9 from the EPA and a Section 10 permit from the Army Corps. The
10 EPA is conducting a public hearing on the draft permit tomorrow
11 at Mote Marine Lab in Sarasota. Should both permits be issued
12 within the next few months, the applicant anticipates deploying
13 the cage this summer and stocking fish several months later.

14
15 You may recall that Manna Fish Farms presented their project to
16 the council during the June 2019 meeting, and they are proposing
17 to deploy an eighteen-cage operation in Gulf federal waters,
18 about twenty miles south-southwest of Pensacola, and they are
19 proposing to culture red drum and possibly other native marine
20 species.

21
22 Last summer, they surveyed the plan location, and they reviewed
23 that with you at the June meeting, and they are conducting an
24 additional survey in an area to the northeast of that location
25 this week. They have not yet applied for any federal permits,
26 and they continue to consult with the EPA and the Army Corps and
27 the Fisheries Service as they proceed in developing their
28 application. That is the update that I have of those two
29 projects, and I will let Mara update you on where the litigation
30 stands.

31
32 **MS. LEVY:** I think you're aware that there was oral argument in
33 the Fifth Circuit Court of Appeals here in New Orleans on
34 January 6, and so there is a three-judge panel that heard that.
35 There is not really much else to say, other than we just need to
36 wait for their decision.

37
38 I wouldn't anticipate a ruling from the appellate court taking
39 as long as it took the trial court ruling. They have one very
40 discreet issue, and so I would hope that we get a decision in
41 the next month or two, and we will certainly let you know when
42 we find that out. The oral arguments are recorded, and so, if
43 anyone is interested in listening to it, you can go to the Fifth
44 Circuit's website and search for oral arguments on that date and
45 listen to the recording.

46
47 **DR. CRABTREE:** If I could, Tom and Mara, my understanding is
48 that, if we prevail in the appeal on the single issue, which is

1 is aquaculture fishing under the Magnuson Act, and if the court
2 decided it was, then it would likely be remanded back to the
3 original court to rule on the other aspects of the plaintiffs'
4 charge, and is that correct?

5
6 **MS. LEVY:** Yes, and so there were a lot of claims brought, and
7 one of them was that threshold legal question, and then there
8 were a number of claims about violations of the Magnuson Act and
9 the Endangered Species Act and NEPA. The trial court didn't
10 decide any of those issues, but just the authority issue, and
11 so, if the Fifth Circuit reverses that, the trial court will
12 still have to decide all those other claims.

13
14 **CHAIRMAN DIAZ:** All right. Any other questions for Mr. O'Brien?
15 Ms. Bosarge.

16
17 **MS. BOSARGE:** That last bullet, Number 5 on this page, when you
18 had the project off of California that was in federal waters,
19 and you realized that, as that was coming in for a landing, that
20 there wasn't really a process to ensure the safety of that
21 seafood for consumers, you specifically say they are molluscan
22 shellfish, and is there a process for finfish then, for that
23 safety for human consumption, since we do have finfish
24 aquaculture that will be very soon going into the Gulf of Mexico
25 in federal waters? Do we have a process there for that? Is
26 there any testing of the flesh that happens before it goes into
27 the consumer market, or how is that going to work?

28
29 **MR. O'BRIEN:** I am less familiar with the finfish side of things
30 on that front, to be honest with you, because shellfish is
31 really where most of the concern is, and there's a whole other
32 layer of -- Beyond the general food safety provisions that apply
33 to lots of food, shellfish in particular have their own
34 standards, because of the nature of them, including they are
35 largely eaten raw, and there's a number of other reasons why the
36 bar is set higher for shellfish.

37
38 In the case of California, just to be clear as well, there was
39 this lack of a process, and our Office of Seafood Inspection at
40 NOAA actually stepped in temporarily and provided sort of a
41 band-aid, but now they're working on a national-level approach
42 to establish that process.

43
44 Finfish, I'm sure there are, and I don't know exactly what FDA
45 does for finfish, but I think it would be the same for any
46 finfish grown anywhere, tilapia or salmon grown in Maine or in
47 federal waters. That's my understanding, at least, and I can
48 double-check on that and let you know.

1
2 **CHAIRMAN DIAZ:** I am not seeing any more questions. I want to
3 thank you, Mr. O'Brien, for traveling down here from Silver
4 Spring and spending the afternoon with us. We appreciate your
5 presentation, and are you going to be around for the rest of the
6 day?

7
8 **MR. O'BRIEN:** Yes, I will be around. I will be in and out, at
9 least, and so I'm happy to answer any other questions offline
10 and have a conversation.

11
12 **CHAIRMAN DIAZ:** Okay. Thanks again. We appreciate it.
13

14 **MR. O'BRIEN:** Great. Thank you.
15

16 **CHAIRMAN DIAZ:** All right. We're going to move on in the
17 agenda, and so the next item is Item V, Public Hearing Draft of
18 Amendment Reef Fish 48/Red Drum 5: Status Determination Criteria
19 and Optimum Yield for Reef Fish and Red Drum, and that's Tab E,
20 Number 5. Dr. Froeschke.

21
22 **PUBLIC HEARING DRAFT AMENDMENT REEF FISH 48/RED DRUM 5: STATUS
DETERMINATION CRITERIA AND OPTIMUM YIELD FOR REEF FISH AND RED
DRUM**
23

24
25 **DR. JOHN FROESCHKE:** Good afternoon. We have a revised draft
26 public hearing document for your review and discussion today.
27 My plan was not to go over the various MSY proxies and all that
28 sort of thing for the various actions, unless you need a
29 refresher, but, as an overview, since last time, we have updated
30 the document based on the council's feedback and the SSC's
31 feedback.
32

33
34 In general, the comments were simplify, simplify, and simplify,
35 and so we tried to make it more condensed, so there are fewer
36 decision points, and the groups could be similar things, so that
37 you didn't have to make repetitive decisions, to the extent that
38 we could, and we worked on the optimum yield action, Number 4,
39 quite a bit.
40

41 As I have stated, we have prepared the Chapters 1 through 4 of
42 this document. What I would like to do is review each action,
43 note the changes that we have made and answer questions. If the
44 committee is interested in selecting preferred alternatives at
45 this time, that would be great. If they're interested in
46 changing the structure of the document, that's okay too, and
47 then, depending on where we end up there, if you want to
48 consider approving the document for a public hearing.

1
2 In the past, you have all recommended that we just take this out
3 to a webinar public hearing, given the technical nature of the
4 document, and so if there are any questions. Otherwise, I can
5 start with Action 1.
6

7 **CHAIRMAN DIAZ:** Dr. Stunz.
8

9 **DR. GREG STUNZ:** Mr. Chairman, if you would entertain just a
10 quick question or comment, and, John, I appreciate you
11 streamlining this. This is much better, and, in the spirit of
12 moving this document along, so we can get it out to the public
13 hearing phase of this, I have some selections for preferred
14 motions that I am happy to make. John, I don't want to get in
15 front of you as you talk through it, and, Mr. Chairman, I want
16 to follow the will of the committee, but I think we're at a
17 point now where we need to do that, so we can move it along.
18

19 I don't know what's most efficient, because it gets -- Even with
20 the simplification, it gets complicated pretty quick, and so
21 maybe if we take it piece-by-piece, and I will make that, if
22 it's the will of the committee to at least get some of those on
23 the drawing board.
24

25 **CHAIRMAN DIAZ:** Sure. That sounds good to me, and, if you take
26 them action-by-action, I think that might -- Will that get us
27 where you want to go with it? All right. Dr. Froeschke.
28

29 **DR. FROESCHKE:** At least, for some of these actions, there is
30 the potential to select multiple prefers, and so what I would
31 like to do is kind of make sure everyone is up-to-speed on the
32 intent of the action, and then, in the alternatives, some of
33 them have options, and I will kind of give the range of options
34 within that, what stocks it applies to, and then you can make
35 motions, if you feel that's the right time to do that.
36

37 I will start on Chapter 2.1, Action 1, maximum sustainable yield
38 proxies. The way this action is structured is there are five
39 alternatives. Alternative 1 is the no action, in which there
40 are a number of stocks where MSY or MSY proxies have not been
41 defined, and this would continue that practice, which is not
42 consistent with the requirements of MSA.
43

44 Alternatives 2, 3, and 4 apply to the various stocks that are
45 the subject of this document, and I will explain why they are
46 broken out. Alternative 2 encompasses a number of reef fish
47 stocks and stock complexes that we have discussed previously.
48

1 These are stocks -- They're all within the Reef Fish FMP. Some
2 of these are the data-poor stocks, and some of them -- The
3 stocks that are within complexes, the idea is that those
4 complexes would remain and that the MSY proxy would be defined
5 for the complex. The stocks that are individual stocks would
6 remain as individual stocks, and you would be setting it for
7 that. I have a table that summarizes this at the end.

8

9 Alternative 3 applies only to goliath grouper. The reason that
10 this is broken out is that there's a widespread understanding
11 that the biology of this stock is different from most of the
12 others, and this has fish has been closed to harvest for a very
13 long time, and so those factors may dictate that a different MSY
14 proxy is appropriate for that, as compared to the stocks in
15 Alternative 2, and so you have that option.

16

17 Then Alternative 4, red drum, is also its own individual
18 circumstance, and it's managed in its own FMP, and there's an
19 extensive harvest of this stock in state waters, but it's closed
20 in federal waters, and so there are a couple of options there
21 that we can go through.

22

23 Let's take those up. If you go down to Table 2.1.1, and we're
24 going to come back to Alternative 5 at the end, and so this is
25 just a brief summary table of the alternatives in the documents,
26 which is reflected in Column 1. The middle column reflects the
27 complexes, if there is one that applies, and then the column on
28 the far-right is the stocks that are included within the
29 complexes, if applicable, or the individual stocks, for example
30 cubera, lane snapper, mutton, yellowtail, goliath, and red drum.
31 Those are the individual stocks, and you can see the alternative
32 that applies to them. Then we'll come back to Alternative 5 at
33 the end.

34

35 Circling back to Alternative 2, there are three options, 2a, 2b,
36 and 2c, and all of these are structured the same, and,
37 essentially, it's specified as a yield when fishing at a pre-
38 defined SPR ratio, and this is typical how we've defined MSY
39 proxies for many of our other stocks, although not all of them,
40 and, based on the historical practices of the council and
41 scientific literature and the recommendations of the SSC, ranges
42 between 20 and 40 percent are sort of in the ballpark of where
43 we've been, and 30 percent is probably the most common
44 recommendation that we've established in the past. Those are
45 the three options that have been presented to you, and the SSC
46 has recommended the F 30 percent SPR in the past.

47

48 **CHAIRMAN DIAZ:** Dr. Stunz.

1
2 **DR. STUNZ:** If it's okay with you, Mr. Chairman, I will start.
3 I will caveat a couple of things. Obviously, we're just
4 selecting preferreds, and so we can still change this, and, I
5 mean, even if we go down this route, and later down the line we
6 get more information and things, we can always come back to
7 this, and so these aren't, I guess, set in stone, so to speak.
8

9 Then, also, I am basing my motions primarily off of the SSC
10 recommendations of what they are telling us, and I think there
11 are some cases where they didn't make a recommendation, and,
12 John, you can help me out too, because we're selecting multiple
13 alternatives within an action, and it gets confusing pretty
14 quick, and so I will kind of convey what I'm trying to do, and
15 then, if it's not quite right -- **I move, in Action 1, for
Alternative 2 and that we select Option 2b as the preferred
alternative.** If I get a second, I will justify why that is.
16
17

18 **CHAIRMAN DIAZ:** It's seconded by Ms. Bosarge.
19

20
21 **DR. STUNZ:** The reason being, if you looked at 20 to 40 percent
22 as sort of the standard SPR for a variety of fisheries, 30
23 percent is right in the middle, and the SSC is recommending
24 that, and it seems like that's a reasonable alternative to put
25 out for the public.
26

27 **CHAIRMAN DIAZ:** If you want, Dr. Stunz, if you have preferreds
28 for Alternatives 3 and 4, if you want to make them now, and
29 we'll take the motion all at one time, or if you would rather do
30 them one at a time.
31

32 **DR. STUNZ:** I think that's easier, if we just want to do that.
33

34 **CHAIRMAN DIAZ:** If you want to do that, that would be fine.
35

36 **DR. STUNZ:** So, adding to that motion then, in Action 1,
37 Alternative 3, select Option 3b as the preferred alternative,
38 and that's 40 percent spawning potential ratio. By this way,
39 this is for goliath grouper. Because of the nuances with that
40 fishery, that's the reason for going up a little bit, but it's
41 still the middle range of what the options were.
42

43 By the way, while they're doing that, that would put everything
44 at SPR 30 percent where we don't have these proxies or
45 unassessed stocks, with the exception of goliath grouper, which
46 I just said 40 percent, and we'll deal with red drum in just a
47 minute.
48

1 **MS. BOSARGE:** The seconder agrees.
2

3 **CHAIRMAN DIAZ:** Dr. Froeschke.
4

5 **DR. FROESCHKE:** Just to point out too that the South Atlantic --
6 It's a single stock for goliath in the Gulf and the South
7 Atlantic, and the South Atlantic has previous defined the MSY
8 proxy as FSPR 40 percent for goliath grouper, which is Option
9 3b.
10

11 **CHAIRMAN DIAZ:** Dr. Froeschke, does it make sense for us to
12 tackle red drum right now or to wait and do that separately?
13

14 **DR. FROESCHKE:** That's fine with me.
15

16 **DR. STUNZ:** Mr. Chairman, if you want me to move on to red drum,
17 in Action 1, Alternative 4 for red drum, set the MSY proxy with
18 Option 4a, the yield that provides for an escapement rate of
19 juvenile fish equivalent to 30 percent of those that would have
20 escaped had there been no inshore fishery. That is also the SSC
21 recommendation.
22

23 **MS. BOSARGE:** Now you had your second until right there. I
24 mean, maybe if we could tackle those first two that you had up
25 there, and I'm not saying that I may not eventually agree with
26 you, but that one -- I think somebody is going to have to give
27 me some more information and explain it to me.
28

29 **DR. STUNZ:** If I need to remove that bit of the motion, that's
30 fine.
31

32 **CHAIRMAN DIAZ:** Okay, and so we have a motion on the board, and
33 the motion is dealing with Alternative 2 and Alternative 3. Any
34 discussion on the motion?
35

36 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Chairman, did you want Bernie
37 to remove Alternative 4, Option 4a?
38

39 **CHAIRMAN DIAZ:** Yes. Remove Alternative 4, Bernie. That does
40 not have a second at this time. Okay. I will read the motion
41 real quick. **In Action 1, make Alternative 2, Option 2b, and**
42 **Alternative 3, Option 3b, the preferreds.** Any discussion on the
43 motion? Mr. Swindell.
44

45 **MR. ED SWINDELL:** I just don't understand why, with the goliath
46 grouper, we're going to 40 percent instead of 30 percent, which
47 seems to be the kind of standard that we have been using for
48 most all fishes.
49

1
2 **CHAIRMAN DIAZ:** Dr. Froeschke.
3
4 **DR. FROESCHKE:** I will take a go at this, but, in general,
5 species that are long-lived and have low rates of natural
6 mortality are more susceptible to fishing pressure, and, in
7 those situations, trying to maintain a larger standing stock
8 biomass and/or SPR tends to be a fairly common approach to that,
9 and that would be the reason for that.
10
11 **CHAIRMAN DIAZ:** Dr. Porch.
12
13 **DR. CLAY PORCH:** Thank you. I just wanted to reinforce what Dr.
14 Froeschke said. If you look in the literature for long-lived
15 grouper species like that, there is an expectation that the SPR
16 that corresponds with MSY is higher, and a lot of people in the
17 scientific community would argue that it should be more like 50
18 percent SPR.
19
20 **CHAIRMAN DIAZ:** Any further discussion on this motion? **Seeing**
21 **none, is there any opposition to the motion? The motion**
22 **carries.** Dr. Froeschke.
23
24 **DR. FROESCHKE:** Let's go back to Alternative 4, and I will try
25 and give you a little background on the two options and why they
26 are structured the way that they are. Red drum, again, is a
27 unique fishery. The way that the stock is currently managed is
28 that there is no federal harvest, there is harvest in the state
29 waters, and it's managed on an escapement rate that was
30 previously set up in Red Drum Amendment 2, I believe.
31
32 The idea is that the states would set up a management goal where
33 they would allow 30 percent of the biomass to escape to federal
34 waters and, for example, to become part of the breeding stock,
35 as compared to where there would be no fishery at all, and so,
36 at the time, this was thought to be roughly equivalent to an SPR
37 of about 20 percent.
38
39 In general, you need an SPR, and those sorts of calculations
40 come through a stock assessment, and, if you recall, there is no
41 Gulf-wide stock assessment for red drum, and so calculating a
42 yield for F 30 percent SPR -- We don't really have that at this
43 time, but, in general, if you take it on what we think, Option
44 4a would be approximately equivalent to an F 20 percent SPR,
45 which is slightly more aggressive, as compared to Option 4b,
46 which is the 30 percent.
47
48 There is some ambiguity on how you would relate escapement to

1 SPR, and so there is some unknowns in there. The way the
2 fishery is prosecuted, you're fishing on juveniles, and then the
3 adults are essentially largely immune from fishing mortality,
4 and so it should be a fairly conservative way to fish on the
5 stock, and so, based on what we think we know about the stock,
6 the landings and things have been stable or increasing
7 throughout the Gulf for a long period of time, since we thought
8 they were overfished in the late 1980s, and so it's been a long-
9 standing rebuild, based on what we think is 4a, or similar.

10

11 **CHAIRMAN DIAZ:** Dr. Stunz.

12

13 **DR. STUNZ:** With that, Mr. Chairman, I would be happy to re-make
14 that motion for discussion, if we need to.

15

16 **CHAIRMAN DIAZ:** Ms. Guyas.

17

18 **MS. GUYAS:** Not to muddy the waters more, but I think it was
19 stated that all the states have a 30 percent escapement goal,
20 and Florida's is actually 40 percent, and so not to muddy the
21 waters more, but --

22

23 **CHAIRMAN DIAZ:** Ms. Bosarge.

24

25 **MS. BOSARGE:** I didn't second that part of your motion, because
26 what concerned me was that -- When I read the text, the
27 discussion, for this particular one, it says one drawback of
28 that Option 4a is that, like we just said, that, while
29 escapement may be a measurable objective, there is no standard
30 way of measuring it, and, in practice, each of the five Gulf
31 states have adopted a different method to estimate escapement,
32 and so it goes on to say that, if we choose that as the
33 preferred, then the next step will be that we'll have to get
34 NMFS and the states to get together and work to develop standard
35 and compatible methods for estimating escapement, and I'm just
36 sitting here as an outsider going, how realistic is it that you
37 would have that working group come together and you would
38 actually come to a consensus?

39

40 If each state is measuring it differently now, I'm sure they
41 have very good rationale for the way each one of them is
42 measuring it, and I'm sure it works for them, and so do we
43 really think that all five of the states would come together and
44 say, no, actually, that one is the best, somebody else's way,
45 and have a consensus there, and I'm just worried that we'll put
46 something in place and then we have to go on and try and
47 actually figure out how we measure that, and that never happens.
48 We never come to a consensus, and so that's why I thought that

1 4b might be a more realistic streamlined option.
2

3 **CHAIRMAN DIAZ:** Dr. Crabtree.
4

5 **DR. CRABTREE:** I think Leann makes some good points, and I
6 wonder if this escapement rate -- I mean, a lot of this with red
7 drum has been in the management plan for a long time, and I
8 don't know when we last modified any of this, and I wonder if
9 it's just some holdover from a time ago, and it does seem to be
10 -- One, it's less conservative than 30 percent, that we would
11 normally use, from what John said, but red drum is a fairly
12 long-lived species, and it seems overly complex, to me, to try
13 to do it in that way, and it's just not clear to me why it
14 wouldn't be more straightforward to go with Option 4b. I guess
15 I would like to hear your views, Greg, as to what you see as the
16 difference for these and why you have a preference for 4a.
17

18 **CHAIRMAN DIAZ:** Dr. Stunz.
19

20 **DR. STUNZ:** To that point, Roy, I don't feel real strongly for
21 either 4a or 4b. I prefer 4a, but, you know, we had a red drum
22 workshop, and I don't remember how long ago that was, where we
23 talked about these escapement rates, and the states seem to be
24 doing just fine with that, and the big problem, whether we
25 choose 4a or 4b, is just simply we don't have a stock assessment
26 for red drum. The nature, obviously, of the fishery is
27 preventing that, and we have very little information about age
28 structure and that kind of thing.
29

30 I mean, there is no indication that there is big troubles out
31 there or anything, and so 4a, to me, just seems like a
32 reasonable approach to move forward, and, obviously, this isn't
33 -- If we go down the assessment route or whatever, we have
34 opportunity to adjust that, as necessary.
35

36 **CHAIRMAN DIAZ:** Dr. Frazer.
37

38 **DR. FRAZER:** I think Greg raised the same issue, but I think Dr.
39 Porch is going to address it.
40

41 **DR. PORCH:** Thank you. I mean, regardless of whether we have a
42 stock assessment or not, there is the fundamental issue of what
43 SPR level is most likely to correspond to the MSY, and 20
44 percent is usually something that's closer to an anchovy-type
45 life history, whereas something like red drum, that lives a
46 little longer, as Roy mentioned, you would expect to have an SPR
47 that corresponds to MSY on the order of 30 percent or so, or at
48 least probably not lower than red snapper, and so I would

1 advocate more for a proxy of about 30 percent SPR, which
2 probably does correspond to more like a 40 percent escapement
3 rate.

4

5 **CHAIRMAN DIAZ:** In response to that, the unique thing about red
6 drum is we have this larger closure area for adults that can't
7 be taken, commercial or recreational, and I think that's a
8 contributing factor to how it's been managed in the past. Dr.
9 Crabtree.

10

11 **DR. CRABTREE:** I agree that is rather different from how we
12 manage most species, but that's a unique feature of the
13 management and not the biology of the animal, and, since we need
14 to select a proxy for MSY, which is what we're doing here, I'm a
15 little concerned, given Clay's comment, that we may have a hard
16 time justifying 4a as a valid and defensible proxy. I would
17 like to make a substitute motion, if I could.

18

19 **CHAIRMAN DIAZ:** There is no motion on the board right now, Dr.
20 Crabtree.

21

22 **DR. CRABTREE:** All right. Then I can go ahead and make a
23 motion, I suppose?

24

25 **CHAIRMAN DIAZ:** Yes, sir. Go ahead.

26

27 **DR. CRABTREE:** All right. **Then I will make a motion to adopt
28 Alternative 4b as the preferred.**

29

30 **CHAIRMAN DIAZ:** It's seconded by Mr. Swindell. Is there
31 discussion?

32

33 **MR. SWINDELL:** Part of the reason I seconded the motion is
34 because Option 4a reads -- I don't know, but like it's a no-win
35 situation. Would half escape had there been no inshore fishery?
36 There is an inshore fishery, and we've got to recognize -- And
37 it's going to continue. The inshore fishery isn't not going to
38 be there. It's going to always be there, and why in the world
39 would you even have that wording in 4a to start with? I think
40 we should go with 4b. Thank you.

41

42 **CHAIRMAN DIAZ:** Any further discussion? Mr. Anson.

43

44 **MR. KEVIN ANSON:** I am just curious, Dr. Porch, how -- If 4b
45 were to be -- If this motion were to pass and we take the
46 amendment forward, how would red drum be managed then, to that,
47 since there's the comment down here that fishing mortality rate
48 is different to estimate for this stock, because harvest is

1 prohibited.
2

3 We have the issue of not having any fishing mortality rate on
4 those large fish, and we don't have much information on the
5 adult population, and so how would that SPR be effectively
6 determined, based on the data that we currently have and FES
7 estimates that are potentially much higher than what the
8 traditional MRIP estimates have been in the past?
9

10 **CHAIRMAN DIAZ:** Dr. Porch.
11

12 **DR. PORCH:** You can calculate the same as you do for any stock.
13 I mean, if you're calculating escapement, you're still having to
14 figure a rate. It's a fishing mortality rate that you're going
15 to allow that would cause that escapement, and, in this case,
16 you would calculate that fishing mortality rate assuming that
17 it's applied on the juvenile population, and so, I mean, the
18 math can be done, and it's not any more complicated than
19 calculating an escapement, but it's just what is the best proxy
20 for the fishing mortality rate that would achieve the MSY level.
21

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

24 **DR. CRABTREE:** It seems to me, Kevin, that problem exists for
25 either 4a or 4b, and, as far as I know, all we have now are some
26 states do state-specific assessments, but they can't really give
27 you either an escapement rate or a fishing mortality rate that
28 applies stock-wide, and so I think that problem applies to
29 anything we have here.
30

31 **CHAIRMAN DIAZ:** Okay. Seeing no further discussion, I'm going
32 to ask for a show of hands, and there is a motion on that board.
33 **In Action 1, to make Alternative 4, Option 4b, the preferred.**
34 **All those in favor, signify by raising your hand, three; all**
35 **those opposed, like sign. The motion fails.** All right, Dr.
36 Froeschke. I guess we can proceed at this point through the
37 document.
38

39 **DR. FROESCHKE:** Okay. There is one more alternative in Action 1
40 for your consideration. This is Alternative 5, and this doesn't
41 directly modify or establish an MSY proxy for a stock. What
42 this alternative would do is it would potentially streamline the
43 process of modifying MSY proxies for stocks when future
44 assessments come up, and so a situation that this would be
45 applicable for a particular reef fish stock, or red drum, is you
46 would get an assessment, and the SSC might give a recommendation
47 that says F 30 percent SPR is what we have now, and we think
48 that 35 or 25 or something may be a better scientific basis for

1 MSY.

2
3 They could recommend that, and, if the council agrees, by making
4 use of this, they could simply note that change in a plan
5 amendment, rather than going through a full amendment, as would
6 be required now, and the rationale for that would be that, if
7 you have a recommendation for an MSY proxy that you think is the
8 best, and you agree with the SSC, then it may not make sense to
9 develop alternatives that include things that you would think is
10 not the best.

11
12 However, the things that this would not -- That's what it would
13 do, is it could make that process simpler. What it would not do
14 is it would not take the ability of the council from defining
15 what the MSY proxy is, and so, for example, the SSC could make a
16 recommendation for something, and the council could disagree
17 with that, and so they wouldn't be compelled to accept that
18 recommendation, and so it would still remain with the council's
19 purview to make that determination.

20
21 The other situation that could arise, as happened with gray
22 snapper, is that the SSC could give recommendations for more
23 than one SPR proxy, which they did for 26 and 30, and, in that
24 case, we would have to continue to go through the amendment
25 process that we typically do, and so that's the general flavor
26 of this. It could be selected concurrently with the other
27 alternatives in this action.

28
29 The other caveat to note is, if you go back to the Table 2.1.1,
30 I think it is, whatever that table is, if you scroll all the way
31 down, you will notice, all the way down, you can see Alternative
32 5. In terms of the stock, this would apply to all reef fish
33 stocks, complexes, and red drum. The other alternatives are
34 limited to the particular stocks that are identified here, and
35 the rationale is that, if this is in fact a streamlining
36 process, it would make sense to extend this to all reef fish
37 stocks and red drum. I will stop there for your discussion.

38
39 **CHAIRMAN DIAZ:** Dr. Stunz.

40
41 **DR. STUNZ:** With that thought, I will make a motion regarding
42 Alternative 5, but, after we do that, I just wanted to go back
43 to that Alternative 4 for a minute, because I don't feel like --
44 **We just kind of left that hanging, but, so that we can continue**
45 **this and not drag this out any longer, I would make a motion in**
46 **Action 1 to also make Alternative 5 the preferred alternative,**
47 **and so we'll have one more concurrent preferred.** Do you need me
48 to read what that is?

1
2 **CHAIRMAN DIAZ:** Yes.

3
4 **DR. STUNZ:** Okay. For future assessments of reef fish stocks
5 and red drum, the MSY proxy equals the yield produced by FMSY or
6 F proxy recommended by the council's SSC and subject to approval
7 by the council through a plan amendment.

8
9 **CHAIRMAN DIAZ:** All right, and so we have a motion. Is there a
10 second? It's seconded by Mr. Williamson. Any discussion?
11 **Seeing none, is there any opposition to the motion? The motion**
12 **carries.** All right, Dr. Stunz, if you want to go back to
13 Alternative 4.

14
15 **DR. STUNZ:** I guess I never made the motion, because it was
16 withdrawn from the earlier motion to make that Alternative 4,
17 Option 4a, the preferred alternative, and I guess we voted down
18 Option b, and so I feel like we still need to do something with
19 the preferred there. **I would like to make the motion to do**
20 **that. In Action 1, in Alternative 4, make Option 4a the**
21 **preferred alternative. That is the yield that provides an**
22 **escapement rate of juvenile fish equivalent to 30 percent of**
23 **those that would have escaped had there been no inshore fishery.**
24 I can give a little more justification if I get a second.

25
26 **CHAIRMAN DIAZ:** All right, and so we have a motion. Is there a
27 second? It's seconded by Mr. Schieble. Go ahead, Dr. Stunz.

28
29 **DR. STUNZ:** Given our discussion -- I mean, in the nature of
30 that whole fishery and the grand scheme of things, I am not
31 seeing this as a big deal, between 4a and 4b, but, obviously, 4b
32 didn't pass. 4a is the SSC recommendation, and maybe, between
33 now and Full Council, we can get some input, because I forget
34 now what the justification was at the SSC for selecting 4a over
35 4b, but, in my mind, it falls in line with what we're currently
36 doing, and it's just, to me, the obvious way we need to go here
37 with this alternative.

38
39 **CHAIRMAN DIAZ:** All right. Is there further discussion on the
40 motion? **Seeing none, I am going to ask for a show of hands**
41 **again. All in favor of the motion, signify by raising your**
42 **hand, six; all opposed, like sign, three. The motion carries**
43 **six to three.** Dr. Froeschke.

44
45 **DR. FROESCHKE:** Okay. Let's proceed to Action 2.2, maximum
46 fishing mortality threshold. This action is much simpler in
47 structure. MFMT, as it's known, this would establish the
48 maximum fishing mortality. A fishing mortality above the

1 threshold would be considered overfishing.
2

3 There are two alternatives in this action, and what this would
4 do is this would -- These alternatives would apply to the stocks
5 and stock complexes that are reflected in Action 1, and so no
6 action would maintain the current definition, and so this is the
7 one status determination criterion that has actually been
8 defined, and this was defined in the 1999 generic amendment, and
9 I forget what that was called, and the SDC for others were also
10 defined at that time, but they were rejected, and so this is the
11 one that actually was carried forward.
12

13 No action, or Alternative 1, would continue this, and,
14 essentially, there are established ones for several stocks, and
15 it would be F 30 percent for all of the other reef fish stocks
16 and red drum.
17

18 Alternative 2 is, for stocks where an MSY proxy has not been
19 defined, it would set the MFMT equal to the fishing mortality at
20 the MSY proxy for each stock or stock complex, as determined in
21 Action 1. Essentially, what that would do is you would set the
22 maximum fishing mortality threshold to complement what you've
23 done in Action 1, and so that seems to probably be a reasonable
24 thing to do. Any questions on that?
25

26 **CHAIRMAN DIAZ:** Questions for Dr. Froeschke? Dr. Stunz.
27

28 **DR. STUNZ:** I will make another one here, and so this is in
29 Action 2. **Make Alternative 2 the preferred alternative. That**
30 **is, for stocks where an MSY proxy has not been defined, set the**
31 **MFMT equal to the fishing mortality at the MSY proxy for each**
32 **stock or stock complex, as determined in Action 1.**
33

34 **CHAIRMAN DIAZ:** All right. We have a motion. Is there a
35 second? It's seconded by Mr. Williamson. Any discussion on the
36 motion? **Any opposition to the motion? The motion carries.** Dr.
37 Froeschke.
38

39 **DR. FROESCHKE:** Okay. Action 3 is minimum stock size threshold.
40 Just a quick primer is this is the biomass at below which the
41 stock would be considered overfished. Obviously, the goal would
42 be to maintain the biomass at corresponding to MSY, although we
43 know that, for reasons, for a variety of reasons, the MSY -- The
44 biomass could fall below that level if setting an MSST somewhat
45 below the MSY biomass would allow the stock biomass to vary
46 slightly without entering a requirement to have a rebuilding
47 plan and do that every time, and so it allows the stock some
48 variance.

1
2 The way that we used to do this is consistent with what I would
3 call the one minus M approach, or Alternative 2, where, for an
4 individual stock, you would estimate the natural mortality, and
5 you would enter it in that formula and apply that, and so, if M
6 was 0.25, you would go one minus M at 0.25, and so 0.75, and so
7 that would be roughly the same as Alternative 3. Most of our
8 stocks have an M less than 0.25, and so it would typically
9 create a buffer that is smaller between MSY and the MSST.

10
11 Alternative 3 would set that as a standard 25 percent below
12 that, and so at 0.75, and Alternative 4 would be at 50 percent,
13 and so the range that this can be set -- You can set it as high
14 as MSY, and you can set it as low as 50 percent of MSY biomass,
15 and so that's Alternative 4, and so, in terms of tradeoffs,
16 setting it near MSY, or slightly below, means that you are not
17 allowing the stock to fall very far below that before you enter
18 a rebuilding plan, and so the upside of that, potentially, is
19 that, if you encountered a problem, you wouldn't be very far
20 below that, and you could develop a rebuilding plan and
21 implement it and be back to MSY hopefully very soon. The
22 downside of that is that you could be bouncing in and out of
23 rebuilding plans quite often.

24
25 All the way to Alternative 4, and you would allow the biomass to
26 fall fairly fall below, or as far as you could under the
27 Magnuson, and so you would be less likely to enter rebuilding
28 plans, just based on some sort of variance around the estimate
29 of biomass. However, if you did reach that level, you would
30 have a long rebuilding plan ahead of you, and so the MSST at
31 0.75 is sort of intermediate in both ways.

32
33 I am looking at the SSC recommendation. The SSC has recommended
34 Alternative 3, at 0.75, and so the middle value, and this was --
35 They discussed the tradeoffs of those, and they also discussed
36 some previous work that the Science Center had done that -- They
37 did some simulation work, and their conclusions were that it was
38 unlikely that the stock would fall below 75 percent of BMSY in
39 the absence of fishing mortality, and so, if it's below that,
40 you would likely have an overfishing problem, rather than just
41 some variability around the stock.

42
43 Then Alternative 5 is sort of a separate one, and so there are
44 stocks, four stocks, that are assessed across both the South
45 Atlantic and the Gulf Council's jurisdiction, and so those are
46 goliath, mutton snapper, yellowtail snapper, and black grouper,
47 and then the MSST for these species would use the existing
48 definitions, as defined by the South Atlantic Council. Those

1 definitions are in Table 2.3.2.

2
3 For mutton, yellowtail, and black grouper, it corresponds to 75
4 percent times SSB. For goliath, it's the one minus M approach,
5 where M is estimated to be 0.12, and so, again, this is a
6 situation where the MSST is not very far below the MSY. I will
7 stop there for comments or discussion.

8
9 **CHAIRMAN DIAZ:** Dr. Stunz.

10
11 **DR. STUNZ:** Mr. Chairman, I would like to make another motion,
12 based on what John said there, that this is a multi-preferred
13 action here, and we can kill two birds with one stone. I will
14 make the motion, in Action 3, for minimum stock size threshold,
15 to make Alternative 3 the preferred alternative, where the
16 minimum stock size threshold would equal 75 percent of the BMSY
17 proxy, and Alternative 5 the preferred alternative. Alternative
18 5 is, for stocks assessed across the South Atlantic and Gulf
19 Council jurisdictions (goliath grouper, mutton snapper,
20 yellowtail snapper and black grouper) MSST for these species
21 would use existing definitions of MSST defined by the South
22 Atlantic Council.

23
24 **CHAIRMAN DIAZ:** We have a second by Ms. Bosarge for the motion.
25 Is there discussion? Dr. Crabtree.

26
27 **DR. CRABTREE:** I think you need to -- So we recently changed the
28 MSST, for I think these stocks that are listed above, to 50
29 percent of BMSY, and so I guess one question is why are we
30 reaching a different conclusion here and going to 75 percent of
31 BMSY?

32
33 Then, secondly, for Alternative 5, I have some questions, I
34 guess for Clay, about goliath grouper. One would be is goliath
35 grouper -- Wasn't the last assessment across both the Gulf and
36 the South Atlantic, and was it accepted by everyone, and so do
37 we have an assessment for goliath grouper? I am seeing some
38 heads up there, Clay, if you don't have an answer.

39
40 **DR. PORCH:** The State of Florida did the last couple of
41 assessments, and I believe it was basically the Atlantic and
42 Gulf combined. There is not compelling evidence that they are
43 separate stocks. I don't think it was used, and so I don't
44 remember the conclusion of the SSC.

45
46 **DR. CRABTREE:** So then I guess that's one question, is, if you
47 don't have an assessment that has been judged to be the best
48 available science, is it fair to say it's assessed across both

1 councils? I guess you could answer that a couple of ways.
2

3 Then, secondly, and maybe Clay knows, I'm guessing the natural
4 mortality rate for goliath grouper is very low, and so, if we
5 went with the one minus M times BMSY, which I think is what the
6 South Atlantic did, I suspect that would put us at 93 or 94
7 percent of BMSY, which -- Mara is telling me that M is 0.12,
8 which seems higher than I would have guessed.
9

10 At any rate, my only concern is -- I think we need to be clear
11 in here about some of those things, and we are selecting a proxy
12 that's very close to BMSY, and I don't personally think that's a
13 good practice. I guess the more pressing question, since
14 goliath grouper is more of a theoretical argument, since we
15 don't have an assessment to calculate any of it anyway, is why
16 are you choosing 75 percent here when you chose 50 percent in
17 the last amendment, for a variety of stocks?
18

19 **CHAIRMAN DIAZ:** Ms. Bosarge.
20

21 **MS. BOSARGE:** Well, I guess the better question, to me, would be
22 why did we go with 50 there, when it seems like 75 is what's
23 been chosen in the past, and, if you look at the South Atlantic,
24 some of the stocks that they have, you see that 75 percent, and
25 I think that's been used more widely than the 50, and so why did
26 we decide to take it to the max on those other stocks?
27

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

30 **DR. CRABTREE:** The rationale for that decision is in the
31 amendment where we set it, and you can disagree with it, but it
32 is explained there, but I haven't heard any explanation here as
33 to why we're going back to 75, other than I guess, Leann, you're
34 saying it's more widely used, and I don't know that this council
35 has ever used 75 percent, and maybe we have. The South
36 Atlantic, you're right, did choose it, and the only rationale
37 that comes to my mind, John, is I guess there was the Center
38 study that referenced 75 percent, and is that correct?
39

40 **DR. FROESCHKE:** Yes, and that came up during the SSC, and the
41 Science Center, and I believe it was Dr. Calay that summarized
42 the results of that, and, again, she reiterated that, based on
43 their work, it seems unlikely that, based on factors other than
44 fishing, that it would fall below 75 percent.
45

46 **DR. CRABTREE:** So, if that's your rationale, Leann, then I
47 understand.
48

1 **CHAIRMAN DIAZ:** Ms. Bosarge.
2

3 **MS. BOSARGE:** The rest of my rationale is -- So I think that
4 there is some value in rebuilding plans, and I understand, yes,
5 they're cumbersome, and it probably makes the council look bad
6 when you have to implement a rebuilding plan, as if maybe you
7 didn't do something right on the frontend, but, when you start a
8 rebuilding plan, it makes you take a step back and actually look
9 at everything that's going on in the stock and really take that
10 30,000-foot view and figure out what is the best path forward.
11

12 If you look at these trajectories that, based on doing X, Y, or
13 Z, this is how long it's going to take you to get to the point
14 that you want to be at, your target, your healthy stock,
15 whatever that may be for that particular species, and I don't
16 like the idea of waiting until you get to that 50 percent
17 threshold to really start looking at different things and taking
18 that big 30,000-foot view. You're really just piecemealing it
19 together when you don't do that.
20

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

23 **DR. CRABTREE:** Well, where I don't follow you there is the
24 notion that somehow it implies we're going to wait. If you
25 assume that the reason we're dropping is because we're
26 overfishing, we will have to take action to end overfishing
27 immediately, and so there would be no way, and so I just don't
28 follow that logic, and I continue to think that 50 percent MSY
29 is a perfectly reasonable choice.
30

31 Now, if you choose to be more conservative here, okay, and
32 perhaps your rationale for the 50 percent is, well, those are
33 stocks that we have more information on, and so we were more
34 aggressive to manage, but, here, we're talking about unassessed
35 stocks, and so I guess you could argue that we want to be more
36 conservative, because we have less information, but I don't
37 think the notion that somehow you're going to wait, unless the
38 stock happens to decline because of things other than fishing
39 mortality, in which case I don't know that it makes much
40 difference how you set it, because you may not be able to
41 control what's going on anyway, but, if you're assuming the
42 decline is due to fishing mortality, you're not allowed by the
43 law to wait, and you would have to take action, whether it was
44 below MSST or not below MSST.
45

46 **CHAIRMAN DIAZ:** Any further discussion? Mr. Swindell.
47

48 **MR. SWINDELL:** Where did the BMSY come from? Is this from the

1 Scientific and Statistical Committee to start with? Did they
2 give us an estimate of what BMSY really is?
3

4 **CHAIRMAN DIAZ:** Dr. Porch.
5

6 **DR. PORCH:** It definitely would come from the assessment, but
7 keep in mind that it typically is not that well determined,
8 because it depends on what long-term recruitment potential is,
9 which we usually don't know very well, but, having said that, I
10 would point out that, whatever that BMSY is, if you fish a stock
11 down to where it's less than half of that, it will take longer
12 to recover, and so that means you would have a more draconian
13 rebuilding plan than if you started the rebuilding when it got
14 below 75 percent of BMSY.
15

16 **CHAIRMAN DIAZ:** To that point, Mr. Swindell?
17

18 **MR. SWINDELL:** But I would think that the SSC would have already
19 viewed all those things, and so, when they came up with their
20 final assessment of the BMSY, wouldn't they have already
21 considered all of those scenarios that could happen? Did they
22 not?
23

24 **CHAIRMAN DIAZ:** Dr. Porch.
25

26 **DR. PORCH:** I'm not sure what you mean by the scenarios, but
27 they would take the best estimate they have for BMSY, and then
28 they would look at where we are relative to that, and so, if it
29 falls below -- In this case, if you adopted 50 percent, we could
30 show that it's very unlikely that it got there through some
31 natural variations and is probably sustained overfishing.
32

33 **CHAIRMAN DIAZ:** To that point, Mr. Swindell?
34

35 **MR. SWINDELL:** So what you're telling me then is we're second-
36 guessing the SSC. We're sitting here as a group and saying,
37 okay, you gave us your best guess of BMSY, and now we're going
38 to adjust it. I don't have the technical knowledge to really do
39 that, and I don't know why we're adjusting their best guess.
40 This is the scientific group that we put together to do this
41 kind of information, and now I'm having to second-guess it
42 again. Thank you.
43

44 **CHAIRMAN DIAZ:** Dr. Crabtree.
45

46 **DR. CRABTREE:** We're not doing that, Ed. These alternatives
47 don't change the estimate of BMSY. That remains the same.
48 These alternatives are just based on how much we change the

1 MSST, which is calculated based on BMSY, and so we wouldn't be
2 overruling the SSC, in that sense, and these are things that are
3 management's responsibility.

4

5 **CHAIRMAN DIAZ:** Okay. We've had a fair amount of discussion on
6 this particular item, and so we're going to go ahead and take a
7 vote. **The motion is, in Action 3, to make Alternative 3 and**
8 **Alternative 5 the preferred alternatives. I would like to do**
9 **this by a show of hands, and so all in favor, signify by raising**
10 **your hand.**

11

12 **DR. FROESCHKE:** Okay. Action 4, or actually Action 4.1, this is
13 optimum yield for reef fish stocks and hogfish, and so I will
14 stop there and just give you a little bit of information about
15 who is playing here.

16

17 In general, the reef fish stocks that are included in this
18 action are all the stocks that we have considered in Action 1,
19 and the hogfish is included here because OY has not previously
20 been defined for this. We did have a recent amendment that
21 defined status determination criteria for hogfish, and the OY is
22 not technically an OY, and so it wasn't, for various reasons,
23 included in that amendment, but the aim is that we would include
24 a definition of OY for hogfish in addition to the other stocks.

25

26 What I would like to do is go through the action alternatives
27 sort of one at a time, and we have broken out goliath grouper
28 into its own alternative, and then red drum is a little
29 different too, and so it's in its own sub-action. Alternative
30 1, these stocks do not have a definition of OY, and so this
31 would remain -- They would remain undefined.

32

33 Alternative 2, we have four options here, and the first three
34 are a simple scalar approach, in which we take the MSY, or MSY
35 proxy, as defined in Action 1, and then you would simply apply a
36 scalar for that, either 50 percent, 75 percent, or 90 percent.
37 In general, the more aggressive you would be with a fishery, you
38 could pick a larger number, meaning that your optimum yield was
39 closer to the MSY, 50 percent being more conservative, at least
40 biologically conservative.

41

42 The SSC made a recommendation that they felt that this wasn't
43 really in their purview, and so their recommendation was that
44 any option within the range of 50 percent to 90 percent for OY
45 was acceptable.

46

47 Option 2d is a formulaic approach, and what it does is it looks
48 at the annual catch limits and the overfishing limit for these

1 stocks, and it computes a ratio, and then you would multiply
2 that by the MSY or the MSY proxy, and you would develop a number
3 between zero and one or a percentage similar to the other ones.

4
5 This is a different way of doing it that tries to take advantage
6 of the information that we actually have, things that we've done
7 in the past for these, and there's a table in the document, and
8 it's Table 2.4.2, and it addresses this more for the stocks that
9 are being considered.

10
11 You have an OFL and then the ACL, the percentage, and so what
12 you will see here is that most of the stocks are between 50 and
13 90 percent, and so it's essentially the same range as considered
14 for the Options a through c. The difference is that this would
15 establish a different OY for the various stocks and stock
16 complexes in the action, whereas the Options a through c,
17 whichever ones were selected as preferred, would apply that
18 across the stocks. I will stop there for some questions about
19 that.

20
21 **CHAIRMAN DIAZ:** Dr. Crabtree.
22

23 **DR. CRABTREE:** I have a few questions that mostly I guess -- In
24 Option 2d and 3d, it says "or zero if the OFL equals zero", and
25 I don't think that's correct, because that would be a divide by
26 zero, which you can't really divide by zero. It would be zero
27 if the ACL is equal to zero, wouldn't it?

28
29 Number two is I don't think an OFL could be set equal to zero,
30 unless you set the MFMT equal to zero, or the species was
31 extinct, but, if the MFMT is some non-zero value, and there are
32 some fish, there must be some amount of fish you could take out
33 that wouldn't cause overfishing, and so I think there needs to
34 be a little tweaking of some of that, perhaps.

35
36 Then, later, I see there is a table that says that the OFL for
37 goliath grouper is equal to zero, and I don't really know where
38 that comes from, but I guess I would ask Dr. Porch. Clay, is it
39 possible to have an overfishing level of zero, assuming there is
40 some fish in the water?

41
42 **DR. PORCH:** No, and, technically, it would be the MFMT times the
43 stock biomass.

44
45 **DR. CRABTREE:** Unless we set the MFMT at zero, I don't see how
46 you could have an OFL of zero.

47
48 **DR. PORCH:** Right, but you could have an ABC control rule, or

1 you could decide to define MFMT so that it actually decreases to
2 zero before the stock goes to zero.

3
4 **DR. CRABTREE:** Yes, and it's just that's not what we did in the
5 MFMT alternative, and so I don't know what the solution is,
6 John, but I think it needs a little bit of maybe some tweaking
7 of the language or cleaning up there, unless I'm missing
8 something.

9
10 **DR. FROESCHKE:** Well, I can just tell you what our thought
11 process was, and then, if we need to modify it, we can. I agree
12 that math is a real pain, and you can't divide by zero, and so
13 the reason that we did it like that is, for black grouper, if
14 you look again at 2.4.2, the OFL is undefined, and then again
15 for goliath, which we have it down as zero, and if it should be
16 something else, but, at any rate, we realize that that's a math
17 problem, and so the logic was, if the math doesn't work, we're
18 just going to call it zero. Maybe we could state that a
19 different way, but we realize that the formula, as written, does
20 not work for those stocks, and so, in those cases, we would just
21 set the OFL, or the value, as zero.

22
23 **DR. CRABTREE:** Well, in the case of goliath grouper, I think the
24 ACL is zero, and so it would be zero, but we have a fishery and
25 a harvest of black grouper going on, and so clearly we don't
26 think either the ACL or the OFL are zero.

27
28 **DR. FROESCHKE:** Correct, but we don't have a definition of OFL,
29 and that's one of the things at the IPT that we have discussed,
30 and that is, in order to operationalize this particular
31 alternative, we would need to find some work-around for black
32 grouper.

33
34 **DR. CRABTREE:** I guess my question is what's the path forward?
35 Can staff kind of try to clean this up a little bit and make
36 sure at least the math makes sense and things?

37
38 **DR. FROESCHKE:** Well, I think there are at least a couple of
39 options. One, we could figure out -- We would need to figure
40 out something for black grouper, and that seems to be more
41 difficult. The goliath, I think we could surely come up with
42 something. Otherwise, we could perhaps just remove the Option
43 3d.

44
45 **CHAIRMAN DIAZ:** Ms. Levy.

46
47 **MS. LEVY:** A couple of things. When you kept saying black
48 grouper, are you talking shallow-water grouper, like that

1 complex? We're going to have to think of something to do with
2 that if the council wants to do this Option 2d.
3

4 I think, with goliath grouper, the easiest thing to do is to
5 just have an option that is zero percent of MSY. Like, you
6 don't -- Because of the way it's managed, you don't allow
7 harvest right now, and so perhaps the optimum yield right now is
8 zero, and we could have that alternative rather than the
9 formula, but I don't think we can say that we can't set it for
10 shallow-water grouper, meaning, if we need to consider it
11 separately, because we can't use this formula, okay, but I don't
12 think we can say, because OFL is undefined, that we can't have
13 OY, that it's zero, because I think that doesn't make sense. If
14 you're allowing harvest, it can't be zero, your OY.
15

16 **CHAIRMAN DIAZ:** Ms. Bosarge.
17

18 **MS. BOSARGE:** I guess my issue with the Option d was a little
19 more fundamental. I saw this as a quantification of both the
20 scientific and management uncertainty, and so we get an ABC from
21 our Scientific and Statistical Committee, and that is
22 quantifying the scientific uncertainty, and so they're buffering
23 down that OFL down to an ABC level, and then we have different
24 formulas for different stocks, and we may buffer that down
25 further, possibly, to an ACL, if we see some management
26 uncertainty, and sometimes ACL is equal to ABC, and it just
27 depends on the stock.
28

29 Really, to me, this is quantifying those two uncertainties and
30 saying that equals the OY level, where -- I understand that OY,
31 in the Act, does say that you should take into account some
32 uncertainties, but the meat of the definition of OY is that OY
33 is MSY as reduced for relevant economic, social, or ecological
34 factors, and I just really think that the Option d misses the
35 boat on that account. It really is just a quantification of the
36 scientific and management uncertainty, more than those other
37 things.
38

39 **CHAIRMAN DIAZ:** Any further discussion? Dr. Stunz.
40

41 **DR. STUNZ:** Well, I will make a motion to keep the document
42 going, and I wanted to make a motion for a preferred
43 alternative, but I'm not in favor of keeping d in Alternative 2
44 or 3, and so should I make a motion first to remove those two?
45 Then I will follow that up with the preferred alternative. **My**
46 **motion is, in Action 4.1, in Alternative 2, remove Option 2d,**
47 **and, in and Alternative 3, that we remove Option 3d.**
48

1 **CHAIRMAN DIAZ:** We will wait while this gets put up on the board
2 here. Basically, we have a motion to remove Option 2d and 3d.
3 Is there a second to that motion? It's seconded by Mr.
4 Williamson. Mr. Gregory, would you like to give us some
5 insight? All right, and so we have a motion on the board. **The**
6 **motion is, in Action 4.1, to remove Options 2d and 3d.** That
7 motion was seconded. Is there any discussion on that motion?
8 Dr. Crabtree.
9

10 **DR. CRABTREE:** Well, if this passes, then I think you're going
11 to have to come back to Alternative 3 for goliath grouper and
12 come up with a new alternative, because currently the fishery is
13 closed, and so we're not allowing any harvest, yet your optimum
14 yield, under any of the alternatives in here, would allow
15 harvest, and so, to me, there's this disparity there, and so I
16 think you could come in and set 3d for Alternative 3, OY as
17 zero, and keep the fishery closed, but I don't -- It seems like
18 you would have to re-address that.
19

20 **CHAIRMAN DIAZ:** Ms. Guyas.
21

22 **MS. GUYAS:** I was just going to say, with goliath, I mean, the
23 take-home, I think from the last assessment, was this was a
24 species where we can't use traditional management targets, and
25 so, I mean, we can set all these things, but we can't really
26 evaluate them. I mean, we can't do a traditional assessment for
27 this species, at least the way that it's been.
28

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

31 **DR. CRABTREE:** Well, that's essentially true of every species in
32 this document. Outside of an assessment, you can't calculate
33 much of any of these things. I am just, at least from a
34 theoretical perspective -- If you set OY to be some non-zero
35 value, it's hard to reconcile that with setting the ACL at zero
36 and not allowing any harvest, or at least it seems to me to be.
37

38 **CHAIRMAN DIAZ:** Dr. Crabtree, if we move forward with this
39 motion, you could come back and you could add a new Alternative
40 3d that we could consider, if you want to do that. Did you have
41 something, Dr. Simmons? Dr. Simmons.
42

43 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. I just
44 wanted to mention that the South Atlantic Council, and I think
45 it's at the bottom of Table 2.4.1, has selected an OY for
46 goliath grouper, and they defined it as 50 percent of static
47 SPR, and so that's a jointly-managed stock, and so I thought we
48 would need to set a similar OY, or consider it at least.

1
2 I guess, just to speak, while I have the mic, regarding the
3 status determination criteria for goliath, my understanding is
4 that, yes, we don't have assessments for many of these stocks,
5 but the bigger issue with goliath is that it's a catch-free
6 model, and so we don't have the fishing mortality rates, and so
7 I think it's an even bigger issue for goliath than it is for
8 these other stocks, if we were to get an assessment.
9

10 **CHAIRMAN DIAZ:** Dr. Froeschke.

11
12 **DR. FROESCHKE:** I guess, just to follow-up on some of the
13 discussions that we've had in the development of this action, is
14 that we recognize that the harvest of this is zero, and has
15 been, because the ACL is zero, and our understanding is that,
16 regardless of what the OY was established, because the ACL is
17 zero, it would not change that value. The advice that we
18 received is that OY is a long-term value, based on the biology
19 of the stock, whereas the annual catch limit is an annual thing,
20 and so it's not appropriate to set your ACLs and your OYs equal,
21 and so, in the absence of an assessment, that would be okay.
22

23 **CHAIRMAN DIAZ:** Ms. Levy.

24
25 **MS. LEVY:** Thank you. A couple of things. I don't think the
26 advice is that it's never appropriate to set OY equal to ACL. I
27 said I think the advice is you shouldn't automatically be doing
28 that. It shouldn't be automatically ACL equals OY because of
29 the differences, but I do agree that, if your ACL that you have
30 set over the long term is zero, and you're supposed to be
31 achieving optimum yield on a continuing basis, it doesn't make a
32 lot of sense to have an optimum yield that's above zero. Then
33 you're not achieving it, right, and so I think this situation is
34 sort of its own specific animal, and it should be looked at in
35 that regard.
36

37 I also think that, unlike status determination criteria that go
38 to the status of the stock, if you have one stock, those should
39 generally be set consistently between the South Atlantic and the
40 Gulf, because, if it's one stock, they should have the same
41 overfishing limit, and they should have the same overfished
42 status determination criteria, but they could have different
43 OYs, because OYs are reduced from the MSY based on those factors
44 that we've talked about, ecological and economic, and those
45 could be different in the different regions, and so I don't
46 think it's necessarily inconsistent to have different OYs for
47 goliath in the South Atlantic and the Gulf.
48

1 **CHAIRMAN DIAZ:** Dr. Crabtree.

2
3 **DR. CRABTREE:** I agree with Mara, and I also -- In the footnote,
4 where it says goliath grouper is jointly managed with the South
5 Atlantic, king mackerel is jointly managed with the South
6 Atlantic, because it's a joint plan, and goliath is managed
7 separately, and reef fish and snapper grouper, and so,
8 technically, they're not really jointly managed.
9

10 **CHAIRMAN DIAZ:** Okay, and so we've had a lot of discussion, and
11 let's go ahead and dispense with this motion that's on the
12 board. **The motion is to remove Options 2d and 3d from Action**
13 **4.1. Is there any opposition to this motion? Seeing none, the**
14 **motion carries.** Can we go to Greg next and take care of the
15 preferreds and then come back to you, Dr. Crabtree? Okay. Go
16 ahead, Dr. Crabtree.
17

18 **DR. CRABTREE:** I think, if we're going to add an alternative, we
19 ought to do that before we choose a preferred though.
20

21 **CHAIRMAN DIAZ:** Okay. Mr. Gregory.
22

23 **MR. DOUGLAS GREGORY:** Sorry to interrupt, but this action should
24 be a percentage of the F of MSY and not percentage of MSY, and I
25 wanted to get that on the table before you vote on it. I mean,
26 if you have 50 percent of MSY as your OY, that's the same as
27 your definition of MSST. It should be the 50 percent of the
28 fishing mortality of F of MSY.
29

30 **CHAIRMAN DIAZ:** Dr. Crabtree.
31

32 **DR. CRABTREE:** But that would be -- You don't set OY as a
33 fishing mortality rate. OY is a harvest. It's a yield out of
34 the fishery.
35

36 **MR. GREGORY:** But you're estimating it based on F. You are
37 reducing F a certain percentage.
38

39 **DR. CRABTREE:** You can put the yield at some --
40

41 **MR. GREGORY:** Right.
42

43 **DR. CRABTREE:** Well, MSY is defined as the yield at the F, and
44 so it wouldn't be appropriate to take the percentage of it.
45

46 **MR. GREGORY:** The percent. You're reducing F a certain percent
47 to get your optimum yield. You're not reducing MSY. That's the
48 way the SSC voted on it, and that's the way that it was

1 presented to the SSC. Think about it. It's good to be back.
2

3 **CHAIRMAN DIAZ:** Dr. Porch.
4

5 **DR. PORCH:** You could calculate OY either way. You can
6 calculate it as the 50th percentage of the FMSY, and then
7 actually have to go through projections, or you could just say
8 it's a percentage of the MSY. I mean, either way, it would
9 work. I mean, the big issue there is we didn't have any basis
10 for defining the particular percentages, either way. I mean,
11 that was Ms. Bosarge's point.
12

13 **CHAIRMAN DIAZ:** Dr. Crabtree, did you want to add that
14 alternative?
15

16 **DR. CRABTREE:** Yes. I would like to make a motion that, in
17 Action 4.1, Alternative 3, we add a new Option 3d, OY equals
18 zero.
19

20 **CHAIRMAN DIAZ:** Okay. We have a motion. Is there a second?
21 It's seconded by Mr. Anson. Any discussion on the motion? **Is**
22 **there any opposition to the motion? The motion carries.** Dr.
23 Crabtree.
24

25 **DR. CRABTREE:** I am going back a little bit, but, Clay, we, some
26 years back, in technical guidance, did something that looked at
27 -- I think it was that, if you fished at 75 percent of FMSY, OY
28 would be something on the order of -- Or your harvest would be
29 approximately 90 percent of the maximum sustainable harvest,
30 because the stock would be maintained at a biomass higher than
31 MSY, and do you recall that? Am I remembering that about
32 correct?
33

34 **DR. PORCH:** It's give or take. I mean, it really depends on the
35 biology of the stock and the natural mortality rate and all that
36 sort of thing, but yes. If you fish at 75 percent of the FMSY
37 level, then, yes, the resulting equilibrium catch would be
38 something higher than 75 percent of the FMSY, and it often is
39 somewhere in that 90 percent range.
40

41 **CHAIRMAN DIAZ:** Dr. Stunz.
42

43 **DR. STUNZ:** Okay. Ironically, if you all remember a few
44 meetings ago, this section was the even simpler version of --
45 Anyway.
46

47 **With that in mind, I move that, in Action 4.1 we make**
48 **Alternative 2 the preferred alternative. I am really debating**

1 if we select an option there or not, but I will go ahead and do
2 a -- In Alternative 2, Option 2b is the preferred alternative.
3 If we do them all together, I guess here, in Alternative 3, make
4 Alternative 3 the preferred alternative, with the new Option 3d
5 of OY equals zero as the preferred alternative. Hopefully you
6 got all that. I know that was confusing. It's 2b and 3d.

7
8 **CHAIRMAN DIAZ:** Is your motion correct on the board, Dr. Stunz?
9

10 **DR. STUNZ:** Yes, 2b and, in Alternative 3, Option 3d.
11

12 **CHAIRMAN DIAZ:** Okay. Do we have a second for this motion?
13 It's seconded by Mr. Williamson. Any discussion on the motion?
14 Ms. Bosarge.

15
16 **MS. BOSARGE:** Dr. Froeschke, this one is for you. On our other
17 stocks, where we do have a defined OY, is there going to be
18 something in this document that shows us what those OY levels
19 are and then if we're achieving those levels or if we're above
20 those levels or below those levels?

21
22 I am kind of hesitant to go 75, and I like 90 percent a little
23 bit better, since it's pretty hard to quantify those relevant
24 economic, social, or ecological factors, a lot of times, and I
25 hate to see that much yield foregone, as an optimum, but I just
26 wondered how we're doing on those other stocks. What are we
27 usually hitting, for the ones we do have it defined for?

28
29 **DR. FROESCHKE:** I don't have that off the top of my head. We
30 can look and kind of try to flesh that out for the next version
31 of the document, before we put it out for public hearing.

32
33 **CHAIRMAN DIAZ:** Mr. Swindell.

34
35 **MR. SWINDELL:** In Alternative 3, if we go to zero, I assume,
36 somewhere along the line, the goliath grouper stock will
37 rebuild, and is that going to affect us being able to apply to
38 open up the fishery again? Right now, we're just to the point
39 that we're not fishing it, we're not allowing it.

40
41 I just want to make certain that, if we vote that the OY for
42 goliath grouper, which is Alternative 3, that it will -- The
43 stock rebuilds and we can adjust it, some way or another, and
44 come back to start harvesting it again.

45
46 **CHAIRMAN DIAZ:** Ms. Levy.
47

48 **MS. LEVY:** I assume that that would happen, in the event that

1 you have an assessment that folks feel comfortable with and that
2 you have the information that would allow you to actually make
3 these decisions, and then, presumably at that time, you would
4 have a plan amendment that actually deals with goliath grouper,
5 and you could reassess what the OY is at that time.
6

7 **CHAIRMAN DIAZ:** All right. We're fixing to vote on this, but I
8 want to make sure -- Did you have something, Ms. Levy? Go
9 ahead, Ms. Levy.

10
11 **MS. LEVY:** I haven't heard much discussion, or maybe I missed
12 it, about what the basis for the 75 percent of MSY is. I mean,
13 I understand that these are all sort of theoretical values, but
14 one of the things that the options that you took was trying to
15 get at is how you're actually managing, meaning, if you look at
16 the OFL, and you look at the ACL, you can see the maximum that
17 you're saying that you're allowed to take to prevent
18 overfishing, and you're looking at what you're actually allowing
19 people to take.
20

21 In some instances, that's very close to 75 percent, but, in
22 other instances, it's not. It's as low as fifty-something, or
23 as high as 90, and so there's a little bit, and I get that one
24 is an annual and one is a long-term, but, if you're, for a long
25 period of time, allowing harvest of only 50 percent of what the
26 OFL is, then, at some point, you're saying that's close to the
27 OY, and so I guess I would just encourage, at some point, more
28 discussion about why 75 percent of MSY across the board for all
29 of these stocks, other than goliath grouper, is what you feel is
30 appropriate at this time.
31

32 **CHAIRMAN DIAZ:** Dr. Crabtree.
33

34 **DR. CRABTREE:** Well, my worry is that we were a little premature
35 on taking 2d and 3d out, and I think the problem with those
36 alternatives wasn't the concept, but was just the way it was
37 explained and in the document, which had some mathematical
38 inconsistencies that need to be worked out.
39

40 I think Mara makes a good point that the difficulty we've gotten
41 ourselves into now is that we're specifying a whole host of
42 things, none of which can actually be calculated for any of
43 these stocks, and so we're effectively now coming in and setting
44 OY as just some theoretical number that's based off a fishing
45 mortality rate that we don't have an estimate of.
46

47 The advantage, I think, that 2d and 3d had was you could
48 actually come up with a poundage out of that, and so I don't

1 want to re-open all of this, but I guess we can think this
2 through before Full Council, but I think we kind of jumped the
3 gun on removing some things, and I don't think we really ought
4 to get ourselves in the position where nothing in this document
5 can actually produce a value that means anything, and I think we
6 would be better off if we came up with some poundage for the
7 optimum yield part of it, which the 3d and 2d did allow you to
8 do, although they needed some work on them.
9

10 **CHAIRMAN DIAZ:** Dr. Stunz.

11
12 **DR. STUNZ:** I just wanted to reiterate that we are only
13 selecting preferreds, and that's why, when I was making the
14 motions, I was a little skeptical about selecting one of the
15 particular options, for the reasons that Roy brings out, but, I
16 mean, we've already done it, and I feel we need to move forward
17 with this. I mean, if we had very strong, clear justifications
18 for 75 MSY, or whatever percentage we select, we probably
19 wouldn't be discussing this document, because we're trying to
20 define some of the unknown issues that we have here.
21

22 I am for moving along with this motion, in general, and then I
23 don't know if it's even between here and Full Council, but, as
24 we go down the line and this goes out for public hearing and
25 that sort of thing, we have time to discuss this further and
26 refine our thoughts, but, right now, I think there's unknowns,
27 in general, that we just have to deal with.
28

29 **CHAIRMAN DIAZ:** Dr. Froeschke.

30
31 **DR. FROESCHKE:** During the development of Options 2d and 3d, the
32 IPT level, the discussions that we had is, if you look at the
33 formula for 2d, for example, ACL divided by OFL, and that part
34 is a straightforward calculation, assuming that you have the
35 numbers, or you could get the numbers.
36

37 However, this MSY, or MSY proxy, is more difficult in the
38 absence of an assessment, which is the same problem that you
39 have for 2a, 2b, and 2c, and so I guess some of the discussions
40 we had is, if you could solve that for 2d, you could also
41 calculate a hard poundage for all the other options. I agree
42 that would be a desirable outcome, but, as it stands today, we
43 would have to really think about how we would do that, in the
44 absence of an MSY estimate.
45

46 **CHAIRMAN DIAZ:** Can you put the motion back up on the board,
47 please? -- OY implicitly accounting for relevant, economic,
48 social, and ecological factors would be Option 3d, OY equals

1 zero. Is there any opposition to the motion? Seeing no
2 opposition, the motion carries. Dr. Froeschke.
3

4 **DR. FROESCHKE:** Okay. Let's move to Action 4.2 that deals with
5 red drum. Red drum is a little bit different than the other
6 reef fish stocks, for a couple of reasons. One is red drum does
7 have an OY that was defined in Red Drum Amendment 2, which
8 corresponds to the 30 percent escapement rate, which is also
9 equivalent to the MSY proxy in Action 1, which is allowed.
10

11 Alternative 2 is, in structure, similar to the alternatives for
12 the reef fish of the percentage of MSY or MSY proxy, and the
13 reason that we have these two different structures, and the
14 reason we sort of included it this way is, depending on the
15 alternative that was selected in Action 1 for MSY proxy, it may
16 suggest the more reasonable approach for this, and so an SPR
17 approach in Action 1 may correspond itself to Alternative 2,
18 where an escapement-based MSY definition may coincide better
19 with what we already have on the books, and so, in Action 1, we
20 selected the 30 percent escapement rate, and so that would be
21 most compatible with Alternative 1, but it's open for
22 discussion.
23

24 **CHAIRMAN DIAZ:** All right. Any discussion on Action 4.2? Dr.
25 Stunz.
26

27 **DR. STUNZ:** If there is no discussion, I will make a motion, but
28 I'm a little bit concerned, John, and so what you're saying is
29 what we already have on the books -- Does that make this
30 completely irrelevant then, if it's already got it, because I
31 thought the whole premise of this document, way back when Atran
32 was doing this, was to get all of these on the books that we
33 didn't already have, and so, if we already have that in the
34 nature of this red drum fishery, and how it's sort of a special
35 case, is it necessary? If it is necessary to do this, I will
36 make the motion, and it's not a big deal, but, to me, I'm
37 wondering if we already have this one covered.
38

39 **DR. FROESCHKE:** I don't know that I'm the right person to answer
40 this. It does seem thought that, if you were comfortable with
41 Alternative 1, that, whether you selected Alternative 1, no
42 action, as preferred, or just removed this action from the
43 document, it would be equivalent in practice, and I don't know
44 if there are other considerations of why this would need to be
45 retained in there. In the event that you selected an SPR base
46 and MSY, you may want to consider the other one.
47

48 **CHAIRMAN DIAZ:** Dr. Stunz.

1
2 DR. STUNZ: Okay. Well, at least for now, John, hearing that,
3 and we can debate this between now and Full Council, I guess,
4 but I will make a motion that, in Action 4.2, we make
5 Alternative 1 the preferred alternative. That way, it keeps it
6 in the document and shows that we've addressed it, but it allows
7 us to go with kind of what we've got.
8

9 CHAIRMAN DIAZ: All right. We have a motion. Is there a
10 second? It's seconded by Mr. Schieble. Any discussion on the
11 motion? Dr. Crabtree.
12

13 DR. CRABTREE: That's fine for me right now, but I would like to
14 ask Mara and staff to talk about why could we not just set an OY
15 specific to the EEZ, and then we could say the optimum yield
16 from the EEZ is zero, which is effectively what we're managing
17 to, and it seems to me that would be the most meaningful thing
18 to do here, but I don't think we've ever done that anywhere
19 else, but I can't think of anything in the guidelines or in the
20 statute that say you can't do it that way.
21

22 Mara has pointed out to me that we don't do that anywhere else,
23 and that's true, but I can't think of a single other stock where
24 we have the EEZ effectively closed and the state waters are
25 harvesting. That's not the case with goliath grouper. Goliath
26 grouper is closed in state waters and federal waters, and so
27 that's different. I am not going to make a motion on that, and
28 I don't have any objection to Greg's motion, but I think, unless
29 there's some reason why we shouldn't do it that way, that might
30 be the best way to deal with this one.
31

32 CHAIRMAN DIAZ: Is there any further discussion on this motion?
33 Is there any opposition to the motion? The motion carries. Dr.
34 Froeschke, do you have anything else for this document?
35

36 DR. FROESCHKE: Yes. Just a couple of -- An update and a
37 question. In the development of this document, we were working
38 on an aggressive timeline, and so, that being said, we did
39 produce Chapter 3, the affected environment, and the effects
40 section, Chapter 4, which are typically -- We always produce
41 those prior to going out to public hearing, and we have done
42 that.
43

44 However, the IPT has not had a full opportunity to review and
45 comment on those sections, and so my question is do you want us
46 to take this document with the preferreds to public hearing via
47 webinar, after our IPT review and things like that, particularly
48 of those sections? We would not be changing the alternatives,

1 but we would look at the effects and the descriptive chapters,
2 or do you want to see it again before we present that for your
3 consideration?

4
5 **CHAIRMAN DIAZ:** If the committee has anything they would like to
6 discuss on that now, or we could hold until Full Council, and we
7 could discuss on where to go with this document next, to give us
8 a little bit more time. Let's wait until Full Council to
9 discuss that. Dr. Frazer, did you want to --

10
11 **DR. FRAZER:** I think we're going to take a fifteen-minute break.
12

13 (Whereupon, a brief recess was taken.)
14

15 **CHAIRMAN DIAZ:** I would like to call the Sustainable Fisheries
16 Committee back to order. The next item on the agenda is the
17 Framework Action: Modification of Fishing Access in the Eastern
18 Gulf of Mexico Marine Protected Areas, and it's Tab E, Number 6.
19 Mr. Rindone.

20
21 **FRAMEWORK ACTION: MODIFICATION OF FISHING ACCESS IN THE EASTERN**
22 **GULF OF MEXICO MARINE PROTECTED AREAS**
23

24 **MR. RYAN RINDONE:** Thank you, sir. You guys had staff initiate
25 this framework action at your October meeting, and it proposes
26 management changes to the Reef Fish FMP, which would affect
27 fishing access for the Madison-Swanson and Steamboat Lumps MPAs
28 for reef fish, coastal migratory pelagics, and highly migratory
29 species.

30 You guys will take a look at the options that we've put together
31 for you and the purpose and need and recommend some changes to
32 us, and our intention anyway is to bring it back for final
33 action at the next meeting.

34
35 If we go to the document, to the introduction, the reserves were
36 established in June of 2000, and they cover about just under 220
37 square nautical miles off of west Florida, and you can see that
38 in Figure 1, and they were put in place to protect spawning
39 gags, and so you guys know that gags change sex, and so the
40 larger individuals tended to hang out -- They are more found
41 hanging out in these areas, and so, by protecting them, the
42 thought was that it would help bolster the stock, since we're
43 protecting some of these larger spawning individuals.

44
45 If we scroll on down, you can see that we were doing some
46 reviews periodically, every five years or so, trying to gauge
47 the efficacy of these reserves, and then eventually, in

1 Amendment 30B, the reserves were made permanent, and so, at its
2 October 2019 meeting, your Reef Fish Advisory Panel discussed
3 some observations that they had seen the illegal harvest of reef
4 fish under the guise of surface trolling within the boundaries
5 of the MPAs.

6
7 The Reef Fish AP members were of the opinion that the MPAs were
8 not really a legitimate trolling destination and that it was
9 likely that rampant poaching of reef fish from the MPAs was
10 occurring. An FWC Law Enforcement officer that was present at
11 that meeting remarked that enforcement within the MPAs is
12 difficult, one due to their distance from shore and two because
13 it's very easy to see someone coming when there is nothing but
14 open water around you.

15
16 By the time law enforcement is able to interact with a vessel
17 that's in the MPAs, if there was something nefarious going on,
18 it's likely that they could have covered it up by the time that
19 they've been intercepted, and then our Coast Guard
20 representative also said that enforcement out in the MPAs can be
21 difficult.

22
23 If you see Figure 1 there, you can get an idea of where the two
24 reserves are, and so Madison-Swanson is in the north, and
25 Steamboat Lumps is in the south, and the Edges is a separate
26 area that we're not discussing in this document that is situated
27 between them. There is about seventy-five or seventy-six miles
28 that divide the reserves.

29
30 The purpose of this action is to modify fishing access in the
31 Madison-Swanson and Steamboat Lumps MPAs, and the need is to
32 reduce illegal fishing activities within the MPAs, whose purpose
33 is to protect critical spawning aggregations of large, mature
34 reef fish species. Is there any consternation about the purpose
35 and need? All right. Then we'll cruise right along.

36
37 We can go right to Chapter 2 and Action 1. Action 1 is
38 Modification of Surface Trolling Provisions for the MPAs, and
39 so, currently, surface trolling is allowed from May 1 through
40 October 31 within the boundaries of the MPAs, and it's defined
41 as fishing with lines trailing behind the vessel, which is in
42 constant motion in speeds excess of four knots with a visible
43 wake, and it make not involve the use of downriggers, wire
44 lines, planers, or similar devices, and that's straight from the
45 codified federal regulations.

46
47 From November 1 through April 30, no fishing is allowed within
48 the MPAs. Alternative 2 would prohibit fishing year-round

1 within the MPAs, and we talked a little bit with the IPT about
2 the amount of fishing that does occur, and, because of their
3 proximity from shore and how difficult it is for most folks just
4 to get out to it, being able to gauge effort from within the
5 MPAs is going to be exceptionally difficult and uncertain. Is
6 there any questions about Action 1?

7

8 **MR. PHIL DYSKOW:** As I understand it, this is an area where
9 surface trolling wouldn't be the preferred method for taking the
10 species that exist there and that they are using it mainly as a
11 smokescreen?

12

13 **MR. RINDONE:** That was -- Somewhat the way that you said it was
14 what the Reef Fish AP was saying, was that it's not really a
15 great area for surface trolling for pelagic species, be they
16 coastal migratory pelagic species, highly migratory species,
17 whatever they may be, and that a lot of drift fishing may be
18 occurring in that area, fishing with heavy weights to get baits
19 down to the bottom, and, from a distance, it may look like
20 trolling is occurring, but, once you get up towards the vessel,
21 it may be a different activity, and some of the Reef Fish AP
22 members had talked about seeing some of this activity actually
23 occurring, and so like non-surface trolling activity occurring.

24

25 **CHAIRMAN DIAZ:** Mr. Ed Walker is also in the audience. He's the
26 Chair of the Reef Fish AP, and are you interested in saying
27 anything, Mr. Walker?

28

29 **MR. ED WALKER:** I kind of brought this up, and I think I
30 mentioned this to you all before, because we were out there on a
31 research project with FWRI, catching the -- Trying to help out
32 with the male gag grouper reproductive knowledge right now,
33 which is recognized as one of the big holes in the gag
34 assessment, is the status of the males.

35

36 They asked me if I could help them find some big male gags, and
37 I somewhat jokingly said, if you get me a pass to fish in the
38 sanctuary, I could probably get you those, and they did, and we
39 went out there, and we caught some, but that's when we realized
40 that there is a legitimate problem with recreational poaching
41 going on out there.

42

43 We spent quite a bit of time out there, and we went ten or
44 twelve trips last winter, and it's only in the winter months,
45 and the project is ongoing now. It's not really a legitimate
46 trolling destination, or at least Steamboat Lumps isn't, and I
47 don't know Madison-Swanson as well, but some of the guys up
48 there told me they have similar problems going on up there.

1
2 Back in the day, I was one of the guys that said, hey, it's not
3 right to take away trolling access if you're trying to protect
4 bottom fish, but, having been there and seeing what's going on
5 now, I can tell you that they're not going there to troll.
6 There is nothing special, and there's not like some great break
7 or temperature line or anything that makes it an attractive
8 trolling spot.

9
10 They are going there poaching, and the enforcement guys -- I
11 have talked to the enforcement guys, and I gave them the
12 coordinates of where all the bottom runs through there and how
13 to catch them, in just hopes that they would catch these guys,
14 and they pretty much can't, and the main thing, and where this
15 came from, to me, was the guy, the FWC officer, told me that,
16 technically, all a guy has to do -- If he sees the boat coming
17 over the horizon, and, out there, that would mean any boat,
18 because it's really far out there, all he's got to do is click
19 the throttle into gear and take some forward motion, and any
20 line that he has hanging down there is now a trolling line.

21
22 It would be really hard to catch them, and, to devote that much
23 resources to go 130 miles offshore, to try and get that guy in
24 that little tiny moment where he might be bottom fishing, is
25 extremely difficult, to the point where I don't even think it's
26 really worth their while, and so I thought this would help them
27 out.

28
29 The other thing that is not really discussed here is, in the
30 research trips we did out there, we figured out pretty quick
31 that anchoring is not the best way to fish it, and so what we
32 do, and it worked really well, is we power drifted. We would
33 get over the spot, and I would hold the boat in position, and we
34 dropped these what they call a butterfly jig down there, and
35 it's like an eight-ounce steel jig, and it goes down really
36 fast, and you jig it, and the fish grab onto it, and so you're
37 not anchored. You are in motion the whole time, and you're
38 effectively bottom fishing without being anchored.

39
40 It's not really trolling, but, if the law showed up on the
41 horizon and I pushed it into gear, then I would be trolling four
42 lines, and he couldn't do anything about it, and so that's what
43 I wanted to bring to the council and let you guys know that the
44 conservation goals, that at least the Steamboat Lumps sanctuary
45 was set up for, are, at best, threatened right now, because it
46 has become a very popular destination with the recreational
47 weekend fishing crowd. Any questions?

48

1 **CHAIRMAN DIAZ:** Mr. Anson.
2

3 **MR. ANSON:** Thanks, Ed, for talking. I have a couple of
4 questions. The first is I know it stretches a long distance
5 north-south there, but approximately what are the depth ranges
6 within the two zones?
7

8 **MR. WALKER:** Steamboat Lumps is about 220 on the east side and
9 400 or so on the very southwest corner. There's a little dip
10 right there, where it drops off kind of quick, and the corner of
11 it kind of gets close to what's a very gradual slope. In fact,
12 we found virtually no fishing spots out there on that side,
13 which I thought we would, because it slopes really gradually,
14 and there's not a big break there, which would make it a more
15 appealing spot.
16

17 Madison-Swanson, like I said, I don't know as well, and I'm not
18 as experienced with that, but I have heard from my other charter
19 guys that run up that way that they also have a big problem up
20 there. There will be a guy that comes into the marina that's
21 got twice the fish all the other guys have, and they all know
22 what he does.
23

24 Also, and I mentioned this before, some of the fish that we
25 tagged in there -- We released all the fish that we caught,
26 except for the gags that they needed to take back to the lab,
27 which was tons and tons of red grouper and red snapper, and some
28 of our tags were returned pretty soon after we released them
29 into the sanctuary, and red grouper is what it was, and those
30 aren't moving much, and so there's very little question that,
31 two weeks after we let it go inside the sanctuary, somebody
32 caught it somewhere else.
33

34 **CHAIRMAN DIAZ:** Mr. Anson.
35

36 **MR. ANSON:** It's good to hear that you got some returned fish
37 from those depths. The next comment or question would be was
38 there much -- To help with enforcement, since it's kind of way
39 out there, and it's difficult to access and difficult to sneak
40 up on people, was there much discussion during this meeting, or
41 prior meetings, relative to prohibition of bottom fish or reef
42 fish species within the zone?
43

44 **MR. WALKER:** Prohibition for fishing for reef fish?
45

46 **MR. ANSON:** Prohibition of fish retention, having no fish, reef
47 fish, in --
48

1 **MR. WALKER:** Yes, and I think that's in one of your alternatives
2 here now. It's in this document.

3
4 **MR. ANSON:** It's Action 2.

5
6 **MR. WALKER:** But yes. Anything you can do to give law
7 enforcement a hand is going to ultimately help the old male gag
8 population, which is ultimately going to help everybody here.
9 That's why I really have taken it on, and we're catching gags
10 now, commercial fishing, closer to shore, and I bring in some of
11 my catch ungutted, so the biologists can go in and see what
12 reproductive state they're in during the spawning season.

13
14 In three years of doing that, and, now, this is inside 100 feet,
15 we have never caught a male, out of hundreds of gags, which may
16 not be unusual, because they say that they live out there in the
17 deep water, but, for a gag to get that old nowadays, with all
18 this fishing pressure, to me, seems nearly impossible, and so I
19 have really become a supporter of leaving some of those big gags
20 out there in the deep water alone, and we'll all have better
21 fishing because of it, and that's my take on it.

22
23 **CHAIRMAN DIAZ:** Okay. Any other questions for Mr. Walker?
24 Thank you for taking time out of your schedule, Mr. Walker, to
25 be with us. All right. Any other comments on Action 1? Dr.
26 Crabtree.

27
28 **DR. CRABTREE:** Just sort of a little bit on the history of this.
29 Originally, when this was put in place, Madison-Swanson and
30 Steamboat Lumps, they were closed to all fishing for council-
31 managed species. There was a lawsuit, and there was a study
32 done where they went out and trolled slowly and with weights,
33 and they caught a lot of reef fish species, and then there were
34 challenges to the study, and, ultimately, there was a
35 settlement, and the council changed it and put some of these
36 provisions that allowed trolling in place.

37
38 I have always -- I went along with it, and I have always
39 regretted that, because I felt like it was a mistake, and I
40 recall, at the time, in 2003, the special agent in charge got up
41 and said we can't enforce these provisions, because what's in
42 the regulation right now talks about surface trolling defined as
43 fishing with lines trailing behind a vessel which is in constant
44 motion at speeds in excess of four knots with a visible wake,
45 and they basically said we can't enforce that.

46
47 Well, at the time, there were concerns about, well, can we
48 really enforce much of this, but, over the years, we've made a

1 lot of progress in that, and we have VMS in the reef fish
2 fishery, and we're putting the geo-positioning devices in
3 charter boats and things, and so our ability to enforce some of
4 these things has improved a lot, but I have always felt like
5 that was a mistake, and we should have just left the no-fishing
6 provision in place, and I appreciate Ed bringing this to
7 everyone's attention, so hopefully we can come in and change
8 this.
9

10 **CHAIRMAN DIAZ:** All right. Any further discussion? Mr.
11 Rindone.
12

13 **MR. RINDONE:** Thank you, sir. I will cruise on down to Action
14 2. Action 2 is a modification of prohibitions on possession of
15 fish in the MPAs, and currently, possession of Gulf reef fish,
16 or any other species of fish, from November through April, is
17 prohibited within the MPAs, except on a vessel in transit with
18 fishing gear stowed, and this does not apply to highly migratory
19 species.
20

21 Alternative 2 says that the possession of any species of fish,
22 other than HMS species, is prohibited year-round within the
23 Madison-Swanson and Steamboat Lumps MPAs, and so this
24 essentially removes that transit provision at the same time, and
25 basically meaning that, if you are a vessel, and you are in the
26 MPA, then you ought not to have any species of council-managed
27 fish onboard, and so it would simplify enforcement, to some
28 effect.
29

30 **CHAIRMAN DIAZ:** Ms. Bosarge.
31

32 **MS. BOSARGE:** Ryan, I would suggest that we keep the transit
33 language from Alternative 1 in Alternative 2. That's a pretty
34 long closed area right there, and I think, as long as your
35 fishing gear is appropriately stowed -- I mean, that's been our
36 precedent with other areas, and I agree that it would make it an
37 easier case for law enforcement if you say you can't have any
38 possession of that, but I think we have to understand that there
39 are reasons that we would transit across there.
40

41 We certainly don't shrimp in there, but, when we cut the corner,
42 as we call it, when we're leaving Mississippi and we're trying
43 to make it wherever down in south Florida, we're going to cut
44 the corner, and there's times when we're going to be transiting
45 across that area, and so we may have shrimp onboard, and now
46 we're going to be in violation, and we certainly weren't in any
47 way actively fishing in there. That's a long expanse of closed
48 area. If somebody was offshore there and trying to come in,

1 they're going to have to go around it, if they've been fishing,
2 recreationally or otherwise, and I think the transit provision
3 should stay.

4

5 **CHAIRMAN DIAZ:** Dr. Crabtree.

6

7 **DR. CRABTREE:** Thank you. I am looking at the figure that I
8 guess is what Leann is looking at, Figure 1, and that does look
9 like a long area, but I think that's because it includes the
10 Edges, and I don't think these trolling provisions apply to the
11 Edges. When we talk about modifying the transit provision, I
12 think we would just be modifying it for Steamboat Lumps and
13 Madison-Swanson and not for the Edges, and is that correct?

14

15 **CHAIRMAN DIAZ:** Mr. Rindone.

16

17 **MR. RINDONE:** That's correct, and so we're not talking about the
18 Edges, and so you could still cut through the Edges. We're
19 talking about that top square, where it says "Madison-Swanson
20 sites".

21

22 **DR. CRABTREE:** Right.

23

24 **MR. RINDONE:** Then, in the northwest, and then in the southeast,
25 the Steamboat Lumps square, and so both of these MPAs are
26 essentially squares, and so they're approximately ten nautical
27 miles by ten nautical miles each.

28

29 **DR. CRABTREE:** So I don't think it is as big of an inconvenience
30 for people to go around them, and I don't think there's any reef
31 fishing seaward of either one of these places, and, if a shrimp
32 boat was traveling -- It doesn't seem like kind of going around
33 them would be all that big of an imposition or big of an ask, or
34 at least it's not near as bad as the inclusion of the Edges
35 makes it appear.

36

37 **CHAIRMAN DIAZ:** Go ahead, Ms. Bosarge.

38

39 **MS. BOSARGE:** Even in our really small HAPC areas that we just
40 designated, we have a transit provision for all of them, and I
41 don't think we really want -- Especially for those of us whose
42 fishery covers the entire Gulf of Mexico, we don't want to bob
43 and weave through the Gulf of Mexico when we're not doing
44 anything wrong.

45

46 As long as we're transiting, and our gear is properly stowed, we
47 shouldn't be in violation of anything. Yes, this says fish
48 onboard, and I don't know if you're going to qualify shrimp as a

1 fish or not, but I think we ought to have a transit provision.
2 That's been our precedent, and I think it ought to be there,
3 especially considering that our vessels have VMS onboard a lot
4 of them, and what I have seen now is that we'll have a case
5 opened on us from land, and nobody ever boards us to see what we
6 have onboard or not, and there is a VMS onboard.

7
8 If they saw us in an area where we're not allowed, they open a
9 case on us, and then we have to prove that we weren't doing
10 anything wrong, because I have had it happen before, and even
11 the shrimp fleet has VMS, in some cases.

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

14
15 **DR. CRABTREE:** Well, I would argue that you're right about HAPCs
16 and things like that, but these are among the few actually
17 marine protected areas that we have, and so they are different,
18 but you might consider that we add an alternative in here that
19 says possession of reef fish species is prohibited and tailors
20 this more to that, and maybe that's a compromise solution here.

21
22 **CHAIRMAN DIAZ:** Ms. Bosarge.

23
24 **MS. BOSARGE:** I will make a motion, or, first, let's have some
25 discussion. Do you want an extra alternative in here, or do you
26 just want me to change Alternative 2 so that it includes a
27 transit provision?

28
29 **DR. CRABTREE:** I would Ms. Levy to show us the --

30
31 **CHAIRMAN DIAZ:** Ms. Levy.

32
33 **MS. LEVY:** Thank you. I didn't catch this before, reading the
34 document, but I think that the no action alternative is not
35 necessarily inclusive of the total no action, meaning, right
36 now, in those places November through April, there is a -- All
37 fishing is prohibited, and possession of any fish species is
38 prohibited, except a vessel transiting through, but there's also
39 another provision of the regulations that says, within these two
40 areas, possession of Gulf reef fish is prohibited, except on a
41 vessel transiting through, and so possession of Gulf reef fish
42 in these areas is prohibited year-round, which isn't really
43 reflected in that alternative, unless you're in transit, and
44 then this is a different thing about fishing and then
45 prohibiting all fish species except when transiting.

46
47 If you're trying to get at protecting reef fish and enforcement
48 of having no reef fish fishing there, then you could just change

1 the general prohibition of the possession of reef fish, while
2 excepting transit, and get rid of the transit provision,
3 meaning, if you narrow it down to just no reef fish, can't
4 transit with reef fish, then you would still allow, potentially,
5 other vessels to transit with their gear stowed, but it just
6 wouldn't apply to reef fish. I know that was kind of
7 convoluted. The regulations have these separate provisions that
8 deal with different things, and that's not all reflected in the
9 no action alternative.

10
11 **CHAIRMAN DIAZ:** Ms. Bosarge.
12

13 **MS. BOSARGE:** I will make a motion that we add an alternative to
14 2.2, Action 2, and then copy Alternative 1, and let's paste that
15 into the motion, and then I will tell you what to change. Where
16 it says, "from November through April", take that out and put
17 "year-round". Then put a comma "after fish", "or any other
18 species of fish, year-round, is prohibited in the Magnuson-
19 Swanson and Steamboat Lumps MPAs, except on a vessel in transit
20 with fishing gear stowed, because I want the transit provision
21 in there. Roy, were you going to ask me about the "or any other
22 species of fish"?

23
24 **DR. CRABTREE:** Well, I'm going to make a suggestion that you
25 modify your motion, because I don't think we want any vessel
26 transiting through to be allowed to have reef fish onboard, and
27 so I would suggest that you just add an alternative that says
28 the possession of any species of Gulf reef fish is prohibited
29 year-round in the Madison-Swanson and Steamboat Lumps MPAs.
30

31 **MS. BOSARGE:** Okay, and that would essentially accomplish that,
32 or if you take out the "or any other species of fish". Then
33 you're prohibiting possession of reef fish year-round, but you
34 allow for a transit provision.
35

36 **DR. CRABTREE:** Well, but what you're doing is allowing vessels
37 in transit to possess reef fish, and that's what we don't want
38 to do, I believe, right?
39

40 **MS. BOSARGE:** I don't have a problem with a vessel in possession
41 of reef fish transiting through there, personally. As long as
42 you don't have gear in the water, you're not fishing. That's my
43 take on it.
44

45 **CHAIRMAN DIAZ:** Dr. Crabtree, to that point, and then Mr.
46 Sanchez.
47

48 **DR. CRABTREE:** That would be -- You've got one that prohibits

1 possession of any reef fish, and you're adding one that doesn't
2 allow transit with reef fish, and we're not picking which one,
3 but I'm just trying to cover our alternatives, and it seems to
4 me that a reasonable alternative is to prohibit the possession
5 of Gulf reef fish, period, and you can't transit if you have
6 reef fish onboard. If you want to have an alternative that
7 allows you to transit with them, okay, and I won't support that,
8 probably, but -- Mara is telling me that's already in the regs.
9

10 **CHAIRMAN DIAZ:** Mr. Sanchez.

11
12 **MR. SANCHEZ:** Would you address this problem if you require, if
13 they're going to transit with reef fish, that they also have to
14 have VMS?

15
16 **MS. BOSARGE:** Roy, all I'm trying to accomplish is that first
17 alternative, and the only thing we changed is prohibited year-
18 round, and we still have a transit provision, but what was
19 prohibited only November through April is now prohibited year-
20 round.

21
22 **CHAIRMAN DIAZ:** Did we get a second on this?

23
24 **MS. BOSARGE:** No.

25
26 **CHAIRMAN DIAZ:** All right. We have a motion on the board, and
27 it does not currently have a second. Is there a second for the
28 motion on the board? The motion fails for lack of a second.
29 Dr. Crabtree.

30
31 **DR. CRABTREE:** I would like to make a motion to add an
32 Alternative 3 to Action 2, and that would be the possession of
33 any species of Gulf reef fish is prohibited year-round in the
34 Madison-Swanson and Steamboat Lumps MPAs.

35
36 **CHAIRMAN DIAZ:** All right, and so we have a motion. **The motion**
37 **is possession of any species of Gulf reef fish is prohibited**
38 **year-round in the Madison-Swanson and Steamboat Lumps MPAs.** Is
39 there a second to that motion? It's seconded by Dr. Shipp. Is
40 there discussion? Dr. Crabtree.

41
42 **DR. CRABTREE:** What I think -- Because Mara believes that the
43 Alternative 1, the no action, needs to be tweaked some, and I
44 think the no action now allows transit of vessels, even if they
45 have reef fish onboard, and is that correct, Mara?

46
47 **MS. LEVY:** Yes.

1 **DR. CRABTREE:** So, if that's what you want, Leann, I think
2 that's -- My understanding is I think that will turn out to be
3 no action, and then we have one that prohibits possession of any
4 species, and then, if we add this, we would have an alternative
5 that prohibits possession of Gulf reef fish, and it seems like
6 that covers the range of what we might consider, and recall this
7 is just adding an action in here, and we're not making a final
8 decision.
9

10 **CHAIRMAN DIAZ:** Any further discussion? **Is there any opposition**
11 **to the motion?** **The motion carries.** Do you have anything else
12 on this document, Mr. Rindone?
13

14 **MR. RINDONE:** I do not, sir, but I will just note that the
15 current regulations are listed at the end of it, if you guys
16 want to review that see the coordinates and everything else as
17 it relates to the MPAs and the actual codified regulations.
18 That's it.
19

20 **CHAIRMAN DIAZ:** Okay. All right. We are going to go ahead and
21 move into the next agenda item, and so the next item is
22 Discussion of Section 102: Fishery Management Measures of the
23 Modernizing Recreational Fisheries Management Act of 2018, and
24 Mr. Russ Dunn is going to lead us through that. Mr. Dunn.
25

26 **DISCUSSION OF SECTION 102: FISHERY MANAGEMENT MEASURES OF THE**
27 **MODERNIZING RECREATIONAL FISHERIES MANAGEMENT ACT OF 2018**
28

29 **MR. RUSS DUNN:** For those of you who I may not know, my name is
30 Russ Dunn, and I am the National Policy Advisor for Recreational
31 Fisheries up in Headquarters, and I want to thank the Chair and
32 the committee for the opportunity to update you on a recent
33 discussion at the Council Coordinating Committee meeting that
34 took place in November. Carrie asked if I would summarize the
35 discussion that was held on Section 102 of the Modernizing
36 Recreational Fisheries Act, also known as the Modern Fish Act,
37 and so that's what I'm going to do.
38

39 To set the stage, we have heard a lot of enthusiasm from the
40 recreational community about the MFA and its application and the
41 provisions particularly of Section 102, which authorizes a
42 number of management approaches, and, along with that provision
43 came a lot of questions that are still ongoing, and the intent
44 of the CCC session was to discuss the management approaches that
45 are out there and discuss innovation, which is ongoing at the
46 councils, and in an attempt to more clearly get a handle on the
47 tools that are authorized and how they might be implemented to
48 better facilitate recreational fisheries.

1
2 In a nutshell, the Modern Fish Act, as you may all recall, was
3 signed at the very close of 2018, and its purpose is to expand
4 recreational fishing opportunities through conservation and
5 management, and it serves a number of additional purposes.
6

7 It includes a number of new requirements for reports and
8 studies, and it offers guidance on fisheries management and
9 science, and it authorizes a variety of management measures,
10 which I will touch on in a minute, and it also reaffirms
11 existing Magnuson Act requirements, such as annual catch limits
12 and rebuilding requirements, and it includes provisions focused
13 on improving state registries and data collection programs,
14 inclusion of additional state and non-governmental data.
15

16 This slide is just -- It provides a very cursory overview of the
17 provisions of the bill, and, as I mentioned, the CCC discussion
18 focused on Section 102, and so that's what I'm going to cover
19 here, are the management measures discussed in that bill and
20 some of the discussion that was had.
21

22 What's it say? Well, in short, it says that the councils have
23 the authority to use those measures that are underlined there,
24 extraction rates, fishing mortality rates, harvest control
25 rules, and others in recreational fisheries or the recreational
26 component of a mixed-use fishery, and it also clearly states
27 that, as I mentioned, existing MSA provisions continue to apply,
28 such as ACLs and the National Standards and accountability
29 measures, et cetera.
30

31 It also has a provision, and it's listed here, that requires
32 NOAA to submit a report to Congress describing council actions
33 in response to this, and, just to head off the questions later,
34 that report is still in the clearance process. It was due
35 basically a year ago, but it has been in clearance for an
36 extended period.
37

38 At the CCC, there were four presenters, and then there was some
39 open follow-on discussion. Chris Horton from the Congressional
40 Sportsmen's Foundation provided a perspective from the
41 stakeholders, from recreational fishermen. Julia Beaty from the
42 Mid-Atlantic Council discussed the Mid-Atlantic Council's
43 recreational reform initiative, Toni Kearns from the Atlantic
44 States Commission discussed management of cobia, and Mike Burner
45 from the Pacific Council discussed some management and
46 rebuilding strategies for Pacific rockfish.
47

48 I am going to just give a very brief one-slider on each

1 presentation, and, obviously, there's a lot that is not
2 included, but just the highlights, and so Chris Horton
3 highlighted the importance of access, opportunity, and
4 encounters, or encounter rate, to fishermen, and he urged
5 recognition of ACLs as a limit on recreational mortality in some
6 form, but he emphasized that ACLs should not only be viewed as
7 hard poundage or quotas or numbers of fish, and he indicated the
8 need, in his opinion, for more contemporary estimates of what's
9 happening with the population, which, obviously, translates into
10 more and/or more timely data. He also highlighted the need to
11 work with stakeholders in moving forward to implement the
12 provisions of the law.

13

14 Julia Beaty from the Mid-Atlantic Council discussed their
15 recreational reform initiative, and, essentially, what they are
16 trying to do is bring some stability and predictability to the
17 big four fisheries, which are summer flounder, scup, black sea
18 bass, and bluefish, and the way they are trying to do that is
19 essentially smooth out some of the data that is coming in.

20

21 They are looking at revising the annual timeframe for evaluating
22 fishery performance, and so, in other words, pushing their
23 decision-making schedules up, and so moving from December
24 decision-making to August, so that it allows more time for say
25 for-hire operators to understand what's going to happen and
26 advertise.

27

28 They are looking at setting recreational specs on a multi-year
29 process, and, essentially, they are looking at a two-year
30 approach, where the regulations would remain unchanged unless
31 some substantial problem, like overfishing, was identified.

32

33 That should allow more predictability, and they also are seeking
34 to establish guidelines for maintaining status quo regs, which
35 kind of made me chuckle, and, essentially, what is happening
36 there is something akin to what happened with red snapper here,
37 where they are catching more fish, because there are more fish,
38 and so they are sort of chasing what they call the RHL, the
39 recreational harvest limit, and they are trying to develop an
40 approach that, under certain circumstances, even if the RHL were
41 exceeded, within certain bounds and under certain circumstances,
42 they would not necessarily have to react, and so they would
43 essentially set those two-year regs and move on and come back
44 and revisit at the end of two years. They are still working
45 through the details.

46

47 Toni Kearns from the Atlantic States Commission spoke to
48 Atlantic cobia, and they are looking at something somewhat

1 similar to that. As you all probably recall, the management of
2 cobia, for northern cobia, and so Florida/Georgia border north,
3 was ceded to the Atlantic States Commission.

4
5 The commission is trying to balance sustainability along with
6 availability among the states during a pretty short almost pulse
7 fishery, as they move up the coast, and, at the same time,
8 create more of a stable environment. Also, it's important to
9 remember that the commission is not bound by the same Magnuson
10 conservation mandates that other federal fisheries are.

11
12 What they are looking at is essentially a three-year set of
13 specs, where they will establish an overall quota, as well as
14 state-specific allocations, and they will establish vessel and
15 individual possession limits, and they will then -- They will
16 also establish minimum sizes, but then they will evaluate their
17 landings on a three-year average against their catch target, and
18 so, every three years, they will average out their landings and
19 see if they have hit their catch targets, and then they will
20 adjust in year-four, and so they're essentially looking at
21 letting it ride for three years, because they are not bound by
22 the ACL, like everybody else.

23
24 Then they also, for the commercial fishery, which is I think
25 only about 8 percent of the fishery, there is a simple trigger,
26 which we close it if that trigger were met.

27
28 The Pacific Council has a substantially different approach than
29 everybody else, and so Mike Burner talked about they are
30 essentially rebuilding, and now management of rebuilt stocks,
31 and they successfully rebuilt nine stocks over about the last
32 ten years.

33
34 They did so using harvest control rules that were established
35 for rebuilding stocks as well as, now that they are rebuilt,
36 those are in place, and, essentially, what they did is they
37 established a harvest control rule that specified an ACL in
38 terms of SPR, but, because the current guidelines mandate that
39 an ACL has to be in pounds or numbers of fish, they then
40 converted that into pounds, and so they actually manage based on
41 pounds, and so that's where you see the third full bullet there,
42 that in-season management was applied, and they went further and
43 said it was absolutely essential.

44
45 They also have the advantage out there of being able to monitor
46 pretty continuously, and they felt fairly accurately, because of
47 the geography. There are just a handful of access points from
48 the coast out to the ocean, and so it's fairly easy for them,

1 and it's sort of akin to Mississippi, where there's a fairly
2 limited number of access points.

3
4 They can monitor well, and the council then has their groundfish
5 team that monitors it constantly, and then the council reviews
6 it at every council meeting. They review the status, and they
7 can make an adjustment in-season, as needed.

8
9 The take-aways from the CCC discussion is first that the Modern
10 Fish Act authorizes some approaches, which have been discussed a
11 number of times, and there have been some questions about
12 whether or not they could be applied, and the Modern Fish Act
13 clarified that. There were some common themes that emerged from
14 all the presentations about stability, predictability,
15 opportunity, and those were important across-the-board.

16
17 It was clear that multiple approaches are being explored to suit
18 the fishery needs, and it's really pretty clear that every
19 fishery is different. Fishermen within a given fishery have
20 different interests, and so there's -- To overuse a phrase,
21 there is no silver bullet that is going to one-size-fits-all fix
22 everything.

23
24 There was a lot of interest among the stakeholders in rate-based
25 approaches, and so I think we're going to continue to see that
26 interest. It was also clear that, given the range of approaches
27 that were discussed, that there is flexibility out there, both
28 within the Magnuson and now under the Modern Fish Act, but there
29 is still substantial uncertainty as how best to move forward,
30 and so it's going to be a slow, careful advance toward these new
31 approaches.

32
33 I saw the CCC, really, discussion as one step in trying to
34 better understand this, as opposed to it resolved all the
35 uncertainty among the councils, and, that said, there was a
36 suggestion during the discussion from the South Atlantic Council
37 to the Gulf Council of potentially forming a working group, and
38 I understand that a letter has been received from the South
39 Atlantic Council to this effect, and there was, during the
40 discussion, some interest in exploring a pilot project.

41
42 There was no discussion of where, when, what fishery, but
43 essentially trying to find a fishery where it might be viable to
44 apply this, or one of these new management approaches. With
45 that, if I may, I will turn it back to the Chair, and, Tom, I
46 believe you were there. If you or, with your discretion, Roy or
47 anyone who was there wants to clarify or add or correct anything
48 I had to say, please feel free.

1
2 **CHAIRMAN DIAZ:** Dr. Frazer.
3
4 **DR. FRAZER:** No, that was a good representation of what was
5 said.
6
7 **CHAIRMAN DIAZ:** Any questions for Mr. Dunn? Any comments about
8 the process? All right. Thank you, Mr. Dunn. We appreciate
9 you taking your time to be with us today.
10
11 **MR. DUNN:** I will be here for the next couple of days, and so,
12 if anything comes up, let me know.
13
14 **CHAIRMAN DIAZ:** Dr. Frazer.
15
16 **DR. FRAZER:** I realize that the report is still in review, but
17 do you have an expected delivery date for that?
18
19 **MR. DUNN:** I don't. Now we're closer is the phrase often used,
20 but, really, it has been in clearance for an extended period of
21 time, and so we just don't know when it's going to pop out.
22
23 **CHAIRMAN DIAZ:** I believe Dr. Froeschke was going to talk to us
24 about the letter from the South Atlantic. Dr. Froeschke.
25
26 **DR. FROESCHKE:** Yes, sir. I'm sure you're not tired of hearing
27 from me today. On January 13, the council received a letter
28 from the South Atlantic Council notifying the council about the
29 discussion that occurred at the CCC that Russ just summarized,
30 and the idea is the South Atlantic and Gulf of Mexico Councils
31 convene a working group that would meet, I'm assuming through a
32 series of publicly-noticed sorts of meetings, to address the
33 Modern Fish Act recommendations, et cetera.
34
35 At the South Atlantic December 2019 meeting, their council
36 reviewed these recommendations and was supportive of the idea,
37 and they appointed five council representatives to serve on this
38 working group: Jessica McCawley, Mel Bell, Spud Woodward, Steve
39 Poland, and Chester Brewer. This letter is Tab E-7(b), if you
40 want to follow along.
41
42 They identified four topics: review of the working group;
43 Section 102 of the Modernizing Recreational Fisheries Act; then
44 the review of this GAO report when it becomes available; and
45 then develop a list of potential topics and develop a timeline
46 and plan for the workgroup.
47
48 That was sort of the initial charge of this working group, and

1 they propose that the first meeting occur between April and June
2 20, depending on the availability of participants, if the
3 council elects to go down this route, and so the South Atlantic
4 Council has suggested a request that we review this letter and
5 discuss it, if the council was interested in appointing
6 representatives to serve on this working group. They could
7 appoint them, and then we could help with the logistics and
8 timing, et cetera. That's what I have. Any questions?
9

10 **CHAIRMAN DIAZ:** Okay. Thank you, Dr. Froeschke. I guess
11 there's a couple of things. The first thing we should look at
12 is to see if the council is interested in us participating with
13 the South Atlantic and working in this working group. I would
14 like to let you know that, out of the five people -- The way
15 they did it is they threw the idea out there, and they asked for
16 volunteers, and these five folks are folks that volunteered.
17

18 Of the five people, three of those five are actually
19 representatives of the state agencies, and so Jessica is with
20 the State of Florida, and Mel Bell is with South Carolina, and
21 Steve Poland is with North Carolina. Spud Woodward is a retired
22 director from the State of Georgia that's now an at-large
23 member, and then Chester Brewer is here with us, and he's a
24 recreational rep that's on the South Atlantic Council. I would
25 throw that question out to the group. Are we interested in
26 participating with the South Atlantic Council? Mr. Williamson.
27

28 **MR. WILLIAMSON:** Mr. Chairman, I believe that we should have
29 significant interest in this, and this is a new portion of the
30 Magnuson-Stevens Act that's just been implemented, and I don't
31 know why we wouldn't have interest in it.
32

33 **CHAIRMAN DIAZ:** Mr. Schieble.
34

35 **MR. SCHIEBLE:** Thank you, Mr. Chair. I concur with Mr.
36 Williamson, and I think that we've seen examples as we've gone
37 through, over the course of time here, where cobia, for example,
38 comes to mind, where it's a stock that is shared between us,
39 and, if one management agency is making decisions, the other
40 ones should be informed, at least, or discuss it before those
41 things happened, and I think it would have been smoother, when
42 we were dealing with cobia, had we been able to work together as
43 an example, and so perhaps we need to have some people on a
44 committee that can discuss this at the same time.
45

46 **CHAIRMAN DIAZ:** Thank you. Mr. Brewer.
47

48 **MR. BREWER:** Thank you, Mr. Diaz. Many times, when you've got

1 something that is new, and it's going to be perhaps complicated,
2 rather than taking up council time with it, a working group is
3 formed to take a look and then bring options or thoughts back to
4 the council or councils, and I think this is a very good example
5 of something that would fall within that parameter or framework,
6 because you're going to be talking about a lot of different
7 options here and different ways to manage recreational
8 fisheries.

9

10 There are many fisheries that are co-managed between the South
11 Atlantic and Gulf of Mexico Councils, and so it just made sense
12 to us that we would form this working group and have
13 representatives from both the Gulf Council and the South
14 Atlantic Council on it, and I would, on behalf of the South
15 Atlantic Council, I would urge the Gulf Council to give it
16 serious consideration.

17

18 **CHAIRMAN DIAZ:** Thank you, Mr. Brewer. Is there anybody else
19 that wants to comment on this? Ms. Bosarge.

20

21 **MS. BOSARGE:** Just a question. On the agenda, it said Section
22 102, but the letter says Section 201.

23

24 **CHAIRMAN DIAZ:** That's a typo.

25

26 **MS. BOSARGE:** Just a typo? Okay. Then, if you're focused on
27 that Section 102, it gets pretty deep pretty fast, and it's
28 pretty scientific, I think, when you start looking at extraction
29 rates and fishing mortality targets and harvest control rules,
30 and so I would suggest that you consider having someone with
31 some stock assessment background involved in that conversation,
32 so that, as you're going through this process and throwing these
33 ideas out to see what sticks, they can say, all right, I like
34 that, and, logically, this is how that would play out and
35 what we would have to do, because they're still going to have to
36 tell us what --

37

38 The SSC is going to have to give us some limit, right, and set
39 it, and so I would suggest that you bring those people in on the
40 frontend, rather than bring back a bunch of stuff, and they're
41 like, well, then you're still going to get these pounds and
42 that's it, and I have worked through the kinks in it, because I
43 think that's where some of the headwinds have been, and I think
44 that would be great.

45

46 I think this has been out there, and there's these options, but
47 I just haven't heard much about, well, how would it work, and so
48 I like that idea. I have an issue though when we start getting

1 into other things besides trying to work through those harvest
2 control rules and extraction rates when we start talking about
3 reviewing allocations.

4
5 Well, then, to me, this group needs to be expanded, and it needs
6 to be more diverse, and it shouldn't be so much of a state and
7 recreational representative focus. You're going to need some
8 other groups in there, if you're going to start giving
9 recommendations on allocation, and so I guess my suggestion
10 would be to stick to that 102 and not expand that purview too
11 much.

12
13 **CHAIRMAN DIAZ:** Mr. Brewer.

14
15 **MR. BREWER:** I agree with you. I don't think that you want just
16 recreational folks giving recommendations with regard to
17 allocation criteria. I could not agree more. Personally, and
18 this is not me speaking for the council -- The first statement
19 was not me speaking for the council, and this statement is not
20 me speaking for the council, and I wish I had never heard the
21 word "allocation" or "reallocation".

22
23 Personally, what I saw this as is, for years, we've had
24 headwinds on alternative management methods in recreational
25 fishing. We have seen repeated in-season closures on data that
26 we weren't that sure about, particularly with regard to some of
27 the infrequently-encountered species, where you have one
28 intercept that would shut down a fishery.

29
30 You also had the situation that Roy has spoken about, in which
31 you've got a good thing happening in the fishery, and there are
32 a lot more fish of a particular species out there, and people
33 start catching more of them, and, rather than that being a good
34 thing, all of a sudden you've gone over the TAC, or whatever
35 your quota is, and the fishery either gets closed down, or
36 you've got accountability measures coming into effect the next
37 year, and so you've turned a good thing into a bad thing.

38
39 There are a lot of examples of things where we have tried to
40 manage recreational fisheries, and they're different, and you
41 need different management techniques, and so, personally, I view
42 this as a very good way to start exploring those different
43 management techniques, and, again, me personally, I don't want
44 to see this group get into allocations, because it's going to
45 have plenty to do with just talking about different management
46 techniques, and that's me personally.

47
48 **CHAIRMAN DIAZ:** Okay, and so we've had three Gulf Council

1 members that have spoken positively about the letter and us
2 participating, and, as far as the Number 2, reviewing the GAO
3 report on allocations, I think Dr. Simmons had told me this
4 morning that we have some other folks that's actually looking at
5 that for our council, and so there's really probably not a big -
6 -- There's not a need to necessarily do that, if we wanted to
7 just participate to the level of the other things mentioned.
8

9 I would like to ask, similar to the way that the South Atlantic
10 did it, for volunteers for people that would like to be on this
11 working group, and so I would open that up to the floor to
12 anybody that would be willing to volunteer. Ms. Levy.
13

14 **MS. LEVY:** I just wanted to say that I know the letter doesn't
15 spell this out, but I view this as a joint council committee,
16 and so it's going to be a committee that includes both South
17 Atlantic and Gulf Council members that will operate like a
18 council committee, and so webinars are fine, but they're going
19 to be noticed and open to the public and that sort of thing,
20 and, whatever report happens or recommendations would come back
21 to the councils, it's the same way that any committee would
22 operate.
23

24 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Me and Dr. Simmons had
25 talked about this some this morning, and surely there will be
26 some staff people that will be in addition to the council folks
27 that are working in conjunction with the commission, and maybe
28 they can provide some of that expertise that Leann asked about
29 earlier. With that, Ms. Boggs.
30

31 **MS. SUSAN BOGGS:** Thank you, Mr. Chairman. I'm not on your
32 committee, but I do think what Leann suggested is a good idea,
33 and so, if there's some way that we could offer that to the SSC
34 members, if they would like to be a part of this working group,
35 and I don't know how that works, Carrie.
36

37 **CHAIRMAN DIAZ:** Dr. Simmons.
38

39 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. Just a
40 couple of things. I did originally have some concerns about the
41 number of people on this working group. Getting ten council
42 members together from each region, plus two staff members, may
43 present logistics, but, as long as staff is allowed to move
44 forward if we don't have everyone there for that webinar, if we
45 have a large number of people that can attend, I think we're
46 fine with that.
47

48 We did meet with Mr. Dunn, staff did, and, unfortunately, I

1 haven't had a chance to really talk to John Carmichael much
2 about this letter, but I think our thinking was we would
3 certainly need to get other members involved, agency staff,
4 Science Center staff, SSC members, but I think the idea was this
5 is just brainstorming, is my understanding, and maybe Dale and
6 Chester could speak more to that, but just get this group
7 together and meet at least twice and have some brainstorming
8 ideas, and then we take those ideas, and maybe we pare them
9 down, maybe the councils pare them down, and then we develop
10 them and flesh them out, and that was kind of my larger
11 understanding of this effort, and so that's another way we could
12 go about this, if you like that idea.
13

14 **CHAIRMAN DIAZ:** Mr. Brewer.
15

16 **MR. BREWER:** Dr. Simmons is quite correct.
17

18 **CHAIRMAN DIAZ:** Is there any further discussion on this topic?
19 Seeing none, the last agenda item is a Committee Discussion on
20 Allocation, and that's going to be led by Dr. Frazer.
21

22 COMMITTEE DISCUSSION ON ALLOCATION ISSUES 23

24 **DR. FRAZER:** This is a standing agenda item until we get a GAO
25 report, and so we don't have one yet, and so it will be on there
26 next council meeting as well.
27

28 **CHAIRMAN DIAZ:** Okay. Is there any other business to come
29 before the Sustainable Fisheries Committee? Seeing none, the
30 committee is adjourned.
31

32 (Whereupon, the meeting adjourned on January 27, 2020.)
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