

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2  
3 REEF FISH MANAGEMENT COMMITTEE

4  
5 Perdido Beach Resort Orange Beach, Alabama

6  
7 JANUARY 25-26, 2016

8  
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- 16 Dale Diaz.....Mississippi
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- 25 Roy Williams.....Florida

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TABLE OF CONTENTS

1  
2  
3 Table of Contents.....3  
4  
5 Table of Motions.....5  
6  
7 Call to Order.....6  
8  
9 Adoption of Agenda.....6  
10  
11 Approval of Minutes.....6  
12  
13 Action Guide and Next Steps.....6  
14  
15 SSC Summary.....7  
16     Stock Assessment Prioritization Process.....8  
17     Proposed Revisions to the SEDAR Process.....10  
18     Best Scientific Information Available.....11  
19     Gray Triggerfish OFL and ABC Projections.....12  
20     Constant Catch OFL and ABC for West Florida Shelf Hogfish...14  
21     Red Grouper OFL and ABC.....15  
22     Framework Action to Adjust Recreational Red Snapper Buffer..24  
23     Management Strategy Evaluation Using OSMOSE-WFS.....27  
24     Constant Catch Versus Constant F.....29  
25  
26 Draft Amendment 43 - Hogfish.....34  
27  
28 Draft Framework Action - Modify Gear Restrictions for Yellowtail  
29 Snapper.....39  
30  
31 Discussion of Scoping Document for Amendment 33.....45  
32  
33 Discussion of Amendment 36 - Red Snapper IFQ Modifications.....49  
34  
35 Final Action - Amendment 39.....77  
36     Law Enforcement Technical Committee Recommendations.....77  
37     Summary of Written Comments.....79  
38     Public Hearing Summary.....80  
39     Committee Recommendations.....81  
40  
41 For-Hire Management - Draft Amendments 41 and 42.....111  
42     Draft Amendment 42.....111  
43     Scoping Workshop Summaries.....135  
44     Draft Amendment 41.....137  
45  
46 Draft Options - Red Snapper Recreational ACT Adjustments.....151  
47  
48 Gray Triggerfish OFL, ABC, and Rebuilding Plan Parameters.....157



TABLE OF MOTIONS

PAGE 46: Motion for the staff to proceed with the document and the Reef Fish AP to be convened, where they could discuss issues like allocation baselines, the species, of course, leasing caps, reporting, and enforcement. The motion failed on page 49.

PAGE 60: Motion that there be no caps on allocation. The motion failed on page 62.

PAGE 83: Motion under Action 2 to add an Alternative 5 to end the separate management of federal for-hire and private angling components established through Amendment 40 upon implementation of this amendment, and have this amendment apply to the entire recreational sector. The recreational sector will be managed by each region under regional ACLs, based on the allocations selected in Action 6. A region may establish different management measures for its private angling and for-hire vessels, and will specify it in its CEP these management measures, including if and how the regional ACL will be divided between its private and for-hire vessels. The motion failed on page 92.

PAGE 93: Motion that Alternative 3 will be the preferred. Alternative 3 is to extend separate management of the federal for-hire and private angling components of the recreational sector. The amendment could apply for both components. The recreational sector ACL will be divided into regional ACLs using the allocation selected in Action 6. The regional ACLs will further be divided into regional components and apply the allocation formula established through Amendment 40 to the region's average proportion of landings by each component. A region may manage both components or may manage the private angling component only. If managing the private angling component only, the region's for-hire ACL will become part of the federal for-hire component ACL. The motion failed on page 104.

PAGE 177: Motion to develop a plan amendment to either eliminate or modify the sunset associated with Amendment 40. The motion failed on page 182.

PAGE 185: Motion to start the development of a framework action to develop a mechanism to allow for the red snapper season to be reopened in the event that the ACL is not exceeded during the initial season. The motion carried on page 190.

- - -

1 The Reef Fish Management Committee of the Gulf of Mexico Fishery  
2 Management Council convened at the Perdido Beach Resort, Orange  
3 Beach, Alabama, Monday afternoon, January 25, 2016, and was  
4 called to order at 1:45 p.m. by Chairman Johnny Greene.  
5

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

10 **CHAIRMAN JOHNNY GREENE:** I would like to call the committee of  
11 the whole of Reef Fish to session. It looks like most everybody  
12 is here. With that, our first agenda item will be the Adoption  
13 of the Agenda. Mr. Williams.  
14

15 **MR. ROY WILLIAMS:** Thank you, Mr. Chairman. Mr. Chairman,  
16 pending the outcome of Amendment 39, I might like to discuss an  
17 extension of the moratorium created under sector separation,  
18 created by Amendment 40. Again, it depends on how Amendment 39  
19 comes out, but I would like that added to the agenda as option  
20 that we discuss the extension of the sector separation  
21 moratorium.  
22

23 **CHAIRMAN GREENE:** So noted. Any objection? Dr. Crabtree.  
24

25 **DR. ROY CRABTREE:** By moratorium, you're referring to the sunset  
26 provision, correct?  
27

28 **MR. WILLIAMS:** Yes, the sunset provision of the sector  
29 separation.  
30

31 **CHAIRMAN GREENE:** Okay. Any objections? We will amend the  
32 agenda as noted. With that, we'll move into our second agenda  
33 item, which is going to be Approval of Minutes. Any corrections  
34 or additions? Seeing no hands, we will adopt the minutes as  
35 written. Item Number III will be Action Guide and Next Steps,  
36 Tab B, Number 3. It has been provided for your review. If  
37 there's not any questions about that, our next item will be the  
38 SSC Summary, which will be presented, I assume, by Dr.  
39 Patterson.  
40

41 I believe, after talking to staff, Dr. Patterson, that we'll  
42 just have you go through these items, and if we need to pick  
43 back up as we come to the individual topics, we will. Ms. Levy.  
44

45 **MS. MARA LEVY:** Maybe I missed it, but did you all approve the  
46 minutes? Okay. Thank you.  
47

48 **CHAIRMAN GREENE:** Seeing no other hands, Dr. Patterson, whenever

1 you're ready, we will start off with the SSC Summary, Tab B,  
2 Number 4(a).

3  
4 **SSC SUMMARY**  
5

6 **DR. WILL PATTERSON:** All right. Thank you, Chairman Greene.  
7 The SSC met in early January in Tampa. We met the 5<sup>th</sup> and the  
8 6<sup>th</sup>. We had a pretty full agenda, as you can see by the roster  
9 here. We had both the Standing SSC and Special Reef Fish SSCs  
10 present. Nearly all the members of both the Standing and  
11 Special Reef Fish were in attendance.

12  
13 Here is the agenda for the meeting. We had three different  
14 stock assessment, or management advice types of agenda items,  
15 including revisiting gray triggerfish, reviewing the SEDAR-42  
16 Gulf red grouper assessment, and also revisiting a constant  
17 catch strategy for OFL and ABC for the west Florida stock of  
18 hogfish.

19  
20 We also had presentations by Dr. Rick Methot, who attended our  
21 meeting, and his presentation was the assessment prioritization  
22 process that National Marine Fisheries Service has been working  
23 through. General Counsel, Mara Levy, also presented or led a  
24 discussion about best science information available. Having Dr.  
25 Methot in the room also offered good input there, given  
26 involvement with the National Standard 2 guidance revisions to  
27 guidance there.

28  
29 We also reviewed the ACT buffer framework that the council staff  
30 has been putting together for recreational red snapper. Dr.  
31 Arnaud Grüss was there to present management strategy evaluation  
32 using the individual-based multispecies, or ecosystem, model  
33 OSMOSE, the West Florida Shelf model, and we briefly talked  
34 about some other issues, including proposed revisions to the  
35 SEDAR process, and we also talked about issues that Steven Atran  
36 brought to us about constant catch versus constant F, more of a  
37 general discussion.

38  
39 As I move through this, it's my understanding that we're going  
40 to have just one report, and I will be present for the  
41 remainder. However, if there is anything that I am covering and  
42 you would like me to stop and address questions as we go, that  
43 will be fine.

44  
45 I am going to not present in the same order that's shown here in  
46 the agenda. I've tried to group like things together, like  
47 stock assessment-types of things, versus other advice and  
48 questions the council had for the SSC.

1  
2 **STOCK ASSESSMENT PRIORITIZATION PROCESS**  
3

4 First, I will talk about the stock assessment prioritization  
5 process. Again, Dr. Methot came to present this, and this is a  
6 process that's been developed by National Marine Fisheries  
7 Service.  
8

9 I assume by now the council has had some information presented  
10 on this process. It was something that some SSC members were  
11 aware of and others were not, but, basically, the purpose of the  
12 stock assessment prioritization process is to guide the type and  
13 frequency of assessments for managed stocks at regional levels.  
14 Each council would ideally have a process such as this.  
15

16 The process, as it's being forward now, first, a score is  
17 established for each of twelve factors within the categories of  
18 fisheries stock abundance and mortality, ecosystem  
19 considerations, assessment information, and targeted frequencies  
20 of assessments.  
21

22 Each of those factors are given a weight, and then you have a  
23 summed weight of the factor scores, which will then produce this  
24 assessment priority list. Factor scores and weights will be  
25 developed by National Marine Fisheries Service staff, the SSC,  
26 and then council advisors in a given region.  
27

28 This process, as Dr. Methot described it, is to provide  
29 guidance. It's not meant to be prescriptive. The next step,  
30 again, according to Dr. Methot, is to seek an agreement at the  
31 spring SEDAR Steering Committee to have the Southeast councils,  
32 Caribbean, Gulf, and South Atlantic, use information from this  
33 process. Then, lastly, NMFS currently is taking initial steps  
34 to assemble factor scores, in coordination with SEDAR staff.  
35

36 I will just walk through a few of the slides that Dr. Methot  
37 covered as he presented this to us. As far as prioritization  
38 history, obviously this is something agency-wide. There are  
39 manpower concerns in trying to get best scientific information  
40 available and high throughput, as far as assessments. This has  
41 been going on for some time.  
42

43 Starting in 2011, there was an initial development, in response  
44 to budget inquiries. In 2013, the needs for this were discussed  
45 and proposed in the Magnuson-Stevens Act reauthorization.  
46 February of 2014, draft process was presented to the Council  
47 Coordinating Committee and open for public comment. Public  
48 comments were summarized in June of 2014.



1  
2 The Government Accountability Office Report endorses the plan in  
3 September of 2014. The process is then revised based on  
4 comments, again, and presented back to the CCC, and then we have  
5 the prioritization document released to the public.  
6 Implementation initiated in cooperation with the fishery  
7 management councils.

8  
9 Basically, as is viewed or presented by Dr. Methot, NMFS will  
10 collate data from databases in past assessments, and then  
11 National Marine Fisheries Service personnel, council committee  
12 members, and invited experts will provide scores for each stock  
13 for other factors.

14  
15 NMFS staff and the councils then will assign weights within  
16 ranges to each factor, and then NMFS and the councils will use  
17 the proposed list, upcoming management cycle, data availability,  
18 and assessment capacity to determine the set of assessments to  
19 do.

20  
21 As you can see here, even after -- The vision is even after  
22 these priority scores have been weighted and summed that this  
23 will be one input into other considerations as far as which  
24 assessments to do and when, and, again, these other  
25 considerations will be management cycles, data availability,  
26 assessment capacity.

27  
28 Among the factors, you can see there are five different  
29 categories in the left-hand column of this table. Again, this  
30 was a slide provided by Dr. Methot. We have the category of  
31 Fishery and then Stock, Economics, Assessment, and then Targeted  
32 Frequency. Then we have several factors, including Commercial  
33 Fishery Importance, Recreational Fishery Importance, Importance  
34 to Subsistence Fishermen, Non-Catch Value, Constituent Demand,  
35 Rebuilding Status, et cetera.

36  
37 Then you can see the source of the information listed in the  
38 column who were thought to be the source of data input and then  
39 the raw scores.

40  
41 You have a range here of scores, and there was some discussion  
42 among SSC members that, given some of these have a range of zero  
43 to ten and others one to five and others zero to five, that  
44 inherent in that is an implied weighting that already exists,  
45 and so that was discussed, about how much flexibility there  
46 could be, on a regional basis, to come up with other weighting  
47 schemes. Again, the response to that was this is not meant to  
48 be prescriptive, but instead to be guidance, and so I think

1 there is some flexibility there.

2  
3 Dr. Methot also indicated that there are three separate  
4 different prioritization processes that are ongoing at the  
5 agency level, the first of which I just talked about, the stock  
6 assessment prioritization. Again, the objective -- The goals  
7 here are to have an objective and transparent process, to  
8 prioritize stocks for assessment, establish target assessment  
9 level and frequency for each stock, and it's meant to be a  
10 cooperative process between National Marine Fisheries, the  
11 fishery management councils, and stakeholders.

12  
13 The two other ongoing prioritization processes are habitat  
14 assessment prioritization, as well as climate vulnerability  
15 assessment. It was unclear how these three moved through  
16 together, but I think we'll be hearing more about these, at the  
17 SSC level at least, in the near future.

18  
19 Next is -- Again, this wasn't the order that we covered these  
20 topics, but I thought it would be a good place to mention this,  
21 after the assessment prioritization process that's ongoing, is  
22 that we did hear about proposed revisions to the SEDAR process.

#### 23 24 **PROPOSED REVISIONS TO THE SEDAR PROCESS**

25  
26 Mr. Ryan Rindone and Dr. Shannon Cass-Calay each weighed in on  
27 this, but, basically, council and SEDAR staff have been  
28 presented with proposed changes to the SEDAR assessment process.  
29 This occurred in September of 2015.

30  
31 The council staff reviewed the current SEDAR assessment process  
32 for reference, and then proposed revisions to this current  
33 process would result in the institution of a two-part species-  
34 specific assessment process, with one of these components being  
35 a research track component and the second then being an  
36 operational track component.

37  
38 The vision here is the research track component or assessments  
39 would be similar to current benchmark assessments. You would  
40 have peer review of data inputs, of assessment model platform  
41 and parameterization, and then a review of model runs.

42  
43 However, one key difference is that these research track  
44 assessments, or components, would not yield management advice.  
45 In the current situation, the current system, benchmark  
46 assessments move all the way through to the SSC then setting OFL  
47 and ABC, if they accept the assessment as the best science  
48 information available.

1  
2 According to this new paradigm, these research track assessments  
3 would not produce that management advice. Instead, it would  
4 allow for a more rigorous review of the science, and also a  
5 standardization of the stock assessment process and models being  
6 developed, per Dr. Calay.

7  
8 The Southeast Fisheries Science Center staff developed and  
9 endorsed these proposed changes. Their perception is this will  
10 lead to better standardized practices and increase throughput.  
11 I think it's fair to say that there was a mixed reaction to this  
12 by the SSC.

13  
14 In the near term, there are likely to be delays, as we have  
15 these research track assessments, if they move forward. Then  
16 you would be consuming manpower to produce these, yet no  
17 management advice would come from them.

18  
19 In the near term, the thought was this may delay scientific  
20 advice. However, in the mid to distant time, this may provide  
21 greater efficiencies, once you have these standardized methods  
22 developed and put forward and peer reviewed. Then they could be  
23 utilized again and again in different scenarios, and Dr. Calay  
24 indicated that there is a real desire to have these standardized  
25 practices peer reviewed and that ultimately they foresee this as  
26 creating efficiencies.

27  
28 **BEST SCIENTIFIC INFORMATION AVAILABLE**

29  
30 Next, we had a discussion, and this will become clear when we  
31 talk about triggerfish. You are probably aware already why  
32 we'll talk about triggerfish, but General Counsel, Mara Levy,  
33 led a discussion about best scientific information available  
34 and, again, Dr. Methot was present, and so some of the NS-2  
35 guidance also factored into our discussion.

36  
37 Basically, the impetus for this was the issue with the SSC's  
38 handling of the review of the last gray triggerfish update  
39 assessment, in which the assessment was accepted as the best  
40 science information available, but then the SSC also, at the  
41 same time, indicated it wasn't sufficient for management advice.

42  
43 It should be stated that those weren't unanimous votes. They  
44 were split votes, but that was where the vote fell, and so the  
45 council kicked this back to us, with confusion about how can you  
46 have best scientific information available, yet insufficient for  
47 management advice.

48

1 We had quite a bit of discussion about those, and Ms. Levy  
2 indicated that perhaps the SSC was confusing its two roles in  
3 this scenario. While the SSC was actually the peer reviewer,  
4 there was no review panel or CIE review of the update  
5 assessment. We, in fact, served as the peer review, and then  
6 also then we would provide management advice to council.

7  
8 One recommendation, and this was well received, is that we  
9 should explicitly separate those two roles whenever we have this  
10 scenario, and, in fact, in this same meeting we began that  
11 separation.

12  
13 We did have a discussion about what is meant by "best" in best  
14 scientific information available, and Ms. Levy indicated that  
15 Congress made a policy decision, by virtue of language, as well  
16 as the language in NS-2 guidance, that best equals best  
17 available.

18  
19 We did have some more discussion about that. The council staff  
20 pointed out that NS-2 Guidelines had actually already been  
21 revised, and Dr. Methot indicated that further guidance on  
22 assessment peer review was forthcoming. I think the take-home  
23 there is that obviously we're not the only group that has  
24 struggled at times with this idea of best scientific information  
25 available.

26  
27 At two of the National SSC Committee meetings that I have  
28 attended, this has received quite a bit of discussion. As we  
29 move forward, there will be more guidance in the future, but I  
30 think, for the time being, we have addressed this with gray  
31 triggerfish, and I think the advice that we got from counsel  
32 about separating these two roles explicitly will be an easy way  
33 for us to hopefully not get tripped up with that in the future.

#### 34 35 **GRAY TRIGGERFISH OFL AND ABC PROJECTIONS**

36  
37 Next, we have gray triggerfish OFL and ABC. Results were  
38 presented that were yield streams requested by the council for a  
39 new gray triggerfish rebuilding plan, and these different yield  
40 streams were, one, to project a time to rebuild, or time min, in  
41 the absence of fishing mortality. This should be calculated  
42 under two projected recruitment scenarios, a, assuming low  
43 recruitment for the years 2014 to 2018, or, b, assuming low  
44 recruitment for the years 2014 through 2021.

45  
46 Second, it was to project annual overfishing levels associated  
47 with a constant fishing mortality rate that allows for stock  
48 rebuild by 2026, assuming the first year of harvest can be set

1 in 2017, and, again, with low recruitment from 2014 to 2018.  
2 Then, subsequently, recruitment projected based on a stock  
3 recruit relationship in 2019 to 2026, and then the second is the  
4 eight-year low recruitment scenario from 2014 to 2012, and then,  
5 again, projecting forward from that point with the stock recruit  
6 relationship.

7  
8 The third scenario of yield streams requested by the council  
9 were similar to the ones in Number 2, except in this case  
10 project 2024, and then, lastly, as sort of an additional item  
11 under Number 3, if T<sub>min</sub> under this recruitment scenario is eight  
12 years, then calculate rebuilding to occur in 2025. The SSC was  
13 provided those scenarios by the Southeast Fisheries Science  
14 Center.

15  
16 Number 4, the council requested the probability density function  
17 of each OFL to 3a and 3b will also be available to facilitate  
18 the estimation of the ABC, pending Scientific and Statistical  
19 Committee's designation of P\*.

20  
21 By a unanimous vote, the SSC accepted the low recruitment for  
22 2014 to 2018 scenario as the basis for projections for gray  
23 triggerfish. There was quite a bit of discussion about which of  
24 those scenarios were more plausible, but, in the end, it was a  
25 unanimous vote.

26  
27 Next, by a vote of eighteen to two, the SSC recommends that the  
28 OFL for Gulf gray triggerfish for the years 2017 to 2019 is  
29 1.31, 1.29, and 1.22 million pounds wet weight, respectively.  
30 Annual ABC for these years will be computed as the 40<sup>th</sup>  
31 percentile of the F rebuild PDF, which is contingent upon the  
32 council specifying the duration of the rebuilding plan.

33  
34 The table that we have provided here, we have year in the first  
35 column, 2017, 2018, and 2019. The OFL is the 50<sup>th</sup> percentile of  
36 the FMSY proxy, applied to the projected biomass, for 2017, and  
37 2018, and 2019. The ABC streams for the different rebuilding  
38 time horizons, eight years, nine years, and ten years, these are  
39 computed using a P\* of 0.4, or the 40<sup>th</sup> percentile, of the F  
40 rebuild probability density function.

41  
42 There have been questions already raised about why are the ABCs  
43 so much lower here than the OFLs, and the reason for that is,  
44 one, the shorter time period for eight years versus ten years,  
45 you can see it drops the ABC.

46  
47 The ABCs that you see here, one, we have issues with the time  
48 horizon, and so the shorter the time horizon, the more

1 restrictive catch has to be to meet the rebuilding plan. The  
2 second issue is that the ABCs here are computed on the  
3 probability density function of yield at F rebuild and not yield  
4 at the FMSY proxy.

5  
6 These are the scenarios that were adopted by the SSC. Once the  
7 council makes a decision as to the rebuilding timeline, then  
8 that will indicate which of the three yield streams exist for  
9 the ABCs.

#### 10 11 **CONSTANT CATCH OFL AND ABC FOR WEST FLORIDA SHELF HOGFISH**

12  
13 Next, we were asked to revisit the West Florida Hogfish OFL/ABC,  
14 and to provide constant catch scenarios for these. Table 4 from  
15 the SSC Report indicates the OFL and ABC recommendations for  
16 West Florida Shelf stock hogfish from our May 2015 meeting. You  
17 can see here that we have OFL and ABC declining over the three  
18 years of the projections, and so the council asked or requested  
19 constant catch scenarios.

20  
21 Historically, when we've had constant catch scenario requests,  
22 there has been an iterative process applied by Southeast  
23 Fisheries Science Center personnel. The reason for that is if  
24 you don't take the ABC, for example, of 2016, but instead, if  
25 when you have a constant ABC, it would be lower than 240,000  
26 pounds, in this case, and so you're leaving some fish in the sea  
27 and that's foregone yield, but some of those fish die.

28  
29 Then you also have issues with recruitment that may be  
30 recruitment signals in the data or what have you, and so,  
31 oftentimes, this iterative process is utilized in order to  
32 capture those different parameters.

33  
34 However, having Dr. Methot with us was actually quite fortuitous  
35 in the case of computing these constant catch scenarios,  
36 because, in this case, FWRI, which actually FWRI scientists  
37 performed this assessment, they were unable to coordinate with  
38 Southeast Fisheries Science Center folks in order to perform  
39 this iterative approach.

40  
41 This request came by council, but we didn't actually have any  
42 new yield streams that were constant catch yield streams to then  
43 evaluate and make management recommendations to the council.  
44 However, Dr. Methot weighed in and said you can take a simple  
45 mean. Given all of the other things that are being averaged and  
46 assumed in projections, that is probably not a great stretch, or  
47 not a non-conservative approach, to take a simple mean.

1 This is something that we've avoided in the past, and opted for  
2 a more computational-intensive, but elegant, approach in the  
3 iterative process. Moving forward, this is a simple solution  
4 and one which I think we'll adopt, and you'll see in a moment  
5 that we adopted it again at this meeting.  
6

7 By a unanimous vote, under a constant catch scenario for 2016 to  
8 2018, the SSC recommended the West Florida hogfish constant  
9 catch consideration use the mean of the OFL and ABC from the  
10 constant F yield streams, and so OFL then would be 232,000  
11 pounds wet weight for all three years, and ABC would be 219,000,  
12 which is simply the arithmetic mean of those years. Yes, Roy.  
13

14 **MR. WILLIAMS:** Thank you for doing that. I don't know how the  
15 rest of the council feels, but I like that, to be able to set  
16 the same yield for three years in a row. Could we do the same  
17 thing with triggerfish, because, in your previous discussion,  
18 those were stepping down as well. Can we take the simple mean  
19 of the three years for triggerfish as well, and just set a  
20 constant catch for those three, if we want?  
21

22 **DR. PATTERSON:** They stepped up, because you're rebuilding,  
23 right?  
24

25 **MR. WILLIAMS:** No, they kept going down.  
26

27 **MR. PATTERSON:** The OFL is dropping, but the ABC will be going  
28 up, but if the council asked us for a constant catch, then we  
29 could provide that advice. Any other questions on this? Okay.  
30

#### 31 **RED GROUPER OFL AND ABC**

32

33 Perhaps the densest material that we covered at the meeting was  
34 a review of the SEDAR-42 Gulf red grouper assessment. Dr.  
35 Meaghan Bryan, the lead assessment scientist, was present to  
36 present this. She did a great job and answered all of our  
37 questions spot-on. It was a really well done and very organized  
38 presentation.  
39

40 Data inputs for this assessment are shown here. We have catch  
41 abundance indices, length compositions, age compositions, and  
42 discards, and you can see the different fisheries: commercial  
43 hand line; commercial longline; commercial trap; although the  
44 trap time series obviously ends as that gear was phased out by  
45 the council; and then a red tide fishery. Obviously 2005 and  
46 2006, red tide was a significant issue for many fishes on the  
47 West Florida Shelf. I mean we saw this in other grouper  
48 assessments previously.

1  
2 Abundance indices, not only do we have the fishery-dependent  
3 indices, but also SEAMAP video, SEAMAP groundfish, National  
4 Marine Fisheries Service bottom longline, and then CBT. I am  
5 not sure actually what that acronym stands for, but another  
6 fishery-independent -- These are charter boat observer long  
7 compositions.

8  
9 Then we have fishery-dependent data. There were some gaps, due  
10 to low sample size in some of the age composition data, and then  
11 we have discard information. We have discard information for  
12 several of the fisheries over the time series; however, it  
13 should be pointed out that for many of these, in a given year,  
14 the sample sizes of discard observations are low.

15  
16 In recent years, the recreational discard observation data has  
17 increased, due to the efforts on the West Florida Shelf, by  
18 scientists at FWRI.

19  
20 In this iteration of the Gulf red grouper assessment, there's a  
21 transition made to stock synthesis. Again, this is an  
22 integrated stock assessment model. It's a forward-projecting  
23 statistical catch at age model. The advantage is you don't have  
24 to split time series, and so time varying selectivity and  
25 retention functions can be coded.

26  
27 Then we can also use both length and age composition data to  
28 inform information about the catch. Then we can link parameters  
29 to environmental time series as well, and explicitly incorporate  
30 imprecision in observation processes, such as aging and  
31 precision.

32  
33 From the assessment workshop, you can see in the left-hand  
34 column there is the proposed base model, and in the right-hand  
35 column was the recommended model that came out of the review.  
36 You see the original time series was 1986 to 2013, for the data.  
37 This was altered to 1993 to 2013, again having to do with some  
38 of the completeness of datasets.

39  
40 For many of the other parameters, life history parameters,  
41 growth, natural mortality, the recommendations that came earlier  
42 were implemented in the base model. You can see that the  
43 changes also, in bold here, were to Beverton-Holt spawner  
44 recruit relationship.

45  
46 Originally, the steepness of that function was estimated, but  
47 likelihood profiling showed that there wasn't really a value  
48 that was more defensible versus another, and so, instead,



1 Beverton-Holt stock recruitment relationship, the steepness was  
2 fixed at 0.99, as has been done, for example, recently with red  
3 snapper.

4  
5 Six fishing fleets were originally proposed, including two  
6 recreational fleets, with both MRIP and headboat data. The base  
7 model only actually includes five fleets, with including  
8 landings and discards, and there is a single recreational fleet  
9 and not two separate.

10  
11 Four fishery-dependent and three fishery-independent indices of  
12 abundance, red tide mortality in 2005, and then age-based  
13 selectivities for all fleets. The other changes, length-based  
14 selectivity for fishery-independent surveys and the NMFS bottom  
15 longline survey was estimated, that selectivity function, and so  
16 the change then is it was assumed to asymptotic, meaning that  
17 once fish became fully selected by the gear, they remained that  
18 throughout the rest of their life.

19  
20 Lastly, time varying retention to account for change in  
21 regulations was fixed in the original proposed base model, but  
22 then what came out of the review was that those time-varying  
23 retention functions were estimated, and so some changes during  
24 the review process, during that stage of the peer review in the  
25 assessment process.

26  
27 What about red tide? Red tide was modeled in the Stock  
28 Synthesis Model and that was parameterized for red grouper. Red  
29 tide mortality was modeled as a pseudo fishery, and so it wasn't  
30 a component of natural mortality, but an additional fishery that  
31 was added to the model that was discard only, with 100 percent  
32 mortality. This will be important in a moment, when we talk  
33 about assessment results.

34  
35 There was some discussion within the SSC, or among SSC members,  
36 about whether this was the best approach or whether you could  
37 subtract out the mortality due to red tide in the annual F,  
38 fishing mortality estimates, and instead apply that our present  
39 it as mortality due to red tide. Either way, it functions the  
40 same way in the assessment.

41  
42 Indices of abundance from the red tide fishery were derived from  
43 each index of red tide, and then we had selectivity of red tide  
44 fishing fleet that was assumed constant at age, and then model  
45 fits were compared by looking at residuals to survey indices.

46  
47 These two figures that are shown here on the left is the stock  
48 recruit relationship, and so I wanted to show this, just to give

1 you an idea of the recruitment estimates that came from SS, and  
2 so we have recruitment in thousands on the Y-axis and spawning  
3 biomass in metric tons along the X-axis, and so these open  
4 circles with the years labeled, these are the recruitment  
5 estimates coming out of the assessment.

6  
7 You can see they're pretty well scattered across the panel here.  
8 The black line, horizontal line, this is the fit to the data,  
9 and then the green line is a bias-corrected fit to the estimates  
10 of the spawner recruit. You can see there's not a lot of  
11 information here for the model to fit steepness.

12  
13 Next, we have the exploitation rate, and so we have the summary  
14 fishing mortality, and this is an instantaneous rate per year,  
15 on the Y-axis. Then we have year along the X-axis. You can see  
16 that during the time series of the assessment, from 1993 to  
17 2013, we have a decline of fishing mortality in the early years,  
18 and then a spike in what's shown here as exploitation rate in  
19 2005. This is what I was indicating earlier, that red tide  
20 mortality was estimated by including it as a pseudo fishery, so  
21 another fishing fleet.

22  
23 This was one point of discussion. That spike isn't really  
24 exploitation, or increased exploitation, in that year, but it's  
25 a depletion. It's reflecting depletion due to red tide  
26 mortality, and so that spike is really due to additional natural  
27 mortality, or episodic mortality, from red tide, but the way it  
28 was coded in the assessment model, it gives this perception that  
29 exploitation rate actually jumped up in 2005, but that's due to  
30 red tide. Either way, it depleted the stock.

31  
32 Then you can see in more recent years that F has been among the  
33 lowest estimates of F, or exploitation rate have been among the  
34 lowest, in the time series. A moment ago, I indicated this was  
35 an instantaneous rate and that's incorrect. This is an  
36 exploitation rate.

37  
38 Next, retrospective analyses were performed to look for patterns  
39 in the retrospectives that would indicate some potential biases.  
40 In the top left, we have spawning stock biomass. This is given  
41 in millions of eggs. Then we have the exploitation rate on the  
42 right. Again, this is catch over biomass. This is the same  
43 metric as shown on the previous. It's not an instantaneous  
44 rate, that I incorrectly indicated, but catch over biomass.

45  
46 Then we also have recruits estimated in the bottom left, and so  
47 the way the retrospective analysis works, and you're probably  
48 familiar with this, is the model is run and then a year of data

1 are left out, and you look for historical patterns, or patterns  
2 that emerge, as you leave out a year.  
3  
4 The inference here was that there was a lack of systematic  
5 retrospective pattern in spawning potential and exploitation  
6 rate, and so that's a good thing. Then the pattern of  
7 recruitment is indicative of random fluctuations prior to having  
8 a recruitment index. In the earlier years, where there is no  
9 recruitment index, you can get this type of fit. That also was  
10 perceived not to be a substantial retrospective pattern.  
11  
12 Next, we have stock status. In the top left, we have the phase  
13 plot. On the Y-axis, we have  $F$ , to the maximum fishing  
14 mortality threshold, and then we have, on the X-axis, eggs to  
15 the minimum stock size threshold.  
16  
17 The green dot in the top left quadrat of that panel was the  
18 initial 1993, where overfishing was occurring, or estimated to  
19 have been occurring, in the stock. We are then estimated to be  
20 overfished, because the stock is -- The spawning biomass is  
21 below the minimum stock size threshold, and the fishing  
22 mortality rate was estimated to be above the maximum fishing  
23 mortality threshold.  
24  
25 Then the red diamond in the bottom right-hand quadrat is where  
26 we're estimated to be as of 2013, and so, here, you can see that  
27 the spawning stock biomass is estimated to be nearly 1.4 times  
28 the minimum stock size threshold, and then the  $F$  current, as of  
29 2013, was estimated to be about 0.6, and so below the maximum  
30 fishing mortality threshold.  
31  
32 The two panels on the right present the time series of  
33 estimates. At the top, you have eggs relative to the minimum  
34 stock size threshold. Again, if you drop below the dotted line,  
35 which is a ratio of one, you would be overfished. Then if  
36 you're above that line, then you're not overfished.  
37  
38 In the bottom panel, we have the fishing mortality time series.  
39 Here, we have the ratio of  $F$  to the FMSY proxy of  $F$  30 percent  
40 SPR. Again, we can see the spike in 2005. This spike is due to  
41 the way the red tide was incorporated into the model, as a  
42 separate pseudo fishery. We see this spike in the  $F$ , and that  
43 really is extra mortality, or episodic mortality, due to red  
44 tide.  
45  
46 The result of that, as you can see in the top right-hand panel,  
47 was that the stock was depleted, or estimated to have been  
48 depleted, due to red tide, but then management thereafter -- The

1 stock has been estimated to increase and now biomass is above  
2 the minimum stock size threshold.

3  
4 This is a summary table of the SEDAR-42 red grouper assessment  
5 results. I am going to draw your attention to a few items here.  
6 We can see that the natural mortality is estimated to be 0.144  
7 per year. Then we have the FMSY proxy, which is also the  
8 maximum fishing mortality threshold. The proxy is F 30 percent  
9 SPR, and so the estimate for this value is 0.212.

10  
11 Then FOY is 0.164. If you skip to the bottom of that first part  
12 of the table, you can see F current to the maximum fishing  
13 mortality threshold. The estimate, and F current is 2013, was  
14 the ratio of fishing mortality in 2013 to the maximum fishing  
15 mortality threshold -- Again, this is equal to the FMSY proxy of  
16 F 30 percent SPR. That ratio was 0.56, and so, basically, the F  
17 rate in that year is estimated to have been 60 percent of the  
18 maximum fishing mortality threshold.

19  
20 Then F in 2013 was estimated to be 77 percent of FOY. In the  
21 case of Gulf red grouper, FOY is -- The proxy for that is 75  
22 percent of F 30 percent SPR.

23  
24 If we go down to the bottom, you can see we have the biomass  
25 criteria, and so millions of eggs may not be very informative to  
26 you, but if we skip all the way to the bottom three lines of the  
27 table, you can see the spawning stock biomass current, and so  
28 that's estimated in 2013, to the spawning stock biomass at 30  
29 percent SPR. That ratio, in 2013, was estimated to be 1.19, and  
30 so above the biomass threshold.

31  
32 If we look at the ratio of the spawning stock biomass estimate  
33 in 2013 to the minimum stock size threshold, this is the  
34 spawning stock biomass at the MSY proxy and then adjusted for  
35 natural mortality, you can see that the ratio is 1.39. This  
36 corresponds to the figure on the last page, where biomass was  
37 shown to be about 1.4, as a ratio to the minimum stock size  
38 threshold.

39  
40 Then we have the current biomass, spawning stock biomass as a  
41 ratio to the spawning stock biomass at OY, is 0.94. This  
42 indicates that the estimates from this assessment are that the  
43 current spawning stock biomass, as of 2013, was nearly as high  
44 as SSB at OY. That's also a good thing.

45  
46 Next, as per the discussion I outlined earlier that General  
47 Counsel Levy Led the SSC, we separated functions here of peer  
48 review and providing management advice, although, in this case,

1 the assessment had already gone through extensive peer review,  
2 but we still tried to wear our hats separately and explicitly as  
3 such.

4  
5 First, by unanimous vote, the SSC accepted the SEDAR-42 Gulf red  
6 grouper assessment, including responses to reviewer workshop  
7 comments, as the best science available and sufficient for  
8 estimating stock status. The stock is not estimated to be  
9 overfished or undergoing overfishing, as of the terminal year of  
10 the assessment in 2013.

11  
12 Projections were computed to set OFL and ABC in future years.  
13 We have two fishing mortality targets. F 30 percent SPR is the  
14 FMSY proxy, and then OY is 75 percent of F 30 percent SPR.  
15 Selectivity for the projections was fixed to the estimates of  
16 2010 to 2013, and fishing mortality as well.

17  
18 Landings were allocated 76 percent commercial and 24 percent  
19 recreational. Then, importantly, the 2014 red tide event was  
20 assumed to be negligible, and this was based on Ecopath with  
21 Ecosim model runs that Dave Chigaris had done with gag grouper  
22 that we looked at during that assessment, and so that event,  
23 although initially looked to be severe, the estimates were that  
24 in fact it was not nearly the scale of 2005.

25  
26 By a unanimous vote, the SSC recommended that the annual  
27 overfishing limit for Gulf red grouper for years 2016 to 2020 be  
28 set at the 50<sup>th</sup> percentile of the OFL probability density  
29 function, assuming estimated landings for 2014 and 2015 years.  
30 The annual ABC for years 2016 through 2020 will be computed as  
31 the 43<sup>rd</sup> percentile of the OFL probability density function.  
32 Then, under a constant catch scenario, the mean of these time  
33 series for OFL and ABC would be utilized.

34  
35 You will notice the language here indicates future tense. When  
36 we were at the meeting, we did not have the projections fully  
37 available, due to decisions the SSC had to make about the 2014  
38 and 2015 fishing years, what would be the terminal year of  
39 information that was utilized. We had 2014 landings estimates  
40 and then 2015 were assumed, based on 2014 fishery information.

41  
42 Those are what were utilized and so we, as the SSC, decided on  
43 the format for constructing the PDFs, the projections. We also  
44 worked through the council's ABC control rule to estimate P\* as  
45 0.43, or the 43<sup>rd</sup> percentile of the OFL PDF.

46  
47 Based on this, we then got the projection output that Dr. Bryan  
48 provided. In the table on the bottom left, we have year. This

1 is 2016 to 2020, and so the OFL -- This is output from the  
2 assessment, based on F 30 percent SPR. You can see that over  
3 this time series that OFL is declining.

4  
5 Then we also have ABC over this time period. You can see that  
6 ABC is very close to the value for OFL. This was because the  
7 OFL estimate, the variance, was low, or the sigma was low, and  
8 so if you look in the panel on the bottom right of this figure,  
9 you will see the blue line, which is estimated OFL, and then the  
10 red line, which is the ABC, which comes from the 43<sup>rd</sup> percentile  
11 of that OFL probability density function, the lines are almost  
12 on top of each other. The red line just looks like a shadow of  
13 the blue line.

14  
15 This is an issue that we've brought before the council before.  
16 There is an ABC control rule working group, and Steven Atran is  
17 also working with us to develop alternatives for the council to  
18 examine, but we haven't moved forward with that since the last  
19 time I was actually here and talked about it.

20  
21 We have this declining OFL and ABC over time. There are several  
22 factors that weigh into this, or cause it. For one, because the  
23 stock is estimated to be so far above the minimum stock size  
24 threshold, if you apply the maximum fishing mortality rate,  
25 which is F at F 30 percent SPR, you would be fishing the stock  
26 back down to the spawning stock biomass at F 30 percent SPR.

27  
28 By the OFL being computed at the proxy, this is what drives the  
29 stock, or is estimated to drive the stock, back down. ABC also  
30 declines over this time period, and, again, we followed the  
31 council's control rule to set ABC using a P\* of 0.427, but,  
32 because of the lack of substantial variance in the output, the  
33 distribution wasn't very broad, and so you get a very small  
34 difference.

35  
36 Under a constant catch scenario, the mean ABC over this time  
37 series would be 13.92 million pounds. Again, in the past, we've  
38 gone to great lengths, at least the Southeast Fisheries Science  
39 Center staff have gone to great lengths, to perform the  
40 iterative approach to solve for the constant catch scenario,  
41 but, based on the advice we received from Dr. Methot, in this  
42 case we took the mean of that projected time series and so ABC  
43 then is 13.92 million pounds.

44  
45 Any questions about red grouper? I know that's quite a bit to  
46 digest, and if there are any questions, I would be happy to  
47 answer them now or I can do it later, or if something comes up.

48

1 **MR. WILLIAMS:** It's not really a question, but it's a comment,  
2 Will. Every assessment we ever get, the OFLs and the ABCs go  
3 down as you project out five years.

4  
5 I don't think, since I've been on the council the last three  
6 years, I don't think we've seen one different than that. They  
7 always do it, and it just sort of makes you wish that you could  
8 have an assessment every year, and then you could start at the  
9 peak every year and you would have a lot higher OFL, ABC,  
10 whatever.

11  
12 That trend is in every assessment we ever see. They do down,  
13 down, down, and so I'm glad we can at least now we begin to work  
14 -- I guess we can work from these averages, use those averages,  
15 because then we at least have a constant number and we don't  
16 have to say to people, well, thanks for conserving last year,  
17 but next year, we're going to lower your ABC again, and then  
18 we're going to lower it again the year after that. Thanks for  
19 at least accomplishing that. I appreciate that.

20  
21 **DR. PATTERSON:** Sure. I think that's an important point, and  
22 one that we've talked about quite a bit as a group in the SSC,  
23 about these declining yield streams. I think it's important to  
24 remember that there can be different reasons for those declines.

25  
26 For example, we talked quite a bit about red snapper and the  
27 projected declining yield stream. In that case, we have  
28 recruitment in the eastern Gulf following a different trajectory  
29 than recruitment in the western Gulf, and so that recruitment,  
30 as it enters into the projections in future years, causes a dip.

31  
32 In this case, we have a different scenario. We have the stock  
33 that's well above the threshold value, and so when you apply the  
34 threshold mortality, the result would be fishing the stock back  
35 down. That's just the OFL and ABC.

36  
37 Clearly the council can look at that and say, you know what,  
38 it's a bad approach to fish the stock back down to that level.  
39 We're at the part of the stock biomass, or estimated to be at  
40 the part of the stock biomass, trajectory we want to be, where  
41 you can fish at a lower F and produce as much, or nearly as  
42 much, yield, but have the stock have this buffer built in.

43  
44 Again, we applied the ABC control rule to this, but that's not  
45 to say the council can choose some other to set the ACL and ACT.  
46 Seeing no other questions about red grouper, again, I can  
47 address those later if they come up.

1           **FRAMEWORK ACTION TO ADJUST RECREATIONAL RED SNAPPER BUFFER**

2  
3 Red snapper, there was a presentation by Nick Farmer. Dr.  
4 Farmer presented on the recreational red snapper ACT buffer.  
5 This was a figure from his presentation that I am going to kind  
6 of walk you through.

7  
8 This first component of the figure, we have millions of pounds  
9 whole weight, on the Y-axis, and then we have fishing years  
10 2011, 2012, and 2013, in this case, but fishing year along the  
11 X-axis. The green outline rectangle was the ACL for those  
12 years. In these years, there was no ACT. The council didn't  
13 specify an ACT and ACT equaled ACL. The green are the estimated  
14 landings from those years.

15  
16 Because of the estimated recreational landings exceeding the  
17 ACLs for 2011, 2012, and 2013, the council then adopted a buffer  
18 system to set ACT in the recreational fishery as 20 percent  
19 below the ACL. The estimated landings in 2015 and 2014 are  
20 shown here.

21  
22 In 2014, the estimated landings in the recreational fishery were  
23 actually below that ACT threshold. The ACT threshold was set at  
24 20 percent below the ACL. The landings estimates were that the  
25 harvest -- The landed catch was actually 29 percent below the  
26 ACL. The ACT, the landings were 9 percent below the ACT.

27  
28 In 2015, this information is preliminary, but the estimates are  
29 that overall the recreational fishery was -- The landings were  
30 estimated to be 17 percent below the ACL. Therefore, the 20  
31 percent buffer was nearly hit, but it was exceeded by about 3  
32 percent. That's for the ACT, keeping in mind that  
33 accountability doesn't kick in unless you exceed ACL, or  
34 whatever the rule is for ACL. That buffer is put in place to  
35 stay away from exceeding ACL.

36  
37 To break this out, this is the figure that I should have just  
38 showed you that indicates the 29 percent underage relative to  
39 the ACL in 2014 and the 17 percent underage relative to ACL in  
40 2015.

41  
42 Next, Dr. Farmer broke this out by the two components. Now that  
43 there is a for-hire -- There is sector separation in place. In  
44 2015, the estimates are for the private recreational fishery  
45 that they're estimated landings were 13 percent below the ACL,  
46 while the for-hire sector was estimated to be 23 percent, so  
47 actually 3 percent below the ACT.



1 We were asked, and our scope of work indicated to ask the SSC --  
2 The council wanted input as to whether it was advisable to  
3 change the ACT control rule for the recreational fishery for red  
4 snapper.

5  
6 The SSC reviewed this information, and it was an excellent  
7 presentation by Dr. Farmer, and basically some of the highlights  
8 of this were this 20 percent buffer was projected to have a 15  
9 percent probability of exceeding the ACL in 2014. However, the  
10 underage was due, in part, to overestimating some of the state  
11 catch rates. The state catch data estimates came in lower than  
12 were projected. Therefore, you end up with this underage in  
13 2014, where even the estimated landings were 9 percent below the  
14 ACT level even.

15  
16 This led to a discussion about some of the other sources of  
17 uncertainty, whether the state seasons, the new state management  
18 out to nine miles Gulf-wide -- Those type of issues, and there  
19 were many more other factors, fuel prices, et cetera, that can  
20 affect fishing effort and distance away from home of fishing.

21  
22 We appreciated, and, again, Dr. Farmer did an excellent job of  
23 reviewing all of the various different sources of uncertainty  
24 and the difficulty in actually coming up with these estimates of  
25 season length, in order to avoid exceeding the ACT and, more  
26 importantly, the ACL.

27  
28 For 2015, four different catch rate and average weight scenarios  
29 were evaluated, using regression-based approaches, and different  
30 input for time series and predictor variables. It was a very  
31 elegant modeling approach that was utilized in order to try to  
32 estimate what the season should be in order to maintain that 20  
33 percent buffer and hit the ACT exactly.

34  
35 As you can see from the previous slide, in 2015, the estimates  
36 were that the management effectively, for the most part, at  
37 least overall in the recreational fishery, did a good job of  
38 constraining the catch, so that ACL wasn't approached and ACT  
39 was hit nearly dead on.

40  
41 We had quite a bit of discussion about this, and, basically, the  
42 consensus was that clearly there were numerous different sources  
43 of uncertainty that existed. This language made it into the  
44 report, that there were too many moving parts to be able to  
45 establish a scientific justification for either changing or  
46 retaining the 20 percent buffer.

47  
48 Part of the discussion was that really this is a risk policy

1 evaluation that the council -- Some members felt that this was a  
2 council decision about where the buffer should be and what  
3 probability of exceeding the ACL the council was willing to  
4 accept.

5  
6 In addition, we talked quite a bit about the performance, the  
7 modeling approach done in 2015, to set season length and how  
8 closely or how well that captured or predicted where the catch  
9 would be and the fact that the ACT was, overall in the  
10 recreational fishery, basically hit, a 3 percent overage above  
11 the ACT, as far as the estimated landings.

12  
13 We talked about that, but we also discussed the issue that  
14 there's only one year of sector separation information, and very  
15 little data therefore, to base any type of analysis as to  
16 whether we thought the long-term performance of this approach  
17 would be similar from year to year. Because of other sources of  
18 uncertainty, we were unsure, given one year of data, if this  
19 regression approach in future years would have a similar  
20 probability of success.

21  
22 The consensus was to give this a few years before you could  
23 actually evaluate the long-term performance or do a management  
24 strategy evaluation as to whether this approach is going to be  
25 as effective in the out years as it appears to have been in  
26 2015. That was the consensus from the SSC.

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

29  
30 **MR. DALE DIAZ:** Thank you, Mr. Chair. I just want to point  
31 something out. Can you go back one slide, to I guess Slide 27?  
32 I am just -- When I was reading through the new options paper  
33 that we're going to discuss tomorrow, I noticed that when Steven  
34 put it together that there's a part in here that says -- It  
35 says: At the time of this writing, it is projected to be 13  
36 percent below the ACL in 2015. I believe this is the latest  
37 information that you have, and so this is the most up-to-date  
38 projections that we have at this time?

39  
40 **DR. PATTERSON:** This was the information that was presented to  
41 us by Dr. Farmer. I'm not sure what Steven has or if it's  
42 different. He maybe can address that.

43  
44 **MR. DIAZ:** I think that the 13 percent was what we were  
45 presented in October, or whenever they were estimating the  
46 preliminary numbers. I just want to point out, if the council  
47 members are reading through the documents, that if you read  
48 through the options paper, when you get to the section where it

1 references the 13 percent, actually the most up-to-date  
2 information is 17 percent below the ACL, and that's all I wanted  
3 to point out at this time. Thank you.

4

5 **DR. PATTERSON:** Was there any other?

6

7 **CHAIRMAN GREENE:** Thank you. Anything else. Dr. Patterson.

8

9

#### **MANAGEMENT STRATEGY EVALUATION USING OSMOSE-WFS**

10

11 **DR. PATTERSON:** Okay. We had a presentation by Dr. Arnaud Grüss  
12 from RSMAS, the University of Miami, and he presented a  
13 management strategy evaluation based on the OSMOSE, which is an  
14 ecosystem modeling platform. This model has been parameterized  
15 for the West Florida Shelf.

16

17 There are other ongoing large-scale ecosystem modeling  
18 procedures in the Gulf of Mexico. There is an Atlantis model  
19 that Dr. Cameron Ainsworth as USF is leading. There are other  
20 Atlantis models for different sections of the shelf that have  
21 been computed, and then we have already presented recently the  
22 West Florida Shelf Ecopath with Ecosim model that Karl Walters  
23 and Behzad Mahmoudi started and then Dave Chigaris has pushed  
24 forward and done a variety of different simulations with his  
25 expanded model.

26

27 This ability to examine our management strategy evaluation will  
28 increase in the near future, as more of these models come  
29 online. That should be pointed out, but, in this case, the  
30 management strategy evaluation was based on red grouper, and  
31 specifically how red grouper and red tide interacted, to  
32 estimate the performance of management to not have the stock be  
33 depleted.

34

35 Basically, management strategy evaluation is a framework that  
36 can be used to simulate alternative management strategies,  
37 including ones due to uncertainty and natural variation, and  
38 that balance conservation and socioeconomic objectives.

39

40 This is an important consideration for the OSMOSE platform. In  
41 Atlantis, that modeling platform does it a little differently,  
42 incorporating socioeconomic data, and then Ecopath with Ecosim -  
43 - Probably, among the three platforms, the one that is more  
44 specifically looking at the biomass versus the socioeconomics of  
45 the fishery.

46

47 Basically, in its simplest form, management strategy evaluation  
48 provides feedback between an operating model that simulates

1 dynamics in the real world and a management model that  
2 prescribes management actions based on decision rules. You can  
3 see the flow here of the operating model, and then the  
4 management feedback that Dr. Grüss presented for his management  
5 strategy evaluation.

6  
7 I am not going to go into all of the various components of this,  
8 but obviously it's very elaborate and there's lots of feedback  
9 loops that occur within this process.

10  
11 The results for this evaluation were that all ABC strategies  
12 resulted in significant initial decrease in red grouper catch,  
13 but exceeded initial values in the medium to long term, meaning  
14 after ten to about twenty years of simulations. This is with  
15 respect to red tide.

16  
17 Higher  $P^*$  values resulted in higher catch-related metrics, while  
18 smaller  $P^*$  values resulted in higher biomass-related metrics.  
19 Basically, the higher the  $P^*$ , then you're going to have more of  
20 a buffer. If you have more of a buffer, then your landings in  
21 the near term will be lower, but the stock will rebuild to a  
22 higher biomass, because you're taking less out of it year after  
23 year. The smaller  $P^*$  values eventually resulted in higher  
24 biomass-related metrics. When have a low  $P^*$  value -- I think I  
25 just said that backwards.

26  
27 When you have a low  $P^*$  value, the buffer is greater between the  
28 OFL and the ABC. When you have a high  $P^*$ , it's closer to 0.5,  
29 you end up with higher catch-related metrics, because you're  
30 taking more fish out. Your ABC is closer to the OFL. However,  
31 when the  $P^*$  is a lower value over time, you are allowing the  
32 biomass to build.

33  
34 When episodic events of natural mortality occurred in the OSMOSE  
35 model, higher  $P^*$  values eventually resulted in lower catch  
36 rates, or lower catches. The frequency of ABC updates did not  
37 have a significant impact on performance of ABC strategies. How  
38 frequently this was updated did not have an impact on the  
39 performance, based on this model evaluation.

40  
41 Some SSC members questioned the use of net present value of  
42 revenue versus profits in this exercise. Again, this  
43 incorporates socioeconomic data. Others also noted that MSY  
44 estimation multispecies, OSMOSE, is not the same as MSY or its  
45 proxy estimated in single species assessments.

46  
47 One of the recommendations was to actually conduct management  
48 strategy evaluations based on how how the fishery is currently

1 being managed and how well -- We saw an example of an  
2 evaluation, looking back in time, and how well the recreational  
3 fishery was estimated to hit or exceed the ACT, for example.

4  
5 The SSC noted the utility of management strategy evaluation and  
6 Dr. Shannon Cass-Calay indicated eventually there will be a  
7 staff scientist at the Southeast Fisheries Science Center  
8 conducting management strategy evaluations, and so this is  
9 something that we should be able to examine more frequently, or  
10 more robustly, in the future.

11  
12 Lastly, there is an SSC subcommittee on management strategy  
13 evaluation that's going to be led by Dr. Kai Lorenzen, with the  
14 goal of examining the SSC's potential role in conducting MSEs in  
15 the future.

16  
17 Again, other regions are farther along than we are, both with  
18 modeling the ecosystems that support their fisheries, as well as  
19 with conducting management strategy evaluations, whether they be  
20 for single stock type of assessment approaches or under an  
21 ecosystem-based approach, but, as we move forward, I think we're  
22 going to be able to examine these both in the future in our  
23 system.

#### 24 25 **CONSTANT CATCH VERSUS CONSTANT F**

26  
27 Lastly, other topics which were discussed, we had a discussion  
28 on comparisons of constant F versus constant catch management  
29 strategies. We have had a little bit of that discussion already  
30 here, such as the question from Mr. Williams about why do we --  
31 We have seen this quite a bit in recent years, where the OFL and  
32 ABC projected yield streams are declining, and that's a concern.  
33 It's difficult to manage under that scenario.

34  
35 There can be different reasons for that, like we talked about,  
36 recruitment issues, shifts in selectivity, assumptions that may  
37 not be valid, as far as making projections. You have to assume  
38 something, but they may end up not being correct. Then you also  
39 have issues with recruitment, in some cases, where recruitment -  
40 - In gray triggerfish, we see this, where we have lower  
41 recruitment in the recent past. That's projected forward,  
42 because we have no data to indicate that recruitment will be  
43 increasing in the near future.

44  
45 Then we have issues, like in red snapper, where we have  
46 recruitment in the western Gulf is estimated to have continued  
47 to increase over the past several years, whereas in the eastern  
48 Gulf, recruitment is estimated to have declined, or failed to

1 increase at the rate that it's estimated to have increased in  
2 the western Gulf.

3  
4 Because of this, there can be lots of reasons for projections to  
5 have declining OFL and ABC over the time series of projections.  
6 We had this discussion, and, again, it was fortuitous to have  
7 Dr. Methot present, because of this simple solution of taking a  
8 mean. I think it will enable us to provide that advice just out  
9 of habit. The council can then choose without actually having  
10 to come back to us and say no, we want this.

11  
12 Next, we talked about SEDAR-49, which is the upcoming data-  
13 limited stock SEDAR. Panel membership was requested of SSC  
14 members, and so that's been established, and the roster of  
15 stocks, and I'm sorry I don't have the list of them here, but  
16 they're in the report, as to what stocks will be examined using  
17 these data-limited approaches.

18  
19 There will be an initial data triage, and then exploration of  
20 the different data-limited assessment models, and then a review  
21 panel to examine the output from the different models.

22  
23 Lastly, we reviewed the 2016 SSC meeting schedule. That's  
24 pretty straightforward. That concludes the report from the SSC.  
25 I'm happy to answer any questions, or I will be around if  
26 something else comes up.

27  
28 **CHAIRMAN GREENE:** Thank you, Dr. Patterson. That was very good.  
29 Mr. Anson.

30  
31 **MR. KEVIN ANSON:** Thank you, Mr. Greene, and thank you, Dr.  
32 Patterson, for the summary. I don't know if it's necessarily a  
33 question for you. I think it's for Dr. Ponwith, but, Bonnie, as  
34 I recall from the SEDAR Steering Committee back in September,  
35 when you provided your presentation on the new assessment  
36 process going forward and the research track and such, I recall  
37 you saying that you were going to go to the SSCs and get them to  
38 provide some input and feedback on that proposed new  
39 methodology, or new process, for doing the assessments.

40  
41 I get the sense that the SSC didn't have enough information to  
42 provide such input, if that's in fact what you were looking for,  
43 and so I just wanted to see if you had some comments to that, as  
44 to whether or not you were looking for a specific feedback as to  
45 whether or not the process was good, or will fulfill all the  
46 good intentions that you propose it will.

47  
48 **DR. BONNIE PONWITH:** We are really eager to hear from the SSC

1 and what their view of this idea is, and it's every bit as much  
2 to advise you, the council, when the Council Chair and the  
3 Executive Director come to the SEDAR Steering Committee, where  
4 we will pool our thoughts and make a decision about whether we  
5 should be making this adjustment to the SEDAR SOPPs or not.

6  
7 If the SSC has questions about the approach, then we are eager  
8 to hear those. Some of the issues that I have heard in the  
9 conversations center around the absolute fine details of how  
10 this would work were missing from the presentation, and that's  
11 an astute observation and it's true.

12  
13 The reason is because when we came to the SEDAR Steering  
14 Committee, we came with a prospectus of an idea that was at the  
15 conceptual stage. We didn't want to completely design it,  
16 because we view this as a partnership, and that design would be  
17 done in strong collaboration with the SSCs. As is true of the  
18 old cliché, the devil is in the details.

19  
20 The notion was to put the idea to the SSC to troubleshoot the  
21 idea and contemplate what contribution this approach could make  
22 to separating sort of the exploratory type of work from the  
23 actual operation, production kind of oriented stock assessments.

24  
25 In this way, we could avoid one of the most challenging  
26 circumstances that I think we find in SEDAR, and that is to be  
27 in the middle of a stock assessment and to get a recommendation  
28 that, hey, we should really try this and have that  
29 recommendation hold a lot of logic, but, in many cases,  
30 executing that recommendation requires going back and completely  
31 restructuring the data.

32  
33 We're on track and we're on schedule and someone comes up with  
34 an idea that is universally held as a reasonable idea, but it  
35 means you have to go back to square one and go to your data  
36 analysts and reanalyze those data and supply them back into the  
37 assessment. All of that takes time, and, the next thing you  
38 know, the only way to make up that time is in the actual  
39 assessment process.

40  
41 Then you're faced with the situation of do you reject doing that  
42 or do you accept the fact that you're either going to have to  
43 compress that stock assessment in the remaining time to meet  
44 your deadline or blow off the deadline.

45  
46 There are huge consequences, sometimes, to missing one of those  
47 deadlines. Of course, one of those consequences are the costs  
48 associated with it. You may end up having to cancel a contract

1 for a meeting in a hotel, and establish those, cancel flights  
2 and reestablish them, but certainly there are also management  
3 timing issues, because we often will time the development of  
4 advice from a stock assessment to be perfectly aligned with SSC  
5 and council meetings, so that we can make decisions that are  
6 necessarily sequentially.

7  
8 If you blow through one of those deadlines, it can have some  
9 pretty dire consequences, and so the idea is to separate the  
10 exploratory and give people all the time they need to do that  
11 work, either for a single stock or for a framework-type of  
12 approach, and then keep the operational assessments operational,  
13 so we can chug right through those and meet those rather strict  
14 deadlines.

15  
16 **CHAIRMAN GREENE:** Yes, sir, Chairman Anson.

17  
18 **MR. ANSON:** Maybe I need to rephrase my question, I guess. I  
19 guess if your intent was to get feedback from the SSCs, you know  
20 the presentation that you provided at the Steering Committee,  
21 albeit it was just kind of your first blush, if you will, at how  
22 you saw fit, I think it was very informative as far as placing  
23 or putting that process down so people can start to think about  
24 it and start to develop some ideas and some opinions.

25  
26 Is it your intention at this point to have a more detailed  
27 meeting to go over some of these subtleties and some of these  
28 details specific to the comparison of the current way of doing  
29 assessments versus what you propose, in relationship to  
30 resources, number of staff it would take, one versus the other,  
31 and the amount at the end of year -- How many assessments  
32 actually the council would have? Is that your intention, and  
33 then at the point the SSCs could comment and provide some input  
34 on that process?

35  
36 **DR. PONWITH:** I think what we were looking for was the SSC to  
37 say yes, this is a good idea and advise the council on how to  
38 vote at the upcoming SSC meeting, and then the SSC meeting would  
39 be yes, we want to do this, and/or no, we don't. If the answer  
40 is yes, then the Center would work with the SSCs to actually  
41 line out that process.

42  
43 In terms of being able to sit down and say, if we did this, I  
44 can give you twelve more stock assessments, that is a metric  
45 that I can't do right now, because every research assessment  
46 could be very, very different from one another.

47  
48 One might be a procedural approach, like we've done in the past,



1 and others could actually be a brand-new benchmark for a stock  
2 that's never been assessed. Each one of those would take a  
3 different amount of time, but doing them in that approach frees  
4 up the actual operational, to be more prescriptive in the way  
5 they are done.

6  
7 I don't think sitting down with the SSC right now is going to  
8 give us an ability to do math and say the answer is forty-two.  
9 I don't picture that happening, but it's our expectation that by  
10 segregating those two types of assessments that it will make the  
11 operational assessments more efficient.

12  
13 **CHAIRMAN GREENE:** Mr. Gregory.

14  
15 **EXECUTIVE DIRECTOR DOUG GREGORY:** If I may follow up on that,  
16 the SSC did say, in Will's report, that they had a mixed  
17 reaction to this new approach, and they identified there are  
18 likely delays in the near term, with perhaps benefits of peer  
19 review standard practices that will create efficiencies in the  
20 long term.

21  
22 Following up with what Chairman Anson was saying, if your staff  
23 could identify the species for which they want to do research  
24 assessments on, how long that will take before we start getting  
25 these operational assessments -- I don't know what the staff  
26 demands of these are, but my fear is, similar to us  
27 transitioning to Stock Synthesis 3 from other stock assessments  
28 and having to go through a benchmark for that, is I can envision  
29 the Science Center being tied up for three or four years doing  
30 nothing but research assessments and us not getting any  
31 management advice, but then followed by fairly rapid, maybe  
32 annual, ones later, but we need some kind of concept of what is  
33 the near-term impact versus the long-term benefits. I mean we  
34 do need that. Not necessarily X number of assessments, but how  
35 long is this going to take to get through this, so that we can  
36 kind of judge the relative benefits of it.

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

39  
40 **DR. PONWITH:** Yes, and to that very point, our intent is that we  
41 would never stop doing operational stock assessments. Those  
42 would be carried on. It's the research assessments that would  
43 be conducted as a subset of the whole portfolio, and so you  
44 would always have a blend.

45  
46 You would have potentially a research assessment going on and  
47 you could, at the same time, with the analysts who aren't  
48 engaged in that, could be conducting update stock assessments

1 throughout the year. The notion is this isn't either/or. We  
2 would be doing operational assessments all along.

3

4 **CHAIRMAN GREENE:** Chairman Anson.

5

6 **MR. ANSON:** Just to follow up, in the report, the SSC Report, I  
7 listened in on the webinar and I also listened in at the SEDAR  
8 Committee that's mentioned and referenced on page 16, under the  
9 SEDAR issues. I just don't think, the way it's presented here  
10 in the report, is that both the SEDAR Steering Committee and the  
11 SSC, the January SSC meeting, received the same materials and  
12 documentation, and that was not the case. I just wanted to make  
13 note of that. Thank you.

14

15 **CHAIRMAN GREENE:** Thank you. According to my paperwork here, we  
16 are about forty-five minutes behind right now. We're going to  
17 take about a quick ten-minute break, not a twenty or thirty-  
18 minute break, a ten-minute break, and we're going to get back at  
19 it. We've still got hogfish, yellowtail snapper, Amendment 33,  
20 and Amendment 36 to get through today. So a ten-minute break  
21 and let's get back. Thank you, Dr. Patterson.

22

23 (Whereupon, a brief recess was taken.)

24

25

#### **DRAFT AMENDMENT 43 - HOGFISH**

26

27 **MR. STEVEN ATRAN:** This is Amendment 43 in your briefing book,  
28 Tab B, Number 5. This is still an amendment that's under  
29 construction. We will be bringing it back to the council in  
30 April, a more complete version for you to select preferred  
31 alternatives, and hopefully approve for public hearing.

32

33 With that in mind, and in order to try to speed things up a  
34 little, what I am going to do is just very quickly go through  
35 the list of actions and alternatives. I am not going to discuss  
36 them, unless there are questions. I just wanted to let you know  
37 what's going into this amendment. Then we would like you to  
38 select public hearing locations, so that staff can get started  
39 on tying down specific locations to hold those hearings in.

40

41 With that in mind, Action 1 appears on page 9. I don't have a  
42 PowerPoint and you will have to look in the document. This is  
43 what we're calling Definition of the Management Unit. It's just  
44 basically where to draw the boundary lines separating the Gulf  
45 of Mexico hogfish from the South Atlantic/Florida Keys hogfish.

46

47 Four alternatives are in here, and they are in order from south  
48 to north. Alternative 1 is no action. It would leave the

1 boundary at the jurisdictional boundary line between the South  
2 Atlantic Council and the Gulf Council.

3  
4 Alternative 2, south of Cape Sable, it sets a line at 25  
5 degrees, 9 minutes North latitude. As I said, this is just  
6 south of Cape Sable. This is currently the recommendation of  
7 Florida FWC.

8  
9 Alternative 3 is Shark Point. That's a line going out from 25  
10 degrees, 23 minutes North latitude. That was the original line  
11 that was being considered by the council, and it comes out of  
12 the Florida Everglades. Then Alternative 4 would set the  
13 boundary at the Monroe/Collier line, which is the boundary that  
14 the stock assessment uses to separate the Gulf stock from the  
15 South Atlantic stock. Unless there are any questions, I'm going  
16 to go straight to the next action.

17  
18 Action 2 is on page 12, Status Determination Criteria for  
19 Hogfish in the Gulf of Mexico Fishery Management Unit. At the  
20 moment, the only status determination criteria we have defined  
21 is the overfishing threshold, which is equivalent to fishing at  
22 F 30 percent SPR. This would fill that out and give us status  
23 determination criteria for all the required statuses: minimum  
24 stock size threshold, maximum fishing mortality threshold, and  
25 the MSY proxy.

26  
27 The no action alternative would leave several of these  
28 undefined, which is technically in violation of the Magnuson  
29 Act, and it also makes it difficult for the stock assessment  
30 people to determine status determination, because they have no  
31 criteria by which to measure the status in front of.

32  
33 Alternatives 2, 3, and 4 are pretty much the same, except for  
34 what proxy they're going to use for the MSY proxy. Alternative  
35 2 uses the model-generated estimate of MSY and FMSY as the  
36 overfishing threshold. The SSC and the Science Center don't  
37 have a whole lot of confidence in that computer-generated  
38 estimate, for a variety of reasons, and I'm not going to get  
39 into that, for the sake of time.

40  
41 Alternative 3 would set the proxy at F 30 percent SPR. That's  
42 been our working proxy and that's what we use for most of our  
43 stocks. Alternative 4 would set a more conservative proxy,  
44 using F 40 percent SPR as the proxy for FMSY. There is a table  
45 at the bottom of that page that shows what the point estimates  
46 of MSY are, what the point estimates of FMSY are under each of  
47 these alternatives.

48

1 In addition, there are three options for each of these  
2 alternatives for defining minimum stock size threshold, and  
3 these basically follow the set of alternatives that we're  
4 developing in our alternative to set minimum stock size  
5 thresholds for stocks with low natural mortality rates, and  
6 other stocks that haven't had those set yet. That's not on the  
7 agenda for this meeting. It will be brought up, I believe, at  
8 the April council meeting.

9  
10 The three options for setting MSST, and I will just use the  
11 Alternative 3 as an example, but Option 3a uses a formula that  
12 we've been using all alone, one minus M times the SSB at F 30  
13 percent SPR. That would set the minimum stock size threshold,  
14 since M is 0.179, it would set minimum stock size threshold at  
15 about 82 percent of FMSY.

16  
17 Option 3b sets it at 75 percent of FMSY, an intermediate level,  
18 and Option 3c sets it at 50 percent of the SSB MSY, which is the  
19 lowest we're allowed to go under the Magnuson-Stevens Act and  
20 the National Standard 1 Guidelines.

21  
22 Basically, it's the same three options for all of the  
23 alternatives. They only differ by what we're using for the  
24 proxy for MSY. If there are any questions, I will take them.  
25 Otherwise, I will go on to the next action.

26  
27 Action 3 is on page 15. It would set the annual catch limit  
28 and, optionally, the annual catch target for hogfish. We have  
29 four alternatives in here. The no action alternative leaves the  
30 annual catch limit at 208,000 pounds whole weight, the ACT at  
31 179,000 pounds whole weight.

32  
33 Then we have one alternative for an ACL that changes every year,  
34 and we have two constant catch alternatives. Alternative 2  
35 would set the ACL equal to the ABC each year for the years 2016  
36 to 2018. Those ABCs were recommended by the SSC, I believe it  
37 was two SSC meetings ago.

38  
39 If there is no new information about hogfish and no further  
40 extension of these yields, then after 2018, beginning with 2019,  
41 the ACL would drop down to what was computed to be the  
42 equilibrium ABC for hogfish. That actually ends up being, in  
43 2016, the ACL would be about 240,400 pounds. Then it would drop  
44 down, in 2017, to 216,800 pounds. Then in 2018, it would be  
45 200,800 pounds. If we don't have an extension of that yield  
46 stream, for 2019 and beyond, it would drop down to the  
47 equilibrium level of 159,300 pounds. I am going to skip the  
48 options for now and I will come back to those.

1  
2 Alternative 3 is a constant catch ACL. It would set constant  
3 catch at 219,000 pounds, based upon a recommendation that came  
4 out of the SSC at their last meeting. This is using the average  
5 of the three years' annual ACL estimates. They would be fixed  
6 at 219,000 pounds for those three years, but then, again, if we  
7 don't have an extension of that, the ACL in 2018 and beyond  
8 would go down to the equilibrium ABC yield of 159,300 pounds.  
9 It would stay there until modified.

10  
11 Alternative 4 is also a constant catch. It would just go  
12 straight to that equilibrium ABC yield of 159,300 pounds. It's  
13 a very conservative estimate, but it's one where I think we can  
14 have a high degree of confidence that we probably wouldn't have  
15 to lower it any further from that point.

16  
17 The two options that are under each of these alternatives deal  
18 with the annual catch target. Option a for each of these say  
19 that the ACT will not be defined, and Option b says that the ACT  
20 will be set at 87 percent of the ACL. That's based upon the  
21 results of our ACL/ACT control rule.

22  
23 At the moment, we do have an ACT defined, but it's serving no  
24 functional purpose, and so unless you want to add some purpose  
25 to the ACT, there is really no reason to have one. That is  
26 really about all I'm going to say right now on Action 3, unless  
27 there are any questions.

28  
29 Action 4 is on page 20, and this is to modify the minimum size  
30 limit, and this would apply to both the commercial and the  
31 recreational sector. At the moment, we're at twelve-inches fork  
32 length for the minimum size limit for hogfish. Some folks have  
33 suggested raising the size limits, and we have three size limit  
34 alternatives, to raise it to either fourteen, fifteen, or  
35 sixteen inches.

36  
37 The question has come up as to why we don't have an alternative  
38 to raise it to thirteen inches. First of all, our Reef Fish AP  
39 didn't feel that it was worthwhile to raise it only one-inch,  
40 but also, when we looked at the growth curve, it only takes this  
41 fish about six months to grow from twelve to thirteen inches.  
42 That's not enough time to get an additional spawning season in  
43 place.

44  
45 It takes about eleven months to grow from twelve to fourteen-  
46 inches, and so all of these other alternatives would allow at  
47 least one additional spawning, and possibly two additional  
48 spawnings. Again, that's about I'm going to say, other than I

1 believe the South Atlantic Council has a preferred alternative  
2 to use fifteen inches in their area.

3

4 **CHAIRMAN GREENE:** Mr. Walker.

5

6 **MR. DAVID WALKER:** That's what I was going to ask, how many  
7 times would it have spawned when it reaches fifteen inches?

8

9 **MR. ATRAN:** As I said, it's estimated to take about seventeen  
10 months, according to the Von Bertalanffy growth curve, to go  
11 from twelve-inches to fifteen-inches. We have another table  
12 somewhere in here that says exactly what that age is. I don't  
13 recall what it is off the top of my head.

14

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

16

17 **MR. ATRAN:** Thank you. We have one other action in here, which  
18 is kind of a minor thing, but it deals with a regulation that  
19 made its way into our codified regulations for some reason. As  
20 you know, we have a stressed area. Within the stressed area,  
21 the use of powerheads to catch reef fish is prohibited, but the  
22 codified regulations have a specific exemption saying that this  
23 rule doesn't apply to hogfish.

24

25 I don't know if you can even catch a hogfish with a powerhead,  
26 and if you did manage to get a powerhead to go off, I don't know  
27 if there would be much left of the fish. A powerhead is a  
28 device that uses a round of ammunition. A lot of times it might  
29 be a blank. They are used against larger fish, like sharks,  
30 greater amberjack, and cobia. Those are the three species I  
31 have heard them being used against.

32

33 The hogfish exemption is a leftover from the days when we used  
34 to have two lists of species, one species in the management and  
35 the other species that were in the fishery, but not in the  
36 management unit. We eliminated the distinction between those  
37 two lists back in 1999, and the only species left from that  
38 second list that hasn't either been specifically added to the  
39 management unit or dropped from the FMP completely is hogfish,  
40 and that's why we have this exemption for hogfish, but it does  
41 nothing.

42

43 Like I said, I don't think anybody uses powerheads on hogfish,  
44 and so having the exemption doesn't really affect management one  
45 way or the other, but it's just kind of a silly rule and this  
46 action would take it off the books.

47

48 Alternative 1 is no action, leave it on the books, and

1 Alternative 2 is remove that provision that exempts hogfish from  
2 the prohibition on the use of powerheads in the stressed area.  
3 That completes just my quick review of the actions and  
4 alternatives that are in this document.

5  
6 Unless anybody has any other questions -- As I said, we would  
7 like to get started on getting some locations set for public  
8 hearing locations. Our plans are to go to public hearings after  
9 the April council meeting, and then bring this back in June for  
10 final action.

11  
12 **CHAIRMAN GREENE:** Thank you. I guess we need to establish those  
13 locations. Ms. Bademan.

14  
15 **MS. MARTHA BADEMAN:** I would suggest somewhere in the St.  
16 Petersburg/Pinellas County area and also Naples, and a webinar  
17 would be great, too. I know there are folks that spear hogfish  
18 up in Carrabelle and that area off the Panhandle, and then I  
19 know there are some folks that are based in Monroe County that  
20 come up towards Naples. Maybe they would be willing to go up  
21 there to fish, but I don't know if they would be willing to  
22 drive up there for a public hearing. That's a ways to go. I  
23 can put that in a motion if you need or --

24  
25 **CHAIRMAN GREENE:** Steven, do you want it in a motion or have you  
26 got those locations and you can move forward with it from here?

27  
28 **MR. ATRAN:** Unless anybody has any opposition, think I will  
29 just, in the summary, indicate that that was suggested by the  
30 Reef Fish Committee.

31  
32 **CHAIRMAN GREENE:** Any opposition? Seeing none, I think it's  
33 pretty clear on what we're trying to do here, and the locations  
34 seem correct. Seeing no opposition, we will move on.

35  
36 **MR. ATRAN:** Mr. Chairman, that completes my review of Draft  
37 Amendment 43.

38  
39 **CHAIRMAN GREENE:** Thank you, Steven. I appreciate you speeding  
40 that up and helping us get back on track here. Next up will be  
41 the Draft Framework Action to Modify Gear Restrictions for  
42 Yellowtail Snapper, Tab B, Number 6(a), and Mr. Rindone.

43  
44 **DRAFT FRAMEWORK ACTION - MODIFY GEAR RESTRICTIONS FOR YELLOWTAIL  
45 SNAPPER**

46  
47 **MR. RYAN RINDONE:** Thank you, Mr. Chairman. You guys have seen  
48 this one a couple of time so far. At the last meeting, we added

1 some more alternatives to the framework action. If you guys are  
2 amenable to it, we can just go ahead and skip ahead to Chapter  
3 2, which is on page 18.

4  
5 This framework action is looking at changing hook requirements  
6 for commercially-harvested yellowtail snapper in the Gulf of  
7 Mexico. These yellowtail are often caught using chum slicks  
8 behind the boat, and they are cane poled or caught with very  
9 short lengths of line from spinning tackle right behind the  
10 vessel.

11  
12 The nature of this fishing practice, the fishermen argue, is  
13 best suited for using j-hooks as opposed to circle hooks, both  
14 due to how they fish and how they de-hook the fish and just the  
15 general shape of yellowtail snapper mouths and how the hooks get  
16 caught in their mouths.

17  
18 We have five alternatives, the first one being to do nothing.  
19 The second one would remove the requirement to use circle hooks  
20 when commercial fishing with natural bait for yellowtail  
21 throughout the EEZ in the Gulf, and this one was considered  
22 because there is a small, but slowly growing, population of  
23 yellowtail that's being seen off the coast of Texas.

24  
25 Alternative 3 would remove the requirement to use circle hooks  
26 when commercial fishing with natural bait for yellowtail south  
27 of 28 degrees North latitude in the Gulf, and this is  
28 approximately Clearwater Beach, and this alternative was  
29 included from the South Florida document that we had been  
30 working on a little while back, and you guys might remember we  
31 parsed out several of the components from that document into  
32 separate actions, and this is one of them, and so Alternative 3  
33 is a holdover from that document. South of 28 degrees North in  
34 the South Atlantic, the South Atlantic Council does not require  
35 the use of circle hooks for any reef fish species.

36  
37 Alternative 4 would remove the requirement to use circle hooks  
38 when commercial fishing for yellowtail with natural bait south  
39 of 25 degrees, 23 minutes North latitude on the west coast of  
40 Monroe County, and there is a geographic feature there called  
41 Shark Point that's at the mouth of the creek that fishermen have  
42 told us that they're aware of and law enforcement has told us  
43 that they're aware of, and that general area sees more traffic  
44 through it than it does fishing around it, and so that was  
45 offered as an alternative.

46  
47 Then Alternative 5 was offered by the FWC, which would remove  
48 the requirement to use circle hooks when commercial fishing for



1 yellowtail south of 25 degrees, 9 minutes North latitude, which  
2 is approximately Cape Sable, off Monroe County, and this line is  
3 also a line that's used by the FWC for pompano management, which  
4 is one of the reasons that they suggested it, so that multiple  
5 species using the same line helps with enforcement.

6  
7 One of the issues that the IPT discussed with this amendment was  
8 what fishermen would do with fish that were not yellowtail if  
9 any part of this amendment did in fact go through, because if an  
10 exemption is created for yellowtail to be caught using j-hooks,  
11 that doesn't make an exemption for any of the other fish in the  
12 Reef Fish FMP, which currently are required to use circle hooks  
13 to land.

14  
15 We talked about several things, like how important bycatch was  
16 and whether some bycatch allowance would be necessary, and so I  
17 have included, from the SEDAR-27 stock assessment, which looked  
18 at yellowtail in 2012, the Stephens and McCall analysis, and  
19 this is Figure 2.1.2, and it's on page 22.

20  
21 This shows the relative likelihood of catching any of the  
22 species that are listed on a trip where yellowtail snapper also  
23 caught. Now, the caveat to this is that the trips that are  
24 analyzed for this analysis include trips where only yellowtail  
25 snapper were caught, all the way down to trips where only one  
26 yellowtail snapper was caught, or one pound. It could be  
27 anything in between. This just gives you an idea of the other  
28 fish which are being caught.

29  
30 Currently, what the law would state, if any of the alternatives  
31 besides Alternative 1, were selected as preferred, if a  
32 fisherman in the Gulf is fishing for yellowtail with j-hooks and  
33 happens to catch any of the other species in the Reef Fish FMP,  
34 that fisherman would have to discard those species, or they  
35 would be in violation of the law. That's where the whole  
36 bycatch issue came up.

37  
38 By looking at the Stephens and McCall analysis, we were hoping  
39 to shed some more light on what species are most likely to be  
40 caught, and you will see some IFQ species in there and some non-  
41 IFQ species. From talking to the fishermen, the ones that they  
42 tend to interact with the most are things like grunts, mutton  
43 snapper, mangrove snapper, blue runner, et cetera. Some of  
44 those species are not Reef Fish FMP species and so it's not that  
45 big of a deal. Any thoughts up to this point? Okay.

46  
47 The IPT has requested, and the council has sent a memo to the  
48 Science Center requesting, an update of this analysis, with more

1 recent years of data and just focusing on the Gulf, and we have  
2 also asked that a distinction be made between single-day trips  
3 and multi-day trips. Of course, if you're multi-day fishing,  
4 you could spend one whole day fishing for yellowtail and another  
5 day fishing for grouper, and there would need to be some  
6 distinction made there, of course.

7  
8 From an IPT perspective, we would be interested in whether the  
9 council would want to thin the herd, so to speak, as far as the  
10 alternatives are concerned. Currently, they cover everything  
11 from the entire geographic area of the Gulf of Mexico down to a  
12 very small area, and the Gulf Reef Fish AP had indicated that  
13 they thought that -- They generally thought that this measure  
14 was a good thing to put forward, but that it should be  
15 constrained to the Keys, since that seems to be where the  
16 majority of the yellowtail snapper fishery occurs, and that it  
17 was really in that area where the desire for this originated.  
18 We're looking for input, Mr. Chair.

19  
20 **CHAIRMAN GREENE:** Okay. Does anybody have any input? Kevin.

21  
22 **MR. ANSON:** Ryan, I don't know if this is a question you can  
23 answer, or, Lance, perhaps you, but that population off of  
24 Texas, is that strictly a bottom fishing catch? The Keys,  
25 again, they kind of chum them up and they come to the surface  
26 and, hence, that's the whole purpose of the request that they've  
27 made for j-hooks, you know in line with removing them from the  
28 hooks easily, but, Lance, do you have any information about  
29 those fish off of Texas?

30  
31 **MR. LANCE ROBINSON:** Mr. Chair, I don't have any information on  
32 how the fishery is prosecuted there. I know we see some of the  
33 landings coming through trip ticket, but I don't know if it's  
34 being chummed up or if they're bottom fishing. We can certainly  
35 look into that further.

36  
37 **CHAIRMAN GREENE:** Okay. We may get some public testimony on  
38 that as well. Anyone else? Ms. Bademan.

39  
40 **MS. BADEMAN:** I agree that this is primarily a Keys issue, it  
41 seems, and that's where we've been requested to take some  
42 action, and so if we're looking to remove a couple of  
43 alternatives, I will make a motion to move Alternatives 2 and 3  
44 to the Considered but Rejected appendix. That's the one dealing  
45 with the entire Gulf and Clearwater Beach.

46  
47 **CHAIRMAN GREENE:** We have a motion to remove Alternatives 2 and  
48 3 to Considered but Rejected.

1  
2 **MR. DIAZ:** I'll second it.

3  
4 **CHAIRMAN GREENE:** It's seconded by Mr. Diaz. Any further  
5 discussion? Yes, Mr. Robinson.

6  
7 **MR. ROBINSON:** On that Alternative 3, if that one is rejected,  
8 then that pretty much excludes anything in south Texas. If that  
9 fishery is growing over there, it goes away with Number 3 on  
10 there. Until I can get some more information on it, it would be  
11 nice if we could kind of keep it in place, temporarily at least.

12  
13 **MS. BADEMAN:** I can withdraw if you want me to withdraw. I'm  
14 fine with that and we can come back to it in April, if you want  
15 to do some research. It can wait.

16  
17 **MR. ROBINSON:** If that's possible, that would be great. We can  
18 find out and I can have that information at the next meeting.

19  
20 **MS. BADEMAN:** Okay. **Let me withdraw.** We will deal with this  
21 later.

22  
23 **CHAIRMAN GREENE:** **The motion is withdrawn.** Any further  
24 discussion? Ms. Bademan.

25  
26 **MS. BADEMAN:** I was going to make a motion for a preferred  
27 alternative, but it probably would be prudent to wait until we  
28 get some information from Lance at the next meeting before doing  
29 that, and so maybe I will hold off on that.

30  
31 **CHAIRMAN GREENE:** Okay. Anybody else? Mr. Rindone.

32  
33 **MR. RINDONE:** Thank you, Mr. Chairman. I just have one more  
34 thing to continue with, if we're done talking about Action 1.

35  
36 **CHAIRMAN GREENE:** Any more discussion on Action 1? I don't see  
37 any and you can continue, Mr. Rindone.

38  
39 **MR. RINDONE:** Thank you, Mr. Chairman. The updated  
40 Stephens/McCall analyses I told you guys about, we have  
41 requested that those be delivered to the council by the end of  
42 February, and so we'll be able to talk about those in greater  
43 detail at the next council meeting in Austin.

44  
45 At the South Atlantic Council's December meeting, they passed a  
46 measure which would change the yellowtail snapper fishing  
47 season. At the Gulf Council's October meeting last year, the  
48 council directed staff to start a plan amendment to look at

1 adjustments to how the ACLs for yellowtail snapper are dealt  
2 with in the Gulf, as well as the season change.

3  
4 The South Atlantic Council has since abandoned any similar ACL  
5 measures for any sort of ACL sharing for yellowtail snapper with  
6 the Gulf, but they did go ahead with a season change, which is  
7 reflected in Tab C, Number 6(b), and they chose to change the  
8 commercial and recreational yellowtail fishing seasons from the  
9 current January 1 to December 31 fishing season to August 1  
10 through July 31.

11  
12 The rationale for this was that, if there were to be a closure  
13 of any or both sectors for yellowtail snapper in the South  
14 Atlantic, that it occurs during the peak of the spawning season.  
15 Yellowtail snapper do spawn year-round in South Florida;  
16 however, the peak of that activity does occur during the summer  
17 months, June, July, August, and the beginning of September.

18  
19 As a proposal from the IPT to you guys, we know that you had  
20 requested a separate plan amendment to address the ACLs and the  
21 season change, but I have drafted an Action 2 here which could  
22 address the season change as a function of this framework  
23 action, which might move this forward a little bit more quickly  
24 than say a plan amendment would, and there are three  
25 alternatives listed here.

26  
27 Alternative 1 wouldn't do anything to the current fishing  
28 season. It would leave it beginning January 1 and ending  
29 December 31. Alternative 2 would modify the fishing year for  
30 the commercial sector for yellowtail snapper in the Gulf, and  
31 then you have four options there: June 1 to May 30; July 1 to  
32 June 30; August 1 to July 31, which is what the South Atlantic  
33 Council adopted and sent to the Department of Commerce; and  
34 September 1 to August 31.

35  
36 Then Alternative 3 would modify the fishing year for the  
37 recreational sector the same way, using the same options, and  
38 so, if you guys are amenable to this, to folding in the season  
39 change in with the framework action, you could accept this  
40 language to be included, or, if there's something else that you  
41 would like to do, then just let us know.

42  
43 **CHAIRMAN GREENE:** Thank you. What would you guys like to do?  
44 Ms. Bademan.

45  
46 **MS. BADEMAN:** I mean I think we kind of have to do this. There  
47 are some issues on the South Atlantic side, and I'm trying to  
48 work in my mind how we keep the same fishing year, but they

1 change theirs eight months later. I will make a motion to add  
2 **Action 2, as written up here by Ryan, to the document.**

3  
4 **CHAIRMAN GREENE:** There has been a motion. Is there a second  
5 for the motion? Mr. Williams seconds the motion. We are just  
6 going to add to put it in or do we need to go any further with  
7 this, Ryan? He is shaking his head no. Okay. Mr. Rindone.

8  
9 **MR. RINDONE:** Thank you, Mr. Chairman. Barring selecting any  
10 preferreds for anything that's been proposed in Actions 1 or 2,  
11 that concludes what I have for you for yellowtail. We are going  
12 to scope the document in Key West when we're down there for the  
13 CMP 26 hearings for mackerel, and try and get an idea of what  
14 the folks down there think. We're also going to scope it at the  
15 end of the mackerel hearing in Sarasota, to try and cover the  
16 breadth of the area that commercial yellowtail fishing generally  
17 occurs in the Gulf, to see what those guys think.

18  
19 **CHAIRMAN GREENE:** Thank you. Was there any discussion on size  
20 limit that you wanted to bring forth now? I know Martha and I  
21 had discussed it earlier. Do you want to just leave that, on  
22 the size limit on hogfish? Okay. Anything else before we leave  
23 yellowtail snapper? Seeing none, this will move us to  
24 Discussion of Scoping Document, Amendment 33, Reef Fish Limited  
25 Access Privilege Program, Tab B, Number 7, Dr. Diagne.

26  
27 **DISCUSSION OF SCOPING DOCUMENT FOR AMENDMENT 33**

28  
29 **DR. ASSANE DIAGNE:** Thank you, Mr. Chair. The scoping document  
30 that we had at the time, and, by that, I mean April of 2012, is,  
31 as you indicated, Tab B, Number 7. We did prepare a scoping  
32 document, and, in a nutshell, the document discussed the  
33 potential species that would have been included in that limited  
34 access privilege program, and offered some management  
35 approaches, and also discussed additional actions that may be  
36 needed, if we wanted to proceed.

37  
38 A little bit of the timeline that we went through, we prepared  
39 the scoping document and brought it before the council in April  
40 of 2012, but, at that time, the council passed a motion and  
41 directed staff to cease work on the document, and requested that  
42 more information be collected from the public. That was done  
43 and the comments we received at the time were summarized and  
44 presented to the council in August of 2012.

45  
46 After receiving those comments, the council did not direct staff  
47 to resume work on the amendment. Essentially, it was status quo  
48 and just let it be. You requested that we bring it back at this

1 meeting, so that you could discuss the next steps, whether you  
2 want to direct us to resume work and, if so, what timeline would  
3 you consider to be appropriate? I will stop here, but we can go  
4 in more details in the scoping document, if need be, and try to  
5 answer questions, if you have some. Thank you.

6  
7 **CHAIRMAN GREENE:** Thank you, Dr. Diagne. I will open it up to  
8 discussion. Does anybody want to weigh in? Mr. Walker.

9  
10 **MR. WALKER:** I would like to see the staff continue to work on  
11 it, and maybe have the Reef Fish AP convene and discuss things  
12 like species, allocation baselines, leasing caps, reporting, and  
13 enforcement. Let the Reef Fish AP get a chance to meet and  
14 discuss it.

15  
16 **CHAIRMAN GREENE:** Thank you. Any other comments? Okay. Mr.  
17 Anson.

18  
19 **MR. ANSON:** On the section for red porgy, it mentions pink porgy  
20 that's caught off the west coast of Florida. I am not familiar  
21 with pink porgy. I looked it up and I didn't see it as being a  
22 separate species. Is it just the local vernacular? If it is,  
23 then I think we ought to reword that phrase to point that out is  
24 all.

25  
26 **DR. DIAGNE:** Yes, we will. Actually, that was just the name  
27 that certain people used, yes. It's red porgy, and, as you  
28 know, it is not part of our FMP. If that species were to be  
29 included, the first step would be to include it to the FMP, et  
30 cetera, before we proceed.

31  
32 **CHAIRMAN GREENE:** Thank you. Any further discussion? Okay.

33  
34 **MR. WALKER:** Do you want me to make a motion?

35  
36 **CHAIRMAN GREENE:** If you've got something you want to say, Mr.  
37 Walker, now is the time.

38  
39 **MR. WALKER:** I would like to make a motion for the staff to  
40 proceed with the document and the Reef Fish AP to be convened,  
41 where they could discuss issues like allocation baselines, the  
42 species, of course, leasing caps, reporting, and enforcement.

43  
44 I would just like to give an opportunity for the AP to look at  
45 it too and discuss these parts of the amendment and give us  
46 their input from the industry.

47  
48 **CHAIRMAN GREENE:** Mr. Walker, is that your motion on the board?

1  
2 **MR. WALKER:** Yes.  
3  
4 **CHAIRMAN GREENE:** Okay. Is there a second to the motion on the  
5 board? Mr. Williams seconds the motion. Is there discussion?  
6 Dr. Crabtree.  
7  
8 **DR. CRABTREE:** I also think -- I guess with allocation baselines  
9 that you're talking about years and that kind of thing, but I  
10 think also they need to talk about auctions and other ways of  
11 allocating, not only because I think we need to look at that,  
12 but it's also a requirement of the statute that we look at that,  
13 but I think we need to give some serious considerations of that  
14 kind of thing.  
15  
16 **CHAIRMAN GREENE:** Okay. Is there further discussion? Mr.  
17 Anson.  
18  
19 **MR. ANSON:** I am curious, and maybe Mara can answer this  
20 question, or Dr. Crabtree, but should there be discussion in the  
21 AP about voting or has that already been established as a  
22 precedent with the other IFQ programs, as to how voting rights  
23 would be assigned?  
24  
25 **DR. CRABTREE:** It's something that -- There is some precedent,  
26 because we did the grouper/tilefish referendum under the current  
27 Magnuson language about substantial participants and all. At  
28 some point, we will have to address that. Whether we want to  
29 get into that at this point or talk more about the program and  
30 come back to it later is really up to you.  
31  
32 **CHAIRMAN GREENE:** Thank you. Any further discussion? Mr. Diaz.  
33  
34 **MR. DIAZ:** I guess just a question for Doug. I know staff time  
35 is at a premium right now. I am just wondering, if we was to  
36 vote this up, are there some staff considerations in  
37 accommodating it in a timely manner?  
38  
39 **EXECUTIVE DIRECTOR GREGORY:** That's something we'll be talking  
40 about with the Chair tomorrow, is our current workload  
41 situations, but yes. We do our best to try to get as many of  
42 amendments done as possible, as quickly as possible, but, as you  
43 know from some of these discussions and the thing that's  
44 prompted this, is that we haven't gotten to everything.  
45  
46 It's not just us, but National Marine Fisheries Service has a  
47 workload issue too, I believe, and like the yellowtail  
48 amendment, they informed us they didn't have the time to work o

1 it, and so we developed most of the amendment ourselves and then  
2 sent it to them to review.

3  
4 We're doing different things to try to accommodate all the  
5 different amendments we're working on, but it is becoming more  
6 and more of an issue time-wise, but we will do what the council  
7 wants to do, as best we can.

8  
9 **CHAIRMAN GREENE:** Thank you. Ms. Bademan.

10  
11 **MS. BADEMAN:** I had a question, like Roy's, about what  
12 allocation baselines meant. I think I have the answer, but it  
13 seems to me that a few of the species in this document that we  
14 would also potentially have to assign sector allocations to,  
15 before we could move forward with these. I think we just have  
16 AJ and triggerfish to have allocations.

17  
18 **CHAIRMAN GREENE:** Dr. Diagne, I see you waving.

19  
20 **DR. DIAGNE:** Yes, Ms. Bademan. That's exactly the point, and  
21 those are discussed in the additional actions. Except for gray  
22 triggerfish and greater amberjack, we don't have clearly defined  
23 sector allocations, and so that would be a prerequisite, if you  
24 would, to looking at Amendment 33, and the other prerequisite  
25 was mentioned earlier. We would have to add red porgy to our  
26 FMP, and then have a sector allocation, before we can proceed.

27  
28 **CHAIRMAN GREENE:** Thank you. Ms. Bademan, I guess that answered  
29 what you asked? Okay. Any further discussion? Mr. Boyd.

30  
31 **MR. DOUG BOYD:** A question for Doug. Where would this fall in  
32 the priorities that we currently have on the books right now for  
33 staff production?

34  
35 **EXECUTIVE DIRECTOR GREGORY:** I don't know. That's something  
36 that we meet after each council meeting and draft the priorities  
37 of the different amendments we have. Then we run it by the  
38 Chair. I don't know where we would put it offhand, an A or a B.

39  
40 **CHAIRMAN GREENE:** Thank you. Does anybody else wish to weigh  
41 in? Since it's such a large committee, we're going to do a show  
42 of hands, I suppose. **All those in favor, please raise your**  
43 **hand.**

44  
45 **EXECUTIVE DIRECTOR GREGORY:** Five.

46  
47 **CHAIRMAN GREENE:** **All those opposed.**

48



1 **EXECUTIVE DIRECTOR GREGORY:** Seven.

2  
3 **CHAIRMAN GREENE:** Mr. Gregory, I heard some confusion about the  
4 fact that it was a committee of the whole. I am going to do  
5 this one more time. It's a committee of the whole and we're  
6 going to vote. **All those in favor, please raise your hand.**

7  
8 **EXECUTIVE DIRECTOR GREGORY:** Six.

9  
10 **CHAIRMAN GREENE:** All those opposed.

11  
12 **EXECUTIVE DIRECTOR GREGORY:** Nine.

13  
14 **CHAIRMAN GREENE:** The motion fails with two abstentions. I  
15 guess that takes us back to Dr. Diagne, or does that wrap up?  
16 He's waving me off, saying that's it. Okay. Any further  
17 discussion before we leave this agenda item? Seeing none, I  
18 guess we will move on into our last item of the day, which is  
19 Discussion of Amendment 36, Red Snapper IFQ Modifications, Tab  
20 B, Number 8, and Dr. Lasseter.

21  
22 **DISCUSSION OF AMENDMENT 36 - RED SNAPPER IFQ MODIFICATIONS**

23  
24 **DR. AVA LASSETER:** Thank you, Mr. Chairman. Just to tag on to  
25 Dr. Diagne, we brought 33 and 36 back this meeting,  
26 collectively, to also talk with you about the workload and  
27 priorities. It seems that we did just address that in 33.

28  
29 Amendment 36, the IPT is still developing the next version of  
30 the document, and so we've put together a little presentation to  
31 kind of point out some of where we're at, where some of the  
32 issues are, and to hopefully get some more feedback out of you,  
33 maybe provide some more feedback on some of the questions that  
34 are in here, further outline the scope of alternatives you may  
35 want us to look at, and then we'll come back to the timeline at  
36 the end as well.

37  
38 This is Reef Fish Amendment 36, Modifications to the Red Snapper  
39 IFQ Program. A quick overview slide. The red snapper IFQ  
40 program was the first one in the Gulf. It started January 1,  
41 2007. The five-year review, and, at the time, they could begin  
42 between five and seven years, was completed in 2012 and 2013.

43  
44 An AP, the Red Snapper IFQ AP, was also convened in the end of  
45 2013. The scoping document that is also in the briefing book  
46 was brought in front of the council in 2015, at the March  
47 meeting, and we did hold scoping workshops shortly thereafter  
48 and reported those results back to you, and then the IPT has

1 been working on collecting information and examining the IFQ  
2 accounts to provide supporting documentation for some of the  
3 items that you would like to address in this amendment.

4  
5 I will just add, on the background, that right now we also have  
6 going on the grouper/tilefish five-year review, that should be  
7 completed some time next year, and that program, just as a  
8 reminder, started January 1, 2010, and so three years after the  
9 red snapper program.

10  
11 Another refresh slide. The goals of the program, when it was  
12 put in place, from Amendment 26, it had two primary goals, which  
13 were to reduce overcapacity and to eliminate problems associated  
14 with the derby fishery.

15  
16 The five-year review found that there had been progress made  
17 towards both of these goals. However, the council never  
18 specified quantified values for what the end of these goals  
19 would look like, and so we're not really sure at what point  
20 would they be officially achieved. There is room here for us to  
21 discuss the objectives and have they been met? Are there  
22 further objectives that should be considered?

23  
24 The purpose and need of Amendment 36 is to consider  
25 modifications to improve the performance of the red snapper IFQ  
26 program, and the need reflects several of our National  
27 Standards, including to prevent overfishing and to achieve, on a  
28 continuing basis, the optimum yield from the federally-managed  
29 fish stocks, and to rebuild the stock that has been determined  
30 to be overfished.

31  
32 We want to keep our objectives and purpose and need in mind as  
33 we consider the actions that may be included, and we can always  
34 -- We need to ensure that the two of them work together.

35  
36 Moving on to the potential actions, the items that you have  
37 requested be considered in the amendment are subsumed in this  
38 list of eight items, with a couple of extra things thrown in  
39 that I will go through as we talk.

40  
41 Program eligibility, this is the issue of whether or not to  
42 require a commercial reef fish permit to be eligible to hold  
43 shares. An option that we could consider under that is what has  
44 brought up this Number 4, the divestment of shares one, and some  
45 of these other issues, the Number 7, the enforcement of all  
46 commercial reef fish landings, for example, was one of the five-  
47 year review conclusion recommendations. We'll just go ahead and  
48 go through these one-by-one.

1  
2 Program eligibility is the way we're referring to the  
3 requirement of what you can do with or without a commercial reef  
4 fish permit. When the program was implemented, for the first  
5 five years, possession of a valid commercial reef fish permit  
6 was required to obtain shares.

7  
8 The shareholders who no longer had a permit could keep their  
9 shares and would continue to receive the allocation from them,  
10 but could not buy more, and from January 1 of 2012, any U.S.  
11 citizen became eligible to buy IFQ shares and allocation.

12  
13 Now, it remains that you must have a commercial reef fish permit  
14 to land, and all the other requirements for the vessel to land  
15 allocation, but no longer are you required to have a commercial  
16 reef fish permit to buy shares. Currently, existing  
17 shareholders without permits can increase shares and new public  
18 participants can enter the program and can acquire shares.

19  
20 There were two items from the list of topics to consider that  
21 we've incorporated into the program eligibility as potential  
22 alternatives in an action, and the action would be framed in  
23 terms of restricting participation in the program to -- The  
24 example would be future transfer of shares could be restricted  
25 to shareholders with a commercial reef fish permit, and so  
26 requiring shareholders to possess a valid or renewable reef fish  
27 permit.

28  
29 In the IPT's exploration of this potential action and the  
30 potential alternatives that could come from this, there's a lot  
31 of things to consider. From what point would this be active?  
32 At the time that the shares went open for sale to the public,  
33 January 1, 2012, the council did request that NMFS put a control  
34 date, file a public notice for a control date, to be put in  
35 place, and so we do have that notice still in place, that  
36 possession of shares were not guaranteed, that the council could  
37 be considering and modifying requirements to participate in the  
38 program, if people entered after that date, or would you want to  
39 consider, from the date that this is implemented?

40  
41 Another thing to consider is are you interested in restricting  
42 the purchasing of shares only or also of maintaining shares that  
43 are already held by people that do not have a commercial reef  
44 fish permit?

45  
46 These are some of the questions that the IPT is trying to  
47 grapple with in trying to get a sense of what you were  
48 interested in considering and exploring as we try to craft some

1 alternatives.

2  
3 Another item in your list we've put on this slide, and it was to  
4 propose a lower share cap for shareholders who do not have a  
5 commercial reef fish permit, and so that would be another  
6 approach to restricting participation in the program. Require  
7 all shareholders to have a commercial reef fish permit is the  
8 first one I just went over, or adopt a lower share cap for those  
9 shareholders who do not have a commercial reef fish permit.

10  
11 Questions that would arise for laying out alternatives for such  
12 an action would be how would we determine the proportion for the  
13 cap and what range should be considered? I will stop there for  
14 just a moment and see if there's any question or any comments on  
15 the scope of this potential action.

16  
17 **CHAIRMAN GREENE:** Mr. Walker.

18  
19 **MR. WALKER:** I would like to hear what's the problem.

20  
21 **DR. LASSETER:** I'm sorry, but was that directed at me?

22  
23 **MR. WALKER:** In this program eligibility, what is the problem  
24 that people or some of these are seeing? What is the problem,  
25 the issue, to the council? Do you want to finish or are we  
26 going to discuss these one at a time? Normally, we stop and  
27 discuss it.

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

30  
31 **MR. WILLIAMS:** I think the subject came up because there was  
32 concern about more and more shares being held outside the  
33 fishery. I mean that there are people that just sell shares and  
34 don't fish anymore, and that the allocation is becoming  
35 separated from fishermen. As I recall, that was the problem we  
36 discussed, David.

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

39  
40 **DR. CRABTREE:** I think Roy is right and that's one of the  
41 aspects of the program that I think concerns a lot of people. I  
42 hear about it a lot, that we have individuals who don't own  
43 fishing permits and don't own boats, but they own shares and  
44 they derive income from leasing them out.

45  
46 Whether that's a good thing or a bad thing or not, I'm not  
47 saying, but folks have had concerns with that, and I don't think  
48 -- Roy, you and I were here when we put this program together

1 and I don't think that's anything we really envisioned happening  
2 at that time.

3  
4 Now, I will say that if the council wants to try and look at  
5 that, it's very complicated, and it's not apparent to me exactly  
6 how to best address something like that, and we need to be very  
7 careful if we're going to look at that, because there are folks  
8 who have multiple accounts, and not every account is going to  
9 have a permit associated with it.

10  
11 You have corporate accounts, and it's difficult to get at who is  
12 supposed to have the reef fish permit. You have dealers who  
13 have shares and may not have permits and may not fish, but they  
14 have shares so that they can lease out to fishermen when they're  
15 coming in, because they've caught more fish than they thought  
16 they would, and that helps prevent them from discarding it.  
17 It's a complicated issue, but I do think that's the issue, and I  
18 think it's troubling to a number of people.

19  
20 **MR. WALKER:** Well, I mean, we started the program and they said  
21 the first five years it was going to be held within the  
22 industry. I don't think the fishermen in the industry wanted it  
23 to become an investor fishery. They wanted to keep it in the  
24 fishery, but the only way we could get it at the time was to go  
25 with the five years, and we would hope we would address that  
26 when the five-year review came up.

27  
28 It's tenured going. I mean this is tenured. People has been  
29 tenured in this program. There is people who pay other  
30 fishermen not to go fishing to catch those fish. I mean that's  
31 reducing the capacity of the fishery. It looks to me like it  
32 would just cause people who weren't catching the fish, either if  
33 they had a boat they would go catch it, or they would buy a boat  
34 and go catch it. Then it would just increase capacity again.

35  
36 You know there are a lot of good reasons people have accounts  
37 that they put their fish in and their boat is separate. You  
38 know fish houses keep allocation around for discard issues, to  
39 address different things for fishermen. Just capping this this  
40 far -- We're ten years into something, and it just seems wrong,  
41 and it's successful. It's working and it's reaching its goals,  
42 and I just oppose it.

43  
44 **CHAIRMAN GREENE:** Mr. Anson.

45  
46 **MR. ANSON:** Just to carry on what Dr. Crabtree had said, I think  
47 there are some concerns by folks about, ten years after the  
48 start of the program, where it has gone, or gotten to, and that

1 certainly is -- This is one of those issues that people are  
2 concerned with and how the fishery has changed and how those  
3 very questions of overcapitalization and distribution of those  
4 shares and how they're utilized and whether or not that's a more  
5 efficient way of extracting the resource, so to speak, is  
6 appropriate.

7  
8 I would be more inclined to keep it in the document and try to  
9 further explore some of those things, notwithstanding some of  
10 the issues Dr. Crabtree said. I think there's some things that  
11 we need to be mindful of, but I don't think necessarily that  
12 they're deal-stoppers to us in the further exploration of it.

13  
14 **CHAIRMAN GREENE:** Thank you, Mr. Anson. Anybody else? Mr.  
15 Fischer.

16  
17 **MR. MYRON FISCHER:** Because this original document was created  
18 some time in the past and the council does turn over, we do have  
19 to remember the original document, the original concept, was an  
20 IFQ and shares weren't transferable. That's what it took to get  
21 the initial votes into this. Then, at some time later, they  
22 were made transferable. If someone's memory goes back -- Roy,  
23 maybe I have it incorrect then, but I thought that originally  
24 they were nontransferable.

25  
26 **CHAIRMAN GREENE:** Dr. Crabtree.

27  
28 **DR. CRABTREE:** No, they've been transferable all along. Now,  
29 there may have been some discussions about that initially, and  
30 maybe Roy remembers, but I think our intent all along was to  
31 have them transferable, but, at any rate, they've been  
32 transferable since the beginning of the program.

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

35  
36 **MR. WALKER:** I still say I think it's disruptive and it imposes  
37 economic harm on fishermen. I would like to hear some public  
38 comment. You know, we've got public comment, and maybe we can  
39 hear from other fishermen on it. Like I said, it was the first  
40 five years it was kept within the fishermen, to buy amongst the  
41 fishermen, and then it was opened up.

42  
43 Some people thought, well, you know, I guess they think they can  
44 open it up in five years and just buy us out. Well, the  
45 fishermen didn't want to sell out. We had a successful program  
46 that was working, and it's still working, and there's people  
47 that say that they have these shares and they don't have a boat  
48 -- I mean there's twenty-five people, probably, leasing from

1 that person. It's addressing his discard issues and things that  
2 may fall -- They are able to address it, because they've got  
3 that person willing to lease them those fish.

4  
5 Whether that guy fished for those fish or his mortgaged his  
6 house and bought some fish or whatever he did, but it's still in  
7 the fishery and the American public still has access to it.

8  
9 **CHAIRMAN GREENE:** Thank you. Any other comments on the program  
10 eligibility options? Seeing none, Dr. Lasseter.

11  
12 **DR. LASSETER:** Thank you, Mr. Chairman. If there are any  
13 additional things that you would like the IPT to consider, or  
14 that you would see as a potential alternative, please feel free  
15 to provide those as well.

16  
17 Moving on the next item, it's allocation caps. There is  
18 currently a cap on the amount of shares that may be held by a  
19 single person, and that is a requirement of this program through  
20 Magnuson. However, there is not a cap to the amount of  
21 allocation that can be held or used by a person or a vessel.

22  
23 At the time the program was implemented, there was not a  
24 requirement to have an allocation cap. Now, the Magnuson-  
25 Stevens Act does now mandate allocation caps. That's why the  
26 grouper/tilefish program does have both a share cap and an  
27 allocation cap.

28  
29 Should we consider an allocation cap for this program? I had  
30 put at the bottom that, since the beginning of the program,  
31 there has been a reduction in the number of shareholders, and so  
32 the goal was to reduce overcapacity, but it's also a requirement  
33 in the regulations to avoid over consolidation or to allow  
34 anybody to have an excessive market share, and so there is a  
35 balance in that.

36  
37 For options for considering an allocation cap, there could be a  
38 cap on the amount of allocation that could be held by a  
39 participant in the program, or it could be put in terms of the  
40 amount of allocation that could be landed by a vessel.

41  
42 Points to consider in an allocation would be would the cap be  
43 for any point in time? Would we set the cap at any point or  
44 time, or would it be a cap that would be cumulative over the  
45 course of a year? How should the cap be set? Those are some  
46 considerations that we're developing. Are there any comments or  
47 discussion on allocation caps?

1 **CHAIRMAN GREENE:** Mr. Walker.  
2  
3 **MR. WALKER:** While we're going through it one at a time, I would  
4 like to bring this up. I would ask what's the problem with  
5 allocation caps? I would like to hear some discussion.  
6  
7 **CHAIRMAN GREENE:** Dr. Crabtree.  
8  
9 **DR. CRABTREE:** I guess I was going to ask Ava, or someone on the  
10 staff, something along David's line there, but what's -- Why  
11 would we want to cap the amount of allocation? I understand  
12 capping shares. One, it's a requirement in the statute to  
13 prevent anyone from accumulating excessive shares, and I  
14 understand that we don't want the fishery to be owned by a very  
15 small number of people, potentially, but it's not entirely clear  
16 to me what the motivation for capping allocation is exactly.  
17  
18 **CHAIRMAN GREENE:** Any discussion? Leann.  
19  
20 **MS. LEANN BOSARGE:** Ava, I think I missed this in your  
21 discussion. Per the Act, we have to have a cap on shares. We  
22 have a cap on allocation in grouper/tilefish, but, per the Act,  
23 do we have to have a cap on allocation? That's just a --  
24  
25 **DR. LASSETER:** I am going to ask Mara to confirm with me, but  
26 no, this program, because it was implemented before that  
27 provision was mandated, it is not required. It is required in  
28 programs now.  
29  
30 The grouper/tilefish program does have one, and I am trying to  
31 remember where these items came in, but I feel like this was  
32 from the -- I apologize, but I'm going to have to go back and  
33 look when these items were brought up, but when we have reviewed  
34 them with you at a couple of meetings, you have been interested  
35 in keeping these in the list of things to continue looking at,  
36 and so we have not removed them, but, Mara, could you please  
37 confirm? Is that correct that this program would be  
38 grandfathered in and we would not be required to put on in now?  
39  
40 **MS. LEVY:** I don't know if I would use the term "grandfathered  
41 in". It was established before the provisions in 303A were put  
42 into the Act. Grouper/tilefish was put in under the 303A  
43 provisions, and it has a provision in there that says  
44 establishing will ensure that limited access privilege holders  
45 do not acquire an excessive share of the total limited access  
46 privilege in the program by establishing a maximum share,  
47 expressed as a percentage of the total limited access  
48 privileges, that a limited access privilege holder is permitted



1 to hold, acquire, or use.  
2  
3 It's the use piece which is the allocation that went to having  
4 an allocation cap as well as a share cap. That's why it's in  
5 the grouper/tilefish, is because of this language.  
6  
7 You can put an allocation cap in if you want to, but the program  
8 was established before this requirement, and so I don't think  
9 it's legally required that you now amend it to comply with the  
10 303A.  
11  
12 **CHAIRMAN GREENE:** Thank you. Any further discussion? Mr.  
13 Williams.  
14  
15 **MR. WILLIAMS:** Just for my own clarification, I understand what  
16 shares are. The allocation is the annual -- It's my annual  
17 share of the thing, and so if I had a 5 percent -- If my shares  
18 amounted to 5 percent of the total fishery, the allocation, I  
19 might have my 5 percent, and then I might rent another 5 percent  
20 from several people, and that's my allocation and that's what  
21 we're discussing, whether we need a cap on that, correct?  
22  
23 **DR. LASSETER:** Yes, allocation is the poundage that results from  
24 shares, and so it would be what is usable in a year, in a given  
25 year, and we could set that -- Two ideas were to set that at  
26 either the vessel or the individual level, and I will also note  
27 that the grouper/tilefish allocation cap is high. I guess  
28 everything is relative. No participant, no person landing  
29 grouper/tilefish allocation, has come close, anywhere close, to  
30 reaching that cap. That's just extra information.  
31  
32 **CHAIRMAN GREENE:** Thank you. Any further discussion? Mr.  
33 Walker.  
34  
35 **MR. WALKER:** I was just going to back up. On the program  
36 eligibility, there is a 6 percent cap on ownership, but the caps  
37 on the allocation too, I don't see any need for that.  
38  
39 **CHAIRMAN GREENE:** Thank you. Yes, Mr. Swindell.  
40  
41 **MR. ED SWINDELL:** You've got to help me, being a new member, to  
42 understand how the shares come about. I mean are shares -- Were  
43 shares bought? Were they purchased to start with? How did you  
44 get shares at the beginning? May I have a brief message from  
45 somebody?  
46  
47 **CHAIRMAN GREENE:** Sure. Dr. Lasseter.  
48

1 **DR. LASSETER:** When the program began -- I will recommend that -  
2 - The very end, the very last slide, is a link to the 2014  
3 annual red snapper IFQ program report, and it has a really great  
4 explanation of shares and allocation and all of this.

5  
6 Basically, it had to do with historical participation. People  
7 got to pick the best of so many years and it was divided up.  
8 The shares represent a proportion of the quota, the annual  
9 quota. Allocation is the pounds of red snapper that represent  
10 that proportion of shares, given that year's amount of quota.

11  
12 Allocation is always in pounds. It expires at the end of the  
13 year. Shares is a proportion, which, depending how much the  
14 quota is, results in a different amount of pounds for a given  
15 year. Did that answer your question?

16  
17 **MR. SWINDELL:** Somewhat, but how were the shares obtained to  
18 start with? I mean they're now being held by people who don't  
19 fish anymore and were they people that were participants in the  
20 fishery at the time?

21  
22 **DR. LASSETER:** So you would have been a participant and most  
23 likely held one of the endorsements, the 2,000-pound or 200-  
24 pound red snapper endorsement, that turned into this program.  
25 Those were discontinued.

26  
27 They were distributed based on historical landings. The maximum  
28 amount that was distributed became the share cap, and so it's  
29 like 6.0023 percent of the quota, the commercial allocation, and  
30 then down from that, so that nobody can obtain more shares than  
31 that. That's the cap.

32  
33 Since the program, people have bought and sold shares. Once  
34 they buy or sell shares to another person, that's a permanent  
35 transaction. Then that person that has bought them receives the  
36 annual allocation distributed from those shares. Did that get  
37 it?

38  
39 **CHAIRMAN GREENE:** Mr. Williams, Dr. Crabtree, and then Mr. Boyd.

40  
41 **MR. WILLIAMS:** The initial allocation was simply -- I think it  
42 was like seven of the last fifteen years, or twenty years, or  
43 something like that. You got to choose your highest seven was  
44 it, David?

45  
46 **MR. WALKER:** Ten of fourteen.

47  
48 **MR. WILLIAMS:** Ten of fourteen, but the initial allocations were

1 given to the fishermen. They were simply given to them based  
2 upon their historical production.

3  
4 **DR. CRABTREE:** I think when the initial allocation was done,  
5 everyone who got shares had a reef fish permit. What happened  
6 was some of them got rid of their reef fish permit and just  
7 leased their shares. Now, for the first five years, we had a  
8 requirement that you couldn't buy new shares unless you had a  
9 reef fish permit, but we didn't make anyone divest themselves of  
10 their shares if they sold their reef fish permit.

11  
12 As I recall, the share cap that was put in place was the  
13 proportion of the catch that the high-liner in the fishery had,  
14 and so that's where the share cap came from. That was the  
15 maximum amount any one entity was awarded in terms of shares.

16  
17 **CHAIRMAN GREENE:** Mr. Boyd.

18  
19 **MR. BOYD:** Dr. Crabtree and Mr. Williams said what I was going  
20 to say, that we have a hard time saying gifted or awarded, but  
21 that's what it was.

22  
23 **CHAIRMAN GREENE:** Thank you. Mr. Walker.

24  
25 **MR. WALKER:** That's much like when someone, an athlete or an  
26 academic, gets a scholarship. They get the opportunity to go to  
27 school, and sometimes they're more successful than people than -  
28 - You know maybe they become successful professionally. There's  
29 a lot of things like that happen. People get retirement,  
30 whether it's federal or state or whatever. There's a lot of  
31 retirement and a lot of people -- Fishermen get the rights to  
32 harvest, is what it's called.

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

35  
36 **DR. CRABTREE:** Without getting into that, I mean we have a lot  
37 of allocations. We allocate between sectors and we allocate  
38 between gear types and we allocate between regions, and we have  
39 typically allocated based on the historical mix in the fishery.  
40 In this case, we allocated to individuals and we did it based on  
41 their historical mix in the fishery. It is consistent with how  
42 we've normally done these kinds of things.

43  
44 **CHAIRMAN GREENE:** Thank you. All right, Dr. Lasseter.

45  
46 **DR. LASSETER:** If I could ask one more question on this  
47 allocation cap. It sounded like there was very little interest  
48 or support in this. Would this be an item that you're -- Are

1 you interested in pursuing this, or is this something that --  
2 All I heard were kind of negative comments about it.  
3  
4 **CHAIRMAN GREENE:** Mr. Williams.  
5  
6 **MR. WILLIAMS:** Do you need a motion for us to remove it if we  
7 don't want to do anything, or will you simply take it out if we  
8 don't say anything?  
9  
10 **DR. LASSETER:** I won't take it out if you just don't say  
11 anything, but -- Generally, I think issues in this document, if  
12 we could get a vote, that would make it clear that it was the  
13 will of the committee.  
14  
15 **MR. WILLIAMS:** Do you want one? Do you want a motion at this  
16 time then, Mr. Chairman?  
17  
18 **CHAIRMAN GREENE:** If I understood the staff correctly, that  
19 would help them throughout this process. Am I correct, Dr.  
20 Lassetter?  
21  
22 **DR. LASSETER:** Yes, and if you don't see the need to put one in  
23 place, we're not required to put one in place. If you're not  
24 interested in considering it further, by all means.  
25  
26 **CHAIRMAN GREENE:** Thank you. Mr. Williams.  
27  
28 **MR. WILLIAMS:** **If I may, I would then move that there be no caps**  
29 **on allocation.**  
30  
31 **MR. WALKER:** I second the motion.  
32  
33 **CHAIRMAN GREENE:** We have a motion going on the board. Let's  
34 make sure it's correct. It was seconded by Mr. Walker. Mr.  
35 Williams, is that your motion? Okay. In the spirit of trying  
36 to make things a little easier here, is there any opposition to  
37 the motion? I see two and --  
38  
39 **MR. FISCHER:** Is that a vote?  
40  
41 **CHAIRMAN GREENE:** I was just calling for opposition to the  
42 motion. Seeing opposition, with that, we will go to a hand  
43 vote.  
44  
45 **MR. FISCHER:** Can we have discussion on the motion?  
46  
47 **CHAIRMAN GREENE:** Sure. I got ahead of myself. My apologies.  
48 Let me back up a second. There's a lot of people here and I'm

1 trying to make sure I get everybody in. With that, I am going  
2 to ask for discussion on the motion on the board. It was moved  
3 by Mr. Williams and seconded by Mr. Walker. Is there discussion  
4 on the motion? Mr. Boyd.

5  
6 **MR. BOYD:** Obviously there is some reason that allocation caps  
7 have been discussed and put into Magnuson. I would like to have  
8 a little more understanding about why caps were put into  
9 Magnuson and what they affect and how they affect them.

10  
11 One of the things that scares me is, in the financial industry,  
12 we had -- In the crisis in 2008, we had banks too big to fail,  
13 quote, unquote. Was that part of what they were doing here, is  
14 trying to put caps on the amount of allocation that can be used  
15 by one individual, so that they don't become, quote, unquote,  
16 too big to fail in the industry, because we're supplying protein  
17 to the nation and we want to keep that viable.

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

20  
21 **MR. WALKER:** I was just going to say if you cap them, they just  
22 can buy another boat and fish another cap. It's not going to  
23 change. There's ways around it.

24  
25 **CHAIRMAN GREENE:** Mara, do you have your hand up? Mara.

26  
27 **MS. LEVY:** I was just going to say that in the grouper/tilefish  
28 amendment that did consider allocation caps, one of the reasons  
29 that it pointed out was that even if you have a share cap, that  
30 an individual could still purchase an excessive portion of the  
31 quota each year, provided that participants are willing to sell  
32 their allocation.

33  
34 Having a cap on shares does one thing. The allocation is how  
35 much you can fish each year, and so I think in this amendment it  
36 was addressing the idea that someone could have an excessive  
37 amount of allocation to actually fish each year.

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

40  
41 **MR. WILLIAMS:** I don't know what Congress was thinking when they  
42 did this. I do know that the Mid-Atlantic surf clam allocation  
43 had like -- It's got like three people that own all that  
44 allocation, as I recall, and I recall that that was an issue  
45 some time ago. I don't really know what the status of it is  
46 now, but, Doug, I think that was probably one of the things that  
47 they were considering, because that was held by very few people,  
48 very few entities.

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

3  
4 **DR. CRABTREE:** I understand what Roy is saying and the desire to  
5 prevent the whole fishery becoming dominated by a very small  
6 number of entities, but that's really not happening here, and so  
7 I don't see, right at this time, that there's a problem that  
8 requires a cap on allocation, particularly when I hear when we  
9 did put a cap on allocation in place in the grouper/tilefish  
10 fishery, no one has come close to it.

11  
12 The other thing is acquiring allocation is an annual event. If  
13 we did get to a point where we felt like some entity was  
14 accumulating an excessive amount of allocation, we could come in  
15 and cap it and put a stop to it, because there is no permanent  
16 ownership of allocation. I guess at this point I'm going to  
17 support the motion, because I really don't see that there is a  
18 problem here that requires our attention.

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

21  
22 **MR. ANSON:** I was probably not going to support the motion. A  
23 lot of the things, topics, in this presentation and the document  
24 are all intertwined, to some degree. If you take this thing out  
25 here and you go to the next action item, you potentially lose  
26 the potential number of options that you can do with that action  
27 item, because the other one was taken off the board.

28  
29 I just see this as, as, Roy, you pointed out, regarding the  
30 three people in the surf clam industry -- I mean we're not at  
31 that point, as you said, Dr. Crabtree, but if we can get  
32 assessments to turn out, we can keep climbing the ladder, so to  
33 speak, as far as how many pounds are allocated in the red  
34 snapper fishery.

35  
36 We may not be there today, but we may be there in three or four  
37 years, or the next assessment, and so I am probably not going to  
38 support the motion.

39  
40 **CHAIRMAN GREENE:** Any further discussion? **In a show of hands,**  
41 **all those in favor of the motion, please raise your hand.**

42  
43 **EXECUTIVE DIRECTOR GREGORY:** Again, it's a committee of the  
44 whole. Five.

45  
46 **CHAIRMAN GREENE:** **All those opposed, please raise your hand.**  
47 Thank you. Dr. Lasseter.

1 **DR. LASSETER:** Thank you, Mr. Chairman. The next item is  
2 restrictions on share and allocation transfers, and we have  
3 lumped several of the items you were interested in considering  
4 under this topic.

5  
6 Allocation distributed through an IFQ program, we want it to be  
7 harvested, because the goal, primary goal, is to achieve optimum  
8 yield. Any restrictions that are put in place, we want to make  
9 sure -- We want to be careful that we're not prohibiting optimum  
10 yield from being achieved.

11  
12 Some share and allocation holders are currently participating in  
13 the program solely as brokers, transferring allocation, and then  
14 another thing to keep in mind is that the same person or  
15 entities could be involved in multiple accounts, and so it's not  
16 one person, one account and one person, one account. There are  
17 people that a personal account and that may have a business  
18 account. They may be involved in another business entity, or  
19 one person may have two vessels. There is a lot of different  
20 social arrangements as far as these accounts.

21  
22 These are the items that you have asked us to look into. One is  
23 to place restrictions on the sale of IFQ allocation, restrict  
24 shareholders not actively engaged in fishing from transferring  
25 shares or allocation, and then the one on the bottom is lease-  
26 to-own provision as well.

27  
28 We have some questions here that are under the red bullets,  
29 which I guess the IPT is really grappling with this item, and so  
30 some of these questions we have are just -- It would be how to  
31 define "not actively engaged in fishing". This is an item that  
32 came, I believe, from the council. It was interested in having  
33 us look at it.

34  
35 To restrict shareholders not actively engaged in fishing, and so  
36 what are we going to mean by that? One big example is a fish  
37 house. Many fish houses have obtained shares. Many own  
38 vessels, and so would have maybe even received shares at the  
39 time of initial apportionment of shares. Since then, they also  
40 have bought shares.

41  
42 Is the council intending to restrict those individuals also?  
43 When we're talking about engaged in fishing, we're kind of  
44 grappling with how to operationalize that into actionable items,  
45 and so, my example I just gave, are dealers included in that?

46  
47 Then what types of restrictions? What types of restrictions are  
48 you thinking? In the original document, there was a use-it-or-

1 lose-it provision that was considered, but the objective of  
2 that, the intent of that, was to ensure that optimum yield was  
3 being achieved. It was to ensure that the allocation that was  
4 being distributed was getting fished, was getting landed, and  
5 wasn't just being bought up by a group that wanted to decrease  
6 the amount of harvest.

7  
8 These are some of the questions that we're really grappling with  
9 and struggling with how to develop in the document, and then,  
10 finally, the lease-to-own provision one, what criteria should be  
11 used for implementation? This one would be really tricky to  
12 implement through NMFS. I am going to kind of throw some of  
13 those questions out there for discussion.

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

16  
17 **MR. WALKER:** I oppose this one, too. I mean people who are not  
18 fishing are going to start going fishing and they're going to  
19 get a vessel and they're going to get out there and they're  
20 going to go fishing. They're going to either run the boat or  
21 get them a crew or whatever, and they're going to start  
22 participating in this fishery again.

23  
24 It's going to increase the discards of those who have been  
25 leasing the fish, the allocation, and then as far as this  
26 leasing-to-own provision, there won't be much leasing going on  
27 anymore. I can tell you it will probably put a stop to that,  
28 and that's going to end a lot of the opportunities for people to  
29 address some of their discards. I am in opposition to both of  
30 those. I just don't see what the problem is with that. You're  
31 going to fix one and cause another problem.

32  
33 **CHAIRMAN GREENE:** Okay. Thank you. Is there further  
34 discussion? Leann.

35  
36 **MS. BOSARGE:** For the discussion on the last two blue bullets on  
37 this slide, and so I'm skipping the first one on the sale, but  
38 addressing the restriction on transferring shares or allocation  
39 first, it's very complex how these people set up -- I don't even  
40 know the intricate workings of it, but I understand the concept  
41 behind a lot of it, the rationale. It's very complex, the way  
42 they set up these accounts.

43  
44 There may be multiple boats and there may be multiple  
45 corporations. For liability purposes, things may be in one  
46 account and then transferred to another account as needed,  
47 because we live in a world of lawsuits. That's just the way it  
48 is, and so this has some value to it. There may be some



1 umbrella there of protection, and so that's why some of these  
2 transfers take place.

3  
4 Yes, there may be dealers who historically participated and have  
5 divested of their boats, but they have fishermen, younger  
6 fishermen, coming up in this industry that they transfer some of  
7 this allocation to and let them fish that. I don't think we  
8 should have any restrictions on the transfer of shares, on the  
9 transfer. I think that's a business decision on the part of  
10 these commercial fishermen, and they set it up in a way that  
11 functions efficiently for them.

12  
13 As far as the lease-to-own provision, I think that's something  
14 that maybe could be pursued, but in the private sector. In  
15 other words, that's something, to me, that would be pursued  
16 between the owner and the woman or man, the fisherman, that he's  
17 leasing to. That is something I don't think the government  
18 should get in the middle of, setting up a lease-to-own provision  
19 in between somebody that owns shares and somebody that is  
20 leasing them and fishing them, or what have you.

21  
22 I think that's something that's done in the private sector, and  
23 so I think I would oppose those last two blue bullets and  
24 pursuing that. I think that's a little bit outside of our scope  
25 and it's handled more efficiently by the fishermen.

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

28  
29 **MR. WILLIAMS:** The lease-to-own provision was, I think, one that  
30 I authored. I am not sure, but my concern was simply that it's  
31 so expensive for a fisherman to get into this red snapper  
32 fishery now that he or she has to lease these fish and they  
33 never accumulate enough capital to be able to buy much, if  
34 anything.

35  
36 It simply seemed to me -- You've got people who -- We're getting  
37 a separation of the allocation from the fishery, and I don't  
38 think it should be that way. The same thing has happened with  
39 the American farm. I've said all of this before, but you're now  
40 starting to get people who sit in Omaha and Chicago and Des  
41 Moines and they don't actually farm, but they own all the farm  
42 land and they hire these people to run the plows and to till the  
43 soil and to harvest the stuff and put it in silos for them.

44  
45 There is getting to be a separation that I don't think is good,  
46 and I kind of feel that way in this fishery as well. I am  
47 looking at this lease-to-own, and all I was trying to do was to  
48 say that when a fisherman leases, has to go out and lease some

1 red snapper from whomever, from you, David, or from anybody  
2 else, that that person be given a small percentage of that.

3  
4 Maybe after twenty years, if he had to lease 30,000 pounds every  
5 year, maybe after twenty years he would own that, from all his  
6 leasing, or maybe it would take longer. Maybe it wouldn't be  
7 that fast, but the initial -- As Ed was asking, how did the  
8 initial allocations -- How did those guys get that capital  
9 value? Where did it come from?

10  
11 We gave it to everybody. I mean that's just the truth. I voted  
12 for it, and I would vote for it again, but we gave that initial  
13 allocation to them and we gave them that capital value, and I  
14 don't see a problem with asking those same people now to give  
15 some of that allocation to the person who is having to go out  
16 and lease it every year.

17  
18 In the past, he simply had to go get a boat and a rod and a reel  
19 and he could go -- He could work his way into that fishery  
20 slowly. He can't do that anymore. He has to -- The biggest  
21 thing he has to do is go lease these fish from somebody else,  
22 and he is paying, from what I have read, he is paying more than  
23 half the value of what he is going to sell these fish for at the  
24 dock.

25  
26 I don't know and I want the allocation to get -- I see it  
27 leaving the fishery, leaving the fishermen, and the fishermen  
28 are going to become -- They are just sharecroppers, in some way  
29 now. They are becoming. They're not now, but they are slowly  
30 becoming sharecroppers.

31  
32 They get a little piece of it, and I kind of think that if  
33 you're going to lease allocation, if you don't want to fish it,  
34 give a little bit of it to that guy who is having to lease it,  
35 and then slowly, slowly, slowly, he will accumulate some and  
36 then he will have to do the same thing some time himself.  
37 That's the way I see it. I think this came from me. I am going  
38 to defend it. I will say that I am the only person who has ever  
39 spoken in favor of it though.

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

42  
43 **DR. CRABTREE:** When you lay it out that way, Roy, it sounds  
44 good, but the problem I see with it is you're effectively, when  
45 someone wants to lease allocation, you're now requiring him to  
46 buy some shares, because you're saying that some fraction of it  
47 he gets to keep, and so you're requiring him to buy shares.  
48 That's going to drive the price way up.

1  
2 The price of shares, to buy shares right now, it's more than an  
3 order of magnitude higher than the price to lease, and if you  
4 know when you lease allocation to someone that they're going to  
5 get to keep some of your shares, it is going to drive the price  
6 up. I don't see any way --

7  
8 **MR. WILLIAMS:** I think the market controls the price of the  
9 share, what's being paid. Not to them, but what the consumer is  
10 paying for those red snapper controls the value of them, that  
11 and the abundance of the red snapper.

12  
13 **DR. CRABTREE:** But what you're doing is you're requiring someone  
14 who leases to also buy some shares. They're not going to give  
15 it to them, and if when I lease you some of my allocation I am  
16 required that you get some of my shares as well, they're going  
17 to adjust that price up to account for that, because of the  
18 market and the price of it, and I really think that's what would  
19 happen.

20  
21 Now, when we come back to what we were talking about earlier,  
22 about the concerns that people have about shareholders who don't  
23 own boats and don't own permits, to me, the question becomes are  
24 they really in the fishing business?

25  
26 In the way Magnuson describes fishing, they're not in the  
27 fishing business, because they are not catching fish in any way.  
28 They're not harvesting anything. I guess you can argue that  
29 dealers aren't harvesting fish either, but it seems to me that  
30 dealers are clearly in the seafood or the fishing business, in  
31 the broader sense of it.

32  
33 I think, for what it's worth here, my take on how this ought to  
34 be thought about is what's concerning people are folks who are  
35 in no other way involved in the fishing business, except that  
36 they own shares and they lease them out.

37  
38 I think there are good reasons why dealers might want to have  
39 shares and other things like that, and, again, I come back to  
40 the trouble with all of this is the unintended consequences, and  
41 I will say we have a well-functioning program right now.

42  
43 It's working and it's solved a lot of problems. Any of us who  
44 were here before the IFQ program and had to deal with the mini-  
45 seasons and the trip limits and all the problems we had, it is  
46 far, far better now.

47  
48 Now, that doesn't mean there aren't some issues here and there

1 aren't some problems, but we need to be very careful about how  
2 we address those problems, and make sure that there aren't  
3 unintended consequences, because Leann is exactly right. It's a  
4 very complicated fishery, but that's the way I am thinking about  
5 the first part of this.

6  
7 If we decide we want to put in restrictions, we would want to  
8 restrict, and maybe even eliminate, shareholders who are in no  
9 other way involved in the fishing business, except that they own  
10 shares and they lease them to people.

11  
12 David has concerns that that's going to eliminate leasing and  
13 things like that, and maybe it would. I don't know, but it also  
14 might result in a number of people divesting themselves and  
15 selling their shares and getting out of the fishery, and so it's  
16 not clear to me how it would go at this point, and I think  
17 that's something we would need to hear from the public and  
18 really look at carefully.

19  
20 **CHAIRMAN GREENE:** Thank you. Next up is Mr. Anson.

21  
22 **MR. ANSON:** For hearing from the public, we kind of need to  
23 drive that conversation, to some degree, by putting things in  
24 the document which we're trying to address, the problem we're  
25 trying to address, perceived or not.

26  
27 Roy, I don't know. I think I am with you. I came up with a  
28 very similar idea, a lease-to-own provision. Yes, it will  
29 probably drive up the price, but you know whether the fisherman  
30 pays a little bit as he goes, and this is how I was thinking of  
31 it. Someone is getting close to getting out of the business,  
32 and this ties into -- I wasn't around when the IFQ was voted on  
33 at the council, but, from a few folks that have talked to me and  
34 from my perspective -- You know, as Mr. Boyd pointed out, it's  
35 the gifting of the resource that kind of gets stuck in the craw  
36 of some folks.

37  
38 Without taking away that, it gives an opportunity for new  
39 entrants, young folks, to get in the fishery and to work towards  
40 something, to work towards having something that they own.

41  
42 The lease-to-own idea was that they would enter into an  
43 agreement, a partnership, if you will, with the owner of those  
44 shares, and then they say -- The young fisherman says I'm going  
45 to buy those from you from here on out, 50,000 pounds or  
46 whatever the case may be, and so he pays a price and yes, there  
47 may be a premium from the next guy, but it's just like checking  
48 a box.

1  
2 The person who owns those shares will indicate that, hey, I am  
3 selling X number of allocation to Fisherman B, and I am selling  
4 them under -- They do their own agreement and NMFS doesn't  
5 necessarily have to know about it, per se, but there is a  
6 transaction that's made.

7  
8 That fisherman pays a little bit of money upfront, but he is  
9 buying into the fishery and he's buying in over a longer period  
10 of time, which may be less painful in the pocketbook, rather  
11 than trying to go to the bank and tell the person at the bank  
12 that I need \$100,000 or whatever and then pay on that.

13  
14 There is prices that the fisherman will have to pay if he wants  
15 to acquire those shares at one time, and they will be more  
16 expensive, because they have to pay the interest and everything.  
17 This was just an opportunity to say, for that person who owns  
18 the shares, they are getting out of the fishery and they can  
19 take those, a certain percentage of those shares, and they can  
20 sell them off, and it's kind of like they're being sold as a  
21 credit for the future. They get ownership, but those shares  
22 transfer over time.

23  
24 It benefits the fisherman who owns the shares, because he's got  
25 a long-term contract to sell it to that person, and it benefits  
26 the person who is buying it. That's why I was thinking of the  
27 same thing, is that's how it would work. It would be able to  
28 migrate those shares into another person who is going to be  
29 fishing them, and that could be reciprocated, or done again,  
30 when that person looks at retiring down the road.

31  
32 **CHAIRMAN GREENE:** I've got four or five people still on the  
33 list. Mr. Fischer.

34  
35 **MR. FISCHER:** Thank you, Mr. Chairman. The concept of where we  
36 are, and we want to bring this to the public, and I'm sure all  
37 the high-liners are going to come to the podium and they will go  
38 to the meetings and talk about it's the greatest program, but we  
39 did draw a line and we did exclude quite a few fishermen who  
40 didn't meet the minimum standards, but we won't hear from them  
41 anymore, because they're out of the fishery.

42  
43 These people are the losers. You have the winners and you have  
44 the losers. These people lost, but, in some cases, the timeline  
45 we used, people weren't catching snapper, like on the Florida  
46 West Coast, and snapper have become more abundant and some of  
47 these people have been able to purchase shares and some are  
48 leasing shares, but there is no way -- The first group of people

1 got it for free, but there is no way for these fishermen to get  
2 something for free now.

3  
4 The question is, are they entitled to a share, and it's not  
5 their fault they were left out. There were just no snapper in  
6 their backyard when the time series was taking place. I don't  
7 know if we could solve that. I'm just saying it's another  
8 problem to consider.

9  
10 **CHAIRMAN GREENE:** Dr. Crabtree, to that point.

11  
12 **DR. CRABTREE:** Just to that point. I don't think we did exclude  
13 anybody who was actually in the fishery. If you had any  
14 landings, over a fairly long period of time, you got shares. I  
15 mean we had people who had accounts that I think got like fifty  
16 pounds, twenty pounds, in it, because they had some miniscule  
17 amount of landings.

18  
19 I remember I objected to that, because I thought if you didn't  
20 at least have a hundred or 200 pounds that we shouldn't even do  
21 that. Everyone who had any landings got shares, and so I don't  
22 think anyone who was actually in the fishery at that time was  
23 excluded.

24  
25 **CHAIRMAN GREENE:** Thank you. Dr. Lucas.

26  
27 **DR. LUCAS:** I have a question on process. Is there a way to  
28 identify the transfers? I mean when somebody transfers, is NMFS  
29 being notified of the transfer every time the transfer occurs,  
30 or does this transfer just occur and the catch-up is much later?  
31 I mean can we identify each point of transfer?

32  
33 **DR. CRABTREE:** I am going to ask Jessica Stephen to come up.  
34 She is involved in the administration of the program and I think  
35 can answer that.

36  
37 **DR. JESSICA STEPHEN:** The way it works, it's a completely online  
38 system. For any transaction of allocation to go through, we see  
39 who it came from and who it went to, as much as how many pounds  
40 and the price per pound for it, and so everything is tracked.

41  
42 **CHAIRMAN GREENE:** Thank you. I've got two more people on the  
43 list and it is five o'clock, and we do have a six o'clock  
44 social, and we still have some more of this document to go  
45 through. With that being said, Mr. Swindell. Mr. Swindell  
46 passes. Mr. Walker.

47  
48 **MR. WALKER:** I was just going to say that nobody was complaining

1 about what was gifted to the failure. You know we fished twenty  
2 years in a failure. Where was anybody complaining about that?  
3 We have success and people are complaining about something that  
4 works.

5  
6 There is a lot of other things people could be working on right  
7 here. How about the private anglers? They want something  
8 better. What have you gifted them? A failure. We should be  
9 working and focusing on things and putting our energy into  
10 things that help people.

11  
12 You're trying to help one fisherman and hurt another fisherman.  
13 You need to be focusing on things, and then when I hear this  
14 winners and losers. We were all losers in the old program.  
15 Everyone got what they depended on, whether it was fifty pounds  
16 or a hundred pounds. Whatever pounds it was, everyone got their  
17 historical catch, whatever they depended on over that ten-year  
18 period out of fourteen years. That was their historical catch.

19  
20 You hear stories, and I even read an article about this guy who  
21 said -- I caught 100,000 pounds, but I only ended up with 10,000  
22 pounds. Well, you know what, there was an appeal process. Now,  
23 if someone can bring your records and show those records, they  
24 had the opportunity to get these fish. When you hear these  
25 people saying this, where is your records?

26  
27 We had a man come up here from Texas during scoping meetings and  
28 he got up here and he said, I don't support this IFQ. I have  
29 caught over 100,000 pounds of snapper every year, just like you  
30 read in an article here recently, and then says, well, I sold  
31 all my fish for cash and I don't have any records. Well, the  
32 liaison for the council said, sir, you do realize that you're  
33 testifying to the federal government?

34  
35 He opted then for the cash time. He opted in for the cash bonus  
36 back then, I guess, or whatever you want to call it, but  
37 everyone got what they depended on, and if they legally kept  
38 their records and could prove it and they could come forth and  
39 say, listen -- There was 3 percent set aside to address things  
40 like that, and I don't think any of that 3 percent was  
41 distributed. It was redistributed among the fishermen who kept  
42 their records and played by the rules.

43  
44 **CHAIRMAN GREENE:** Thank you. Dr. Lasseter, I guess we'll  
45 continue on, if you can, please.

46  
47 **DR. LASSETER:** Thank you, Mr. Chairman. We will move on to the  
48 next item, and we will try to go quickly. Number 4 is

1 divestment of shares, and I have put the options on the same  
2 page, for simplicity.

3  
4 Currently, there is no procedure in place for divesting, or  
5 getting rid of shares, and this could be necessary in the first  
6 action that we went over, the program eligibility, your item to  
7 propose a smaller share cap for non-permitted shareholders.

8  
9 There could potentially be shareholders that already own,  
10 already hold, more shares than that amount, and so if you do  
11 pursue such an option, then an action on divestment of shares  
12 would be appropriate.

13  
14 A participant may no longer meet the program eligibility  
15 requirements. They may have an excess of shares, in excess of  
16 the cap, if you put this new form of cap on. Some  
17 considerations that we would have to consider in designing  
18 alternatives would be what would be a time limit to put in place  
19 for divesting shares, and what would the process be for handling  
20 the shares that are not divested? If the participant does not  
21 take care of it by themselves, what would be the ramifications?

22  
23 I will just move through the rest of them here. Inactive  
24 accounts is our next item. An IFQ account is inactive if the  
25 account did not land, sell, or buy allocation within a year. At  
26 the end of 2014, there were seventy-four inactive accounts that  
27 held just less than 28,000 pounds, which represented just about  
28 half of a percentage point of the year's quota.

29  
30 A couple of years ago, when we first started talking about this  
31 item, I think there were one-hundred-and-forty-something of  
32 these accounts that held one-point-something of the quota, and  
33 so the fishermen have been identifying these accounts and have  
34 been contacting these accounts that have never been activating  
35 and have been buying the shares that are left in those.

36  
37 This number has been going down, but there does remain about  
38 28,000 pounds in these accounts, and so resolving these inactive  
39 accounts could marginally improve the ability to achieve optimum  
40 yield. I saw a hand.

41  
42 **CHAIRMAN GREENE:** Dr. Crabtree.

43  
44 **DR. CRABTREE:** I mean that seems like a no-brainer, to me. I  
45 know it's a small number of fish, but I don't think we gain  
46 anything by having inactive accounts sit around for years. That  
47 certainly seems like something we ought to do, but I guess at  
48 some point, Ava, there is the issue of then how do you



1 distribute those shares in the fishery? Is that what this one  
2 is getting at?

3  
4 **DR. LASSETER:** Yes, that's on the next slide. Right here are  
5 our inactive account options that the IPT is developing and  
6 questions that we have. Your item that you wanted to be  
7 considered was to close accounts that have never been activated  
8 and to redistribute shares.

9  
10 Your item said -- Your list has previously said to new entrants,  
11 small shareholders, and to reduce the problem with discards.  
12 Some of our questions are, would there be a date that you would  
13 want to set, if the accounts are not activated by some date? We  
14 would probably need to set this date in advance, to give people  
15 time to resolve those accounts.

16  
17 How should those shares and those inactive accounts be  
18 redistributed, a quota bank, lottery, auction? If you are  
19 considering to other people, which is the next question, to whom  
20 should the shares be distributed? Your previous items were the  
21 new entrants and small shareholders. How would these be  
22 defined? We definitely need some feedback on those as we would  
23 move forward for designing alternatives.

24  
25 For the interest of time, I will run through these now. Our  
26 next is quote increase redistribution and options. In recent  
27 years overall, the red snapper quota has been increasing. I  
28 understand we're in a three-year decreasing yield stream, but  
29 quota increases, future increases, could be redistributed to new  
30 entrants and small shareholders. This was your item that you  
31 wanted considered.

32  
33 Again, the same questions on the last slide. How would we  
34 define new entrants and small shareholders? These quota  
35 increases could be distributed equally among all shareholders,  
36 according to their share percentages, or by some other metric.

37  
38 Another consideration, if you did want to pursue this in the  
39 alternatives, is we would need alternatives for above what  
40 baseline quota would such a redistribution occur. These are  
41 some of the questions that we're going to be looking for more  
42 feedback on.

43  
44 The next-to-last item is the landings enforcement options. For  
45 harvesting commercial reef fish, vessel monitoring systems are  
46 currently required. All commercial reef fish vessels do have  
47 them and are required to use them, but only those vessels  
48 landing IFQ species are required to hail-in and hail-out.

1  
2 One of the recommendations of the five-year review was to  
3 require all vessels with a commercial reef fish permit to hail-  
4 out and hail-in prior to landing, even if they are not in  
5 possession of IFQ species, and the purpose of this would be to  
6 increase enforcement for all commercial reef fish vessels.

7  
8 Then, finally, our last item is mid-year quota changes. While  
9 yes, in recent years overall, the red snapper quota has been  
10 increasing, it is possible for a quota decrease to occur as  
11 well, but it is not possible to make a mid-season reduction in  
12 allocation, once allocation has been distributed for the year.

13  
14 It's distributed by January 1 each year. People start buying it  
15 and transferring it and it's not possible to then pull back a  
16 certain proportion from everybody, and so this item's options  
17 would be to withhold distribution of some portion of a  
18 shareholder's allocation at the beginning of the year if a mid-  
19 year quota reduction is expected.

20  
21 The questions that the IPT has in trying to flesh out some  
22 alternatives would be should there be a minimum or maximum  
23 proportion of quota which may be withheld? Should there be a  
24 date by which the quota must be released, if a quota reduction  
25 has not yet occurred, et cetera?

26  
27 Then, finally, we have posted -- The Southeast Regional Office  
28 had finalized their 2014 red snapper IFQ annual report in  
29 December. The link is provided here. It has a lot of  
30 information that as we develop and finalize this next draft that  
31 we'll be incorporating from there as well, but it does have  
32 great explanatory information on the program, and so I wanted to  
33 give a little shout-out to that there. Mr. Chairman, that's all  
34 I have.

35  
36 **CHAIRMAN GREENE:** Thank you. Mr. Williams.

37  
38 **MR. WILLIAMS:** In requiring a vessel to hail-in prior to  
39 landing, what do they actually do? Do they call a telephone  
40 number? Is that what they do, a NMFS telephone number, or does  
41 anybody know? Does David know?

42  
43 **MR. WALKER:** You have to declare trips coming and going, if  
44 you're leaving on your trip. I think it's a good idea. I think  
45 all people with reef fish -- I think enforcement would support  
46 that.

47  
48 **MR. WILLIAMS:** How do you do it? Do you call a telephone

1 number?

2  
3 **MR. WALKER:** You have a VMS. Some people call on the phone,  
4 but CLS has a system where you just declare your trip on your  
5 little tablet. When you come in, you can declare it. You try  
6 and estimate a time you're going to be in and the VMS picks up  
7 all the time, and so you just declare your trip and your  
8 poundage and who you're going to unload with and what time  
9 you're going to unload and what dock you're going to unload.  
10 It's good records and I mean, enforcement, they've got plenty of  
11 opportunity to be there waiting on you, and they are, most of  
12 the time.

13  
14 **MR. WILLIAMS:** If a fisherman doesn't have a VMS, how does he or  
15 she do that?

16  
17 **MR. WALKER:** They can come in any time of the day. Some of them  
18 love it. They can come in the middle of the night and unload  
19 their fish.

20  
21 **MR. WILLIAMS:** A red snapper fisherman that has to hail-in, but  
22 doesn't have a VMS, what does he do?

23  
24 **DR. CRABTREE:** VMS is a requirement with a reef fish permit.  
25 Jessica can go through it. There are multiple ways they can do  
26 this, but they all have to have a VMS onboard the vessel, or  
27 they're in violation.

28  
29 **MR. WILLIAMS:** It's all done electronically then and there's  
30 really nothing to it?

31  
32 **DR. STEPHEN:** The way it works is they can either do it through  
33 their VMS, or NOAA pays for a call service center that's twenty-  
34 four hours, seven days a week. They can call that and they will  
35 enter it in through the computer into our system, and so there's  
36 a couple of different ways. If they know someone back on land,  
37 that person can also put the hail-in through the computer  
38 themselves.

39  
40 **CHAIRMAN GREENE:** Thank you. Any further discussion? Seeing  
41 none, Dr. Lasseter, anything else? Are you done? Does that  
42 complete your --

43  
44 **DR. LASSETER:** That's all for me. Thank you.

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

47  
48 **DR. CRABTREE:** I feel like there was a lot of this we sailed

1 through and we probably didn't give much guidance on some of  
2 these. You know there are some things in this amendment, like  
3 the mid-year quota changes and the inactive accounts and the  
4 hail-in and hail-out, that are real straightforward and simple.

5  
6 There are some other things on this that are really complicated  
7 and difficult, but there are some things that need to be  
8 addressed.

9  
10 I mean I felt like we should have addressed how to distribute  
11 quota increases to the fishery, because the way it has happened  
12 is the guys who are high-liners have gotten the majority of the  
13 quota increases, because it's gone out in that way, but we had  
14 some substantial quota increases, and if we had addressed some  
15 of these things some years ago, we could have addressed some of  
16 the issues Roy raised about small participants and new entrants  
17 with quota increases.

18  
19 I don't know if there are going to be any more quota increases,  
20 but there are some things in this that we need to get done, but  
21 I think there are some other issues here, like the leasing, that  
22 are going to be really complicated and take quite a bit of time,  
23 and I think the lease-to-own provision would essentially require  
24 a revamping of the whole program and how it works, and so it  
25 does seem like we're getting to a point where there are some  
26 things that could happen quickly and there are some things that  
27 are going to take a long time to get done with this amendment.

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

30  
31 **DR. WALKER:** I was just going to add there were some substantial  
32 decreases too, and the fishermen helped share in the rebuilding  
33 of this, and I was under the impression that as it rebuilt that  
34 the fishermen would benefit from it, and not just the fishermen,  
35 but the fish and the consumer, the access 365 days a year.  
36 There's a lot of benefits in the increase, but we all shared in  
37 the decrease. I mean the recreational shared in the decrease  
38 and we all helped to rebuild this fishery doing that.

39  
40 **CHAIRMAN GREENE:** Thank you. Any further discussion? Seeing  
41 none, Chairman Anson, we will adjourn the Reef Fish Committee  
42 for today and we will pick up tomorrow morning at 8:30 a.m.

43  
44 (Whereupon, the meeting recessed at 5:15 p.m., January 25,  
45 2016.)

46  
47 - - -  
48

1 January 26, 2016

2  
3 TUESDAY MORNING SESSION

4  
5 - - -

6  
7 The Reef Fish Management Committee of the Gulf of Mexico Fishery  
8 Management Council reconvened at the Perdido Beach Resort,  
9 Orange Beach, Alabama, Tuesday morning, January 26, 2016, and  
10 was called to order at 8:30 a.m. by Chairman Johnny Greene.

11  
12 **CHAIRMAN GREENE:** Good morning. I want to call the Reef Fish  
13 Committee together and remind you again that it is a committee  
14 of the whole. We are going to get started this morning on Final  
15 Action, Amendment 39, Regional Management of Recreational Red  
16 Snapper. With that, I will to Dr. Lasseter for Tab B, Number  
17 9(a).

18  
19 **FINAL ACTION - AMENDMENT 39 - REGIONAL MANAGEMENT OF**  
20 **RECREATIONAL RED SNAPPER**

21  
22 **DR. LASSETER:** Thank you, Mr. Chairman. We have some  
23 recommendations from the Law Enforcement Advisory Panel that  
24 Steven Atran is going to provide to everybody first.

25  
26 **LAW ENFORCEMENT TECHNICAL COMMITTEE RECOMMENDATIONS**

27  
28 **MR. ATRAN:** Thank you, Ava. Again, as we discussed yesterday,  
29 the Law Enforcement -- Actually, it's the Law Enforcement  
30 Technical Committee now and not the Law Enforcement AP. It's  
31 going to take me a while to get used to that, too.

32  
33 They had a webinar last month, and, under Other Business, they  
34 discussed Amendment 39 and related issues. They talked for  
35 quite a while on the amendment and I'm just going to break it  
36 down into the three main topics, as I saw it, that they talked  
37 about.

38  
39 The first one had to do with transit provisions, and I guess  
40 Texas doesn't have a transit provision, but I guess the other  
41 states do. If a vessel is fishing in one region, but lands its  
42 catch in another region, in this case off of one state and lands  
43 in the other state, as long as they can show some indication  
44 that they actually were fishing in the other region and that the  
45 fish were lawfully harvested in the other region, they are  
46 allowed to land in another state, as long as they were just  
47 transiting to their dock.

1 This could create some enforcement difficulties in determining  
2 exactly where the fishermen were fishing. It also might create  
3 some potential issues on counting how many fish are caught in  
4 each region, since they're generally counted as being caught in  
5 the region in which they're landed.

6  
7 They also had some concerns about the emphasis on dockside  
8 enforcement, because a lot of the vessels that fish for red  
9 snapper use private docks and they're not accessible to the  
10 enforcement folks, unless they have permission from the owner to  
11 go onto the property.

12  
13 Then, finally, they felt that they needed to be able to do on-  
14 the-water enforcement as well, but, in order to do that, they  
15 needed the state to be able to extend its jurisdictional  
16 requirements, especially as far as permit requirements, all the  
17 way out into federal waters.

18  
19 In other words, if you're fishing off of a particular state,  
20 even if you're in federal waters under regional management, you  
21 would have to have either the in-state or the out-of-state  
22 fishing license for that state, whichever is most appropriate to  
23 you.

24  
25 The one other thing that they mentioned is that, and this  
26 assumes that we're not going to end up taking final action today  
27 on Amendment 39, that if it continues, they have noted that they  
28 did review a version of Amendment 39 last year, last March, but  
29 between March and October, there were quite a few changes made  
30 to it, and they're anticipating more changes.

31  
32 They made a motion requesting that the Law Enforcement Technical  
33 Committee remain updated on any changes in the development of  
34 Amendment 39 and related actions, in order to retain enforcement  
35 capabilities while moving forward with regional management.  
36 Basically, what that means is if we make any changes and we  
37 continue our discussion of Amendment 39 beyond this council  
38 meeting, we'll put this on the agenda for the next Law  
39 Enforcement Technical Committee meeting in March. Thank you.

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

42  
43 **MR. ROBIN RIECHERS:** Steven, there may be some confusion. I  
44 think most of the states, when the angler registry was asked for  
45 by National Marine Fisheries Service -- Some states would have  
46 exempted people in federal waters, if they were only fishing in  
47 federal waters, from a state fishing license, but, with the  
48 advent of the angler registry, I believe we all came into

1 compliance and now you have to have a state fishing license if  
2 you're fishing in federal waters and/or -- Not fishing in state  
3 waters, but still landing in the state.

4  
5 There may have been just some -- Certainly I understand that as  
6 those law enforcement folks talked about it that there may have  
7 some differences of opinion about how that's been handled, but I  
8 think, for the most part, that's been taken care of by each  
9 state in dealing with the angler registry.

10  
11 **MR. ATRAN:** I think the concern was that if you're in federal  
12 waters, even if you need a state license -- It could be any  
13 state license and not necessarily the one for the state that you  
14 were offshore from. Somebody fishing offshore in Alabama could  
15 have a Florida license, for example.

16  
17 **CHAIRMAN GREENE:** Thank you. Any further discussion? Okay,  
18 Steven, does that wrap up your law enforcement? Okay, Dr.  
19 Lasseter.

20  
21 **DR. LASSETER:** Thank you, Mr. Chairman. We have some written  
22 comments that we've received that Charlene Ponce is going to  
23 provide a summary on Amendment 39.

#### 24 25 **SUMMARY OF WRITTEN COMMENTS**

26  
27 **MS. CHARLENE PONCE:** All of the comments are posted on our  
28 website, but just to summarize comments made, regional  
29 management would be a good solution for private anglers,  
30 providing more fishing opportunities. States should set catch  
31 limits, season length, and enforcement should take place at the  
32 dock.

33  
34 States should manage the fisheries, including recreational  
35 anglers, charter/for-hire, and commercial. We had comments that  
36 support Amendment 39 only if it applies specifically and solely  
37 to the private recreational component. This will allow the  
38 design of management plans that address data needs and include  
39 strong accountability measures tailored for each sector.

40  
41 There was opposition to Amendment 39, but support for Amendment  
42 41 and 42, and, just generally speaking, private anglers tend to  
43 support Action 2, Alternative 4, and charter/for-hire support  
44 Action 2, Alternative 2.

45  
46 Then I wanted to note that we did receive some comments from  
47 LDWF. The department conducted an online survey relative to  
48 Amendment 39, and that survey and the results are posted on our

1 website. There were also comments submitted through the survey,  
2 and those are also posted on the website, and then we received  
3 some other comments that really weren't relative to Amendment  
4 39, and I don't know if you want me to go over those. Then  
5 that's it.

6  
7 **CHAIRMAN GREENE:** Thank you. I wouldn't care to go over them if  
8 they weren't relevant to Amendment 39, which is what we're  
9 discussing now, as long as the committee would agree. Not  
10 seeing anybody, Dr. Lasseter.

11  
12 **PUBLIC HEARING SUMMARY**  
13

14 **DR. LASSETER:** Thank you, Mr. Chairman. We also had a round of  
15 public hearings that were held in October, and the dominant  
16 theme throughout the Gulf was Action 2. In general, private  
17 anglers who attended were supportive of Action 2, Alternative 4,  
18 and, generally, the charter operators expressed support for the  
19 Action 2, Alternative 2, which reflects what we saw in the  
20 written comments as well.

21  
22 There were some occasional comments about some of the other  
23 actions, but very minimal. The one that stands out was there  
24 was some discussion of the other alternatives in Action 1, with  
25 some people wondering -- Actually, I want to say maybe they were  
26 asking us, staff and the council members, why the CEP, the  
27 current preferred alternative in Action 1, was selected and not  
28 delegation, but I think there has been a history of why the  
29 council has considered these different alternatives, but that's  
30 the only other alternative that they really spoke to  
31 specifically in the public hearings.

32  
33 The public hearing summaries are provided for you at Tab B,  
34 Number 9(b), and so I would encourage everybody to read those.  
35 We did have a lot of -- We had some good attendance. If there  
36 is no comments on the public comments, we will turn to the  
37 document, which is up on the screen.

38  
39 We have reviewed the actions and alternatives at several  
40 meetings. There haven't been any changes from the last meeting.  
41 Action 1 begins on page 10, and that's up on the screen, and the  
42 action is for regional management, what form, what type of  
43 approach has the council selected.

44  
45 Your current preferred alternative is Alternative 4, which would  
46 establish a regional management program in which a state or  
47 group of states submit proposals, first to a technical review  
48 committee, which describes how that region, that state, is going



1 to manage its recreational sector ACL, and then, after the  
2 technical review committee approves them, it goes to NMFS for  
3 final review.

4  
5 You also have a preferred alternative selected, Alternative 5,  
6 which would put a sunset provision on regional management. Your  
7 preferred option is 5b, which would sunset the program five  
8 calendar years after it begins. Is there any further discussion  
9 on Action 1?

10  
11 **COMMITTEE RECOMMENDATIONS**

12  
13 **CHAIRMAN GREENE:** Is there discussion by the committee? Mara.

14  
15 **MS. LEVY:** Thank you. I just wanted to note, and I don't know  
16 if we need to make this more clear in the alternatives, and it  
17 is in the introduction discussion and it might be in the  
18 discussion of Action 1, but all of the language in the  
19 alternatives talks about the regions limiting red snapper  
20 harvest to the region's assigned portion of the recreational  
21 sector ACL, but, just to be clear, there is an ACT in place and  
22 the estimated season length is supposed to be geared towards the  
23 ACT.

24  
25 Like I said, that is in the discussion and it may be in the  
26 discussion of Action 1, but the alternatives refer to the ACL.  
27 I just want to make sure that we're really clear in this action  
28 that the states would be setting their management measures to  
29 actually target the ACT and not the ACL.

30  
31 **CHAIRMAN GREENE:** Thank you. Dr. Lasseter, did you want to add  
32 to that?

33  
34 **DR. LASSETER:** Just to further explain Mara's point, if we could  
35 go to page 4 of the document. This is where Mara is talking  
36 about. It is discussed in the introduction. As Mara was  
37 stating, we do want to make this clear that each region would be  
38 responsible for ensuring that its region's landings do not  
39 exceed its portion of the recreational sector ACL, but in  
40 setting the season, they need to be estimating towards the ACT,  
41 estimating their season length with the goal of meeting that  
42 ACT, which is 20 percent below the ACL. Thank you, Mara, for  
43 pointing that out.

44  
45 **CHAIRMAN GREENE:** Thank you. Any other discussion about the ACT  
46 or anything else? Mr. Riechers.

47  
48 **MR. RIECHERS:** I just want to go on record here that 2.1, Action

1 1, Alternative 2, which, of course, got some discussion in the  
2 public hearings as we went around the states, and people were  
3 asking certainly why weren't we seeking a true delegation. Many  
4 people have kind of lost in Alternative 2 and that is exactly  
5 what we were seeking when this document first started. It was a  
6 true delegation of authority.

7  
8 We since have gotten word that to get that true delegation of  
9 authority -- There was an interpretation that you had to have 75  
10 percent of the council to vote for it, and so, in light of that,  
11 we have moved to Alternatives 3, 4, and 5 as alternatives  
12 underneath that, believing that we wouldn't get to a 75 percent  
13 majority here in the council, based on some previous votes on  
14 this action and other actions.

15  
16 I was just trying to put it on the record a little bit that  
17 certainly that is, of the states and the states who were pushing  
18 for delegation of authority, that was the original intent of  
19 this document, was that true delegation of authority, but we  
20 don't think now, given where we are in this body, we're going to  
21 be able to have that come out of this body.

22  
23 **CHAIRMAN GREENE:** Thank you. Is there further discussion?  
24 Seeing none, Dr. Lasseter.

25  
26 **DR. LASSETER:** Thank you, Mr. Chairman. We will move on to  
27 Action 2, which begins on page 19. Action 2 addresses regional  
28 management and sector separation. This is the action that we  
29 did hear the most comments on, it seems in both the written  
30 comments and in the public hearings around the Gulf.

31  
32 This is the one action remaining in the document that we do not  
33 have a preferred alternative selected, and so I will review the  
34 alternatives, briefly.

35  
36 Alternative 1, of course, is always our no action. In this  
37 case, the no action would be until the end of 2017, NMFS would  
38 continue to establish separate component ACTs for the two  
39 components of the recreational sector. If this amendment was to  
40 go forward before the end of 2017, we wouldn't know what to do  
41 with -- We already have those components separated, and so  
42 that's what the purpose of this action is. It's to reconcile  
43 sector separation with regional management when this is  
44 implemented.

45  
46 Our Alternative 2 would extend, it would continue, the separate  
47 management of the two components of the recreational sector, and  
48 this Amendment 39, regional management, would apply to the

1 private angling component only.

2  
3 Alternative 3 would, similarly, extend separate management of  
4 the two components, but this amendment, regional management,  
5 would apply to both components, and so a state or region could  
6 manage both of those components under separate management  
7 measures, but would have to maintain the landings of each  
8 component to within its component ACT and ACL.

9  
10 Then, finally, Alternative 4 would end, would terminate, sector  
11 separation at the time this amendment is implemented. It would  
12 end and this amendment would apply to the entire recreational  
13 sector. There would be no more components of the recreational  
14 sector. It would be a united recreational sector, and regional  
15 management would apply to all recreational vessels. I am going  
16 to turn it over there for discussion.

17  
18 **CHAIRMAN GREENE:** Is there discussion on Action 2? Mr. Fischer.

19  
20 **MR. FISCHER:** I think we're at a space in this document that we  
21 have to insert another alternative. I think the concept of what  
22 some of the members and some of the states thought Alternative 4  
23 was saying isn't what is the end result in print. To be  
24 consistent throughout discussions through time, is add another  
25 motion, and it may be forwarded to staff. I could read the  
26 motion and if it's not forwarded, I will resend something.

27  
28 **We have to have, under Action 2, an Alternative 5. You will see**  
29 **the differences in where it lies with Alternative 4. It's to**  
30 **end the separate management of federal for-hire and private**  
31 **angling components established through Amendment 40 upon**  
32 **implementation of this amendment, and have this amendment apply**  
33 **to the entire recreational sector. The recreational sector will**  
34 **be managed by each region under regional ACLs, based on the**  
35 **allocations selected in Action 6. A region may establish**  
36 **different management measures for its private angling and for-**  
37 **hire vessels, and will specify it in its CEP these management**  
38 **measures, including if and how the regional ACL will be divided**  
39 **between its private and for-hire vessels.**

40  
41 **CHAIRMAN GREENE:** Okay.

42  
43 **MR. FISCHER:** I think this captured the gist of what some of our  
44 discussions have been through the last few years, and most of  
45 these discussions took place before approval of Amendment 40,  
46 and it looks as though Amendment 40 tweaked our language in the  
47 motion, but possibly not the intent of some of the people  
48 supporting this, if I had a second.

1  
2 **CHAIRMAN GREENE:** Thank you. We have a motion on the board. Is  
3 there a second to this motion?  
4

5 **MR. RIECHERS:** Second.  
6

7 **CHAIRMAN GREENE:** It's seconded by Mr. Riechers. Is there  
8 further discussion about the new Alternative 5? Mr. Riechers.  
9

10 **MR. RIECHERS:** I will just add that I think Myron's motion here  
11 helps to go back to that original intent. It's similar to  
12 Alternative 4, but it really still allows the flexibility for  
13 the states to manage that charter/for-hire and recreational  
14 component somewhat differently.  
15

16 We have at least had, in conversation, if not in the document,  
17 and it could be there now and I could have missed it, but at  
18 least comments about you're going to manage them as one group,  
19 and so, even though you might have the authority at the state  
20 level, you were going to have to set exactly the same seasons  
21 and so forth.  
22

23 The original intent was to create that greater flexibility, so  
24 that we could manage those two sectors in a way that would allow  
25 the maximizing of those benefits from each sector, and working  
26 at more of a local level to do that, and so I think this motion  
27 gets more at the heart of the original intent of some of the  
28 discussions we were having.  
29

30 Certainly I understand that the IPT was trying to work through  
31 these different scenarios and create these different scenarios,  
32 but I think this one -- It both can be analyzed, because it was  
33 analyzed in a very earlier document, and it can allow that  
34 greater flexibility.  
35

36 **CHAIRMAN GREENE:** Thank you, Mr. Riechers. Ms. Levy.  
37

38 **MS. LEVY:** This, to me, essentially does what Alternative 3  
39 does, except that it allows the states to alter the allocation  
40 between the components, and I do not think that that can be done  
41 in a CEP.  
42

43 The allocation decision is the council's decision. We do those  
44 by plan amendments and we generally do environmental impact  
45 statements. It's not a decision that the state, in my opinion,  
46 can make on their own and actually implement. If the council  
47 wants to change the allocation between the sectors, between the  
48 components of those sectors that's already been made, then

1 that's a council decision.

2  
3 If the states really just want to manage the components  
4 separately, based on the allocation that the council has already  
5 decided is appropriate, then that's Alternative 3.

6  
7 **CHAIRMAN GREENE:** Thank you. Any further discussion? Dr.  
8 Crabtree.

9  
10 **DR. CRABTREE:** A question for Mara. If the council adds this,  
11 this has never been analyzed and would we have to go out with a  
12 supplement to the EIS that analyzes this, do you think?

13  
14 **MS. LEVY:** Probably, at the very least. I mean, really, what  
15 this is saying to me is that the states can change the  
16 allocations between the sectors, and we have not analyzed that,  
17 because, like I said, that's a council decision and something  
18 that we do in plan amendments and not in this type of just  
19 regulatory action.

20  
21 **CHAIRMAN GREENE:** Thank you. Mr. Sanchez.

22  
23 **MR. JOHN SANCHEZ:** Thank you, Mr. Chairman. I think we've been  
24 talking about this amendment forever, and then some. Now we're  
25 coming at it with an Alternative 5? I mean how long do we plan  
26 to kick this can down the road? I think we're at the point that  
27 let's table it and let's vote it up or down and let's be done  
28 with it and let's move forward with some meaningful things to  
29 try to get some direction for the recreational fishery.

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

32  
33 **MR. WILLIAMS:** Given Mara's comments, I am wondering if the  
34 maker of the motion would consider withdrawing it.

35  
36 **MR. FISCHER:** Roy, we've had around 4,000 or 5,000 comments sent  
37 to us stating that this is what they would like, and we are  
38 fulfilling the wishes of the people of Louisiana. This was what  
39 was discussed for a couple of years, and then, because the  
40 document was always waiting on data and waiting on items to  
41 separate the allocation among states, sector separation picked  
42 up speed and got passed first.

43  
44 When this document was being worked on, there was no sector  
45 separation. It wasn't passed. Then that idea was withdrawn and  
46 was taken from the document. We're just trying to get it back  
47 closer to a state of where it was when the original concept of  
48 sector separation came about, and so, no, I'm not in favor of

1 withdrawing the motion.

2  
3 **CHAIRMAN GREENE:** Thank you. Any further discussion? Ms.  
4 Bademan.

5  
6 **MS. BADEMAN:** Just a question. Would this alternative allow  
7 states to set different regulations outside of an allocation for  
8 charter/for-hire and private angler components, or whatever  
9 components?

10  
11 Rather than have charter boats, you get 50 percent and, private  
12 anglers, you get 50 percent, or whatever percent, you just have,  
13 okay, here is your season and here is your season and it's not  
14 an official allocation? That's my question.

15  
16 **CHAIRMAN GREENE:** Thank you. Ms. Levy?

17  
18 **MS. LEVY:** The issue with that is it is an allocation. Whether  
19 you call it an allocation or you don't, if you set a different  
20 season and you give them different bag limits, you are  
21 allocating between the two components.

22  
23 **CHAIRMAN GREENE:** Thank you. Is there further discussion by the  
24 committee? Leann.

25  
26 **MS. BOSARGE:** Just out of curiosity, if this document was to  
27 move forward and this was in it and everything went to final  
28 action and this is the path that we moved down, what is the  
29 process in each state when you make decisions like this?

30  
31 I mean I know what the process is at the federal level, and we  
32 have rules and regulations and an Act that we have to abide by,  
33 where there is a very good bit of stakeholder input. It's very  
34 formal, the process that we go through, and the public knows  
35 exactly where their input is going to come in and their  
36 feedback, and it's in several different public hearings and it's  
37 here at these meetings. It's online and it's -- You know, we  
38 have the public hearing before we make final decisions on things  
39 at our meeting and it's not at the end of the meeting. It's  
40 before we make a final decision on something.

41  
42 I know what the process is in Mississippi. I am pretty familiar  
43 with that. We have a commission and people come to the meeting,  
44 the public comes to the meeting, and they do give public  
45 comment, but I don't think every state has a commission, and so  
46 I guess I have some qualms about where the public transparent  
47 process might be in a decision this important to the different  
48 components. What does that look like in other states?

1  
2 **CHAIRMAN GREENE:** Thank you. Is there discussion? Ms. Bademan.

3  
4 **MS. BADEMAN:** In Florida, we also have a very public process.  
5 We do have a commission of seven commissioners. They meet five  
6 times a year. I imagine if we were tinkering with the red  
7 snapper season -- As we typically do, we would have a series of  
8 public workshops and maybe a webinar, before going to to the  
9 commission. The commission meets in public meetings. The  
10 public is welcome to come and testify.

11  
12 Typically, staff will present some information for the  
13 commission to consider. It could include a recommendation for  
14 management. Then they will take public comment on that issue  
15 and discuss it and then usually they will approve some kind of  
16 draft rule and then they will consider it for their final rule  
17 at the following meeting. There is, at a minimum, usually two  
18 opportunities for the public to speak directly to the commission  
19 on an issue.

20  
21 **CHAIRMAN GREENE:** Yes, ma'am, Ms. Bosarge.

22  
23 **MS. BOSARGE:** So when the commission decides on something in  
24 Florida, whatever they rule, that's what Florida Wildlife and  
25 Fisheries will go with and that's the direction for what it  
26 takes?

27  
28 **MS. BADEMAN:** The commission, yes, they have the rulemaking  
29 authority. They could change their minds about something  
30 between when they approve the draft rule and when they approve  
31 the final. Things can change between then, but they're the last  
32 stop.

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

35  
36 **DR. CRABTREE:** Given the comments from Mara, my read on how this  
37 would work is, one, if this was the preferred alternative, there  
38 wouldn't be any allocation anymore in Amendment 40, because this  
39 ends Amendment 40.

40  
41 Then a state would come up with a CEP and, in it, they would  
42 propose an allocation between the for-hire and the private  
43 anglers. They would submit that to the Fisheries Service. If  
44 that happened, I would then bring that to proposal to the  
45 council, I would ask the council to amend the fishery management  
46 plan to put that allocation in place for that state, and we  
47 would go through a EIS process to analyze all of that.

1 My guess is if you do this that you're probably talking a two-  
2 year turnaround or so to put in place the CEP, and that's if the  
3 council went along with what the state is proposing. If the  
4 council didn't agree with what the state was proposing, then I  
5 guess their plan would be disapproved and sent back to them,  
6 but, given the comments from the attorneys, I don't see how we  
7 can do this without coming back through the whole process and  
8 doing a plan amendment.

9  
10 The way things are set up now, a state that wanted to do this  
11 could come to the council and ask the council to amend the plan  
12 to allow them to do this, and you would go through that whole  
13 process. That's just my take on it right now.

14  
15 Now, this kind of came -- I didn't know this was coming and no  
16 one discussed this with us before we saw it here, but that's my  
17 take on how this would work at this point.

18  
19 **CHAIRMAN GREENE:** Thank you. Robin.

20  
21 **MR. RIECHERS:** I am going to take a step back here and address  
22 your question. Our process in Texas is very, very similar to  
23 the Florida process. Basically, we currently, most of the time,  
24 use a three-step process: a briefing of what we intend to do,  
25 the next meeting we basically propose the rules, and then the  
26 next meeting we would adopt the rules. We also have five  
27 meetings a year.

28  
29 Obviously this would be, working with the time schedule that's  
30 in this document, we may alter some of the timing of when we do  
31 that to our normal rulemaking right now, but we would run a  
32 similar process basically to what we do now, with public  
33 hearings and publications in the Texas Register and all of those  
34 things that really any state agency has to go through in making  
35 any sort of regulations. It's very similar in process.

36  
37 As far as this coming and kind of hitting some of the remarks of  
38 Roy, you know a state did come to you, in 2012, I believe it  
39 was, when Louisiana came to this body in regards to making  
40 regional management decisions, and so we've now been working  
41 towards this document to allow that greater flexibility, and  
42 that's exactly what they were seeking.

43  
44 While I understand the motion may not get exactly towards the  
45 delegation of authority, but it's a step back in the direction  
46 where the states have more control, I understand that we've had  
47 some interpretation of what would mean here, but I think we need  
48 to have this alternative in the document and we need to have it



1 analyzed.

2  
3 If there are truly legitimate constraints that come back from  
4 the Service that says we can't do it, period, then we will hear  
5 that at the next meeting, but I don't believe that's necessarily  
6 true, and I think we need to have an accounting of this, and I  
7 think we definitely have flexibility within this motion,  
8 because, Roy, at the last meeting you -- Like I said, I don't  
9 think it's anywhere in the document, but you put it on the  
10 record that we would not be able to manage the charter/for-hire  
11 and the private recreational under different seasons. If we're  
12 going to have any flexibility at all in this fishery, we're  
13 going to have to -- We need some of those tools.

14  
15 **CHAIRMAN GREENE:** To that point, Dr. Crabtree.

16  
17 **DR. CRABTREE:** I don't think that is what I said. Alternative 3  
18 allows you to manage the for-hire and the private sectors  
19 separately in a state. You just have to do it based on the  
20 allocation that's approved in Amendment 40, but that allows a  
21 state to manage the two components separately.

22  
23 **CHAIRMAN GREENE:** Thank you. Chairman Anson.

24  
25 **MR. ANSON:** Just to go back to Ms. Bosarge's question regarding  
26 how the state process would work in Alabama, we have a  
27 Conservation Advisory Board, appointed by the Governor. Each of  
28 the -- I think there is eleven folks that are on it.

29  
30 We would present a plan or a proposal for a given fishing  
31 season. They have three meetings each year, and so, ideally, I  
32 think we would offer that, and the public is invited, of course,  
33 to each of the meetings. We would offer it at the first meeting  
34 and then that would allow two opportunities, for something this  
35 large, for them to make a recommendation to the Commissioner,  
36 but the Commissioner has the regulatory authority as an  
37 individual.

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

40  
41 **MR. SANCHEZ:** Thank you. For years, we've heard from the for-  
42 hire fleet -- Basically, the preponderance, the vast majority  
43 from Florida, Alabama, Mississippi, Texas, they want to opt out  
44 of Amendment 39 and do their own thing in 40, yet here we are  
45 suggesting this, which would drag this on forever, and then it  
46 begs the question.

47  
48 I am getting the opinion that probably states aren't going to

1 agree on minutia details on these things, and kind of to what  
2 Roy was mentioning, what happens when one state kind of wants  
3 this and what does that do to our process here when you get all  
4 these different states with their different wish lists for how  
5 they want to approach this Alternative 5? I mean I just see  
6 this muddying the waters beyond belief and dragging this out  
7 forever.

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

10  
11 **MR. FISCHER:** Thank you, Mr. Chairman. Just to finish up how  
12 state governments operate, in Louisiana we have a couple of  
13 tiers of regulations. We do have some regulations that are  
14 legislatively constructed, in our legislature, of which they  
15 have intense public comment and there's all different times that  
16 the public can get there to comment, different groups can get  
17 there.

18  
19 Then we, of course, have our commission. The commission meets  
20 monthly. It meets the first week of every month, and they have  
21 flexibility and they can pass something monthly and put a notice  
22 of intent of what that regulation is going to be. When that  
23 time expires, it becomes regulation.

24  
25 At every commission meeting, there is also a comment period.  
26 Items have to be noticed on the agenda and the public is welcome  
27 and we welcome comment, and so it's very transparent and it's  
28 very open to the public, and we feel we have the ability to act  
29 quickly when something is going awry.

30  
31 In this case, if one user group is possibly harvesting faster  
32 than we thought, or slower than we thought, at different rates,  
33 we could extend or contract the season to avoid overages. We  
34 feel we -- Historically, it's always been around 14 percent that  
35 Louisiana should have, no matter what formula system you use.  
36 We don't want to go over that 14 percent, and so we have the  
37 ability to shut our season off.

38  
39 **CHAIRMAN GREENE:** Thank you. Any further discussion? Okay.  
40 Seeing no further discussion, Mr. Williams.

41  
42 **MR. WILLIAMS:** I would like a roll call vote on this.

43  
44 **CHAIRMAN GREENE:** Mr. Williams has requested a roll call vote on  
45 the motion. There is a question about a roll call vote on a  
46 committee motion. I have no idea. Mr. Gregory.

47  
48 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.

1  
2 DR. STUNZ: Yes.  
3  
4 EXECUTIVE DIRECTOR GREGORY: Mr. Matens.  
5  
6 MR. MATENS: Yes.  
7  
8 EXECUTIVE DIRECTOR GREGORY: Mr. Williams.  
9  
10 MR. WILLIAMS: No.  
11  
12 EXECUTIVE DIRECTOR GREGORY: Mr. Swindell.  
13  
14 MR. SWINDELL: No.  
15  
16 EXECUTIVE DIRECTOR GREGORY: Mr. Fischer.  
17  
18 MR. FISCHER: Yes.  
19  
20 EXECUTIVE DIRECTOR GREGORY: Dr. Crabtree.  
21  
22 DR. CRABTREE: No.  
23  
24 EXECUTIVE DIRECTOR GREGORY: Dr. Lucas.  
25  
26 DR. LUCAS: Yes.  
27  
28 EXECUTIVE DIRECTOR GREGORY: Mr. Boyd.  
29  
30 MR. BOYD: Yes.  
31  
32 EXECUTIVE DIRECTOR GREGORY: Mr. Walker.  
33  
34 MR. WALKER: No.  
35  
36 EXECUTIVE DIRECTOR GREGORY: Mr. Greene.  
37  
38 MR. GREENE: No.  
39  
40 EXECUTIVE DIRECTOR GREGORY: Mr. Diaz.  
41  
42 MR. DIAZ: No.  
43  
44 EXECUTIVE DIRECTOR GREGORY: Ms. Bosarge.  
45  
46 MS. BOSARGE: No.  
47  
48 EXECUTIVE DIRECTOR GREGORY: Mr. Riechers.

1  
2 **MR. RIECHERS:** Yes.  
3  
4 **EXECUTIVE DIRECTOR GREGORY:** Mr. Sanchez.  
5  
6 **MR. SANCHEZ:** No.  
7  
8 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bademan.  
9  
10 **MS. BADEMAN:** Yes.  
11  
12 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.  
13  
14 **MR. ANSON:** Yes.  
15  
16 **EXECUTIVE DIRECTOR GREGORY:** We've got eight yes and eight no.  
17 **The motion fails eight to eight.** Dr. Dana is absent.  
18  
19 **CHAIRMAN GREENE:** Thank you. Any further discussion before we  
20 turn it back over to Dr. Lasseter? Seeing no further  
21 discussion, Dr. Lasseter.  
22  
23 **DR. LASSETER:** Thank you, Mr. Chairman. Continuing on with this  
24 action though, this is the remaining action that we do not have  
25 a preferred alternative, and this amendment is up for final  
26 action this meeting, and so I just wanted to remind everybody  
27 that we don't have a preferred yet.  
28  
29 **CHAIRMAN GREENE:** Chairman Anson.  
30  
31 **MR. ANSON:** Just procedurally, I don't know, Mara, but we'll  
32 have full council after public testimony. We don't need to  
33 choose a preferred at this point, but we can choose it before we  
34 take final action on it, and is that correct? We would be okay,  
35 or do we have to choose it to allow the public to comment on it?  
36  
37 **MS. LEVY:** It would be nice if you had a preferred, so folks  
38 knew where you were headed. Obviously there is no requirement  
39 until -- I mean you have to have it to take final action. I  
40 will just note that if the intent is to still take final action  
41 at this meeting, that the codified text is very rough and  
42 incomplete, partly because there is no preferred alternative on  
43 this action, and so it wasn't possible to write it as including  
44 them both or not including them or anything like that.  
45  
46 Even if you picked a preferred now, we may need to work on it  
47 after full council, but definitely if you don't pick a preferred  
48 until full council, we won't have accurate codified text that

1 reflects this.

2

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

4

5 **DR. CRABTREE:** I certainly would encourage you to have some  
6 discussion, to see if we can't come to a preferred on this.  
7 Surely somebody could make a motion here. I think the public  
8 ought to know where we're heading on this, and we keep -- This  
9 one action has really stymied us on this, and I hate to see us  
10 just punt the whole discussion off for another day.

11

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

13

14 **MR. DIAZ:** I will make a motion that we move Alternative 3 as  
15 the preferred. I have made this motion at other meetings. I  
16 think it's somewhat of a compromise, and I know at the last  
17 meeting I think it was brought up, and we were just -- We had so  
18 much discussion that I don't think people really gave it a good  
19 amount of thought. We just decided to send it out to public  
20 hearing without a preferred, but I do think it's an alternative  
21 that is a compromise and should be considered, if I get a  
22 second.

23

24 **CHAIRMAN GREENE:** Thank you. We have a motion on the floor. Is  
25 there a second to move Alternative 3?

26

27 **MR. ANSON:** I will second it.

28

29 **CHAIRMAN GREENE:** It's seconded by Mr. Anson. Is there  
30 discussion on Alternative 3? Mr. Sanchez.

31

32 **MR. SANCHEZ:** Yes, and I don't know how the committee feels  
33 about this, but Pam is going to be here tomorrow. She is unable  
34 to be here this morning, and since we're operating as a  
35 committee of the whole, it would be nice if we could wait until  
36 she's here tomorrow and then have her input in this discussion.

37

38 **CHAIRMAN GREENE:** Thank you. Mr. Fischer.

39

40 **MR. FISCHER:** My comment is based on the interpretation of  
41 Alternative 3, and I would like to ask either Roy or Mara.  
42 Could a region manage each component totally individually,  
43 individual fishing dates, nothing running simultaneous, just  
44 until each component's ACL is achieved?

45

46 **DR. CRABTREE:** That is just effectively setting a season, it  
47 seems to me, and so I don't see why you couldn't.

48

1 **MR. FISCHER:** So you could run a for-hire season structured  
2 under one set of dates and run a private season structured under  
3 a completely different set of dates, as long as both stay under  
4 their established ACLs?  
5  
6 **DR. CRABTREE:** I think that's correct.  
7  
8 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.  
9 Riechers.  
10  
11 **MR. RIECHERS:** I would move a substitute motion, a motion for  
12 **Alternative 4 as the preferred.**  
13  
14 **CHAIRMAN GREENE:** We have a substitute motion to move  
15 Alternative 4. Is there a second for this? It's seconded by  
16 Dr. Stunz. Is there discussion?  
17  
18 **DR. CRABTREE:** I would like to make a second substitute motion  
19 **to move Alternative 2 as the preferred.**  
20  
21 **CHAIRMAN GREENE:** We have a second substitute motion to move  
22 Alternative 2. It's seconded by Mr. Walker. Mr. Williams.  
23  
24 **MR. WILLIAMS:** Second.  
25  
26 **CHAIRMAN GREENE:** Mr. Williams also seconds the motion. Is  
27 there discussion by the committee on the second substitute  
28 motion? Mr. Diaz.  
29  
30 **MR. DIAZ:** Just a point of order. Can you do a second  
31 substitute? It seems like we normally vote on the substitute  
32 before we take up a second substitute.  
33  
34 **EXECUTIVE DIRECTOR GREGORY:** Yes, you can, but that's the limit.  
35 We have to vote this up or down. Once we vote this up or down,  
36 somebody can make another amendment, but you can't have more  
37 than two amendments. You're right that we usually don't do  
38 this.  
39  
40 **CHAIRMAN GREENE:** Okay. Thank you. Ms. Bosarge.  
41  
42 **MS. BOSARGE:** I am going to support this motion, this motion  
43 being the second substitute motion. You know when I came on to  
44 the council, just like everybody else on the council, everybody  
45 that takes the oath, I had to take an oath to do what was best  
46 for the whole, and the whole being the nation as a whole, and  
47 the Gulf of Mexico as a whole, and I think that, on the whole,  
48 as far as the for-hire sector is concerned, the bulk of them

1 want to stay under federal management.

2  
3 We move slowly, very slowly, which sometimes is frustrating, but  
4 when it comes to important issues like this, I think that the  
5 public appreciates the pace and the thoughtfulness and the input  
6 that goes into our process. I think they feel comfortable with  
7 our process and they feel somewhat involved and protected by our  
8 process, and so, on the whole, I truly believe that the for-hire  
9 sector wants to stay with federal management.

10  
11 There is a small group that has expressed interest to be managed  
12 by the state, but, on the whole, I took an oath to do what was  
13 best overall, and I think that this hopefully will be the best  
14 path forward for them, to stay with the federal system.

15  
16 **CHAIRMAN GREENE:** Dr. Lucas.

17  
18 **DR. LUCAS:** I appreciate Leann's comments, and, similarly, as  
19 state directors, one of the things we have to consider is the  
20 entire state and everybody that comes to the state, whether  
21 you're a Mississippi resident that holds a saltwater fishing  
22 license or whether you are a charter/for-hire guide that is  
23 supplying people with the ability to go out and fish, or whether  
24 you're the tourist that comes to Mississippi on a gaming trip  
25 and takes advantage of staying an extra day to go get on a boat  
26 and go out with these guys.

27  
28 I really have to look at it from the perspective of everybody  
29 and what's good for everybody, and not just what's good for the  
30 charter/for-hire operators or what's good for the Mississippi  
31 resident that holds a saltwater license, but also those tourists  
32 that are coming here.

33  
34 We have made great strides in Mississippi to try to promote  
35 staying an extra day and going out and going fishing and being a  
36 part of the great things that we have to offer in the state, and  
37 so I have to consider making sure that those people also have  
38 the opportunity to get on the charter/for-hire boat and go  
39 fishing.

40  
41 I honestly feel that the way the state is looking at it is that  
42 if it's under state management, and I think 3, like Dale said,  
43 is a great mix. It's a great way to get the charter/for-hire  
44 guys what they want and the stability that they want and it's a  
45 great way to get the private recreational anglers the  
46 flexibility they want and deserve.

47  
48 I also want every tourist who comes to Mississippi who wants to

1 go fishing to be able to go fishing, and so I want the  
2 charter/for-hire guys to have that stability and have the  
3 ability to take them out.

4

5 **CHAIRMAN GREENE:** Thank you. Mr. Williams.

6

7 **MR. WILLIAMS:** I'm just going to echo what Leann said. We've  
8 heard over and over from the charter fishery, from Texas to  
9 Florida. The majority of them, by far, want to continue to be  
10 managed federally rather than by the states, and, for that  
11 reason, I support this motion.

12

13 **CHAIRMAN GREENE:** Thank you. Mr. Fischer.

14

15 **MR. FISCHER:** Thank you. Remember that Louisiana is in the mix  
16 between Florida and Texas and our charter boats, far and away,  
17 and our recreational vessels would not like this type of  
18 management. I want to echo some of what Kelly was saying and  
19 would work under Alternative 3.

20

21 As long as we had the ability to create seasons -- We have  
22 fishing events take place from the springtime through the fall,  
23 some as minor as red drum events on the coastal, all the way up  
24 tuna and billfish tournaments offshore, all scattered about.

25

26 The truncated seasons have had a large effect on not only the  
27 tournaments, but on the participants. Some participants need  
28 charter boats to go out and certain seasons are closed and they  
29 can't use them boats. It's changed how these events are  
30 handled, structured. They would like to compress them during  
31 the charter days. There is just not enough facility and  
32 infrastructure to do that and that's why they're scattered  
33 throughout the summer.

34

35 Snapper-type fishing is rather important to Louisiana, despite  
36 what some people have said. Our charter boats haven't  
37 downplayed it. They have said it's a vital part of their  
38 operation. It seems others have spoke for them and said that  
39 they would rather be tuna fishing. When we've met with them,  
40 that's not at all what they've echoed. We would like the  
41 ability to construct seasons to accommodate our permitted  
42 charter boats for when they want to go and write our CEP  
43 accordingly.

44

45 **CHAIRMAN GREENE:** Thank you. Mr. Riechers.

46

47 **MR. RIECHERS:** Echoing a little bit on what Kelly and Myron both  
48 said, I think obviously we're all around the table here doing



1 the best that we can do in trying to make some very difficult  
2 decisions on a fishery and a fishery management issue that has  
3 been around this table a long time, and it's been around this  
4 table when we did Amendment 27/14 and the shrimp fishery was  
5 here in this mix, deciding how to help get this fishery on the  
6 right track, and we were able to do that.

7  
8 This is another difficult issue in this long line of difficult  
9 fishery issues that we face here in this council between the  
10 states and the federal agencies and that partnership that we're  
11 trying to achieve.

12  
13 In trying to achieve that partnership, the states have come and  
14 asked for greater flexibility, because what we've been doing is  
15 not working very well, and so, with that, I think we've been  
16 through these various motions in the past. We may or may not  
17 come out of this set of motions with a preferred, again.

18  
19 John, I would have been happy to defer this until tomorrow and  
20 let Pam be here for that conversation, but some motions got made  
21 and so that's where we are, and we'll have this conversation  
22 again tomorrow or the next day, but it's a difficult decision.

23  
24 We're all trying to make the best decision we can with the  
25 information that we have in front of us, and try to create, at  
26 least from our perspective, from my perspective, trying to  
27 create the state the flexibility that it needs to manage that  
28 fishery in the best way that we can and meet as many of those  
29 needs as we can.

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

32  
33 **MR. ANSON:** Just briefly, I want to touch upon what Dale had  
34 mentioned, and trying to get to a point where we can have some  
35 guarantees for folks on both sides of the fishery, to offer some  
36 stability.

37  
38 I think Alternative 3 would provide not only some tangible  
39 benefits to the private recs within each state, but also the  
40 for-hire within each state too, and so I won't be in favor of  
41 this second substitute motion.

42  
43 **CHAIRMAN GREENE:** Thank you. Mr. Swindell.

44  
45 **MR. SWINDELL:** Thank you, Mr. Chairman. I have sat here now for  
46 three months, or my third meeting, and we've been doing so much  
47 with red snapper, which was done well before I got here, and I  
48 still don't see that -- You know, one of the biggest things that

1 has happened in the red snapper is that we're trying to recover  
2 this resource to where it can be fished all the time, and we're  
3 nowhere near that.

4  
5 I just don't know that -- You have already voted to have a  
6 private angling component different than the charter component.  
7 I don't see where that has changed. Information I have gotten  
8 from many people -- I am an at-large member of this council, and  
9 I treat it to where I want all the states to do what I think is  
10 right for all the people within this -- I have to do it that  
11 way.

12  
13 One of the things I am willing to see on this new concept of  
14 regional management is give the states a chance to look at the  
15 regional management and see -- Let's see how they can work with  
16 it. Let's see what they do, but let's -- If you've already got  
17 this separation, and I am hearing a lot of things that I've seen  
18 at Galveston and throughout the states, and some people in  
19 Louisiana, they have contacted me in saying we don't want  
20 regional management.

21  
22 What I am saying is let's let the states do the private angler  
23 component. That is the group that seems to be the biggest  
24 problem, and no offense, in the control of this red snapper  
25 catch and allocation business. We need better data from them,  
26 and Louisiana is doing a much better job of getting data from  
27 the recreational angler.

28  
29 Let's see how this all works, and then we can always come back  
30 and say, all right, charter people, do you want to get into --  
31 Let the states do it for you and, fine, we'll do that. I mean  
32 there is always alternatives we can come up with at any time on  
33 any plan, but I am in favor of the substitute motion, because I  
34 think let's see what happens. I mean we don't really know. We  
35 have already voted and voted and voted. I am just saying I am  
36 willing to do it this way. Thank you.

37  
38 **CHAIRMAN GREENE:** Thank you. Mr. Walker.

39  
40 **MR. WALKER:** I was just going to say we already have the Gulf of  
41 Mexico region. I mean it's the five Gulf states. The headboat  
42 pilot program, that was a success. It was done through the  
43 federal management and I mean it's been hugely successful. It  
44 provided access to the people who are less fortunate to own  
45 their own private fishing vessel.

46  
47 I have heard testimony from all these charter boats and  
48 headboats, from the majority of Alabama and Florida and

1 Mississippi and Texas, and they all want to be separated. Why  
2 hold them hostage? You know they have the capability of  
3 developing their own plan and they are working on their own  
4 plans, and this just stalls it.

5  
6 Don't slow it down any further for them if they are willing to  
7 come up with a plan. If the private angler wants to do that  
8 under Amendment 39, then let them do it. Hey, we're all for  
9 them getting something better. I think we can do it in the  
10 federal system, but let's don't hold the charter and the  
11 headboat industry hostage and take them into this.

12  
13 I think they have already got some good ideas. They're coming  
14 to the podium and suggesting things they want. They already  
15 have APs and they're already working on the issues. I think we  
16 should keep them separate, and if that's what the private angler  
17 wants to go to, Amendment 39, then maybe that's the way they  
18 should go, but let's exclude -- I am going to support this  
19 motion.

20  
21 **CHAIRMAN GREENE:** Thank you. I think we've had good discussion  
22 and I think everybody kind of knows where they are. We've got  
23 about thirty minutes to run through the rest of this stuff.  
24 With that, we're going to go ahead and take a vote.

25  
26 **MR. WILLIAMS:** Roll call.

27  
28 **CHAIRMAN GREENE:** It's been requested for a roll call vote. Mr.  
29 Gregory.

30  
31 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.

32  
33 **MR. WALKER:** Yes.

34  
35 **EXECUTIVE DIRECTOR GREGORY:** Mr. Fischer.

36  
37 **MR. FISCHER:** No.

38  
39 **EXECUTIVE DIRECTOR GREGORY:** Mr. Williams.

40  
41 **MR. WILLIAMS:** Yes.

42  
43 **EXECUTIVE DIRECTOR GREGORY:** Dr. Lucas.

44  
45 **DR. LUCAS:** No.

46  
47 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.

48

1 MS. BOSARGE: Yes.  
2  
3 EXECUTIVE DIRECTOR GREGORY: Mr. Swindell.  
4  
5 MR. SWINDELL: Yes.  
6  
7 EXECUTIVE DIRECTOR GREGORY: Dr. Crabtree.  
8  
9 DR. CRABTREE: Yes.  
10  
11 EXECUTIVE DIRECTOR GREGORY: Mr. Matens.  
12  
13 MR. MATENS: No.  
14  
15 EXECUTIVE DIRECTOR GREGORY: Ms. Bademan.  
16  
17 MS. BADEMAN: No.  
18  
19 EXECUTIVE DIRECTOR GREGORY: Mr. Boyd.  
20  
21 MR. BOYD: No.  
22  
23 EXECUTIVE DIRECTOR GREGORY: Mr. Riechers.  
24  
25 MR. RIECHERS: No.  
26  
27 EXECUTIVE DIRECTOR GREGORY: Mr. Greene.  
28  
29 MR. GREENE: Yes.  
30  
31 EXECUTIVE DIRECTOR GREGORY: Mr. Diaz.  
32  
33 MR. DIAZ: No.  
34  
35 EXECUTIVE DIRECTOR GREGORY: Dr. Stunz.  
36  
37 DR. STUNZ: No.  
38  
39 EXECUTIVE DIRECTOR GREGORY: Mr. Sanchez.  
40  
41 MR. SANCHEZ: Yes.  
42  
43 EXECUTIVE DIRECTOR GREGORY: Mr. Anson.  
44  
45 MR. ANSON: No.  
46  
47 EXECUTIVE DIRECTOR GREGORY: We have seven yes and nine no. **THE**  
48 motion fails.

1  
2 **CHAIRMAN GREENE:** Thank you. The second substitute motion  
3 fails. Now we roll back to the substitute motion. Any  
4 discussion? The substitute motion is in Action 2 that  
5 Alternative 4 will be the preferred alternative. Any discussion  
6 before we go to a vote? We will go ahead and call this to a  
7 vote. I'm assuming you're going to want a roll call vote again,  
8 Mr. Williams. Mr. Gregory.  
9  
10 **EXECUTIVE DIRECTOR GREGORY:** Mr. Swindell.  
11  
12 **MR. SWINDELL:** No.  
13  
14 **EXECUTIVE DIRECTOR GREGORY:** Mr. Williams.  
15  
16 **MR. WILLIAMS:** No.  
17  
18 **EXECUTIVE DIRECTOR GREGORY:** Mr. Fischer.  
19  
20 **MR. FISCHER:** Yes.  
21  
22 **EXECUTIVE DIRECTOR GREGORY:** Dr. Lucas.  
23  
24 **DR. LUCAS:** Yes.  
25  
26 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.  
27  
28 **DR. STUNZ:** Yes.  
29  
30 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.  
31  
32 **MR. WALKER:** No.  
33  
34 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bademan.  
35  
36 **MS. BADEMAN:** No.  
37  
38 **EXECUTIVE DIRECTOR GREGORY:** Mr. Diaz.  
39  
40 **MR. DIAZ:** No.  
41  
42 **EXECUTIVE DIRECTOR GREGORY:** Mr. Boyd.  
43  
44 **MR. BOYD:** Yes.  
45  
46 **EXECUTIVE DIRECTOR GREGORY:** Mr. Riechers.  
47  
48 **MR. RIECHERS:** Yes.

1  
2 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.  
3  
4 **MR. MATENS:** Yes.  
5  
6 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree.  
7  
8 **DR. CRABTREE:** No.  
9  
10 **EXECUTIVE DIRECTOR GREGORY:** Mr. Greene.  
11  
12 **MR. GREENE:** No.  
13  
14 **EXECUTIVE DIRECTOR GREGORY:** Mr. Sanchez.  
15  
16 **MR. SANCHEZ:** No.  
17  
18 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.  
19  
20 **MS. BOSARGE:** No.  
21  
22 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.  
23  
24 **MR. ANSON:** No.  
25  
26 **EXECUTIVE DIRECTOR GREGORY:** Six yes and ten no. **The motion**  
27 **fails.**  
28  
29 **CHAIRMAN GREENE:** Thank you. That takes us back to our original  
30 motion that Alternative 3 will be the preferred. Any discussion  
31 on this motion? Alternative 3 is to extend separate management  
32 of the federal for-hire and private angling components of the  
33 recreational sector. The amendment could apply for both  
34 components. The recreational sector ACL will be divided into  
35 regional ACLs using the allocation selected in Action 6. The  
36 regional ACLs will further be divided into regional components  
37 and apply the allocation formula established through Amendment  
38 40 to the region's average proportion of landings by each  
39 component. A region may manage both components or may manage  
40 the private angling component only. If managing the private  
41 angling component only, the region's for-hire ACL will become  
42 part of the federal for-hire component ACL. All right. Any  
43 further discussion? We're going to a vote and I assume it will  
44 be a roll call vote, as everything we've done this morning is.  
45 Mr. Gregory.  
46  
47 **EXECUTIVE DIRECTOR GREGORY:** I'm ready. Mr. Matens.  
48

1 MR. MATENS: Yes.  
2  
3 EXECUTIVE DIRECTOR GREGORY: Ms. Bosarge.  
4  
5 MS. BOSARGE: No.  
6  
7 EXECUTIVE DIRECTOR GREGORY: Dr. Crabtree.  
8  
9 DR. CRABTREE: Yes.  
10  
11 EXECUTIVE DIRECTOR GREGORY: Dr. Lucas.  
12  
13 DR. LUCAS: Yes.  
14  
15 EXECUTIVE DIRECTOR GREGORY: Mr. Fischer.  
16  
17 MR. FISCHER: Yes.  
18  
19 EXECUTIVE DIRECTOR GREGORY: Mr. Williams.  
20  
21 MR. WILLIAMS: No.  
22  
23 EXECUTIVE DIRECTOR GREGORY: Mr. Swindell.  
24  
25 MR. SWINDELL: No.  
26  
27 EXECUTIVE DIRECTOR GREGORY: Mr. Boyd.  
28  
29 MR. BOYD: Yes.  
30  
31 EXECUTIVE DIRECTOR GREGORY: Mr. Walker.  
32  
33 MR. WALKER: No.  
34  
35 EXECUTIVE DIRECTOR GREGORY: Mr. Greene.  
36  
37 MR. GREENE: No.  
38  
39 EXECUTIVE DIRECTOR GREGORY: Ms. Bademan.  
40  
41 MS. BADEMAN: No.  
42  
43 EXECUTIVE DIRECTOR GREGORY: Mr. Riechers.  
44  
45 MR. RIECHERS: No.  
46  
47 EXECUTIVE DIRECTOR GREGORY: Mr. Sanchez.  
48

1 **MR. SANCHEZ:** No.  
2  
3 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.  
4  
5 **DR. STUNZ:** No.  
6  
7 **EXECUTIVE DIRECTOR GREGORY:** Mr. Diaz.  
8  
9 **MR. DIAZ:** Yes.  
10  
11 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.  
12  
13 **MR. ANSON:** Yes.  
14  
15 **EXECUTIVE DIRECTOR GREGORY:** We have seven yes and nine no. **The**  
16 **motion fails.**  
17  
18 **CHAIRMAN GREENE:** Thank you. With that, unless there is any  
19 further discussion -- Seeing none, Dr. Lasseter.  
20  
21 **DR. LASSETER:** Thank you, Mr. Chairman. We will just review the  
22 rest of the actions and see if there's any other changes you  
23 would like to make. All the remaining actions do have  
24 preferreds currently selected.  
25  
26 Action 3 begins on page 26, and this is establish regions for  
27 management. Your current preferred alternative is Alternative  
28 5, establish five regions representing each Gulf state, which  
29 may voluntarily form multistate regions with adjacent states.  
30 Please just interrupt me if there is any discussion on these. I  
31 do see one.  
32  
33 **CHAIRMAN GREENE:** Lieutenant Commander Brand.  
34  
35 **LCDR JASON BRAND:** I just wanted to comment on this  
36 establishment of regions. As we heard from the Law Enforcement  
37 Committee, they recommended that this would be an at-sea  
38 enforcement program, due to the complexities with private docks,  
39 and not having access to those to do dockside inspections.  
40  
41 This further adds to the complexity of this. If we make this an  
42 offshore enforcement program, rather than a dockside enforcement  
43 program, there is -- The enforceability becomes very complex,  
44 and also, to add to that, if the states have authority out to  
45 200 nautical miles, then I don't believe that the Coast Guard  
46 would be able to enforce at sea, and so you have a fishery  
47 management plan that becomes very unenforceable with these  
48 circumstances. I just wanted to discuss that.



1  
2 If the Law Enforcement Committee is saying that this is an at-  
3 sea recommendation for enforcing this, then we have to discuss  
4 this further, about having additional regions within a region  
5 and different seasons and bag limits between each region. Then  
6 also, with that, you have the Coast Guard is unable to enforce  
7 this fishery management plan at sea.

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

10  
11 **MS. LEVY:** If all the states participate and have approved CEPs,  
12 there is no at-sea enforcement in the EEZ, because it's where  
13 they land is where those regulations apply, meaning if you land  
14 in Texas, you have to comply with Texas's CEP. If you land in -  
15 - You won't know, necessarily, where they're going until they're  
16 within the state boundaries. Then, at-sea in state waters,  
17 there could be enforcement.

18  
19 The other thing is we are, or did, draft the regulations, at  
20 least with respect to the bag limit and season, to say,  
21 essentially, no one can possess -- No recreational under-the-  
22 bag-limit possession of red snapper in excess of the largest bag  
23 limit established by any state with an approved CEP.

24  
25 We try to weave in a federal requirement that no one can have  
26 ten fish when every state has a bag limit of five fish or less.  
27 Therefore, giving a federal hook for the Coast Guard to be,  
28 like, you're outside every state's CEP and it's illegal. The  
29 same thing with the closed seasons. We tried to say, you know,  
30 there is no possession of bag-limit red snapper when everything  
31 is closed. If every state is closed, you can't have this in the  
32 EEZ, and so we did try to hook it like that.

33  
34 The enforcement issues, and I think the complication comes up,  
35 is if there is non-participating states, or states that don't  
36 have approved CEPs. Then you have to draw those lines in the  
37 water, because we have federal default regulations and we have  
38 all these CEPs going on around it. That, I think, is where the  
39 enforcement gets complicated, in terms of the line drawing and  
40 where you're enforcing things. If every state is participating,  
41 really the enforcement happens in state waters.

42  
43 **LCDR BRAND:** Just to that point, would regions within a region  
44 create those lines that you're talking about, Mara?

45  
46 **MS. LEVY:** This is basically saying each state is its own  
47 region, but if Florida and Alabama want to get together and have  
48 consistent regulations for their whole area, then they can, but

1 you can combine regions adjacent to each other and come up with  
2 a consistent conservation equivalency plan.

3  
4 It's not like saying Florida is going to have ten different  
5 plans within their area. It still wouldn't result in that,  
6 unless we start to have to draw lines because there are some  
7 that are not participating and some that are participating.

8  
9 **LCDR BRAND:** One more point for clarification. The Coast Guard  
10 would find a vessel in violation of a state regulation and we  
11 would just try to turn them over to the state, but we wouldn't  
12 write them a federal ticket? Is that how you see that?

13  
14 **MS. LEVY:** Are you talking about in state waters?

15  
16 **LCDR BRAND:** Outside of -- Let's say twenty-miles offshore and  
17 they have ten fish, like you mentioned. That would be we would  
18 just notify the state, or we would write them a federal ticket?

19  
20 **MS. LEVY:** What I'm saying is we've drafted the regulations in  
21 such a way to make that a violation of the federal regulations,  
22 and so I presume that would give you the authority to say, hey,  
23 you're in violation of this regulation that says you can't  
24 exceed the highest bag limit that any state has set, and you  
25 have.

26  
27 **CHAIRMAN GREENE:** Thank you. Chairman Anson.

28  
29 **MR. ANSON:** Thank you, Mr. Greene. Mara, help me out here. I  
30 am envisioning, going back to your statement about if a state  
31 were to default to federal regulations, opt out, and you said  
32 that there would have to be kind of some hard lines, I guess,  
33 for enforcement and such.

34  
35 I just see that as another size and bag limit. It's just under  
36 what the federal government picks, and so I don't see a  
37 distinction, as far as enforceability, on the water. It would  
38 fall under that maximum fish amongst all of the participating  
39 states, at least, and then that would just be one more bag limit  
40 that kind of fits in that matrix and such. If the state season  
41 was open, a fisherman could be off in federal waters and be  
42 open. Now -- You don't think so? Can you explain that a little  
43 further then?

44  
45 **MS. LEVY:** I think if we have to draw the lines -- So, for  
46 example, if Alabama is not participating, then we have in the  
47 document this line that goes out into the EEZ that says this EEZ  
48 area off of this region, Alabama, is subject to the default

1 regulations. That means anyone in that area is subject to the  
2 federal bag limit and the federal season.

3  
4 In that case, you have to enforce that pretty much at-sea there.  
5 I don't think someone from Florida could be fishing in there  
6 under the Florida season and bag limit and say they're going  
7 back to Florida. We would have set regulations for that area of  
8 the EEZ, and so that's where I think it gets complicated.

9  
10 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.  
11 Riechers.

12  
13 **MR. RIECHERS:** Mara, definitely it gets a little more  
14 complicated, but not impossible to enforce, because certainly  
15 even under JEA options now, our state enforcement can go into  
16 federal waters. Cases are often handed over from NMFS or NOAA  
17 Law Enforcement or Coast Guard to states now, and so I am not  
18 saying there aren't challenges and hurdles here in the law  
19 enforcement community, but they're things we handle, and we even  
20 handle them with things like the shrimp closure and other things  
21 now.

22  
23 I mean it's not impossible to do, by any means, and certainly  
24 you guys are coordinating working. I think the key will be  
25 writing the regulations in a way that doesn't preclude us from  
26 having some of those enforcement tools, just making sure that we  
27 keep a mind to that as we try to write those.

28  
29 **CHAIRMAN GREENE:** Thank you. Ms. Bademan.

30  
31 **MS. BADEMAN:** Just to chime in on this conversation about  
32 enforcement, I do agree. I think the key is going to be the  
33 codified text that's in the federal rule, and then I guess  
34 however states write their regulations, should we go to a CEP  
35 situation.

36  
37 In talking about this with our law enforcement, I tried to  
38 explain it the best way that we've discussed it here, and they  
39 kept throwing questions at me, and it's confusing. What if I  
40 pull up and what if people are out fishing for red snapper and  
41 they're also catching gag and they're catching other groupers  
42 and they're catching other reef fish, and how do I handle this  
43 if I see violations here, and there's probably a violation with  
44 red snapper? It seems weird that I'm only enforcing this, but  
45 not this.

46  
47 There were similar concerns from the public. There were a lot o  
48 concerns from the public about how this would be enforced and a

1 lot of confusion. I think we really need to have a clear plan  
2 that's apparent to everyone before we do this, from an  
3 enforcement perspective. That's all I will say about that.  
4 Thanks.

5  
6 **CHAIRMAN GREENE:** Thank you. Are there further comments or  
7 discussion? Seeing nothing else, Dr. Lasseter.

8  
9 **DR. LASSETER:** Thank you, Mr. Chairman. We will move on to  
10 Action 4, which begins on page 29, and this action would modify  
11 the federal minimum size limit for red snapper. Your preferred  
12 alternative is currently 3, to reduce the federal minimum size  
13 limit to fifteen-inches total length. If there's not any  
14 further discussion on this action, we will move on to Action 5.  
15 That begins on page 32.

16  
17 Action 5 addresses closures in federal waters of the Gulf, and  
18 your current preferred alternative is Alternative 2. A region  
19 may establish closed areas within federal waters adjacent to  
20 their region in which the recreational harvest of red snapper is  
21 prohibited. If there's not any further discussion, we will go  
22 on to Action 6, which begins on page 35.

23  
24 Action 6 addresses apportioning the recreational ACL, the quota,  
25 the recreational quota, among the regions. You have two current  
26 preferred alternatives, Preferred Alternative 5 and 6, with  
27 Option 6a and 6b.

28  
29 Preferred Alternative 5 would apportion the recreational sector  
30 ACL or component ACLs, depending on what happens in Action 2,  
31 among the regions, based on 50 percent of average historical  
32 landings for the longest time series, 1986 to 2013, and 50  
33 percent of the average historical landings for the more recent  
34 time series, 2006 to 2013.

35  
36 Also, Preferred Alternative 6 has been selected. In calculating  
37 the regional apportionments, exclude both 2006 and 2010 landings  
38 from the selected time series. This results in the allocations  
39 provided in Table 2.6.5, which is on page 38. The last row  
40 there shows the preferred. The very last line of that table has  
41 the current preferred alternative. Is there any further  
42 discussion on this action?

43  
44 **CHAIRMAN GREENE:** Thank you. Ms. Bosarge.

45  
46 **MS. BOSARGE:** I didn't get my hand up quick enough, but I  
47 actually have a question on the last action. If you all have  
48 discussion on this, I can wait and we can go back to it after

1 that.

2  
3 **CHAIRMAN GREENE:** Okay. Any discussion on Action 6? Seeing no  
4 discussion, Ms. Bosarge.

5  
6 **MS. BOSARGE:** Okay. Can we back up to that last action? Okay.  
7 Our preferred alternative is a region may establish closed areas  
8 within federal waters adjacent to their region in which  
9 recreational harvest of red snapper is prohibited. I was just  
10 trying to think of this from the enforcement perspective, and if  
11 this is our preferred alternative, this says, to me, that we  
12 almost always actually have these lines drawn out into the EEZ,  
13 because I mean Louisiana -- If we end up doing each individual  
14 state, Louisiana couldn't close the waters off of Texas in the  
15 federal waters off of there, and vice versa.

16  
17 So we do have these lines drawn from the get-go and not just if  
18 somebody opts out. If you have the ability to close the federal  
19 waters off of your state, then the lines are drawn, and so,  
20 therefore, you're managing all the way out to 200 miles and  
21 whatever your rules are, they apply. So there is at-sea  
22 enforcement.

23  
24 You have made your rules out to 200 miles, and you better be  
25 playing by whatever the rules of that state are that you're off  
26 of when you're in those waters, right? You had better be  
27 playing by that state's rules when you're off of their state,  
28 whether you're in their state waters or you're in their federal  
29 waters.

30  
31 This says to me that the lines are drawn from the get-go. If a  
32 region may establish a closed area in its federal waters  
33 adjacent to it state, and so say Mississippi. They could close  
34 federal waters off of Mississippi. They have that ability.  
35 They don't have the ability to close federal waters off of  
36 Louisiana or Florida or anything else, but that tells me that we  
37 have drawn these lines, right?

38  
39 **MS. LEVY:** I think it anticipates some kind of closure in the  
40 EEZ, whether it's all of federal waters or it's an area of  
41 federal waters. It doesn't say it has to be an all-or-nothing,  
42 and the way that we've drafted the codified text with regard to  
43 these closed areas is if a CEP includes a proposed closed area,  
44 then when NMFS does its review, that will include publication of  
45 a proposed rule to solicit comments on the closure.

46  
47 Then when NMFS makes a final decision approving the CEP, NMFS  
48 will have to publish a final rule implementing the closure, and

1 so we'll need actually a federal regulatory mechanism to  
2 establish the closure, and NMFS will likely have to do some sort  
3 of a NEPA analysis, and I think the discussion in the process of  
4 submitting CEPs anticipates that the states will provide enough  
5 information for NMFS to actually do the appropriate NEPA and  
6 regulatory analysis to implement this.

7  
8 I think, to your question, it could be pieces of the EEZ, or it  
9 could potentially be the whole area off of that state, and that  
10 would be closed to everybody. If this just applied to private  
11 recreational anglers, like all private recreational angling,  
12 regardless of where they come from. It would be like one of our  
13 closures now.

14  
15 **CHAIRMAN GREENE:** Thank you. Lieutenant Commander Brand.

16  
17 **LCDR BRAND:** Mara, one more point of clarification on our  
18 discussion about the dockside enforcement. If we're just going  
19 to default to the most lenient state's bag limit, for example,  
20 then wouldn't that mean that all regions are defaulting to that  
21 limit, because if they're going to a private dock, there is no  
22 opportunity for an inspection. All they would have to say is  
23 I'm going to go land in whatever the most lenient state is and  
24 that's what I can take today. Then if you're going to a private  
25 residence, you will never be inspected.

26  
27 **MS. LEVY:** Well, that could be true. I mean once they're in  
28 state waters though, you know what state they're in, and so,  
29 yes, in the EEZ, you might not be able to definitively tell  
30 where they're going. Presumably, I think all the states require  
31 offshore fishing licenses.

32  
33 If they only have a Texas license and they're telling you  
34 they're going to Alabama, I mean I don't know how strong an  
35 enforcement case that would be. That would be something that  
36 enforcement would have to decide, but if they have offshore  
37 fishing licenses from every single Gulf state and they can  
38 legitimately get to those states, then yes, it's going to be in  
39 state waters and at the dock. That's just the way this is set  
40 up.

41  
42 **CHAIRMAN GREENE:** Thank you. Any further discussion? Seeing  
43 none, we will proceed ahead, Dr. Lasseter.

44  
45 **DR. LASSETER:** Thank you, Mr. Chairman. There was no discussion  
46 6, and so we'll go to the last action of the document, which is  
47 Action 7, beginning on page 42. Action 7 addresses post-season  
48 accountability measures.

1  
2 Your current preferred alternative is Alternative 2, which would  
3 apply while red snapper are overfished. If the combined  
4 recreational landings exceed the recreational sector ACL, then  
5 in the following year the regional ACL would be reduced of any  
6 region that exceeded its regional ACL by the amount of that  
7 overage in the prior fishing year. Then there's a clause of  
8 unless the best scientific information available determines that  
9 a greater, lesser, or no overage adjustment is necessary.

10  
11 Of course, correspondingly, the recreational ACTs will be  
12 adjusted to reflect the established percent buffer. Is there  
13 any further discussion on the accountability measures?

14  
15 **CHAIRMAN GREENE:** Any discussion by the committee? Seeing none,  
16 Dr. Lasseter, does that complete your --

17  
18 **DR. LASSETER:** That is the final action. I will just let the  
19 committee know that the DEIS was filed and the comment period  
20 ends on February 1. Mara has also noted that the codified text  
21 is provided in the briefing book. It is not complete, because  
22 we do not have preferred alternatives selected, but NMFS will  
23 continue working on that as soon as we do have all the  
24 preferreds, and that's all we have for regional management.

25  
26 **CHAIRMAN GREENE:** Thank you. We are scheduled to take a break  
27 at about ten o'clock, and so we'll go ahead and take our  
28 fifteen-minute break now. When we come back, we will jump into  
29 Draft Amendments 41 and 42.

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

32  
33 **CHAIRMAN GREENE:** Go ahead and make your way to your seats and  
34 let's get ready. We are going to go ahead and continue with  
35 Draft Amendments 41 and 42 in your briefing books. We're going  
36 to be working from Tab B-10(a), 10(b), and 10(c). The first  
37 item under here is going to be Scoping Workshop Summaries on  
38 Draft Amendment 41 and 42.

39  
40 **FOR-HIRE MANAGEMENT - DRAFT AMENDMENTS 41 AND 42**  
41 **DRAFT AMENDMENT 42**

42  
43 **DR. DIAGNE:** Thank you, Mr. Chair. To discuss Amendment 42, we  
44 have put together a short presentation that would allow us to  
45 look at the big picture, if you would, and, perhaps, if  
46 warranted, make some decisions, look at the major decision  
47 points in this amendment at this time.

1 As an outline, to give you a summary, what it is that we would  
2 like to discuss today includes looking at the future  
3 participants in this program, discuss the purpose and need for  
4 action, go over structure of this amendment, and summarize some  
5 of the management alternatives.

6  
7 As you all know, we have a federal reef fish for-hire permit.  
8 The permit does not make a distinction between headboats and  
9 charter vessels. We have initiated two amendments now, 41, that  
10 would address the charter vessels for red snapper, and 42, that  
11 would address the headboats, but for reef fish.

12  
13 The first order of business would be to be clear about the two  
14 universes. Which one of the federal for-hire permittees would  
15 be in 41 and which one would be in Amendment 42, this one? In  
16 Amendment 42, we are interested in the headboat vessels, and the  
17 working definition that we are using here is to look at those  
18 vessels participating in the Headboat Survey, because the survey  
19 is our source for landing and effort information for headboats.  
20 That is where we go.

21  
22 This amendment is designed to address management for the sixty-  
23 seven headboats. By that, we mean the headboats participating  
24 in the survey vessels. The other amendment, going along with  
25 this, of course, will address the charter vessels and it would  
26 include the remainder of the for-hire reef fish permittees.

27  
28 This is just a quick summary of the number of headboats that we  
29 have by state. The bulk of the vessels, as you know, would be  
30 in Texas and in the State of Florida.

31  
32 The purpose and need for this amendment, as written in the  
33 document currently, is on the board. If you would, we would  
34 take the opportunity to ask you if there are specific objectives  
35 of this program that you can identify and perhaps share with us  
36 that would later on help us in designing management measures  
37 that would reflect those objectives. I would pause here for a  
38 minute, if you have objectives that you would like to add,  
39 perhaps, and we would revise the purpose and need in the future,  
40 or we can keep going and if those come up at a later time, we  
41 will take notes. I will keep on going and perhaps we will come  
42 back to those.

43  
44 The structure of this amendment, essentially -- Typically, our  
45 amendments have successive actions, let's say Actions 1 to 10,  
46 and would address successive management measures. Because here  
47 we have separate tracks, if you would, and the first decision  
48 that you would make would then translate into the design of a



1 specific program, we have different sections here.

2  
3 We start with a general section that would address that first  
4 decision point, which management approach should we use, which  
5 species to include, and how we would allocate the resources.  
6 Then we would move to different sections, depending on the  
7 management approach selected. The last section would list  
8 management measures common to all sections.

9  
10 A small graph here to perhaps show one of the key decision  
11 points that would have to be made in this amendment. The no  
12 action alternative would be to stay with traditional management,  
13 and that would be bag limits, size limits, and different  
14 seasons. The second track would be to look at allocation-based  
15 management. At the end of that track, we could either allocate  
16 to the individual headboat operators or to a group of headboat  
17 operators.

18  
19 Under the individual allocations, we are now considering either  
20 a permit fishing quota or a headboat quota or an individual  
21 fishing quota for headboats. Under the group allocations, we  
22 would look at fishing cooperatives.

23  
24 This amendment is designed for management of reef fish in the  
25 headboats. When we started this, we looked at the species for  
26 which we have a clearly established commercial and recreational  
27 allocation, so that we could allocate a subset of the  
28 recreational quota to the headboats. Those six species are red  
29 snapper, gray triggerfish, greater amberjack, red grouper, gag,  
30 and black grouper.

31  
32 I will start at the bottom. Black grouper was excluded from  
33 this amendment, because the landings are extremely, extremely  
34 small when it comes to headboats, and so we are concentrating on  
35 the five major species.

36  
37 During the previous council meeting, the council chose preferred  
38 alternatives. At this point, the two species to be included in  
39 this amendment would be red snapper and gag grouper. One of the  
40 questions that we would have to address has to do with the  
41 measurement units. It may be fairly challenging for a headboat  
42 with a certain number of customers to weigh every fish to be  
43 able to report, and so a decision point to consider would be  
44 whether this program would be managed based on pounds of fish or  
45 based on number of fish.

46  
47 If we were to go with number of fish, that would require, of  
48 course, conversions based on average weights, and we would have

1 to deal with the geographic as well as the temporal fluctuations  
2 in the average weight of the fish in the different areas.

3  
4 Before we start the program, also a prerequisite would be to  
5 allocate the resource between the headboat component, and I use  
6 the term "component" to signify the sixty-seven vessels that we  
7 have identified so far, and allocate to them a subset of the  
8 resource that we would take from the recreational quota.

9  
10 For red snapper, if sector separation is still in effect, the  
11 headboat allocation would come from what has been allocated to  
12 the federal for-hire component so far. We have provided, for  
13 your information, average percentages landed by the headboat  
14 component between 2011 and 2014.

15  
16 We come back to the management approach, to show the different  
17 sections in the document. The traditional management, again bag  
18 limits and size limits and minimum size, that would be our  
19 status quo, but, depending on the track selected, we would go to  
20 Section B for individual headboat allocations or Section C for  
21 group or cooperative allocations.

22  
23 In terms of traditional management approaches, bag limits, size  
24 limits, and a season structure, we could make those changes via  
25 a framework action. If that were the course of action selected,  
26 essentially we wouldn't need really this amendment. If you  
27 wanted to do status quo, framework actions would suffice to then  
28 make the changes for the headboat sector.

29  
30 For allocation-based management approaches, for each species  
31 that we have, and so far your preferred would be red snapper and  
32 gag grouper, the headboat allocation would be divided amongst  
33 the individual or groups. Individual headboats or groups could,  
34 of course, choose when and how to use their allocation.

35  
36 Let's start with the individual allocation-based management.  
37 The two measures that you are looking at would be, one, a permit  
38 fishing quota program and, two, an individual fishing quota  
39 program. For the permit fishing quota program, the allocation  
40 would be associated with a permit and can be distributed based  
41 on catch histories, which we have, thanks to the survey, or a  
42 different metric.

43  
44 For an individual fishing quota program, or a headboat quota,  
45 the allocation would be tied to an individual headboat operator  
46 or owner. Again, allocation could be distributed either based  
47 on catch histories or based on some other metric selected by the  
48 council.

1  
2 **MR. WILLIAMS:** If I may, Mr. Chairman, Assane, I mean  
3 functionally, what's the difference? Don't they end up being  
4 basically the same thing? I guess it's the vessel is permitted,  
5 but that permit is owned by that individual, right? So is this  
6 just a technical thing, or is there some real difference here  
7 that I'm missing?  
8

9 **DR. DIAGNE:** There is a difference here, in the sense that if  
10 you have a permit fishing quota, or PFQ in short, here, then you  
11 cannot sell the shares independent from the permit, but if you  
12 have an individual fishing quota, you could potentially,  
13 depending on how the program is designed, sell the shares, or a  
14 portion of your shares, and keep the permit. Under a PFQ, you  
15 would have to sell the whole thing at once, meaning the shares  
16 and the permit would be tied. If you wanted to sell, you would  
17 sell the permit and the totality of your shares.  
18

19 Under an IFQ, you could hold your permit and sell your shares.  
20 That's the difference there, and perhaps another thing is if you  
21 have then an IFQ, that would be easier for small, let's say,  
22 owners, because you could potentially buy a portion of someone's  
23 shares, someone who received an allocation that they no longer  
24 need, in terms of share, percentages. They could then say,  
25 well, I will sell you have of my shares and keep working. Under  
26 the PFQ, you can't do that, because it's an all-or-nothing. The  
27 shares are tied to the permit. Either you sell the whole thing  
28 or you retain the whole thing.  
29

30 **MR. WILLIAMS:** Okay. I understand. Thank you.  
31

32 **DR. DIAGNE:** Thank you, but one point to follow up on this, is  
33 depending on how you design the program, meaning the  
34 restrictions that you place on transferability, an IFQ could do  
35 exactly the same thing that a PFQ would do, and that's perhaps  
36 where it comes closer to the point that you have made, because  
37 you could have an IFQ and place certain restrictions on the  
38 transferability side. The end result would be that you will be  
39 able to do exactly the same that a PFQ could do.  
40

41 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.  
42

43 **DR. CRABTREE:** We could, Assane, under an IFQ program, we could  
44 still require that to have shares or to be in this program at  
45 all that you have a permit. We could put use-it-or-lose-it and  
46 various restrictions on leasing and that sort of thing, right?  
47

48 **DR. DIAGNE:** Absolutely, yes.

1  
2 **CHAIRMAN GREENE:** Mr. Williams.  
3  
4 **MR. WILLIAMS:** So under the permit fishing program, if we  
5 adopted that and I was a permit holder, I am stuck with whatever  
6 initial allocation I got, whether it's too much or too little.  
7 That's the allocation that goes with that permit and it's not  
8 going to change. Is that right?  
9  
10 **DR. DIAGNE:** Yes, but with a little caveat that you are stuck  
11 with what you got unless you go and buy someone else's permit  
12 and shares to add to yours.  
13  
14 **CHAIRMAN GREENE:** Ms. Bosarge.  
15  
16 **MS. BOSARGE:** That goes to my question, Assane. Could you  
17 feasibly end up having multiple permits associated with one  
18 vessel, or would you essentially almost -- Would it be the  
19 situation where you would go buy a permit that has more quota  
20 associated with it, a bigger share associated with it, and then  
21 sell your old permit that had a smaller share? Can you have  
22 more than one permit on the same boat in this situation?  
23  
24 **DR. DIAGNE:** Yes, you could have more than one permit on the  
25 same vessel, but you could potentially buy a permit and shares  
26 and add those shares to yours and then, I guess, dispose of the  
27 permit. A lot of these decisions have not been made yet, and,  
28 depending on your conversation in the next phase of this, really  
29 concentrating on the design of some of these management  
30 alternatives, and we make them reflect your intent.  
31  
32 **CHAIRMAN GREENE:** Mr. Riechers.  
33  
34 **MR. RIECHERS:** Assane, so basically, with the guidelines you've  
35 set, an individual fishing quota could be exactly the same as a  
36 permit fishing quota, and, depending on your leasing and your  
37 transferability of shares, they in fact can be exactly the same  
38 thing. It's just that in the case of how you're discussing  
39 them, you're saying that a permit is tied to a share and those  
40 shares can only be sold if the permit goes along with it.  
41  
42 **DR. DIAGNE:** In terms of your objectives, yes. Depending on the  
43 objectives that you set, the two could do exactly the same  
44 thing. There is one thing though that will always be different  
45 here. Under a PFQ, there is no scenario that would allow you to  
46 divest of a portion of your shares, but under an IFQ, you could.  
47 Under a PFQ, it will be an all-or-nothing, but transferability-  
48 wise, and we are just talking about shares now and we didn't

1 touch on the transferability of allocation, an IFQ system, as  
2 you indicated, could do, based on the restrictions that you  
3 place, the same thing.

4

5 **CHAIRMAN GREENE:** Mr. Riechers.

6

7 **MR. RIECHERS:** So if you basically suggested or you limited an  
8 IFQ -- Either you sell all your shares or none, and that's the  
9 restriction, then they're equivalently the same at that point in  
10 time. It really is just that the permit, as you suggest, is  
11 tied to a certain number of shares and you're making them all go  
12 one way or the other. Even under a permit, you could suggest  
13 that we're going to call it a permit fishing quota program, but  
14 we're going to let you trade a portion of your shares, and you  
15 don't have to trade them all, but, in this case, you're  
16 suggesting that you would.

17

18 **DR. DIAGNE:** Yes, to the extent that the shares are attached to  
19 the permit, then you couldn't really make that provision, saying  
20 we will allow you to trade a portion of your shares, but yes,  
21 they are very close to one another, and the key point being that  
22 IFQ and PFQ, depending on what it is that you want to do when it  
23 comes to transferability, could achieve the same objectives.

24

25 **CHAIRMAN GREENE:** To that point, Mr. Riechers.

26

27 **MR. RIECHERS:** Assane, certainly some programs may have come  
28 online that I'm not familiar with, but has the permit system  
29 been used, as opposed to an IFQ? If so, what were they trying  
30 to achieve? I mean is this just some different terminology that  
31 we decided to construct and it's, in effect, they're very  
32 similar in nature?

33

34 **DR. DIAGNE:** Yes, we typically look around and see what has been  
35 done in other regions. PFQs have been used in the bluefin tuna  
36 fishery, and I would let Dr. Stephen talk about it a little bit.

37

38 **DR. STEPHEN:** HMS has used bluefin tuna and they have done it as  
39 a PFQ. When that permit is sold, all the shares go with it.  
40 They cannot divest a portion of their shares to someone else  
41 without a permit, and that is only in its second year right now,  
42 and so we haven't seen kind of the results of what that type of  
43 management scheme might look like.

44

45 **CHAIRMAN GREENE:** Ms. Bosarge.

46

47 **MS. BOSARGE:** I think the other big difference between this that  
48 maybe we're overlooking is on the PFQ, yes, the shares and

1 allocation are associated with a permit, but, therefore, the  
2 shares and allocation are associated with a boat owner. Do you  
3 see what I'm saying?  
4

5 In other words, it's a little different than IFQ, where you have  
6 to have a permit to land it, but you don't have to have a permit  
7 to own it, for the commercial sector, right? Which we're  
8 looking at changing that.  
9

10 This, I would see PFQ as almost trying to keep the fishermen and  
11 the allocation linked in a closer fashion. Now, granted, I mean  
12 I don't know what kind of restrictions there are on the boat. I  
13 mean maybe it could be a twenty-five-foot skiff. I don't know,  
14 but I would see that as probably one of the major differences,  
15 that one of them is trying to keep it more closely linked with  
16 the fishermen and the boat.  
17

18 **CHAIRMAN GREENE:** Dr. Crabtree.  
19

20 **DR. CRABTREE:** But you could set up the IFQ program in a way  
21 that requires you to have a permit, and you could, in this  
22 program, create a headboat permit. I think the number is sixty-  
23 seven, and so there would be sixty-seven headboat permits  
24 issued. You could require that anyone who is a shareholder and  
25 participates in the program in any way has to have a headboat  
26 permit.  
27

28 In that sense, it's a lesser distinction. It just seems to me  
29 that the PFQ makes it much more difficult to move shares around  
30 than the IFQ does, but I think if you put appropriate  
31 restrictions on how the IFQ shares and allocation can be  
32 distributed that you could accomplish a lot of those same goals  
33 that you brought up.  
34

35 **CHAIRMAN GREENE:** Thank you. Is there further discussion?  
36 Seeing none, Dr. Diagne.  
37

38 **DR. DIAGNE:** Thank you, Mr. Chair. Just to finish this point,  
39 the approach suggested by Dr. Crabtree would actually be the  
40 most practicable and the more flexible, to have something like a  
41 headboat permit and clearly identify our universe and have  
42 transferability provisions that reflect the concerns that you  
43 have. Make it a requirement for everyone to have it to  
44 participate in this program.  
45

46 On to the next action. One of the actions here would have to  
47 deal with how the shares would be initially apportioned. For  
48 the headboat component, we have the luxury of having a catch

1 history, again thanks to the Southeast Survey.  
2  
3 We could consider a variety of things, or schemes. One would be  
4 an equal distribution amongst the sixty-seven participants.  
5 That's just an alternative. Another one would be a proportional  
6 distribution based on catch history. We could also have a  
7 combination between the two, let's say 50 percent equally  
8 distributed and another 50 percent proportionally allocated, as  
9 an example.  
10  
11 Finally, in this amendment, we would have to consider options of  
12 all, if not a portion, of what is given in initial  
13 apportionment. There are some decisions to be made here, when  
14 the time comes, as to what way we would select for the initial  
15 apportionment.  
16  
17 **CHAIRMAN GREENE:** Dr. Crabtree.  
18  
19 **DR. CRABTREE:** I assume, Assane, it would be possible to  
20 distribute, just hypothetically, half of the shares based on  
21 catch history and auction the other half off, right?  
22  
23 **DR. DIAGNE:** Absolutely, yes. A combination could include all  
24 three.  
25  
26 **DR. CRABTREE:** The auction could also be a periodic thing, where  
27 we would say every X years the shares will be auctioned off, and  
28 so if you buy shares through the auction, you get them, but you  
29 get them for some defined period of time, after which they're  
30 auctioned off again, so that no one is getting shares for  
31 eternity.  
32  
33 **DR. DIAGNE:** Yes.  
34  
35 **CHAIRMAN GREENE:** Mr. Williams.  
36  
37 **MR. WILLIAMS:** A follow-up to Dr. Crabtree. Are there any  
38 fisheries in the country now where they're using auctions?  
39  
40 **DR. CRABTREE:** I don't know. I can't think of any off the top  
41 of my head, but there may be some.  
42  
43 **CHAIRMAN GREENE:** Mr. Riechers.  
44  
45 **MR. RIECHERS:** But doesn't some of your other natural resource  
46 agencies, the U.S. Fish and Wildlife Service and the Department  
47 of Interior, use auctions for other natural resource purposes?  
48

1 **DR. CRABTREE:** I think with timber rights and oil leasing and  
2 all of those things, I think they are used for natural resource  
3 management. I also would point out that it is a requirement of  
4 the statute that we consider auctions as we go through this.

5  
6 **CHAIRMAN GREENE:** Dr. Lucas.

7  
8 **DR. LUCAS:** Roy, earlier yesterday, we were having a discussion  
9 about when you all sell permits and stuff that you can only  
10 charge administrative fees and things like that, and so, how if  
11 you do an auction and it goes to the highest bidder, how -- I  
12 mean I'm assuming you all are able to get around that, and then  
13 where does that money go? What is it used for?

14  
15 **DR. CRABTREE:** The statute specifically allows us to do  
16 auctions, and I think, inherent in the definition of an auction,  
17 is it goes to the highest bidder. Now, exactly how the auction  
18 is done, I guess it would be kind of like what they call a  
19 closed bid auction, where you submit your bid. The money goes  
20 into the Limited Access System Administration Fund, which is  
21 established by the Magnuson Act. That's where it would go, and  
22 then I think that fund can then be used for the management of  
23 the fishery, but it is subject to annual appropriation, and so  
24 Congress still has a hand in there.

25  
26 **DR. LUCAS:** I noticed in one of the documents, I guess it was  
27 the IFQ document, that it had a thing that basically said that  
28 NMFS, I guess your staff time or whatever, was spending out more  
29 to cover the IFQ-related program expenses and stuff like that,  
30 and so could that then help you all cover those related  
31 expenses, I guess, in those type of programs?

32  
33 **DR. CRABTREE:** I would have to look at how this fund exactly  
34 works, and is subject to appropriations. Now, there would also,  
35 in addition to whatever funds were raised by the auction, we  
36 will have cost recovery, just as we do in the current IFQ  
37 programs, in this one.

38  
39 Cost recovery here is a little more complicated, because in the  
40 IFQ program, cost recovery is 3 percent of the ex-vessel price  
41 of the fish. In this case, the fish aren't being sold, and so  
42 it's not clear cut how the cost recovery works, but we'll have  
43 to come up with some proxy of some sort that we would use and  
44 assign to the fish that are being landed and then we would do  
45 cost recovery based on that. Then those funds do go into a fund  
46 that we have access to and we can then use those to pay for the  
47 costs of running the program.



1 **CHAIRMAN GREENE:** Is there further discussion? Yes, sir, Dr.  
2 Stunz.

3  
4 **DR. STUNZ:** Thanks, Mr. Chairman, and I'm still just trying to  
5 get my mind wrapped around this amendment and understanding all  
6 of this as well, but the point that I'm bringing up was raised a  
7 few days ago. Some of the headboats, about a third of them in  
8 Texas, in my region, had asked for a meeting to discuss, because  
9 they're obviously concerned where this is going.

10  
11 What I am not clear on is, is this is an all-or-none thing if  
12 you're a headboat? Is there an opt-out provision, because  
13 they're not necessarily crazy about it at this point, for a  
14 variety of reasons we can discuss later. They generally prefer  
15 to be managed as a whole recreational sector originally, but now  
16 at least as a for-hire, and under some type of state plan that  
17 we might define at some point in 39. I don't know if there is a  
18 -- What I'm hearing is this is an all-or-none deal and if you're  
19 a headboat, you're part of this.

20  
21 **DR. CRABTREE:** Well, I mean there's no program yet. You're  
22 designing it and so I guess you need to figure that out, and  
23 clearly before we go too far down this path, we need to resolve  
24 some of these open-ended questions in Amendment 39, because if  
25 we're going to turn all the for-hire vessels over to the states  
26 to manage, then I think that means we're not going to do  
27 Amendment 42.

28  
29 If we are going to do Amendment 42, then I think that means that  
30 we're going to continue to manage the headboats federally, but  
31 there are lots of options here, depending on what decisions we  
32 make and how we run the program.

33  
34 **DR. STUNZ:** To that point, Roy, I agree, and I think we need to  
35 enter into the discussion at some point of how do we account for  
36 those that may or may not want to participate in that, and so we  
37 put in some type of opt-out provision as these discussions are  
38 continuing, related to all the other amendments that are under  
39 consideration now.

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

43  
44 **DR. DIAGNE:** Thank you. The next set of actions would have to  
45 address transferability, and your previous discussions did touch  
46 upon some transferability issues. Here, we would have to  
47 determine whether transferability would be unrestricted or  
48 whether we would have a series of restrictions, including

1 ownership of a permit and continuous participation in the survey  
2 and that sort of thing. If we were to create a specific  
3 headboat permit, that would also be another item for  
4 consideration in the transferability portion of the document.

5  
6 For the individual-based allocation management approach, that  
7 would be it. Essentially, either we could look at a PFQ or an  
8 IFQ, IFQ being the more flexible one, and, with the right  
9 transferability restrictions, would be able to achieve your  
10 stated objectives for this program. The second part now is  
11 going to look at group allocation-based management, or, in  
12 short, the establishment of cooperatives. I will stop here. I  
13 see Dr. Crabtree has a question.

14  
15 **DR. CRABTREE:** I am coming back to Greg's question about an opt-  
16 out. It does seem -- I am thinking how this is somewhat similar  
17 to the sectors program that they have in New England. I guess  
18 you could have a system where there is a common pool, which  
19 means there's a federal season and that's when the headboats can  
20 fish for red snapper, or they have the option to get into a  
21 cooperative, and then they fish under the rules established for  
22 that cooperative.

23  
24 I think that's kind of how New England works it. They have a  
25 common pool, and vessels who don't want to be in a sector fish  
26 in the common pool with specified regulations. Then they have  
27 the various sectors that vessels can get into, and so I do see  
28 ways that it might be possible to do something like that if you  
29 went with a co-op kind of an approach.

30  
31 **DR. DIAGNE:** Thank you. Also, to add a little bit to that, even  
32 in an individual approach, you could possibly say that those who  
33 are not willing to participate could be put in the pool and be  
34 managed by the agency, and the rest of them would have an  
35 individual PFQ or IFQ type of program.

36  
37 Also, something else about the individual programs, headboat  
38 operators and owners can, presumably, after they receive their  
39 allocations, form cooperatives voluntarily, without the  
40 involvement, if you would, of the council, per se. They could  
41 receive their shares and pull it together and manage it as they  
42 see fit. This group allocation-based management section of the  
43 document looks at co-ops that we would have essentially to not  
44 design, but at least to oversee, in some fashion.

45  
46 Some of the questions here to address first would be to look at  
47 the number of co-ops to be created. Would it be a single co-op  
48 with all vessels here, or would we allow the establishment of

1 other co-ops when we implement this amendment?

2  
3 For examples, vessels in a particular area, or based on  
4 affinity, could decide to pool their resources together and form  
5 a co-op. One of the requirements would be to have at least a  
6 minimum of three members, and that is essentially for  
7 confidentiality reasons, if you would.

8  
9 If we were to allow members to transfer between co-ops, assuming  
10 that we've established several co-ops, how often would we allow  
11 them to change their membership? Obviously mid-season, that  
12 wouldn't be practicable. Is it something that we would have to  
13 do or allow every year or every two years, once at the  
14 implementation of the program and then another five years, and  
15 so forth? Those are some of the decisions that would have to be  
16 made, perhaps, later.

17  
18 Again, under the first section of the document, after initial  
19 allocation, headboat operators could form their own co-ops  
20 voluntarily. If that were the case, then we wouldn't need  
21 really this section here in the document.

22  
23 **CHAIRMAN GREENE:** Mr. Williams, did you have a question?

24  
25 **MR. WILLIAMS:** Yes, and, Assane, I was wondering, in the case of  
26 a headboat operator that might own two or three headboats, and I  
27 know there is a couple at least that own a couple of headboats,  
28 under that system, could they form their own cooperative, so  
29 that they could move allocation back and forth between their two  
30 boats? I mean how would that work, or have you thought that out  
31 yet?

32  
33 **DR. DIAGNE:** I think, for confidentiality purposes, that we want  
34 three different entities, not necessarily three different  
35 vessels. To the extent that those vessels are owned by the same  
36 entity, you wouldn't allow him or her to form their own co-op  
37 and say, well, this is three and I have three vessels. It's  
38 three distinct entities, and so that wouldn't work in this  
39 system, I think, to bring three vessels owned by the same  
40 corporation or the same individual, and say I have my own co-op.

41  
42 **CHAIRMAN GREENE:** Mr. Swindell.

43  
44 **MR. SWINDELL:** I think it would be very difficult for a company  
45 as such, that owns three vessels, to form its own co-op. Co-ops  
46 are business entities that get together to operate together and  
47 to share insurance costs and all this, and marketing management  
48 and operation management and so forth, and so you would have to

1 have, I think, three individual owners or corporations, whatever  
2 it may be, to have a co-op, and I wouldn't see a problem with  
3 doing that at all. Thank you.

4  
5 **CHAIRMAN GREENE:** Thank you. Ms. Levy.

6  
7 **MS. LEVY:** Just the way that the document set it out right now,  
8 it does say that it has to have a minimum of three members, none  
9 of whom have an ownership interest in the other two participants  
10 in the cooperative, but I will also note that the way that the  
11 alternatives are set out now with respect to this is it's saying  
12 that everyone will be in a cooperative.

13  
14 If you decide you want to go down the cooperative route and you  
15 want to make it voluntary, like Roy was talking about, then I  
16 think you need to give some direction to staff about that,  
17 because that's not the way it's structured right now.

18  
19 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.  
20 Diagne.

21  
22 **DR. DIAGNE:** Now some of the issues that we would have to  
23 consider when it comes to the management within the co-ops.  
24 Essentially, if we go down this path, the co-ops would have to  
25 submit an operations plan to NMFS and to the council for  
26 approval.

27  
28 Essentially, those would be reviewed and one of the options that  
29 are looking at in the document deals with even reviewing the  
30 changes, future changes, to the submitted operations plan. A  
31 question that we will have to address would be what should be in  
32 the operations plans submitted by the various cooperatives?

33  
34 Next, we would have to apportion the catch allotments on an  
35 annual basis to the various cooperatives. We could do the  
36 allocation, or the apportionment, based on the number of members  
37 in each co-op or based on the aggregate catch histories of the  
38 co-op members, and we could also consider other things that we  
39 discussed earlier, such as a combination of these things, and,  
40 of course, options would be considered in this process.

41  
42 Transferability of these catch allotments to the co-ops, we  
43 would have to decide what sorts of restrictions we want when it  
44 comes to transferability. We could allow unrestricted  
45 transfers, or we could allow members of the co-op to transfer  
46 allocation, or we could make all of the transfers go through the  
47 manager that they selected for the co-op.

1 We also have several additional actions that we haven't  
2 discussed yet, one of which actually was brought up, and that  
3 one was cost recovery procedures. We would be forced to figure  
4 out a proxy for ex-vessel value and use it to be able to collect  
5 up to 3 percent of that as cost recovery.

6  
7 In terms of landing reporting requirements, there is a for-hire  
8 electronic amendment in the works, but perhaps for this small  
9 group, the sixty-seven headboats, this amendment could consider  
10 having in place some landing and reporting requirements  
11 specifically tailored to the needs of this group as a whole.

12  
13 We would also have to look at ownership caps. Those are  
14 mandated by the Act. Finally, we could still rely on framework  
15 actions to make certain changes, and those would include, for  
16 example, changes to reporting and monitoring, and perhaps some  
17 of the permitting requirements.

18  
19 This is a quick overview of some of the actions that would be  
20 included in Amendment 42 for the headboat survey vessels. I  
21 will stop here and try to answer questions, if you have any.  
22 Thank you.

23  
24 **CHAIRMAN GREENE:** Thank you. Are there questions or discussion?  
25 Ms. Levy.

26  
27 **MS. LEVY:** Thank you. I just wanted to note that if you do have  
28 a sense of what type of program you're looking at, and can  
29 narrow that down, it would really narrow down the scope of all  
30 the actions and alternatives that need to be included in the  
31 amendment, because when you choose that path, then it gets rid  
32 of some of the things that you need to consider.

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

35  
36 **DR. CRABTREE:** Just thinking about the PFQ path, that really  
37 seems overly restricted in how it binds the shares to the  
38 permit, and I don't think it has many benefits that I see that  
39 couldn't be addressed by putting restrictions on permit  
40 requirements and those type of things in an IFQ program.

41  
42 I, for one, am not seeing much benefit from a PFQ fishery in  
43 this particular situation, but I am curious if anyone else does  
44 see some benefit to it.

45  
46 **CHAIRMAN GREENE:** To be clear, you're speaking in Amendment 42  
47 that you don't see the utility? Okay. Thank you. Any  
48 questions or comments? Mr. Riechers.

1  
2 **MR. RIECHERS:** Roy, my comments earlier I think led to that.  
3 Leann, I think, sees it a little bit differently, but I agree  
4 with you. I don't really see a distinction between the two,  
5 especially assuming your restrictions on how you allow  
6 transferability, because, somewhere along the way, we just said  
7 a permit will have shares that are attached to it and it won't  
8 be tradable, but you could have a permit with shares attached to  
9 it where a percentage of shares are tradable, and so I just  
10 don't see that distinction.

11  
12 They may have created a new piece of nomenclature to name it,  
13 but that's really all the -- That's the only distinction I see  
14 at this point in time. If that helps in any ease of moving  
15 forward with the document, that's certainly one of the  
16 distinctions I think we could do away with at this point.

17  
18 **CHAIRMAN GREENE:** Thank you. Anybody else wish to comment? Dr.  
19 Crabtree.

20  
21 **DR. CRABTREE:** So does that mean we're all in agreement that we  
22 could eliminate the PFQs from further -- I am not seeing anyone  
23 else saying anything, and so I'm asking. Does that mean we're  
24 in agreement to that?

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

27  
28 **MR. WILLIAMS:** Captain Green has emailed me something on this  
29 and would like to address it. Would you guys consider allowing  
30 him to speak to us on this? He sees a distinction, and would  
31 the council object to allowing him to speak to it? He seems to  
32 understand it a little better than I do. I'm kind of where  
33 Robin is on this. I think you could make them the same thing,  
34 but he sees a difference.

35  
36 **CHAIRMAN GREENE:** Any objections? Seeing none, Captain Green.

37  
38 **MR. JIM GREEN:** I appreciate it, and I understand the discussion  
39 that's going on. As someone who kind of helped coin this term,  
40 a group of us kind of came up with it, the PFQ, the intent and  
41 the thought process behind it, was to ensure the allocation  
42 stayed with the permit and stayed active in the fishery.

43  
44 It was to ensure a generational transfer of the charter  
45 industry. One of the biggest problems with IFQ in snappers are  
46 the black-eye that the public gives it, is that as you own these  
47 and when you pass away, your family members. It continues to be  
48 inherited, instead of giving the freedom to people who want to

1 operate in the fishery.

2  
3 A PFQ and timed allocation to the permit, the intent and the  
4 thought process behind it was that it would, as a fisherman  
5 passed away or got out of the business, whoever bought that  
6 business did not have their family members and the allocation as  
7 a business partner. It's to give some monetary value to the  
8 permit and the boat. That way, someone can go borrow money from  
9 a bank with a tangible asset to continue the generational  
10 transfer of it. That was more of the intent of a PFQ.

11  
12 **CHAIRMAN GREENE:** Thank you. Mr. Williams.

13  
14 **MR. WILLIAMS:** Captain Green, is it more apropos for the charter  
15 fishery than for the headboat fishery, or do you see them as  
16 being equally applicable? It seems, to me, it's more applicable  
17 than to the charter fishery, but --

18  
19 **MR. GREEN:** No, it was for both. I mean it really is to ensure  
20 that we have something to pass on, instead of -- I have heard  
21 buying permits, and what some people didn't bring up was in the  
22 CFR you could marry them together, if it's approved by the  
23 Regional Administrator.

24  
25 You could buy up more allocation and put it on your permit, but  
26 it would be a substantial increase. You would have to -- Nobody  
27 is going to just sell you the permit. You're going to have to  
28 buy the boat and the permit and the business to absorb that  
29 allocation, and so it was to be more restrictive in the  
30 beginning and let us get this right and not allow it to become  
31 some freefall market of people getting out and selling out and  
32 stuff.

33  
34 It was meant to be restrictive in the manner that it continued  
35 our industry through the generations, if that makes sense. I  
36 mean I heard that it's overly restrictive and yes, that's kind  
37 of what the plan was. That way, you don't have someone coming  
38 in and buying up a bunch of headboats or a bunch of charter  
39 boats without spending an exorbitant amount of money to have  
40 that position in the fishery.

41  
42 **CHAIRMAN GREENE:** Mr. Swindell.

43  
44 **MR. SWINDELL:** What happens in the case of an illness of the  
45 captain or owner of the vessel? If he gets ill and he just  
46 started the season and now, if he can't find somebody to come  
47 run his boat for him, I would think that the individual  
48 ownership would allow him to at least perhaps sell his shares to

1 help him through the tough time, at that time.

2  
3 **MR. GREEN:** Yes, sir, and, also, the idea behind that was that  
4 there could be an extenuating circumstance that the Regional  
5 Administrator could approve a transferability such as that, but  
6 it was really to defer away from that.

7  
8 We also talked about -- The business I represent has two  
9 headboats, and if we had, like you said, a captain go down or a  
10 boat go down, we also talked about inter-corporation transfer,  
11 where my boss could take it off his one boat and put it all on  
12 the other. He has essentially the rights to the allocation that  
13 year, and so he could do that. There was discussion about that.

14  
15 Just like you all have to do, it has to kind of get fleshed out.  
16 In our AP, we didn't want to get bogged down with such specifics  
17 when we didn't even know if the idea would get off the ground.  
18 It was part of the discussion, but it wasn't motioned.

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

21  
22 **MR. RIECHERS:** I mean it sounds to me like you're making that  
23 distinction. I certainly have no problem with leaving it in the  
24 document now and continue to flesh it out. If we see later, as  
25 it's fleshed out, there's not that distinction, that would be  
26 fine.

27  
28 I guess I would ask, what happens in the current case? This may  
29 be to the Permit Office or NMFS, but in the case of a death now,  
30 because you're talking about intergenerational transfer of  
31 assets, and I would think that even under an IFQ system there  
32 would be some sort of intergenerational transfer of that IFQ,  
33 but I honestly don't know that I have heard or been presented  
34 with a case like that. I know what we've done on some programs  
35 in Texas, but I do not know how the current IFQ program is done.

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

38  
39 **MS. LEVY:** None of the Gulf regulations speak to what happens  
40 when someone dies, what happens with their permit or their  
41 shares in allocation. The way that the region handles it is  
42 basically allowing the person who is authorized to act on the  
43 behalf of the estate to determine what happens with those.

44  
45 Now, there are regulations in other regions that actually speak  
46 to what happens in those particular circumstances, but, in this  
47 case, because it doesn't, we sort of follow the general estate  
48 law that when someone is appointed administrator or whatever



1 like that that they can determine what happens to those assets.

2  
3 **CHAIRMAN GREENE:** Mr. Riechers.

4  
5 **MR. RIECHERS:** It's just something else we may want to consider.  
6 I mean I heard two things in those comments. One was  
7 intergenerational transfer and the other was some stability as  
8 you enter into a program, so that there's not a lot of trading  
9 going on immediately, so that everyone kind of understands what  
10 the program is before they go too far in it.

11  
12 Certainly one of the tools we've used in that is that for some  
13 period of time you don't allow transfers, unless it may be an  
14 heir kind of situation, because obviously those can happen at  
15 any time, but the other ones are a business decision.

16  
17 If you wanted to create some stability for some period of time,  
18 you could just say that upon enactment we're not going to allow  
19 any transfers for one year, or some X period of time. There are  
20 hardships that that can impact, but it is also a way to think  
21 about some stability until everyone really knows how the system  
22 is going to work.

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

25  
26 **DR. CRABTREE:** I guess, given Jim's comments, my understanding  
27 is that there was a lot of interest on the AP with the PFQ  
28 project and I'm comfortable with leaving that in at this point.  
29 If that's what we're going to do, then we have the IFQ approach  
30 and the PFQ approach, which have some nuanced differences to  
31 them.

32  
33 I guess the real decision we're left with is do we want to just  
34 focus on those types of programs, or do we still want to  
35 continue to consider the cooperatives as an approach, because  
36 that does seem to bring a lot of new complications and things  
37 into it. It seems to me if we're going to leave the PFQs in  
38 that that's really what we ought to focus in on then, is do we  
39 want to continue to explore the idea of cooperatives.

40  
41 **CHAIRMAN GREENE:** Comments? Mr. Swindell.

42  
43 **MR. SWINDELL:** I really think that cooperatives offer so much  
44 benefit, if the group is willing to work together, from a pure  
45 business standpoint. I think that it would be to a disadvantage  
46 to the fishermen to opt it totally out of never being able to be  
47 considered.

1 Cooperatives have a lot of advantages. That's why you have such  
2 large cooperatives in the farm industry and so forth. I mean  
3 there are certain advantages that a cooperative really offers  
4 you, and especially in terms of the Jones Act with insurance  
5 offshore with fishermen. A cooperative of a group of fishing  
6 entities can really be a big advantage to them in the cost of  
7 insurance in those instances. Thank you.

8  
9 **CHAIRMAN GREENE:** Mara, to that point.

10  
11 **MS. LEVY:** Just I think Assane raised this, or maybe it was in  
12 the presentation, or maybe not, but anyway, that even if you  
13 established an IFQ or a PFQ-type of program, folks could  
14 voluntarily form cooperatives outside of any NMFS or council  
15 process, but what this cooperative program is focusing on or is  
16 addressing is a process managed by this council and the agency  
17 about who forms cooperatives and how they form them and how they  
18 interact with each other.

19  
20 I just want to make clear that there's nothing preventing folks  
21 from joining their own private cooperatives and doing whatever  
22 they want to do within those organizations when they have their  
23 shares and allocations under an IFQ or a -- Maybe the PFQ would  
24 be more limited, if you couldn't transfer and things like that.

25  
26 **CHAIRMAN GREENE:** To that point, Mr. Williams.

27  
28 **MR. WILLIAMS:** In the context of cooperatives we're talking  
29 about here, the cooperative would receive the allocation though,  
30 right? Then they would partition it up among their members  
31 however they wanted to.

32  
33 **MS. LEVY:** Right, and so I think that's the distinction, is  
34 we're talking about how things are going to be distributed to  
35 whom and who has ultimate control over them. I mean one of the  
36 things also that plays into this is whether we need to have a  
37 referendum on whatever type of program you establish. PFQs and  
38 IFQs, a referendum is going to be required for sure under the  
39 Act. Cooperative, depending on how it's set up, probably not  
40 going to meet the level of an IFQ that would require a  
41 referendum.

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

44  
45 **DR. DIAGNE:** Thank you. Ms. Levy made most of my point, in the  
46 fact that, under the individual allocation-based system, the  
47 headboat operators or owners can then turn around and  
48 voluntarily form co-ops. Essentially, those would be voluntary.

1 That will be a bottom-up, quote, unquote, approach. They would  
2 choose and do that.

3  
4 Here, under this other track of the document, we would mandate  
5 people to be in co-ops, however many of them, one or two or  
6 three, depending upon what we decide.

7  
8 If we concentrated on the individual track, we could spend time  
9 looking at some of the concerns that were raised here, including  
10 opt-in and opt-out, and having those set aside to be managed by  
11 NMFS and having the rest of the folks, whether PFQ or IFQ, make  
12 their own decisions to form co-ops or operate independently, and  
13 the allocation would be then based on the individual, of course,  
14 depending on the method you've used. Thank you.

15  
16 **CHAIRMAN GREENE:** Dr. Stunz.

17  
18 **DR. STUNZ:** Thank you, Mr. Chairman. We're still pretty early  
19 in this process, and I don't know where I am on cooperatives or  
20 PFQs or IFQs at this point, but I think taking that off the  
21 table now would just not give us quite the flexibility we would  
22 want if we wanted to come back to that, and so I would argue  
23 that, at least for now, we keep this cooperative in this council  
24 aspect, versus the voluntary, in the mix.

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

27  
28 **MR. ANSON:** I tend to agree with Dr. Stunz regarding  
29 cooperatives. Assane, in Alternative 4, the way I read  
30 Alternative 4 to Action C-1, I get the impression that once you  
31 are assigned a co-op or join a co-op that you're in the co-op  
32 and there is no chance to opt out. Is that correct?

33  
34 **DR. DIAGNE:** I am sorry, Mr. Anson, but what action did you  
35 refer to?

36  
37 **MR. ANSON:** Action C-1, Alternative 4. It's on page 28.

38  
39 **DR. DIAGNE:** Yes, all vessels will initially be in one co-op,  
40 but participants can create new cooperatives with a minimum of  
41 three members. Vessels cannot change co-op membership after the  
42 initial declaration. Essentially, here, it speaks to the  
43 options of changing memberships once we've established the co-  
44 ops. People would have one shot, in terms of making the  
45 decisions, at the implementation of this program, and that is  
46 going to be it.

47  
48 **MR. ANSON:** I would say that's fairly restrictive. I mean if

1 personalities get involved and people don't like each other,  
2 that would be a pretty bad situation to be in if you weren't  
3 allowed to get out. I would make a suggestion, and, of course,  
4 council members can weigh in on it, that we remove Alternative 4  
5 from the document.

6  
7 Then I would like to offer a replacement of an alternative, and  
8 that would be simply the opt-in and opt-out, as we described,  
9 and I don't know if it would be captured under this particular  
10 action or if it would be included as an alternative, but I think  
11 having cooperatives and having the owners volunteer to opt into  
12 a cooperative, with some time period of which they can declare  
13 and not declare and that type of thing, but then if those that  
14 don't want to participate in a co-op want to just do their own  
15 thing, then they have the ability to opt-out. That's what my  
16 recommendation would be, and so two items, to remove Alternative  
17 4 and then replace it with an opt-out alternative.

18  
19 **DR. DIAGNE:** Yes, and in terms of Alternative 4 being overly  
20 restrictive, I agree with the point that you've made, but you  
21 have other alternatives under that section, some of which would  
22 allow folks to change their membership on a yearly basis, for  
23 example.

24  
25 As far as opting in or opting out, it seems to me it would be at  
26 a higher level, if you would. Regardless of the management  
27 approach that you choose, being an individual approach or a  
28 group approach, if I understood the point correctly, we would  
29 give folks the ability to say no, I prefer to stay and be  
30 managed in a pool by the agency. That action would then come in  
31 the front of the document, if you would, in the general section,  
32 in Section A.

33  
34 **CHAIRMAN GREENE:** Okay. Thank you. Mr. Anson, did you have  
35 something else?

36  
37 **MR. ANSON:** As you described Alternative 4, it still, to me,  
38 seems fairly restrictive and it wouldn't be a very popular  
39 option of folks, I would suspect, that they would even want to  
40 contemplate. I was looking at trying to reduce the workload at  
41 this stage is all.

42  
43 **DR. DIAGNE:** No, absolutely. If that is your decision to remove  
44 it, by all means it is appreciated and we would remove it, but  
45 we have to bring to you the, quote, unquote, reasonable range of  
46 options, one of which was Alternative 4, but yes, it is very  
47 restrictive and, if you direct us to do so, we would remove it  
48 in the next version of the document.

1  
2 **MR. ANSON:** I will offer, again, does anyone have any heartburn  
3 against removing it, I guess? If not, we can kind of just, by  
4 nods of heads, go ahead and remove it. It looks like there is  
5 several nods of heads. Thank you.  
6  
7 **DR. DIAGNE:** Thank you.  
8  
9 **CHAIRMAN GREENE:** Ms. Levy.  
10  
11 **MS. LEVY:** And add another alternative that makes the voluntary  
12 -- Is that what you're asking for too, a voluntary, like the  
13 sector program operates?  
14  
15 **MR. ANSON:** Yes, and so to complete my first discussion, it was  
16 to add -- As Assane put it, it was to add kind of another action  
17 item that would precede this particular action item as far as  
18 how to set this up and have the precursor of that. Assane,  
19 that's how I understood it, and so to create a new action item  
20 for the opt-in and opt-out.  
21  
22 That would be, I guess, a similar request. If that was the  
23 desire of the council, if they wanted to go that route and saw  
24 that was necessary, then to, by nod of head, give the same  
25 indication. Okay.  
26  
27 **CHAIRMAN GREENE:** Assane, is it your intention to go through the  
28 Amendment 42 document?  
29  
30 **DR. DIAGNE:** No, like I said in the introduction, we used the  
31 presentation to give you an overview and have you discuss some  
32 of the decision points, some of which you have done, and so that  
33 would conclude our presentation for Amendment 42.  
34  
35 **CHAIRMAN GREENE:** Mr. Williams.  
36  
37 **MR. WILLIAMS:** On these cooperatives we're talking about, when  
38 the advisory panel met on this, did they -- Were they promoting  
39 the idea of cooperatives, or is this something that we invented  
40 or that we brought up just because of the pilot cooperative that  
41 we did? I am trying to figure out where it comes from. Is  
42 there a -- I am guessing the industry really doesn't like these  
43 cooperatives, and so I'm trying to figure out where it comes  
44 from.  
45  
46 **DR. DIAGNE:** Yes, Mr. Williams. The industry, as far as we  
47 know, really doesn't like the co-ops, but we had to, again,  
48 bring to you a range of options to consider. In large part,

1 this is in the document because people saw the exempted fishing  
2 permit and what happened in the headboat. That was a  
3 collaborative, I guess close to a co-op, the main difference  
4 being that it was on a small number of vessels, and perhaps they  
5 had what I would say is the right mix of personalities to have  
6 the right manager and so on.

7  
8 Here, going for let's say one co-op with sixty-seven vessels, or  
9 several co-ops, there may be some issues to be addressed, some  
10 of which at this point we cannot even foresee. What if we don't  
11 see eye-to-eye with the manager that was selected and in the  
12 middle of the year I really want out, and that sort of thing,  
13 and I'm still boxed in?

14  
15 In summary, yes, the industry doesn't really like it much, as  
16 far as we know, based on comments we received, but it is an  
17 option that is in the document for your consideration. The last  
18 thing is people can still have well-functioning cooperatives set  
19 up voluntarily on their own, based on an individual allocation.  
20 Thank you.

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

23  
24 **MR. WILLIAMS:** If I may follow up, I asked because we are  
25 looking for ways to try to simplify the document, and I would be  
26 tempted to remove the cooperative stuff. I will probably wait  
27 though until after the public hearing and see if people address  
28 it, but my guess is that the kind of cooperative that receives  
29 the allocation, which is different than what Ed Swindell is  
30 talking about, is not going to be popular. I am just guessing  
31 that, and so I am not going to make any motions now, but at full  
32 council, I might help try to simplify this by taking the  
33 cooperatives out.

34  
35 **CHAIRMAN GREENE:** Thank you. Any further discussion? Dr.  
36 Diagne.

37  
38 **DR. DIAGNE:** Perhaps something that I have overlooked is we did  
39 talk, in the general section, about an action that looked at the  
40 species to include. Those were the five major species with  
41 allocation between recreational and commercial.

42  
43 At this point, you have selected a preferred, and your preferred  
44 would have gag and red snapper in this document. Are you  
45 considering changing that mix of species, or are you thinking  
46 about removing some of the species from the list to be  
47 considered in this amendment?

48

1 **CHAIRMAN GREENE:** Dr. Diagne, are you talking specifically to  
2 42, for gag and red snapper, and then 41 is just red snapper?  
3 Is that correct?  
4

5 **DR. DIAGNE:** 42, you have potentially five species, greater  
6 amberjack, gray triggerfish, red grouper, gag, and red snapper.  
7 Your preferred now picks two, essentially. The question is, is  
8 that something that you would perhaps reconsider in the future,  
9 or is there here, on this list, a species, a particular species,  
10 that you would want to remove from this list, if warranted, or  
11 we could just keep them as is for your future consideration.  
12

13 **CHAIRMAN GREENE:** Thank you. Would anybody on the committee of  
14 the whole like to weigh in on multispecies, one species, two  
15 species? All right. Seeing no action, I will hand it back to  
16 you.  
17

18 **DR. DIAGNE:** Thank you, Mr. Chair. I think that would conclude  
19 our presentation for 42. Thank you.  
20

21 **CHAIRMAN GREENE:** Thank you. There's a bunch of information, in  
22 reading Amendment 41 and 42, and, although they are somewhat  
23 similar, there are differences in between the two as you go  
24 through the two documents. Perhaps one group of fishermen may  
25 want to go one way or another way, and I think the points that  
26 Mr. Swindell raised about the cooperatives was very interesting  
27 to me, and I appreciate those comments. Anybody else have  
28 anything to discuss on 41 or 42? We have a little bit of time  
29 before our scheduled lunch break. Dr. Lasseter.  
30

31 **DR. LASSETER:** I'm sorry, but we still -- We took both of these  
32 documents out for scoping, and Charlene is going to provide a  
33 summary of the scoping comments, and then I'm prepared to go  
34 through the Amendment 41 document as well.  
35

36 **CHAIRMAN GREENE:** Okay. I was asking earlier if we were going  
37 to go through those, and so my apologies. Charlene.  
38

#### 39 **SCOPING WORKSHOP SUMMARY**

40  
41 **MS. PONCE:** Thank you. We held six in-person workshop and one  
42 webinar. In total, we had 116 attendees. Just a reminder that  
43 we've changed up our scoping process, and what we did this time  
44 was instead of doing a presentation and then having people come  
45 up and make comments, we did the presentation and then we had  
46 questions that we asked the public.  
47

48 There are seventeen pages of summary in your briefing book. For

1 purposes of this discussion, I am just going to focus on the  
2 questions and then give you a brief sampling of what some of  
3 those responses were. For the full effect, you can refer to  
4 your briefing book.

5  
6 For Amendment 41, we had five questions. The first question is  
7 charter vessels are currently managed using a traditional  
8 approach. In what ways does the current approach work or not  
9 work? Some of the responses were it doesn't work and the for-  
10 hire sector needs flexibility, it leads to derby fishing, red  
11 snapper becomes a bycatch fishery, it decreases the recreational  
12 fishermen's access, and it does not provide accurate landings  
13 data.

14  
15 If the council selects to continue using a traditional approach  
16 to management, what measures should be adjusted, and how? Some  
17 of the responses were to reduce the bag limit to one fish, adopt  
18 a split season, and incorporate separate seasons for the private  
19 and for-hire sectors.

20  
21 In what ways might an allocation-based management approach  
22 benefit or hinder charter operators and their passenger anglers?  
23 It would increase flexibility, it would reduce discards,  
24 distributing allocation would decrease uncertainty by fixing the  
25 amount of harvest upfront. It would further establish a  
26 privileged fishery. It would not hinder anglers. The success  
27 of a charter management plan would encourage private anglers to  
28 create a management plan as well.

29  
30 The fourth question is if the council selects an allocation-  
31 based management approach, which one is most appropriate, and  
32 why? Allocation-based is good, but without ownership of shares.  
33 It does not support IFQs and wants a voluntary opt-in and opt-  
34 out program. Harvest tags for enforcement and validation,  
35 electronic logbooks for real-time data collection, a use-it-or-  
36 lose-it provision, VMS, logbooks and tags, and to use catch  
37 histories.

38  
39 For Amendment 42, we had very similar questions. I think  
40 Question 4 was a little bit different, and similar answers as  
41 well. Question 4 for Amendment 42 was if the council selects an  
42 allocation-based management approach, which one is most  
43 appropriate, and why?

44  
45 There was a suggestion to use the headboat pilot program as a  
46 model, use catch histories, use allocation only and not shares,  
47 and there was a comment that there was no support for an  
48 allocation-based management, because a recreational angler is a



1 recreational angler, whether on a charter or private vessel.

2  
3 Question Number 5 for Amendment 42 was which species should be  
4 included? Red snapper and gag would keep it simple, include all  
5 species with landings histories on the survey, because it would  
6 reflect regional differences on species caught.

7  
8 Then for both amendments, we had an other comment question, and  
9 some of the comments were they could reduce the likelihood of  
10 triggering 407(d), explore every avenue for allocation  
11 approaches to ensure fairness, and use tags for the entire  
12 recreational sector. That's it.

13  
14 **CHAIRMAN GREENE:** Thank you. Any questions regarding that?  
15 Okay, Dr. Lasseter.

#### 16 17 **DRAFT AMENDMENT 41**

18  
19 **DR. LASSETER:** Thank you, Mr. Chairman. We're going to actually  
20 use the document for Amendment 41. Dr. Diagne provided a broad  
21 overview, kind of like the high view, of these amendments. This  
22 Amendment 41 focuses specifically on the charter vessels, and  
23 we're defining those as the 1,247 vessels that currently do not  
24 participate in the Southeast Regional Headboat Survey.

25  
26 This amendment, also in contrast with 42, would address red  
27 snapper only, as those charter vessels do not participate in the  
28 headboat survey, the other distinction is that they do not have  
29 recorded landings histories, and so our options for allocation  
30 are quite different than those considered in Amendment 42.

31  
32 If we go to page 12, the bottom, the figure there, this is the  
33 general structure of the document. It's quite similar to  
34 Amendment 42, where we have sections. Section A will have the  
35 all-encompassing actions, actions that would be relevant to any  
36 allocation-based management approach selected.

37  
38 In Section A, we have the selection of the type of program and  
39 the allocation decision. Then Section B would be the actions  
40 that would support if you selected Alternative 2, fishing  
41 quotas, either IFQs or PFQs.

42  
43 Section C would be the respective actions that complement  
44 Alternative 3, which is fishing cooperatives, and in this  
45 amendment we're also considering harvest tags, which would be  
46 Section, under Section D, if you selected Alternative 4 under  
47 Action 1. Then you could see the corresponding actions that we  
48 have provided.

1  
2 I wanted to reference something, when I believe it was Dr. Stunz  
3 noted the voluntary option. In the charter AP, they did  
4 recommend -- One of the recommendations was to have  
5 participation be voluntary. When the IPT was developing this  
6 amendment, to make it more simple, we did not include that as a  
7 full action at this time, but that issue is noted in the back of  
8 the document. Page 26 and 27 includes other actions for an  
9 allocation-based program, and one of them does note that program  
10 participation -- The AP recommended that participation be  
11 voluntary.

12  
13 There are issues with that. That does make things a little more  
14 complicated, and so, just for this stage of the document, we did  
15 not address that in a full action, but if that something that we  
16 should consider in the future, we will incorporate that.

17  
18 Let's go to page 13, where you can see the Action 1 alternatives  
19 there. Alternative 1, no action, would not -- You would not  
20 adopt an allocation-based management approach, and you would  
21 continue to manage the federally-permitted charter vessels with  
22 the minimum size limit, season, and bag limit.

23  
24 If you were to select Alternative 1 here, if that is the avenue  
25 that the council wished to pursue, similar to 42, these  
26 management measures could be modified in a framework action, and  
27 we would not need the full plan amendment structure.

28  
29 The actions that would complement Alternative 1 are provided in  
30 the document, also towards the back. We did separate it there,  
31 because, again, we would not want to use this amendment  
32 structure. Section 2.6 does address bag limits and provide you  
33 some alternatives for modifying the bag limit for charter  
34 vessels, and, finally, there is some fishing season potential  
35 alternatives that you could consider, but, again, we want to  
36 pursue these through a framework action. That's Alternative 1.

37  
38 Alternative 2 considers adopting an IFQ or PFQ program, similar  
39 to Amendment 42. Alternative 3 would establish a fishing  
40 cooperative program, and, finally, Alternative 4 would establish  
41 a harvest tag program.

42  
43 I want to point out a key difference between Alternative 2 and  
44 Alternatives 3 and 4 are that the use of -- Adoption of an IFQ  
45 or PFQ program, you would be using the system similar to the  
46 commercial IFQ program of shares and annual allocation that  
47 results from those shares.

48

1 Under either a fishing cooperative program or harvest tag  
2 program, only annual allocation would be used. You would not  
3 have those more durable shares that remain with the same  
4 participant year after year, unless transferred, bought, sold.  
5 These programs would distribute the annual fresh each year, and  
6 so that's a difference that we have defined in this document.  
7 Were there any comments on Action 1?

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

10  
11 **DR. STUNZ:** Ava, I just want to go back to your earlier comment  
12 about the opt-out provision. I didn't get that when I read the  
13 document. If it's not in an alternative, in one of our actions  
14 or one of the alternatives within that, how do we address that  
15 then? I am not following that.

16  
17 **DR. LASSETER:** It was for this early stage of the document.  
18 There is so much to consider right now that we just didn't want  
19 to overwhelm you with a document with twenty-five actions. At  
20 this stage, while you're just kind of considering and evaluating  
21 and we may get some public feedback on these core decisions, we  
22 have just put all of those other supplemental actions in the  
23 back.

24  
25 They will need to come out, if you do pursue this, in possibly  
26 the next draft or very soon. We're going to need to flesh those  
27 out, but we were kind of hoping to keep it simple at this point  
28 and see what you were interested in and kind of get some  
29 feedback from you, and then we'll drop twenty-five actions on  
30 you. I'm just kidding.

31  
32 **DR. STUNZ:** Okay. That's fine.

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

35  
36 **MR. BOYD:** Just a question on 42 as it relates to 41. In 41, we  
37 have tags mentioned, harvest tags under Alternative 4. There is  
38 no mention and no alternative of harvest tags in the headboat,  
39 Amendment 42, and I'm just curious as to why that didn't get put  
40 in as one of the alternatives, when it did here.

41  
42 **CHAIRMAN GREENE:** Dr. Diagne.

43  
44 **DR. DIAGNE:** In 42, we looked at harvest tags as a means of  
45 monitoring and enforcing the program, and because that is in one  
46 of the additional actions, it's just mentioned, but it will be  
47 developed when we develop the monitoring and reporting,  
48 depending on the track that you've selected.

1  
2 **DR. LASSETER:** I will expand on that. Then in 41, we've  
3 considered it as a separate program that would be using annual  
4 allocation only, and it is written in the document that if you  
5 use one of these other programs, an IFQ, PFQ, or cooperatives,  
6 we would likely still be using tags as an enforcement and  
7 monitoring tool, but here, we're presenting it as an allocation-  
8 only type of system that could be possible with charter vessels.  
9 It would not be as appropriate, I think, with the headboats.

10  
11 **CHAIRMAN GREENE:** Mr. Diaz.

12  
13 **MR. DIAZ:** I might be asking this question too early, but if we  
14 went down the tag road, could they be traded or distributed to  
15 other charter members, if needed, or has that been considered?  
16

17 **DR. LASSETER:** Under the tag section, there are two sub-actions  
18 that do address the transferability of tags, and so I would  
19 really appreciate any additional feedback on those alternatives  
20 when we get to that action, if there's anything else that the  
21 IPT should add. Then also, for all of the different programs,  
22 we would consider caps, because caps are required also by  
23 Magnuson.

24  
25 **CHAIRMAN GREENE:** Thank you. Any further discussion? Okay.  
26 Back to you, Dr. Lasseter.

27  
28 **DR. LASSETER:** Great. Let's move on to the next action, which  
29 is still in Section A. This is Action 2. It starts on page 17  
30 of your document, and this addresses the distribution of the  
31 quota to charter vessels, red snapper quota, and so we've  
32 provided five alternatives here, with some options.

33  
34 Alternative 1, no action is, of course, do not do anything. Do  
35 not specify the method for distributing quota to charter  
36 vessels. Alternatives 2 and 3 provide alternatives for  
37 distributing the quota based on passenger capacity of those  
38 vessels.

39  
40 Alternative 2 would just distribute them reflecting the  
41 passenger capacity of each vessel. Alternative 3 uses a tier  
42 system to stagger those amounts that are provided. Alternative  
43 4 would use average landings of charter vessels in each  
44 geographic region.

45  
46 We had some data available that Andy Strelcheck had provided,  
47 and so we used his years that he had available and the regions  
48 that he had broken the data down for. We would appreciate

1 feedback on anything we should add, remove, modify in terms of  
2 the years or the geographic regions.

3  
4 What we have here right now are average landings for 2004 to  
5 2012, 2004 excluding the year 2010, and average landings for  
6 just the two most recent years.

7  
8 If we take a look -- Actually, let's go back to the table. It's  
9 going to be Table 1.1.4, which is in the introduction section.  
10 It's on page 6, at the bottom. These were the regions that were  
11 broken down in that spreadsheet. We had only Florida divided  
12 into three regions. Then the other four states represented  
13 their own region.

14  
15 We also just have currently the data for 2004 to 2012. This was  
16 already available to us. This was why we used this. We could  
17 extend the years to include more recent years as well, or we  
18 could go back a little further, if you recommended, or divide  
19 Texas. I can see Mr. Riechers raising his hand.

20  
21 **CHAIRMAN GREENE:** Mr. Riechers.

22  
23 **MR. RIECHERS:** It's not specifically to this table, but it's  
24 back to alternatives, and so I will let you finish with  
25 discussing the table, and then when we want to talk about the  
26 alternatives, I will chime in.

27  
28 **CHAIRMAN GREENE:** Thank you. Dr. Lasseter.

29  
30 **DR. LASSETER:** Thank you. We can go back to the alternatives,  
31 and I will just wrap them up. We're back on page 17. Then,  
32 finally, Alternative 5 would be to distribute the quota by  
33 auction, and, on pages 19 and 20, there is a hypothetical  
34 example of how to distribute the quota among the charter vessels  
35 using each of these alternatives, and we have used a  
36 hypothetical fleet of charter vessels with nice even numbers to  
37 demonstrate how we would do this, and so that's there for you as  
38 well. I will take Mr. Riechers's question.

39  
40 **CHAIRMAN GREENE:** Mr. Riechers.

41  
42 **MR. RIECHERS:** The same question that Dr. Crabtree had asked.  
43 Obviously you could have a percentage of the quota auctioned and  
44 a percentage given associated with any of these alternatives,  
45 Alternative 2 through 4, correct?

46  
47 The other option that seems to be missing here, from my  
48 perspective, is an option that, since most of these vessels are

1 a capacity of six or less, or certainly the lion's share of the  
2 charter fleet here, and we don't have a complete accounting of  
3 who was in and who was out on logbooks for these various years,  
4 and I would even ask whether we think it's proportional by  
5 state, based on that table that you're looking at, but, either  
6 way, I think there's one obviously missing alternative here, and  
7 that's just to take the number of permit holders, either 1,247  
8 or the lower number, and divide by the pounds and that's the  
9 allocated share.

10  
11 That obviously has pros and cons, depending on tradability and  
12 all those sorts of things, but it's certainly an easy first  
13 starting point for the allocation of shares.

14  
15 **CHAIRMAN GREENE:** Any further discussion? Dr. Lasseter.

16  
17 **DR. LASSETER:** Thank you, Mr. Chairman. Yes, we can include  
18 that alternative. Thank you very much. As for adding  
19 alternatives, Robin, the other thing you noted was a part of the  
20 -- A proportion of the allocation decision coming from either 2,  
21 3, or 4 and the rest coming from auction. Did you want to  
22 propose an alternative for that?

23  
24 **MR. RIECHERS:** Dr. Crabtree mentioned that in the in the other  
25 document a moment ago, and certainly I don't know that I know  
26 what those percentages would look like, but we may want to at  
27 least add an option where we start thinking about that there  
28 could be some percentages of that.

29  
30 He also mentioned that that auction-type allocation could be  
31 leased in some way, so that you are actually moving these shares  
32 around through time to the highest bidder, so that if vessels  
33 change and needs change, you're actually building into your  
34 current system some flexibility to allow for that adjustment to  
35 be made through time.

36  
37 **CHAIRMAN GREENE:** Thank you. Any further discussion? Dr.  
38 Lasseter.

39  
40 **DR. LASSETER:** Thank you, Mr. Chairman. Yes, Mr. Riechers, we  
41 will propose some ranges of proportions for that alternative.  
42 Let's move on to Section B, which is going to address a fishing  
43 quota -- I see a question.

44  
45 **CHAIRMAN GREENE:** I'm sorry. Mara.

46  
47 **MS. LEVY:** One thing that I think is important to note about the  
48 other action we were just talking about is the idea of passenger

1 capacity and what that means. There are two different types of  
2 passenger capacity. There's what is on your COI that you get  
3 from the Coast Guard, or the fact that you don't have one and so  
4 you're limited to carrying six passengers or less, and there's  
5 the permit passenger capacity that is not dependent on that.

6  
7 You could potentially have a permit that allows you to take  
8 thirty people fishing, but you have it on a vessel that doesn't  
9 have a COI and so you can only take six passengers out. A key  
10 decision point is are we talking about, and is the council  
11 basing this decision, if you use passenger capacity, on the  
12 permit passenger capacity or the lower of the COI and the permit  
13 passenger capacity?

14  
15 What you're really talking about is are we basing it on what's  
16 the permit, the maximum amount on the permit, or what people are  
17 actually doing at the time that you implement this program? I  
18 think it's something that you're going to need to think about if  
19 you go down the path of actually doing the allocation based on a  
20 passenger capacity.

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

23  
24 **MR. RIECHERS:** I mean certainly that's why I offered an  
25 alternative that was a little bit simpler than the passenger  
26 capacity. The other whole notion here, Mara, is even though we  
27 have passenger capacity on two different documents, we don't  
28 know what they're doing, because we just don't have that built  
29 into the current collection system, what they're doing on an  
30 everyday basis. We don't completely know their passenger load  
31 and how that relates to the catches that they've been having.

32  
33 Certainly we know that with some of the larger vessels that goes  
34 up and down. With some of the smaller vessels, it's probably  
35 more constant, but those are just some of the factors that,  
36 because of the past data series, we don't have. I don't  
37 disagree with you. Maybe we need a little more discussion here  
38 and a little more fleshing out of passenger capacity, COI, and  
39 those various elements, so that we understand that a little bit  
40 better.

41  
42 **CHAIRMAN GREENE:** Ms. Levy.

43  
44 **MS. LEVY:** It's in the document, in the discussion, but, at some  
45 point, if it goes down that road, then there's going to need to  
46 be a decision about what that means in terms of this allocation  
47 decision.

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

2  
3 **DR. CRABTREE:** It does seem to me that if you had a disparity  
4 between the two -- For example, his permit had a passenger  
5 capacity of twenty-five, but his vessel could only take six, if  
6 you award the fish to him based on the twenty-five, that doesn't  
7 make sense to me. It seems like you're then over allocating  
8 fish to someone based on a misconception, and so it makes sense,  
9 to me, that you would look at the lower of the two passenger  
10 capacities and that's what you would allocate based on, because  
11 that's what -- It's the lower of the two that's controlling how  
12 many people he could take out on a trip, and I think that's what  
13 we're trying to get at.

14  
15 **CHAIRMAN GREENE:** I will certainly weigh in a little bit here,  
16 and I don't want to speak for Lieutenant Commander Brand, but  
17 when you go fishing and you have passengers on your boat, the  
18 Coast Guard really doesn't care how many passengers your permit  
19 will allow.

20  
21 If your Coast Guard designation is six passengers or less and  
22 you have a permit for twenty-two people, I don't really think  
23 the Coast Guard is going to care about that, and I think that  
24 would be reflective upon historical landings, because if this  
25 boat is always operated as a six-passenger boat and it has  
26 bought a permit to get into the fishery and it bought a permit  
27 that had fourteen people, then it would be concurrent with the  
28 most recent landings, and that's typically how a lot of that  
29 would work out.

30  
31 **DR. CRABTREE:** To that point, if you had a vessel that the Coast  
32 Guard certified to take a hundred people out, but their for-hire  
33 permit only allows them to take twenty-five, it seems like  
34 that's the number you would want to use. That's where I come  
35 back that it's the lower of the two that's controlling what they  
36 can take out on the for-hire trip, and it seems to me that's  
37 what we're trying to get at, if we allocate this way.

38  
39 **CHAIRMAN GREENE:** You're absolutely correct, because the first  
40 thing they ask for when they board you at sea is your  
41 Certificate of Inspection. The second thing they ask for is  
42 your permit, and so you are correct in that capacity with that.  
43 With that, I had Ms. Bosarge and Mr. Williams.

44  
45 **MS. BOSARGE:** I think you answered the question that I was going  
46 to ask. I was wondering how did we end up with permits that had  
47 a higher capacity than what the vessel -- That's because the  
48 permit is transferable, and you bought a permit to go on the



1 boat you had, but, granted, you may have bought a permit that  
2 allows you to take twenty-five, but you're not going to take  
3 more than six or whatever your boat COI is for.

4  
5 It's kind of a complicated thing though, when you look at it. I  
6 guess you have to look at the long run of the fishery and the  
7 general public, and it would affect some business decisions by  
8 the charter fleet, but, in the long run, if we want to have  
9 maximum access, if you have a permit for twenty-five, we want to  
10 make sure that that is fully utilized.

11  
12 If it's transferable, maybe that could be sold or you buy a  
13 different boat, whatever. Maybe we do need to have a discussion  
14 around that, to make sure that if we allocate based on an  
15 individual or a permit, a PFQ or an IFQ, that we do make sure  
16 that we're getting maximum utilization out of what we have on  
17 the books, essentially.

18  
19 Do we look at the fleet itself, you know the physical asset of  
20 the boats, or do we base it on the capacity of the permits and  
21 let the boats transition to bigger boats or smaller boats or  
22 whatever, to match the permit?

23  
24 In other words, I want to make sure, if we do it by the COI, I  
25 want to make sure we don't end up limiting it to whatever the  
26 COI capacity is for the fleet as a whole, if the permit capacity  
27 for the fleet as a whole is actually greater than that, in  
28 aggregate. I'm not sure -- There is a lot of questions, but  
29 that was just one thing that popped into my head.

30  
31 **CHAIRMAN GREENE:** Lieutenant Commander Brand.

32  
33 **LCDR BRAND:** Thank you, Mr. Chair. I just had a question for  
34 NOAA. If the permit changes to Dr. Crabtree's scenario, where  
35 you have a permit for twenty-five people on a COI that can carry  
36 a hundred, how hard is it to change your permit from twenty-five  
37 to a hundred?

38  
39 **MS. LEVY:** The permit capacity is capped. That doesn't change,  
40 and so that tells you how many people you can legally take out  
41 to fish, independent of how many people you can legally take out  
42 under your COI.

43  
44 I think Leann raised a good point about it almost depends on  
45 what type of program you pick, because if you pick a PFQ type of  
46 program, where the initial allocation is linked to that permit  
47 forever and it has to transfer with the permit -- If you link it  
48 to a low COI, but the permit capacity is higher, and that gets

1 transferred to a vessel that could actually accommodate that  
2 permit limit, then you have capped them at the lower COI  
3 allocation.

4  
5 It does have a lot of moving parts, and so it's just something  
6 to think about as you develop it and consider what type of plan  
7 you're developing and what the implications are for choosing the  
8 lower of the two, or the permit capacity.

9  
10 **CHAIRMAN GREENE:** Thank you. Mr. Williams.

11  
12 **MR. WILLIAMS:** What's the history of having the number of  
13 persons listed on that charter boat permit? Was that part of  
14 the initial moratorium to try to prevent creeping effort?

15  
16 **DR. CRABTREE:** Yes, those were based on the capacity of those  
17 vessels when the original moratorium permits were issued, so  
18 that you couldn't just transfer your permit to a higher-capacity  
19 vessel and bring more and more people out.

20  
21 **MR. WILLIAMS:** So they were based on the COI at the time?

22  
23 **DR. CRABTREE:** I would have to look back to the specifics of  
24 what it was based on, but I think something along those lines.

25  
26 **CHAIRMAN GREENE:** Dr. Lasseter.

27  
28 **DR. LASSETER:** I can speak to that. There is a section in both  
29 the introduction and then in that action as well on passenger  
30 capacity, but yes, prior to the 2004 moratorium, a permit's  
31 passenger capacity was equal to the COI, and you actually had to  
32 provide a copy of your COI when you applied for your permit and  
33 renewed your permit.

34  
35 Since then, that permit capacity has remained locked. It cannot  
36 increase any more, but, of course, the permit could be  
37 transferred to a vessel that does have a different COI, and that  
38 is all detailed and explained on page 4 and 5, and then also in  
39 the action as well for you.

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

42  
43 **MR. FISCHER:** It would seem this only affects people who have  
44 upgraded their vessel over the last decade, and I don't imagine  
45 it's that very many people.

46  
47 **DR. LASSETER:** It's 108 vessels have a permit passenger capacity  
48 that's larger than the COI and eleven in the reverse.

1  
2 **CHAIRMAN GREENE:** Thank you. Any further discussion? Seeing  
3 none, Dr. Lasseter.

4  
5 **DR. LASSETER:** Thank you, Mr. Chairman. We will go on to the  
6 Section B now, which is the fishing quota program, considering  
7 IFQs or PFQs. It begins on page 21 for the discussion. If we  
8 scroll down just a little so we can see the text box there, I  
9 just wanted to remind everybody that for this section, Section  
10 B, the fishing quota program, selecting one of these  
11 alternatives would use the system of both shares and annual  
12 allocation that's distributed representing the amount of shares  
13 that the participants have. These programs would use both the  
14 shares and annual allocation.

15  
16 If we go to the next page, 22, again, this section would apply  
17 if IFQs or PFQs were selected in the Action 1. Here, we have  
18 three additional actions concerning IFQs and PFQs. 2.2.1, the  
19 transferability and maintenance of shares, we have four  
20 alternatives provided for you, three in addition to the no  
21 action.

22  
23 This requirement speaks to whether or not the charter/headboat  
24 permit would be required. Now, of course, with a PFQ, since the  
25 shares would be attached to the permit, Alternative 3 would only  
26 apply if an IFQ program was selected.

27  
28 Alternative 2, a participant must have the charter/headboat  
29 permit to receive transferred shares and to maintain shares, but  
30 then Alternative 3, the participant must have a charter/headboat  
31 permit for reef fish to receive shares, but not to maintain  
32 shares once obtained. Again, that could be possible if the IFQ  
33 program was selected, because the shares would not be attached  
34 to the permit.

35  
36 Then, finally, we have Alternative 4, do not allow the transfer  
37 of shares among participants. Does the council have any  
38 additional suggestions on alternatives concerning  
39 transferability?

40  
41 **CHAIRMAN GREENE:** Is there discussion? Seeing none, carry on,  
42 Dr. Lasseter.

43  
44 **DR. LASSETER:** Okay. The next one is 2.2.2, which is the  
45 transferability of allocation. Again, we have three  
46 alternatives in addition to the no action. Allocation can be  
47 transferred to any other participant in the program is  
48 Alternative 2, but the participant receiving the allocation must

1 have the permit. Alternative 3, the participant receiving  
2 allocation does not need to have a charter/headboat permit.  
3 Alternative 4, again, do not allow the transfer of allocation  
4 among participants.

5  
6 Of course, a for-hire permit would still be required for landing  
7 red snapper by any charter vessel, just like in the commercial  
8 sector. I will just let you interrupt me if there is further  
9 discussion.

10  
11 The next one is 2.2.3, which must be considered also, caps on  
12 the amount of shares. We have three alternatives here.  
13 Alternative 2 would set the no participant may hold shares  
14 equaling more than the maximum shares issued during initial  
15 apportionment for a participant. This would be similar to how  
16 the commercial IFQ program share caps were set.

17  
18 The council could suggest a value. No participant may hold  
19 shares equaling more than some proportion, some percent, of the  
20 total charter vessel quota. That's the Section 2. Of course,  
21 we would also consider an action on caps on allocation as well.  
22 For simplicity at this point, we did not include that in this  
23 draft.

24  
25 Section C goes on and considers the fishing cooperative program.  
26 Again, this would be an allocation, annual allocation, only  
27 based program. Shares would not be used. On page 24, we have  
28 Action 2.3.1 for cooperatives, the formation and membership.  
29 This is similar to Amendment 42. I won't read through all of  
30 the alternatives at this time.

31  
32 Action 2.3.2 on page 25 addresses the transferability of vessel  
33 allocation, and 2.3.3, if we scroll down a little further,  
34 addresses caps on the vessel allocation.

35  
36 Then, finally, we have the Section D, addressing a harvest tag  
37 program, with very similar actions. Again, it's addressing  
38 transferability, page 26, 2.4.1, harvest tags, addressing  
39 transferability of tags. Caps on tags is 2.4.2, and then we  
40 move into Section 2.5, which are the other actions for an  
41 allocation-based program which would need to be considered.

42  
43 Then I did bring up the Section 2.6, the current management  
44 measures. If you did want to modify bag limits and seasons,  
45 those are included as well. Also, I would just remind everybody  
46 that in the appendix we have provided the report from the Red  
47 Snapper Charter For-Hire AP, with their recommendations, and the  
48 scoping workshop summaries will be appended after this meeting

1 as well. That's all I have for this document.

2  
3 **CHAIRMAN GREENE:** Thank you. Ms. Levy.

4  
5 **MS. LEVY:** I was just wondering if, given the discussion about  
6 the cooperatives in Amendment 42, whether you wanted a similar  
7 alternative for the voluntary in this document or whether you  
8 were just limiting that to the headboats, because it's not in  
9 here right now.

10  
11 **CHAIRMAN GREENE:** Anybody have a comment or discussion? While I  
12 like the idea, but I don't know how much more complicated it  
13 would make the document to put it in there, but I am very  
14 intrigued by it. Let me pick that back up at full council. I  
15 don't know and I want to look at that. I don't know and I  
16 haven't thought about that in that context. Obviously Mr.  
17 Swindell made some good comments earlier, and I would like to  
18 think that over. Certainly not wanting to speak before any of  
19 the other committee members, if you have any discussion, please  
20 speak up. Okay. Ms. Levy.

21  
22 **MS. LEVY:** I mean I think we talked about it generally that  
23 there's a voluntary option that's not fleshed out here, but I  
24 think that, and Ava can correct me if I'm wrong, applied to all  
25 of the programs, and so I was just trying to gauge a reaction to  
26 just the cooperative piece, but that's fine. We can defer that.

27  
28 **CHAIRMAN GREENE:** Mr. Williams.

29  
30 **MR. WILLIAMS:** Changing the subject slightly and backing up to  
31 page 22, under 2.2.2, transferability of allocation, in  
32 Alternative 3, allocation can be transferred to any participant  
33 in the program. The participant receiving the allocation does  
34 not need to have a charter or headboat permit for reef fish.  
35 That creates brokers, sort of like we have now. I am probably  
36 going to move to strike that when we get to full council. I am  
37 going to let people speak to it, if they want.

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

40  
41 **DR. CRABTREE:** It seems that -- I am not quite sure why Section  
42 2.6 is really needed in here. I mean if we want to change the  
43 bag limit or something, we can do that through a framework  
44 action. It seems to me this amendment is focused on the broader  
45 picture of how we fundamentally want to manage the fishery. I  
46 am not really convinced that this whole 2.6 section is needed,  
47 unless I'm missing something.

48

1 **CHAIRMAN GREENE:** I would concur, but, Ms. Bosarge.  
2  
3 **MS. BOSARGE:** As far as streamlining the document, 2.2.1, on the  
4 transferability and maintenance of shares, Alternative 4, do not  
5 allow the transfer of shares among participants, you know in a  
6 lot of other fisheries we're having a problem or we see the need  
7 to try and make access for new entrants, to make sure that they  
8 can get into the fishery in some fashion or another.  
9  
10 I think this goes against that type of goal, when you don't  
11 allow transfers of the actual share to other participants. I  
12 mean even if we somehow did choose to go that route, it's  
13 circumventable very easily.  
14  
15 I mean if you put the shares in the name of a corporation, if  
16 that's the way they're established, then you can still end up  
17 transferring them. Essentially what happens is somebody buys  
18 the corporation and you have different officers in the  
19 corporation, a different president and things of that nature.  
20 It's circumventable and I don't see where that's completely  
21 applicable and really fits our goals at this point.  
22  
23 **CHAIRMAN GREENE:** Ms. Levy.  
24  
25 **MS. LEVY:** I think it serves a bookend in terms of analyzing the  
26 alternatives. So you have no restriction on transferring of  
27 shares, don't allow any transferring of shares, and then some  
28 other options in between. In terms of analysis, it just  
29 provides the bookend to the no restriction part.  
30  
31 **CHAIRMAN GREENE:** Thank you. Any further comments? I don't see  
32 anything else. Dr. Lasseter, are you -- She is all finished,  
33 she says. Any more discussion on 41 or 42? Okay. Chairman  
34 Anson, we are about thirteen minutes before our lunch scheduled  
35 time. How would you like to proceed?  
36  
37 **MR. ANSON:** I think we ought to go ahead and break for lunch.  
38 Very good job getting us through this segment of the agenda on  
39 time, or ahead of time. I appreciate it. We're scheduled for a  
40 12:15 to 1:45 break for lunch. Since we are ahead of schedule,  
41 let's be back here and reconvene at 1:30.  
42  
43 One other announcement is Dr. Bob Shipp was in the audience, a  
44 former council member. I saw the whites of his eyes. He is  
45 walking around, but, Dr. Shipp, we appreciate you coming out and  
46 spending time with us. Other than that, we will reconvene at  
47 1:30. Thank you.  
48

1 (Whereupon, the meeting recessed at 12:03 p.m., January 26,  
2 2016.)

3  
4 - - -

5  
6 January 26, 2016

7  
8 TUESDAY AFTERNOON SESSION

9  
10 - - -

11  
12 The Reef Fish Management Committee of the Gulf of Mexico Fishery  
13 Management Council reconvened at the Perdido Beach Resort,  
14 Orange Beach, Alabama, Tuesday afternoon, January 26, 2016, and  
15 was called to order at 1:30 p.m. by Chairman Johnny Greene.

16  
17 **CHAIRMAN GREENE:** We will pick up where we left off on the  
18 agenda. It will be Draft Options, Red Snapper Recreational ACT  
19 Adjustment. Steven, if you're ready. This will be Tab B,  
20 Number 11.

21  
22 **DRAFT OPTIONS - RED SNAPPER RECREATIONAL ACT ADJUSTMENTS**

23  
24 **MR. ATRAN:** Thank you, Mr. Chairman. This is a preliminary  
25 options paper for possibly modifying what is currently the 20  
26 percent buffer that we have for recreational red snapper between  
27 the ACL and the ACT.

28  
29 We went to the SSC and we asked them if they had any advice for  
30 us on this. Basically, they pointed out a large number of  
31 uncertainties that are involved when trying to project how long  
32 the season needs to be to meet the ACT, and they felt that, as  
33 of right now, we just have two years under the 20 percent buffer  
34 that we've been working on.

35  
36 Two years ago, we were substantially below the buffer. Last  
37 year, we were above the ACT, but below the ACL, but we only have  
38 two years right now, and we only have one year under sector  
39 separation, and so it's very difficult to try to project what  
40 might happen in the future.

41  
42 While we have the methodology that the Regional Office uses to  
43 project season lengths, at the moment, we really cannot put any  
44 confidence intervals on those. We can't provide any probability  
45 of overfishing and so, in the absence of being able to do that,  
46 the options that I've put together in this document have some  
47 modified ACT buffer, but it's combined with some contingency  
48 that has to be met.

1  
2 We would wait and see what the landings are from the previous  
3 year. I think those would come around mid-February or March or  
4 so, and, depending upon what those look like, we either would or  
5 would not go with the lower buffer. If the contingency is not  
6 met, then we would go back to the 20 percent buffer.

7  
8 Just to quickly go through the alternatives, which are on page  
9 11, and, like I said, these are preliminary, and so we could  
10 modify these if you want.

11  
12 We have three alternatives. The no action alternative is not to  
13 set the buffer. Then Alternative 2 would set the buffer at 15  
14 percent instead of 20 percent, with a contingency that this is  
15 contingent on the final recreational landings estimates for the  
16 2015 season being at least 5 percent below the ACL. That's the  
17 difference between the 15 percent and the 20 percent.

18  
19 Then Alternative 3 would use a 10 percent buffer. We would cut  
20 the buffer in half, but it would be contingent on the final  
21 recreational landings being at least 10 percent below the ACL.  
22 In other words, we're saying that in the current year we would  
23 have to have a catch that would not have exceeded the ACL, even  
24 if this new buffer were in place. Otherwise, we would stick  
25 with the 20 percent buffer. I am talking about the 2015 year.  
26 That was assuming that this would be put in place for the 2016  
27 season.

28  
29 Right now, given the amount of time it takes to produce and take  
30 final action and implement a framework action, 2017 would be the  
31 earliest it's going to be in place, and so instead of saying  
32 2015, I probably should have said 2016, or just left it open-  
33 ended, so that every year this will be analyzed and it would be  
34 either be 20 percent or whatever buffer you choose to go with.  
35 I really don't have a whole lot more to say on this, but that's  
36 where we stand as of right now.

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

39  
40 **MR. DIAZ:** Thank you. I think Steve did a good job putting this  
41 together with the very little information he had, and I  
42 appreciate his hard work on it. I brought this up at the last  
43 meeting, because, at the last meeting, my hope was that we could  
44 do something to maybe impact the 2016 season, but that's  
45 obviously not the case.

46  
47 If we look at this today, I mean what he just said is pretty  
48 important. We're looking at how we're going to look at this in



1 the future, and so it would probably be the 2017 season. I  
2 think the timeline is very important, but, originally, I just  
3 wanted us to try to make an informed decision about this buffer.

4  
5 We put it in place and we had some information that was given to  
6 us at the time, and, at the time, the information that was given  
7 to us, if you look through the document, there's a chart in  
8 there. We basically accepted a 15 percent probability of going  
9 over. That was what we accepted at the time.

10  
11 While 2015 is still preliminary, we're at the point where we're  
12 going to have almost -- We will have two years of data under our  
13 belt pretty soon. Down the road, I think we probably could make  
14 a better decision as we get more and more information.

15  
16 That, I guess, was my purpose. I just want us to take the  
17 information that's in front of us and to look and see, you know,  
18 is the buffer that we have still reasonable? As it turns out,  
19 it sounds like we can't have the calculations done in a manner  
20 that they were done in 2014, or we could have the same chart up  
21 there, and my guess is if we still wanted to accept the 15  
22 percent probability of going over that the 20 percent would be a  
23 different number now. I don't know what it would be. It might  
24 be higher or it might be lower, but the council could at least  
25 decide if that's an acceptable level of risk that we want to  
26 take.

27  
28 I do think Steven did a good job on writing the purpose and need  
29 too, and the first sentence of it kind of captures a lot of the  
30 way I'm thinking about this. The purpose is to use the most up-  
31 to-date information to adjust the ACT buffer for the red snapper  
32 recreational sector to a level that will allow greater harvest  
33 without exceeding the ACL.

34  
35 I mean that's what I want us to accomplish. I don't want to  
36 exceed the ACL, but can we adjust it with the information that  
37 we have in front of us? That's the decision we're going to be  
38 making. Thank you.

39  
40 **CHAIRMAN GREENE:** Thank you, Dale. I agree. Mr. Riechers.

41  
42 **MR. RIECHERS:** Steven, you talked about this would be for the  
43 2017 season, if we were to take action on it now, because it  
44 can't be in place for the 2016 season. In line with Dale's  
45 comments, obviously knowing what happened in 2014 and 2015 with  
46 the 20 percent buffer, it helps us understand that risk and  
47 those risk factors.

48

1 Obviously, at least based on the predictions that we had before,  
2 you would expect one in seven years to go over, or one in six,  
3 depending on how you look at that, based on those probabilities,  
4 but when would be the last time we could make a decision on this  
5 in order to still be in place for the 2017 season?  
6

7 **MR. ATRAN:** I will defer to the NMFS folks, if they want to  
8 comment, but I can only compare it to the gag framework  
9 procedure that you voted on last October. It took us until just  
10 very recently before we were able to submit that to NMFS for  
11 their review and approval, and we're looking for a June 1  
12 implementation date on that, because that's when our new opening  
13 season, opening day, is proposed for gag.  
14

15 Having submitted that just a couple of weeks ago, actually last  
16 week, my understanding is that it's touch and go, but we might  
17 be able to make it for this year. You would have to take final  
18 action at no later than the October council meeting, based upon  
19 what's going on on right now with other actions.  
20

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

23 **MR. RIECHERS:** Can I follow?  
24

25 **CHAIRMAN GREENE:** I'm sorry. Robin, to that point?  
26

27 **MR. RIECHERS:** Steven, is there a way to think about this just  
28 in terms of -- I mean obviously before we ended up using some  
29 buffering mechanisms, where we had no data that would really  
30 tell us whether we thought that was going to keep us under or  
31 not. We were doing some estimates, but now we have a couple of  
32 years of known information. Do you know of any ways we think we  
33 can try to incorporate that in some way?  
34

35 **MR. ATRAN:** Again, I might need to ask Dr. Patterson to help me  
36 out here. There are statistical methods that were used for the  
37 2014 season, to estimate the probabilities, but with the changes  
38 that have been made now, the buffer being implemented, the  
39 sector separation being implemented, I don't think we have  
40 enough data to really apply those to try to compute any  
41 probabilities of confidence limits. I don't know if Dr.  
42 Patterson wants to add to that. In other words, I don't know  
43 any methodology.  
44

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

47 **DR. CRABTREE:** The other thing that we have now to deal with is  
48 the expansion of state waters off of some states. That

1 interjects quite a bit of uncertainty in trying to project the  
2 season lengths, because there is no clear data source, that I'm  
3 aware of, that would allow us to very precisely predict what's  
4 likely to be caught between three and nine miles, and so that's  
5 another thing that we have to look at.

6  
7 Some of these things, the only way to reduce the uncertainty is  
8 to get a few years' worth of observations under your belt, and  
9 then you kind of know what's going on. The problem we have is  
10 that every couple of years there's a major change to the fishery  
11 in some way or another, and that means we have to go back  
12 through and figure out how to make the adjustments and all.

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

15  
16 **MS. BOSARGE:** Now that this document has changed a little bit --  
17 I know, Dale, you had initially said doing something for the  
18 2016 season, and this looks like something that maybe we'll use  
19 later in the future, when and if we have some more data, maybe a  
20 little less uncertainty in this or that, but if that does indeed  
21 play out and that's the case, when we received the presentation  
22 from Will earlier, or yesterday I guess it was, maybe, on the  
23 differences in the underages and overages per the ACT for the  
24 two subcomponents, I think it would be worthwhile to actually  
25 evaluate this twofold and say, okay, what should -- If the  
26 buffer is going to be adjusted, what should it be adjusted on  
27 the private angler subcomponent and what should the buffer be  
28 adjusted on the for-hire component, with the caveat that we  
29 still have to have an overall risk tolerance that we're  
30 comfortable with when you aggregate both of those for the  
31 recreational sector.

32  
33 If we do move this document forward later on down the line to  
34 look at something for in the future, 2017 or 2018 or whenever it  
35 is, I would like to see that addressed in the document.

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

38  
39 **MR. RIECHERS:** I think we're all on the same page, in that as we  
40 maybe get a little more info that we can keep this document with  
41 us, and maybe have a look at it as we understand more about what  
42 landings did this year and, of course, weigh that factor in and  
43 maybe get a little more information about projections into next  
44 year.

45  
46 To your point, Roy, about not being able to project, certainly  
47 in the last two years, I believe, the states who are now going  
48 out to nine miles would have had days when the federal seasons

1 were closed and the state seasons were open, to at least give  
2 some estimate.

3  
4 I mean it may not be as statistically robust as longer-term  
5 estimates, but we certainly would have a couple of years of data  
6 to help supply some of that information.

7  
8 **DR. CRABTREE:** We do, but that's fishing out to three miles, and  
9 the catch rates may be substantially different between three and  
10 nine miles than they are between zero and three miles. That's  
11 really the question, and that's what we don't have information  
12 on.

13  
14 I will tell you another thing that could, in my view,  
15 considerably reduce the uncertainty in this is if we could know  
16 what the state seasons were in advance when we do these  
17 projections and not have to worry about them changing and  
18 reopening and all these kinds of things.

19  
20 There are things that are within our control, at least in the  
21 larger our, meaning the states, NMFS, and the council. There  
22 are things we could do to make things more predictable and  
23 address some of these uncertainties.

24  
25 **CHAIRMAN GREENE:** Thank you. Any further discussion? Mr. Diaz.

26  
27 **MR. DIAZ:** I guess, hearing what's talked about around the  
28 table, we don't need to act on this today. The numbers are  
29 still preliminary, but I would like to reconsider it at a future  
30 meeting, once all the numbers for this year are finalized. I  
31 would like to bring it back up for us to continue this  
32 discussion and just see if the council wants to consider  
33 adjusting the ACT.

34  
35 I agree with most of the things, and I think Leann makes a great  
36 point. You know we do have two separate sectors right now, and  
37 it might make sense to treat them differently, to have their own  
38 ACT. That's a very good point.

39  
40 I agree with Dr. Crabtree. If we knew what the states were  
41 going to do, then that would give us a little bit more  
42 certainty. A 20 percent buffer is a lot of fish, and if there  
43 are ways where we can be more precise and to do everything we  
44 can do to try to fish as close to optimum yield as possible, I  
45 mean I think it's to our advantage to try to do that. I am okay  
46 with leaving it like it is and taking it up -- With the  
47 contingency that we bring it up at a future meeting for another  
48 discussion. Thank you.

1  
2 **CHAIRMAN GREENE:** Thank you. Any further discussion? Mr.  
3 Atran, did you have anything else?  
4

5 **MR. ATRAN:** No, I'm finished.  
6

7 **CHAIRMAN GREENE:** Thank you. We will move on. Seeing nobody  
8 has anything else, we will move on to Gray Triggerfish OFL, ABC,  
9 and Rebuilding Plan Parameters, Tab B, Number 12, and Mr. Atran.  
10

11 **GRAY TRIGGERFISH OFL, ABC, AND REBUILDING PLAN PARAMETERS**  
12

13 **MR. ATRAN:** Thank you. Tab B-12 is a handout that's basically  
14 some information that was in the SSC Summary. It's just a  
15 little bit of additional information as well. The gray  
16 triggerfish stock assessment was reviewed, I think two or three  
17 SSC meetings ago, and we asked for some rebuilding streams to be  
18 created.  
19

20 Just to remind you, this stock is under a rebuilding plan.  
21 We're approaching the ten-year limit. It has become obvious  
22 that we're not going to be able to rebuild the fishery within  
23 ten years, and so we received a letter from the Regional Office  
24 informing us that we are not making adequate progress.  
25

26 That triggered the need to create a new rebuilding plan, and so  
27 the first thing to do is we need to define what our minimum time  
28 is to rebuild in the absence of fishing mortality, what our  
29 maximum time is, which is ten years, if we can do it in ten  
30 years or less, and what our proxy for MSY is.  
31

32 The SSC reviewed a number of projections. One of the questions  
33 was how to deal with the level of recruitment going forward.  
34 We've had several years of below average recruitment, and the  
35 question was how long is this going to continue, or is it going  
36 to continue?  
37

38 They did make a decision on what scenarios they wanted to use,  
39 and NMFS came forward, the Science Center came forward, with a  
40 series of rebuilding plans, OFLs that matched fishing at F 30  
41 percent SPR, and then rebuilding plans for either eight years,  
42 nine years, or ten years.  
43

44 The stock is projected to rebuild in six years if there is no  
45 fishing mortality, but that includes no discard mortality. A  
46 seven-year plan wouldn't work, because as soon as you start  
47 allowing directed fishing, you also have some discard mortality  
48 and, at the fishing mortality rate for a seven-year rebuilding

1 plan, we could not meet that. Eight, nine, and ten years are  
2 the workable solutions for a rebuilding plan.

3  
4 The SSC approved three sets of ABCs. They decided it's the  
5 council's prerogative to decide how long they want the  
6 rebuilding plan to be, within the guidelines, and then whichever  
7 rebuilding plan you select, that is the ABC that is recommended  
8 by the SSC. For example, in 2017, your ABC in the first year of  
9 a rebuilding plan would be 216,000 pounds under an eight-year  
10 plan, 399,000 pounds under a nine-year plan, and 546,000 under a  
11 ten-year plan. Then these are projected to increase as the  
12 stock rebuilds.

13  
14 We did get rebuilding yield streams for the full ten years, but,  
15 because the SSC was not comfortable with approving yields more  
16 than a few years out, especially for a stock that's in a  
17 rebuilding stream and where there are still some uncertainties  
18 about what's going to happen with the recruitment levels, they  
19 only approved the projections for three years out.

20  
21 The bottom graph, the bottom table, in that handout, which isn't  
22 in the SSC report, shows you what F rebuild is for that entire  
23 period under each of these three rebuilding streams.

24  
25 What happened, and we may need to try to fix this somehow in the  
26 future, is we define the maximum fishing mortality threshold as  
27 F 30 percent SPR for most of our stocks, but that's not the  
28 rebuilding threshold, and so the rebuilding threshold, in order  
29 to rebuild within eight years or nine years or ten years, is  
30 some other number, and it's the yield stream that's shown in  
31 that bottom table.

32  
33 When computing what ABC should be, rather than reduce ABC from  
34 OFL, the SSC reduced ABC from the F rebuild. Earlier, when we  
35 were talking about red grouper, we noted that the difference  
36 between ABC and OFL was very small, because ABC was a reduction  
37 from OFL. Here, if you compare the ABC to the OFL, it's a lot  
38 smaller, because we're actually reducing from the rebuilding  
39 yield stream and not from the OFL yield stream. I just wanted  
40 to explain that.

41  
42 Right now, I think what you need to decide, or, if you want, we  
43 could probably just make these options in the amendment, is  
44 whether you want to go with an eight-year, nine-year, or ten-  
45 year rebuilding plan. I'm assuming you would want to stick with  
46 the proxy of F 30 percent SPR for the MSY proxy.

47  
48 **CHAIRMAN GREENE:** Thank you. Is there discussions? Ms. Levy.

1  
2 **MS. LEVY:** I mean I think at this stage these should be the  
3 alternatives that you consider in your amendment, rather than  
4 just sort of picking one here and running with it.  
5

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

8 **DR. CRABTREE:** Steve, can you tell me what the total ACL for  
9 triggerfish is right now, commercial and recreational combined?  
10

11 **MR. ATRAN:** It's currently about 305,000 pounds.  
12

13 **DR. CRABTREE:** All right, and so, by and large, I think when you  
14 think of where we felt like we were at the last council meeting,  
15 this is pretty good news, but I would caution you about looking  
16 at some of these higher ABCs, because we're in a situation where  
17 we've been advised that the stock is not making adequate  
18 progress.  
19

20 It's difficult for me to see how we could justify increasing the  
21 ACLs above where they are right now. I have a hard time  
22 thinking how we would explain to anyone how we're not making  
23 adequate progress and so, to ensure we remedy that and start  
24 making more progress, we're going to increase the catch levels.  
25 I don't think that works.  
26

27 Now, I do think you could choose one of these rebuilding  
28 timelines and leave the catch levels at status quo, where they  
29 are, and we could probably justify that, or I think you could go  
30 with the eight years, but that would mean you're reducing the  
31 overall catch levels, which I understand that's probably not a  
32 very attractive scenario, but I think we would have a difficult  
33 time defending an increase in the catch levels above where they  
34 are at the moment.  
35

36 **CHAIRMAN GREENE:** Discussion? Dr. Simmons.  
37

38 **DR. SIMMONS:** Thank you, Mr. Chairman. I guess what staff would  
39 be working on is a revision to the current rebuilding plan we  
40 have, and we'll have to put together an IPT and get with NMFS  
41 staff on bringing back a document to the council with a range of  
42 alternatives, and I think there was a motion from the last  
43 meeting about looking at some other modifications to management,  
44 and I guess we need to see if we still need to look at those. I  
45 think there was a size limit change, and I don't know if there  
46 was something else, Steven, that they originally asked us to  
47 look into if we were modifying the rebuilding plan for triggers.  
48

1 **CHAIRMAN GREENE:** I believe it was a reduction in the bag limit  
2 and an increase in size limit or something to bring it in.  
3 Anybody else want to weigh in? Mr. Anson.

4  
5 **MR. ANSON:** Dr. Crabtree, going back to your comment regarding  
6 the current ACL and trying to fit that into the table for the  
7 rebuilding timelines here, I mean are you -- I mean each of them  
8 show slight increases each year. Were you looking for a three-  
9 year window at the same levels or were you looking at an  
10 increase starting in year two and a small increase in year  
11 three? I mean what are you suggesting or proposing?

12  
13 **DR. CRABTREE:** I guess we could look at that. I mean if we  
14 wanted to stay with status quo catch levels, then we're looking  
15 at a nine or a ten-year rebuilding plan, and I think if we could  
16 build a strong rationale for figuring out how much to have it go  
17 up and justify it, maybe so. I am not quite sure what that is.

18  
19 The thing to understand is all of these rebuilding tracks for  
20 gray triggerfish, they're all contingent on the assumption the  
21 SSC made that after 2018 the recruitment is going to jump way  
22 high, and maybe it will. There was some discussion about some  
23 five-year cycle and those kinds of things, but I don't know if  
24 it's going to go back up or what it's going to do.

25  
26 I guess we could look at the possibility of raising the catch  
27 levels a little bit in 2018 and 2019. I think we would have to  
28 confer with the SSC again and the Science Center. We would need  
29 some basis to explain how that works, and maybe we can find  
30 that.

31  
32 I mean if we went with the nine-year rebuilding plan, then we're  
33 being more conservative than the projections indicate, and so  
34 we're building some degree of precaution in it, and maybe we  
35 could justify some increases in it. These projections really  
36 don't go up very much from year to year. If you look at that  
37 yield stream over three years, I think it only goes up 8,000  
38 pounds, and so it would be a modest increase, but I don't rule  
39 out that we could potentially do that.

40  
41 **CHAIRMAN GREENE:** Ms. Bademan.

42  
43 **MS. BADEMAN:** Somebody remind me when we have another assessment  
44 scheduled for triggerfish. I don't think we have one, right, or  
45 at least that's the last conversation we had?

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



1 **DR. CRABTREE:** I asked that question. My understanding is we  
2 haven't scheduled one, and I would think, when we get to 2018 or  
3 2019, where we expect to see this increase in recruitment, we're  
4 going to want to check that out. My understanding is I don't  
5 know that we have a very reliable index of recruitment, and so  
6 it might be that the assessment would have to be out in 2020 to  
7 be able to pick up that there was in fact a jump in recruitment.

8  
9 That's something, I think, that Bonnie would have to check with  
10 her folks on, but we ought to look at when is the earliest date  
11 we could do an assessment and have a reasonable probability of  
12 detecting a change in the recruitment patterns.

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

15  
16 **MR. RINDONE:** Thank you, Mr. Chairman. I'm just looking at the  
17 SEDAR schedule right now, and, based on discussions that the  
18 SEDAR Steering Committee had and based on the council and the  
19 SSC's recommendations, the soonest you could get gray  
20 triggerfish on the schedule without moving something else would  
21 be 2019.

22  
23 **CHAIRMAN GREENE:** Thank you. Ms. Levy.

24  
25 **MS. LEVY:** We're at a really early stage, and I'm not saying not  
26 to consider any number of options, but I do want you to keep in  
27 mind the requirement to rebuild in as short a time as possible,  
28 taking into account needs of fishing communities, and that we  
29 don't overlook the eight-year rebuilding plan.

30  
31 I mean there's one plan that means no fishing mortality. That's  
32 as quick as we can rebuild that we need to look at. There's  
33 also the eight-year rebuilding plan that could be the shortest  
34 time possible, taking into account the needs of fishing  
35 communities, and, if you're going to move to a nine-year  
36 rebuilding plan, there's going to have to be some discussion  
37 during the course of this about why that's appropriate, given  
38 that there is an eight-year option in here.

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

41  
42 **MS. BOSARGE:** I'm not sure if this is the appropriate time or  
43 not, but if we're having a discussion here for what this future  
44 document is going to look like, I have heard some feedback from  
45 the for-hire component of the recreational fishery that they  
46 would like to entertain the idea of a different bag limit,  
47 possibly a lower bag limit, on these triggerfish, and if that's  
48 going to have some bearing on the analysis that may go into a

1 document on rebuilding or things of that nature, and possibly  
2 even a later opening date to their season, to essentially get  
3 the most bang for the buck of the amount of fish that they will  
4 go out there and catch.

5  
6 I'm just throwing it out there in case staff needs to go ahead  
7 and know that to give us some analysis and options on that at  
8 some point in the future. Maybe this is not the right time, but  
9 there it is.

10  
11 **CHAIRMAN GREENE:** Dr. Crabtree.

12  
13 **DR. CRABTREE:** I have a question for Dr. Patterson, I guess.  
14 Will, I mean the issue here really is the recruitments, and did  
15 you guys have a discussion of at what point, if we just don't  
16 see evidence that the recruitments are going back up, at what  
17 point would we decide that something has fundamentally changed  
18 in the Gulf and redefine the reference points consistent with a  
19 lower level of recruitment? Did you guys have any discussion  
20 about that?

21  
22 **DR. PATTERSON:** We didn't have discussion about that point  
23 specifically, about when we would think that perhaps there is a  
24 new recruitment function driving the population. We did talk  
25 about the timeline. We didn't frame it that after this four-  
26 year period that we would assume that recruitment would  
27 increase.

28  
29 What the consensus was is that we didn't have any information to  
30 indicate that this lower recruitment scenario would continue  
31 more than four years into the future, and so it could continue  
32 for eight years or ten years.

33  
34 Speaking to your question, then you would have to reassess what  
35 recruitment is going to be in the future, but we thought of it  
36 as we didn't really have any information to suggest it would  
37 continue for any longer period of time than four years. Given  
38 that we typically recommend OFL and ABC for three years' worth  
39 of projections, particularly for stocks that are undergoing  
40 rebuilding, then that was also factored into our estimation.

41  
42 **DR. CRABTREE:** A follow-up. Am I correct in my remembrance of  
43 this that if recruitment stays at these lower levels that the  
44 stock doesn't rebuild? I mean it won't ever rebuild, even if  
45 there is zero fishing, right?

46  
47 **DR. PATTERSON:** I'm not sure about the zero fishing. It depends  
48 on how far you project into the future.

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

3  
4 **MR. ANSON:** I guess, to that part of the discussion from the  
5 SSC, Dr. Patterson, there was some discussion, as I recall, of  
6 other data collection programs that are underway, albeit much  
7 shorter. Was there a sense that those might be possibly more  
8 appropriate to better quantify recruitment, based on where they  
9 sample and the types of gears that are used for sampling? Is  
10 that something that could be potentially incorporated into the  
11 next assessment, maybe, to help with identifying or getting at a  
12 better place regarding recruitment indices?

13  
14 **DR. PATTERSON:** Certainly any of the ongoing fishery-independent  
15 surveys that are existing among different regions will be  
16 helpful in assessing this stock and future stocks. I mean the  
17 more of that type of information is available, especially  
18 quality information, the better off we'll be.

19  
20 However, one important consideration is the time series. If we  
21 had information for a given fishery-independent survey, going  
22 back in time when recruitment was estimated to be higher, then  
23 we could sort of calibrate that against the trend. If we simply  
24 started today with a new survey, it would be tough then to  
25 calibrate what recruitment was historically using that type of  
26 an approach, whether it's an ROV or a fishery-independent hand-  
27 line-type of survey, and so those types of things can be  
28 problematic.

29  
30 **MR. ANSON:** Yes, and I guess looking at -- You know, granted,  
31 there are several data collection programs that come to mind,  
32 and they all are relatively new and I understand that, but since  
33 we have been in the period of low recruitment, estimated to be  
34 in low recruitment, here, in the short term at least, and three  
35 years from now we come back and look at not only the historical  
36 data collection that was used in the previous assessment, but  
37 take these other things and run them side-by-side for at least  
38 the same time series -- If there were distinct differences, I  
39 guess, where it was some low counts, if you will, for these  
40 newer data collection, but then three years from now, two or  
41 three years from now, you start seeing a pulse of higher  
42 recruitment, yet juxtaposed against low recruitment in the  
43 historical method, I mean is that a possibility for inclusion or  
44 interpretation and it might impact the assessment?

45  
46 **DR. PATTERSON:** I think that's a really good point. If you  
47 start sampling at a time period when low recruitment is assumed,  
48 but then you see an uptick, then that can be informative. One

1 thing to keep in mind is that the recruitment estimates that  
2 we're seeing are model-derived estimates from the assessment.  
3 It's not simply a fishery-independent survey on juvenile  
4 triggerfish or young triggerfish, but it's actually picking up  
5 the age composition data that's moving through the population  
6 and the fishery.

7  
8 Then you have the issue in the fishery of selectivity and  
9 catchability issues that can change over time, and obviously,  
10 with gray triggerfish in particular, there's been a lot of  
11 discussion about the shift from -- Or the circle hook  
12 requirement.

13  
14 Some fishermen were already using circle hooks in 2007, but the  
15 requirement then in 2008 to switch to non-stainless steel circle  
16 hooks in the reef fish fishery, then that also is -- It's  
17 another source of variance in trying to examine how these  
18 catches have changed over time and what information you can  
19 extract from the fishery-dependent data about age composition in  
20 the population.

21  
22 **CHAIRMAN GREENE:** Thank you. Anybody else? Seeing no more  
23 comments, I guess we'll go back to Mr. Atran.

24  
25 **MR. ATRAN:** At this point, we need guidance from the council on  
26 do you want us to proceed, and, if so, how to proceed. I guess  
27 we need to proceed, because we're legally required to implement  
28 a new rebuilding plan, and so I guess we can come back to you at  
29 a future meeting with an options paper with some yield stream  
30 alternatives for these three rebuilding streams, plus I guess F  
31 equals zero would have to be one of the options. If you want to  
32 consider a change in the bag limit, I guess we could also  
33 include that in the options paper.

34  
35 **CHAIRMAN GREENE:** Okay. Mr. Anson.

36  
37 **MR. ANSON:** Picking up on what Dr. Crabtree suggested, would we  
38 not also want to include a rebuilding schedule, and I don't  
39 know, I guess under the nine-year rebuild, but at a reduced  
40 catch?

41  
42 **DR. CRABTREE:** You would have the nine-year rebuilding schedule,  
43 and the projections done with these ABCs, and then we're setting  
44 the catch levels below those ABCs, which should achieve a higher  
45 probability of rebuilding, and so exactly how you want to handle  
46 that, Steve, but I think that's what we're looking at.

47  
48 **CHAIRMAN GREENE:** Any further comments? Steve, do you need any

1 further direction or are you good with what you need?  
2

3 **MR. ATRAN:** I think we have enough information to proceed.  
4

5 **CHAIRMAN GREENE:** Thank you. Okay, Chairman Anson, it's 2:15.  
6 We weren't scheduled for a break until about 3:15. We have  
7 Discussion of Ad Hoc AP and Other Business items left on the  
8 agenda for today. How would you like for me to proceed?  
9

10 **MR. ANSON:** I would say continue on, and if we have discussions  
11 that bump up against the 3:15, we will take a break or evaluate  
12 at that point.  
13

#### 14 **DISCUSSION OF AD HOC PRIVATE RECREATIONAL AP**

15  
16 **CHAIRMAN GREENE:** Okay. Thank you. With that, we'll move to  
17 Discussion of Ad Hoc Private Recreational AP. It has my name  
18 beside it and so I guess I will lead us through it. We've had a  
19 lot of conversation around it, and we've got subsequent emails  
20 both for and against it. I guess it's time to make a decision  
21 here on what we're going to do, and so does anybody have any  
22 comments or want to weigh in? Does somebody want to get the  
23 conversation and the party started here? Mr. Diaz.  
24

25 **MR. DIAZ:** I will try to get us started. I mean, from what I  
26 can see from the public comments that I have received, and from  
27 the people I've talked to, there's kind of three schools of  
28 thought.  
29

30 One school of thought is for us to just hold off for a couple of  
31 meetings and let this new group that has formed to get a little  
32 bit more time to get established and do some of their work for  
33 some period of time. The other school of thought would be to go  
34 ahead and set this AP as soon as possible, and I think we got a  
35 lot of public comments on that.  
36

37 I guess the third school of thought might be to hold off for  
38 another meeting or two and set the AP and include some members  
39 of this new group that's trying to form, to make sure that  
40 there's some subset of that group, where those people that have  
41 been doing some work have a voice in it. That's kind of where I  
42 see we're at now. We need to pick from one of those choices,  
43 or, if anybody else has got some other, better way to do it than  
44 that. Thank you.  
45

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

48 **DR. LUCAS:** I went back and I reviewed, starting back in June,

1 with the whole discussion, when Harlon got us started and he  
2 pulled Mr. Haddad up to the podium and we went back and forth.  
3 I tried to figure out where I may have gotten confused.

4  
5 It was originally Harlon that had started with like a private  
6 recreational red snapper AP. Then he brought Mr. Haddad up and  
7 they started talking and Mr. Haddad said that he would hate to  
8 see it for just one species and we currently had plenty of  
9 panels addressing just red snapper and he would like to see more  
10 opportunity.

11  
12 Then we went down that path, but it seems like in every  
13 discussion that it kept coming back around to being mainly about  
14 red snapper, and possibly just because that's the only species  
15 where we have defined definitions between the private  
16 recreational and the charter/for-hire.

17  
18 I guess, in some respects, some of the confusion, at least from  
19 what I've seen, lies in the charge or the purpose, what exactly  
20 we're trying to target, whether it's just red snapper or we're  
21 trying to target all species, all reef fish species.

22  
23 I asked -- Everybody who sent me an email should have gotten a  
24 reply from me, where I asked them a series of questions to try  
25 to help narrow it down. I didn't get but a couple of responses  
26 back from people when I asked, and so I took that to mean either  
27 they had no opinion or they too themselves were somewhat  
28 confused.

29  
30 I would also like to, if this moves forward, I think we have to  
31 have a real defined charge. There are some people who are just  
32 -- I think they're kind of red snappered out and they would like  
33 to see other talks, and maybe there are some people who would  
34 like to see that finalized, but it's got to be just completely  
35 defined, in my opinion.

36  
37 **CHAIRMAN GREENE:** Thank you. Mr. Sanchez.

38  
39 **MR. SANCHEZ:** I would like to see us go forward with the  
40 recreational AO, and, by all means, include some of these  
41 members from this new group, the Gulf Anglers Focus Group, on  
42 this. Their input would be valuable.

43  
44 It would be well received, and I don't see why they have to be  
45 operating on their own and not being a part of this transparent  
46 process, when we're all trying to, I guess, walk different roads  
47 to the same place. I don't see any problem with them doing  
48 their own thing as well as contributing to this process that

1 we've been after for a super long time.

2

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

4

5 **DR. CRABTREE:** I guess I have mixed feelings about this. On the  
6 face of it, yes, it sounds great. We should convene a private  
7 AP and let's going. On the other hand, we've got two of the  
8 largest groups representing recreational private anglers asking  
9 us to slow down a little bit. They seem to be engaged in some  
10 internal discussions about how they want to handle this and  
11 where they want to go.

12

13 My worry is, if we charge into this too quickly, that it will  
14 just be another unproductive AP meeting, and lord knows we've  
15 had enough of those. It seems like timing here is important,  
16 and, I for one, would -- It wouldn't make me uncomfortable to  
17 slow down on this for a meeting or two and hope that we can get  
18 an atmosphere more conducive to a productive AP meeting, and I  
19 don't know if that will happen or not, but I do think timing is  
20 important on this and we can call together APs, but we really  
21 can't make the AP be productive, unless everybody who comes into  
22 it is at a point in their thought process where they feel like  
23 they're ready and willing to participate and contribute.

24

25 I have mixed feelings on -- Given from all the input that we've  
26 gotten from people, I guess I have mixed feelings that we're at  
27 that point, but I do believe we need to get to that point  
28 relatively quickly, but I'm not sure we need to do it right at  
29 this meeting, necessarily.

30

31 **CHAIRMAN GREENE:** To that point, Mr. Sanchez?

32

33 **MR. SANCHEZ:** Yes, and I think we've heard comments from both  
34 sides as of late. There's a lot of written comment. I don't  
35 really prescribe to the weighing paper approach and mass emails  
36 and all that, but, as far as doing things quickly, I don't think  
37 we have to fear that, because we don't do anything quickly.

38

39 **CHAIRMAN GREENE:** Mr. Williams.

40

41 **MR. WILLIAMS:** I guess I'm in the dark here, Dale. You made  
42 reference to this new group that's trying to form, and John made  
43 some reference to the focus group. Could somebody tell me -- I  
44 mean what do you know about it, anything, because I am totally  
45 unfamiliar with it.

46

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

48

1 **DR. STUNZ:** My comment was to follow up, and Roy pretty much  
2 made my comment, that I think it's happening. I agree with an  
3 AP in the future, but my recommendation would be just to wait  
4 one more meeting, until they get a little bit further down the  
5 line, because they are making progress.  
6

7 To follow up with Roy's question, Chris Horton sent around a  
8 letter that described what happened on this to all of us. I  
9 don't know if you didn't get it, and I will be happy to forward  
10 it, but I am pretty sure it went to all the council, or at least  
11 a large group of us, that summarized what had happened and the  
12 concerns with the group and how they've been meeting and where  
13 they were at and what their future plans were, and so I don't  
14 know, Doug, if we got that directly to you or how that's going  
15 around, but I will be happy to -- It was a letter that captured  
16 that nicely.  
17

18 **CHAIRMAN GREENE:** Dr. Crabtree.  
19

20 **DR. CRABTREE:** I think what's going on is, at some level, the  
21 American Sportfishing Association has been involved in  
22 organizing it. If it's all right with you, Mr. Chairman, I  
23 would like to ask Ken Haddad to come up and kind of tell us what  
24 they're doing and what they're about.  
25

26 **CHAIRMAN GREENE:** I'm merely just a puppet head here. Does that  
27 committee have any objections to allowing Mr. Haddad? Seeing  
28 none, Mr. Haddad.  
29

30 **MR. KEN HADDAD:** Everybody should have gotten a letter by now,  
31 if you look in your email, or we don't have the right email.  
32 Roy, I sent you something this weekend. We've gone back and  
33 forth for years on what to do about organizing the private  
34 recreational component of the sector, and I've gotten up in  
35 front of you many times and said we need some sort of  
36 organizational process.  
37

38 We have too much diversity and we haven't been able to discuss  
39 issues in any forum the council, and the feedback we've always  
40 gotten is private recs, you need to get your act together and  
41 come to us with solid recommendations and thoughts, and so we've  
42 finally taken that to heart.  
43

44 We, as a small core group starting the discussions on where we  
45 want to go with kind of a -- We'll call it a recreational group  
46 that has a goal of discussing our major issues. We have to even  
47 outline them. We don't have consensus within our own diverse  
48 recreational setting that allows us to come up here and speak



1 with any kind of voice.

2  
3 Now, we've hired the FSU Conflict Resolution Consortium  
4 Consensus Center to actually help facilitate this. We believe  
5 there is such a diversity of issues that without some  
6 professional guidance with this group -- When I say group, I am  
7 saying group loosely.

8  
9 We see this as an evolutionary process. We start with a core  
10 and we have the private interests get their act together, to  
11 some degree, and we have every intention of including a broad  
12 diversity of interests into the discussions.

13  
14 We don't want to replace an AP. That's not the goal, but we do  
15 believe the formation of an AP now, while this group is trying  
16 to organize itself and understand its issues, is really going to  
17 be counterproductive, because you're going to put a lot of  
18 diverse interests together and say here is your charge, and,  
19 frankly, the council can't even deal with the issues and you've  
20 been dealing with it for a long time.

21  
22 We haven't sat down as a group to work through these things, and  
23 we're asking for some time to kind of get ourselves together.  
24 It's not secretive. Go to the various websites of the  
25 organizations and you'll find information on this. It's not an  
26 attempt to circumvent anything.

27  
28 It's an attempt for the private recreational side to drive a  
29 process to understand what we can do to bring to the council,  
30 ultimately, for getting the job done that you need to do,  
31 something we have not been able to do in the past. Does that --

32  
33 **CHAIRMAN GREENE:** I have a question. Mr. Haddad, you said this  
34 is open format to the general public, and that these meetings  
35 are noticed and anyone can participate, or can come and watch  
36 the meeting happen, if they so choose? Is that correct?

37  
38 **MR. HADDAD:** No, I didn't say that. This is not a public --  
39 This is the private recreational groups getting together at this  
40 point. It's just like the for-hire people getting together.  
41 You don't public notice and invite everybody. I mean don't put  
42 us in some bucket that you're already in.

43  
44 The intent -- The feeling of we're doing something secretive and  
45 we need to be doing it as a public entity, we're not a public  
46 entity. We're private, just like the various interests on the  
47 council. Why hold us to a different standard?

48

1 We do intend to include a diversity of interests, because we  
2 know we can't solve our problems without other people's input,  
3 but this is, as the screen says, it's says "private  
4 recreational". That's the driving force behind this.  
5

6 **CHAIRMAN GREENE:** I was just trying to follow up on the part  
7 where you said about transparency. I had no intent of charter  
8 boat or anybody trying to come and sabotage your meeting. I was  
9 just building on what you had said about the transparency part  
10 of that. I will withhold any of my comments for now. Mr.  
11 Sanchez.  
12

13 **MR. SANCHEZ:** Ken, following up on that, I agree with you 100  
14 percent. You're a member of the public and you're private. You  
15 can do whatever you want, as anybody here, and you know that's  
16 the way it is, and more power to you. No problem, but how much  
17 time would you need before you guys would be in a position, do  
18 you think, where you would consider entering our AP process, so  
19 that we can get the benefit of that, just to get an idea?  
20

21 **MR. HADDAD:** If it was the best world for us, we have a plan for  
22 this to run a minimum of a year, and we would like the AP to  
23 come in after that. We understand that that may not fit the  
24 timing of the council, but several meetings of delay would give  
25 us some time to feel better about an AP.  
26

27 Right now, we do not trust that an AP is going to reflect  
28 necessarily the private recreational interests, because you're  
29 going to have trouble getting the AP members you need, and we  
30 need to help you do that, ultimately.  
31

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

34 **MR. WILLIAMS:** Ken, thanks for coming. The fundamental problem  
35 that we have in all of our fisheries, but red snapper more than  
36 anything else, is we've got a lot more fishermen than we've got  
37 fish, and I mean the people that you work for, ASA, their  
38 business is trying to get more boats on the water and encourage  
39 more people to fish.  
40

41 I mean, at some point, we've got to come face-to-face that we  
42 don't have technical solutions for these problems. We can't  
43 make more and more red snapper. We can manage them optimally,  
44 and so we can kind of get whatever the maximum number that the  
45 biological system will allow. If we correctly manage it, then  
46 we can get that, but we're probably still going to have too many  
47 fishermen.  
48

1 One of the first things they always come up with is, well, let's  
2 just reallocate our way out of this problem. I have made this  
3 point before, but we could give you all the red snapper and  
4 we're still only going to double your season. At some point,  
5 you guys -- We all have to face the fact that there are so many  
6 people in this world now that we can't all have as many fish as  
7 we want to have.

8  
9 We might not all even be able to have one red snapper, and I'm  
10 not sure, and so at some point I am just saying that I think you  
11 guys have to address that, and we're faced with too many people  
12 and not enough fish.

13  
14 **MR. HADDAD:** May I respond? We understand that. I mean we know  
15 we've got to have some solutions. We're not on the same page  
16 from an education perspective, an understanding perspective, of  
17 the council and the council process, and the numbers.

18  
19 You know we're going to enlist NOAA and other help to help  
20 understand the science better. You know we've got a ways to go  
21 to catch up to the other organized groups and interests that  
22 have been spending time. It's easier for them. As a business-  
23 oriented operation, it's easier to think about these things.  
24 From a private recreational perspective, it's much more  
25 difficult to get into the devil of the details, and that's what  
26 this process is designed to help us do over time. Again, it's  
27 not one meeting or two meetings. This is a process.

28  
29 **MR. WILLIAMS:** If I could follow up.

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

32  
33 **MR. WILLIAMS:** I say this because my very first meeting back to  
34 the Gulf Council, both you and Russ Nelson and Dr. David  
35 something, and I don't remember what it was, but I talked about  
36 the overcapitalized recreational fishery and all three of you  
37 denied that there is such a thing.

38  
39 In my context of trying to partition fish among fishermen, there  
40 is. There may not be in an economic sense or from the  
41 perspective of the people that you work for, but from the  
42 perspective of somebody who has to partition these fish among a  
43 seemingly always increasing number of users, there is.

44  
45 **CHAIRMAN GREENE:** Thank you. Any further comments? Ms.  
46 Bosarge.

47  
48 **MS. BOSARGE:** Thank you for your comments, and I'm glad we get

1 to speak to you directly in this public forum. I had a question  
2 about -- Because your meetings are somewhat private, which is  
3 understandable and that's your prerogative and that's not a  
4 problem, but you call the process an evolution and you've given  
5 us a general timeframe of maybe give you a year to maybe come  
6 back to us with some answers, or at least a wish list or  
7 something of that nature.

8  
9 I guess what I want to make sure of, me being on this side of  
10 the table, is that in one year I don't look like a fool. Can  
11 you give me some assurance that -- I'm sure there's a lot of  
12 out-of-the-box thinking and you're trying to look at all  
13 different avenues, but, around this table, we're only capable of  
14 so much.

15  
16 We have to work within certain parameters, and can you give us  
17 some assurance that the things that you're looking at and  
18 discussing and that you're thinking down the line one year from  
19 now, what you bring us from a private recreational group like  
20 this will be tangible solutions that fit into the charge and  
21 powers and parameters of this council, for us to make it better  
22 for the private recreational angler?

23  
24 I would hate to see, one year from now, that somebody stands up  
25 and says yes -- Kind of like what Roy was saying. We decide the  
26 answer is to totally reallocate. Then I would feel like a fool  
27 that I didn't go ahead and make sure we formed our own AP and  
28 started working with things that -- I am not saying that's the  
29 possible thing, but I'm sure there's a lot of things that you  
30 may all be discussing. Some of it may be going through Congress  
31 and I don't know, because your box is totally open and we can't  
32 control Congress. We can only control what we do around this  
33 table. Do you feel that a year from now that we'll -- I just  
34 don't want to sit on my hands. Does that make sense?

35  
36 **MR. HADDAD:** Absolutely. I feel confident we will make -- I  
37 can't guarantee anything, because, I mean, literally there is  
38 nothing preconceived here. We're still ironing out what are our  
39 differences and what are the issues, but the goal is to be in  
40 the position that other organizations or interests are in, which  
41 is providing informed needs of here is what we need, and those  
42 that are practical.

43  
44 That's one of our goals. You know we have -- All I can say is  
45 we were smart enough to go and hire a facilitator to help us  
46 with this, and that alone should be a sign that we're serious  
47 about trying to actually be productive at this point.

48

1 Can I guarantee something? You know, there's not anybody in  
2 this room that can guarantee anything just about on any topic  
3 right now, but I do believe we can come with reasonable  
4 requests, and maybe a few unreasonable ones too, but it will be  
5 a good mix for you.  
6

7 **CHAIRMAN GREENE:** Okay. Robin, you had your hand up and did you  
8 want want to comment? Okay. Dr. Crabtree.  
9

10 **DR. CRABTREE:** I appreciate the effort you all are making, Ken,  
11 and I'm encouraged by it. You know it's very difficult to move  
12 large numbers of people who have been doing things one way for a  
13 long time and convince them that they need to change the whole  
14 paradigm and shift to something else.  
15

16 I would encourage all of you to bear with these guys and have a  
17 little bit of patience. You know, I think the IFQ program for  
18 red snapper was initially implemented in I think 1993.  
19 Commercial fishermen went to the Hill and killed it with  
20 legislation, and it didn't go into place until 2006. It took  
21 like thirteen years for people to get comfortable with it and  
22 get it done.  
23

24 I remember in about 2005 or so sitting -- Maybe it was 2006, but  
25 sitting around here at council meetings with the for-hire guys.  
26 We had worlds of complaints and dissatisfaction, but no idea  
27 where to go with it.  
28

29 We pushed those guys to come up with a plan and they did it, but  
30 it took years, but they started having meetings and they got  
31 together and they came up with the idea of sector separation, I  
32 think around about 2008 or so.  
33

34 In 2015, finally the council embraced it, but it wasn't easy  
35 getting there. It was very contentious and it took a lot of  
36 years to get the whole for-hire community behind it. You never  
37 did get all of them, but most of them, and we put it in place in  
38 2015, but it took a number of years to get there.  
39

40 These things just don't happen overnight, and so I encourage you  
41 guys to continue with this, Ken, and hopefully some good things  
42 will come out of this and we'll get a better vision that we can  
43 start working towards with the for-hire guys.  
44

45 **CHAIRMAN GREENE:** Any further comments? Thank you. Mr.  
46 Riechers, I think now would be later.  
47

48 **MR. RIECHERS:** Thank you, and I just didn't want Ken to have to

1 stand up there while we all discussed back and forth. I guess I  
2 will make just two points. One is, and we don't have to sit on  
3 our hands, to the extent that there's a lot of information out  
4 there. There was a recreational summit, I believe, that  
5 occurred in 2010. There has recently been a policy directed  
6 towards the recreational fishery that we can look at as  
7 guidance.

8  
9 We have had numerous recreational bodies come together and  
10 create the laundry list of things that we could do, and that's  
11 basically not indifferent than what we're going to be probably  
12 receiving from a group like this.

13  
14 One of the things though that I think that we need to let this  
15 group continue to work towards is they seem to be, as it appears  
16 by testimony, forming a coalition that will actually maybe speak  
17 for as many of those broad interests as we can, and I realize  
18 that's still going to be very, very difficult, because from the  
19 tip of the Keys to Brownsville, Texas, you've got a lot of  
20 different interests across that group, and that includes a lot  
21 of different business interests that are also coming into this  
22 group in different places, and whether it's tackle manufacturers  
23 or whether it's charter/for-hire groups that are also involved  
24 in this group, whether it's any sort of interest group that is a  
25 recreational interest group.

26  
27 All of these people are going to come at this thing a little bit  
28 differently. One of the things we do know is that right now  
29 they seem to have a little bit of concern over what this body  
30 would look like from this council, and so I think it certainly  
31 bears giving them an opportunity to organize just a little bit,  
32 so that we can understand what they're trying to do.

33  
34 We don't have to sit on our hands. We certainly have some other  
35 information that can help feed us, and there's only so much they  
36 can do in the construct of this current landings system that we  
37 have.

38  
39 I mean we're still going to be doing MRIP, no matter whether  
40 they come up with a new notion tomorrow. We've still got MRIP.  
41 That hasn't changed, and so a lot of the things that we would be  
42 looking for them to have answers for, they're not going to be  
43 immediate fixes anyhow, and we're going to have to have a long  
44 period of time.

45  
46 We've been hearing three years for any new landings system, that  
47 you're going to have to dovetail them together, with no support  
48 or money to do that. I mean that's facing both charter/for-hire

1 folks as well as us right now, the states as well. So I mean  
2 those are a lot of the constraints that are surrounding this  
3 group, or any group, us included.

4  
5 **CHAIRMAN GREENE:** Thank you. Any further comments? Mr.  
6 Swindell.

7  
8 **MR. SWINDELL:** Years ago, when the advisory panels were first  
9 set up, and, forgive me, but that was years ago, but we were  
10 looking at trying to get people that were experienced in the  
11 fishery, not necessarily experienced in fishery management.

12  
13 Kind of what I'm hearing from all of you now is that you want  
14 these people to come in and give us more advice on the  
15 management alternatives, rather than we provide them with the  
16 management alternatives and them giving us advice, from their  
17 fishing experience, whether or not this fits with what they're  
18 doing or what they feel like they want to do or where they want  
19 to go with it.

20  
21 I don't know if I am agreeing with this, but that's what I'm  
22 hearing around here, is that you are kind of wanting more  
23 management input rather than fishing experience input, and I  
24 don't know that I totally agree with that. Thank you,  
25 gentlemen.

26  
27 **CHAIRMAN GREENE:** Thank you. Any further comments? Okay.  
28 Seeing no further discussion, I guess that will wrap up the Ad  
29 Hoc Private Recreational AP and move us into Other Business.  
30 Mr. Williams, you had an item and then Mr. Diaz had also  
31 requested a little bit of time as well, but I see Dr. Simmons  
32 over there, and I would like to go to her at this point.

33  
34 **RED GROUPER ASSESSMENT RECOMMENDATIONS**

35  
36 **DR. SIMMONS:** Thank you, Mr. Chairman. Just before we get into  
37 Other Business, I wanted to go back to the SSC Report and just  
38 remind the council that we got a red grouper assessment and the  
39 results of the red grouper assessment.

40  
41 We didn't really talk about how you want staff to move forward  
42 with those results and what you want to see, I guess, the next  
43 couple of meetings regarding the red grouper assessment. We  
44 have ABC yield streams for 2016 through 2020, and we got a  
45 constant catch ABC of 13.92-million pounds.

46  
47 Do you want staff to look at a framework action to adjust those  
48 catch levels and try to put it in with another document we have

1 currently?

2  
3 **CHAIRMAN GREENE:** That's a very good point. I didn't catch that  
4 and thank you for bringing that to our attention, because there  
5 was projections. There was a constant catch scenario that went  
6 into that, which we've all asked for in the past. I would think  
7 that that would be the best way to go at this point, but I'm  
8 going to certainly defer to the committee. Would anybody like  
9 to weigh in? I'm sure the Florida -- Ms. Bademan.

10  
11 **MS. BADEMAN:** Sorry, I was talking to Ryan at the same time.  
12 We're talking about starting up an amendment for red grouper?

13  
14 **CHAIRMAN GREENE:** Either starting an amendment or potentially  
15 adding it to one that's existing through a framework. Is that  
16 correct, Dr. Simmons?

17  
18 **MS. BADEMAN:** We've got to move. I mean whatever the easiest  
19 way to do it, the best path, let's do it. It seems to me we  
20 were in a bind with red grouper last year. I would hate to be  
21 there again this year, if we can avoid it, but I do realize that  
22 we do have a lot of priorities going on with the council.

23  
24 **CHAIRMAN GREENE:** Dr. Simmons, I hate to put anybody on the spot  
25 and ask them, but we need to try to move this through as quickly  
26 as we can, and a slow of some of these amendments seem to move,  
27 I don't know if we should put it in with one or try to do a  
28 stand-alone framework. I don't know which would be the fastest  
29 way. Would anybody care to take a gander at that?

30  
31 **DR. SIMMONS:** Once we have our staff debriefing, we can get with  
32 the NMFS staff and determine the best way to move forward, and  
33 just understanding that this is a priority, I think that's  
34 important information for us to have on the record, that you do  
35 want us to try to move more quickly on this.

36  
37 We can take that and see what we can do as far as what's most  
38 appropriate. I don't know about putting it in with the  
39 yellowtail framework or if we want to do a stand-alone, but,  
40 knowing it is a priority, we can try to move more quickly on it.

41  
42 **CHAIRMAN GREENE:** I would have to agree with Ms. Bademan that I  
43 certainly don't want to be in that situation again, and so, Ms.  
44 Bademan, do you agree with that? Do you have any reservations?

45  
46 **MS. BADEMAN:** Yes, I think that's good, definitely making it a  
47 priority.

48



1 **CHAIRMAN GREENE:** Okay. Thank you. Carrie, do you all have  
2 anything else or staff is good with what we've got under Other  
3 Business? Okay, Mr. Williams, Other Business, and you're up.

4  
5 **OTHER BUSINESS**  
6

7 **MR. WILLIAMS:** Thank you, Mr. Chairman. Given that we didn't  
8 really accomplish anything this morning in working through  
9 Amendment 39, Regional Management, at least in terms of dealing  
10 with the sunset provision in Amendment 40, I would like to -- I  
11 think we need to address that.

12  
13 Time is becoming short if we want to extend or eliminate that  
14 sunset provision. **I would like to offer a motion to develop a**  
15 **plan amendment to either modify or eliminate the sunset**  
16 **associated with Amendment 40, sector separation.**

17  
18 **MR. WALKER:** Second.

19  
20 **MR. WILLIAMS:** **The motion would be to either modify or eliminate**  
21 **the sunset associated with Amendment 40.**

22  
23 **CHAIRMAN GREENE:** Thank you. We have a motion on the floor and  
24 it has been seconded. Mr. Williams, does that reflect your  
25 motion?

26  
27 **MR. WILLIAMS:** Yes.

28  
29 **CHAIRMAN GREENE:** Is there any discussion? Ms. Bademan.

30  
31 **MS. BADEMAN:** I wouldn't 41 or 42 essentially do that?

32  
33 **MR. WILLIAMS:** Well, I don't know, but they're -- I don't know  
34 how long either one of those are going to take. We're within  
35 two years, maybe less, of this amendment sunseting, at so, at  
36 that point, we eliminate sector separation and it's all one big  
37 pool again.

38  
39 If we quickly approve Amendment 41 and 42, then it would guess  
40 this would eliminate that, Martha, but I don't know. I am  
41 doubtful as to whether 41, in particular, will be done within  
42 two years. 42 I think easily could be. I think we could do  
43 that one pretty quick if we put our minds to it. I think we  
44 need to -- In answer to your question, they might, but they  
45 might not, too.

46  
47 **CHAIRMAN GREENE:** Mr. Sanchez.  
48

1 **MR. SANCHEZ:** Again, this would give them time, the for-hire  
2 group, to not have this sunset looming over their head, and give  
3 them time to come up and proceed with putting together their  
4 plan, much like we just heard a presentation to give them time  
5 to do their thing, the private for-hire, which we supported.  
6 This is kind of the same thing.

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

9  
10 **MS. BOSARGE:** I have to agree. I think, even if you just look  
11 at the private recreational AP that we wanted to put together,  
12 and we put it off -- We have been asked as a body to put it off,  
13 not by the public, but generally around this table, for at least  
14 three meetings now, and we just decided, I guess, to put it off  
15 at least one more, and possibly up to a year, based on what Mr.  
16 Haddad said, to give them time to work through what they really  
17 want as a body.

18  
19 I think we owe it to the other side of that coin to give them  
20 time to work through their game plan as well, and I think this  
21 also may even help -- I would hate to be in Mr. Haddad's  
22 position, and they've hired this conflict negotiator to come in,  
23 this conflict resolution man, to come in, and yet they have so  
24 many unknowns.

25  
26 If we truly think that this is the road that we're going down --  
27 I hated that we put a sunset in it anyway. I think there needs  
28 to be some certainty as to what road we're headed down, so that  
29 everybody can get their game plan together and figure out what  
30 we're doing, as opposed to having this looming over all of us in  
31 the back of our minds and all this strategizing that we do to  
32 try and figure out, well, okay, what are we going to do then. I  
33 think I would definitely like to explore this, and so I support  
34 this motion.

35  
36 **CHAIRMAN GREENE:** Thank you, Ms. Bosarge. Mr. Riechers.

37  
38 **MR. RIECHERS:** I certainly appreciate the people's comparisons  
39 to this and an advisory panel, but I don't really see that they  
40 equate to one another very well. You know, when we put the  
41 sunset in, I believe there was an exchange between Dr. Crabtree  
42 and Chairman Anson regarding voting for a sunset and some notion  
43 of trying to achieve a majority there, and the sunset was put  
44 in.

45  
46 I don't think the sunset was put in at that moment in time to  
47 immediately think about removing it, and, of course, we do have  
48 some other amendments that are coming down the pike, though very

1 slowly, I might add. Amendment 39 certainly is still out there  
2 and Amendment 41 and 42. Obviously we are at varying stages in  
3 their process.

4  
5 I think we need to see if 39 has any legs at all at some point  
6 in time, before we go ahead and eliminate this sunset, or extend  
7 it and modify it. I assume modify it means extend it by some  
8 number of years, Roy. I don't exactly know what your plans are  
9 there.

10  
11 I understand you're trying to make the motion to get something  
12 going because it does take us so long, but I'm just not -- I  
13 don't think I'm prepared to vote for it yet. I think there's --  
14 Part of what we're doing here is we're going ahead and creating  
15 these splits between these groups, and I still would say that  
16 both of these groups are heavily dependent on one another.

17  
18 Part of it is maybe if we allow these groups to continue to have  
19 some discussions, maybe they start talking with one another so  
20 that we find solutions for the recreational interest group as a  
21 whole and we don't have this sector separation, or it may be a  
22 separation, but it's one that they've all come together and  
23 agreed on, in some respects.

24  
25 **CHAIRMAN GREENE:** Mr. Sanchez.

26  
27 **MR. SANCHEZ:** I think I kind of disagree with you. The common  
28 denominator here, in that analogy, is time, and for one group  
29 that came here for years and years to voice their concern and  
30 their dissatisfaction with the way that management was going and  
31 came up with their plan, because, for them, I guess it's their  
32 livelihood. It's more than a sport, and they were highly  
33 motivated and they came.

34  
35 Then, at the meeting in Key West a few years back, the hourglass  
36 was created, by virtue of a sunset, and it's ticking. These  
37 guys are going to tap out, by virtue of they're going to run out  
38 of time, and time is the common denominator. We will graciously  
39 give, if you let these folks -- I will support it forever, as  
40 long as you want to come up with a recreational plan. It's your  
41 plan and do it, but don't stop these guys from doing something  
42 that they have worked hard at and are on the way to doing, just  
43 because of this sunset provision that was put in.

44  
45 Let's address it and let them finish what they started, and I  
46 will gladly support anything the recreational community wants to  
47 do in terms of addressing where they're at in this process,  
48 where there is a finite amount of fish, as Mr. Williams was

1 saying, and come up with a way to maximally utilize those fish  
2 for that sector, but to just let this thing sunset out while we  
3 drag meetings on and talk about these things again and again and  
4 again, it's just not right and it's not fair.

5

6 **CHAIRMAN GREENE:** Any further comments? Dr. Lucas.

7

8 **DR. LUCAS:** I appreciate what Roy is trying to do, and I think  
9 we did move fairly fast with sector separation. I think Myron  
10 mentioned several times how actually that was one of the  
11 amendments where we moved along without really having  
12 management. We didn't know what the management was going to  
13 look like or how it was going to move forward.

14

15 I think I would be more comfortable voting for this if I just  
16 saw how 41 and 42 were going to -- Just see them move along a  
17 little bit further and then consider it. I don't know that I  
18 would consider it at the time. I know that it moves slow, but,  
19 I mean, in two meetings if they've come with something that  
20 seems like they're moving down a defined path, I think it would  
21 -- I think that would give me a little more confidence in it.

22

23 **CHAIRMAN GREENE:** Mr. Williams.

24

25 **MR. WILLIAMS:** I hope it passes today, but if it doesn't, I'm  
26 going to give you a chance at the next meeting to vote for it  
27 again.

28

29 **CHAIRMAN GREENE:** Mr. Fischer.

30

31 **MR. FISCHER:** Folks from this side can refresh me, but I think  
32 the sunset was to keep us working at a fast pace on 39, 41, and  
33 42. Once you take the sunset out, then it seems like the wheels  
34 slow down. If we're not against the wall immediately on this  
35 motion, I would rather vote on it at some future time. Let's at  
36 least get through a few more meetings and see what -- We'll know  
37 what happens with 39 either at this meeting or the next. We  
38 will also know the direction that 41 and 42 are going very  
39 quickly. At that time, we could look into extending the sunset.

40

41 **CHAIRMAN GREENE:** Thank you. Any further discussion? Mr.  
42 Anson.

43

44 **MR. ANSON:** I will just echo what Mr. Fischer just said, which  
45 carries over from Mr. Riechers. Certainly there was an attempt  
46 to try to get some movement on 39 earlier today and it didn't  
47 quite get there, but I tend to agree with Myron that we're close  
48 to figuring out whether or not there is any further movement.

1  
2 We have one member that isn't here that wasn't able to vote, and  
3 so I think we're pretty close to getting to the end of 39 one  
4 way or the other. Somebody might change their mind on something  
5 in the next vote, but you know we just finished up year one of a  
6 three-year sunset, and so waiting another meeting or two and  
7 reconsidering this at a later time, if it fails, is something  
8 that would probably be a little bit more -- A little bit better  
9 for timing. Thank you.

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

12  
13 **MS. BOSARGE:** A question for staff. Given the sunset or the  
14 expiration date, essentially, on sector separation, at what  
15 point are we going to have to start working on a document to  
16 address an expiration and what we may or may not do? How far in  
17 advance? I thought it was about two years out.

18  
19 I say that because in shrimp we had to start about two years  
20 out, when we had an expiration date on a moratorium, to look at  
21 it and decide what we were going to do. If that's the case, if  
22 we're starting to bump up against a timeframe where we're going  
23 to have to start looking at this anyway, if this is the elephant  
24 in the room, why not address it separately?

25  
26 **CHAIRMAN GREENE:** Dr. Crabtree.

27  
28 **DR. CRABTREE:** I think we need to do this, but this is much less  
29 complex than shrimp, because we had a lot more discussion about  
30 different alternatives and all of those things. The sector  
31 separation, the way we set it up, was it would be in place for  
32 three seasons. We've had one season, and it will be in place  
33 through 2016 and then, after 2017, it goes away.

34  
35 Generally speaking, it takes us a year to a year-and-a-half to  
36 do even a simple plan amendment. This one, I think, is  
37 relatively simple in terms of the analysis, but clearly it's  
38 going to be controversial, to some extent, and that usually  
39 slows us down.

40  
41 I don't think we're in the mad dash point right now, but people  
42 do want some degree of predictability and they want to know  
43 what's coming, and so I would encourage us -- You know we're not  
44 making a decision whether we're going to eliminate it or modify  
45 it right now. We're just making a decision that we're going to  
46 look at it, and it is something we need to look at and make a  
47 decision on.

1 **CHAIRMAN GREENE:** Thank you. Any further discussion? Ms.  
2 Bademan.  
3  
4 **MS. BADEMAN:** Just to be clear, this would have to be a plan  
5 amendment and it can't be a framework? Okay.  
6  
7 **CHAIRMAN GREENE:** Thank you. Any further discussion? The  
8 motion is to develop a plan amendment to either eliminate or  
9 modify the sunset associated with Amendment 40. **All those in**  
10 **favor, please raise your hand.**  
11  
12 **EXECUTIVE DIRECTOR GREGORY:** Six.  
13  
14 **CHAIRMAN GREENE:** All those opposed, like sign.  
15  
16 **EXECUTIVE DIRECTOR GREGORY:** Ten.  
17  
18 **CHAIRMAN GREENE:** All right. That carries us through part of  
19 it. Now, we didn't have it at the beginning of the meeting.  
20 That was the only Other Business item I had. However, Mr. Diaz  
21 had approached me a little earlier today and wanted to go back  
22 to the ACT conversation from earlier today, and is that correct?  
23  
24 **MR. DIAZ:** Well, kind of. During some conversations today, it  
25 occurred to me that we have not dealt with this yet, and I just  
26 wanted to bring it up for some discussion. At the last meeting,  
27 Dr. Crabtree brought up that he does not have a mechanism in  
28 place to reopen the season should we not harvest all of the  
29 available fish to harvest in the first part of the snapper  
30 season, the initial season.  
31  
32 That was brought up at the last meeting and we really didn't  
33 discuss it that much, but when we did have the ACT discussion --  
34 You know it makes me think it might be a nice tool to have in  
35 the toolbox.  
36  
37 I don't know if we're going to need this at any particular time  
38 in the future, but if we don't have it and we fish -- Say we  
39 fish significantly below the ACT. If I understood Dr. Crabtree  
40 correctly, he doesn't have a mechanism to reopen for a fall  
41 season. I would just like to have some discussion if we want to  
42 put that tool in the toolbox or not. Thank you.  
43  
44 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.  
45  
46 **DR. CRABTREE:** I think if we were below the ACT that we might  
47 have authority to reopen, but the issue here is if we're at the  
48 ACT. With the current levels of the catches and the size of the

1 buffer, you still have over a million pounds of fish out there.

2  
3 The question was if that happened, could we then set a second  
4 ACT, with another buffer on it, and reopen and try to catch  
5 that. That's what we don't have authority to do at this point.

6  
7 What you would have to decide is to develop, one, that authority  
8 to do that. Then you would have to decide what's the  
9 appropriate buffer in reopening to catch that. Then the other  
10 thing that I think this would require in order for it to happen,  
11 is that there would have to be cooperation with the states,  
12 because we would have to -- We would have to be in agreement  
13 that if we're going to reopen that we're going to only reopen  
14 for the amount of time the analysis indicates, and it couldn't  
15 be we're going to reopen federal waters for four days and then  
16 the states open up for some much more extended period.

17  
18 I think there is a lot of things that would have to happen to  
19 make this work, from a practical standpoint, but that's the  
20 authority that we don't have now, is the authority to set a  
21 second ACT with a buffer and then reopen to catch what remains  
22 and still have a safe margin of error to ensure we don't go  
23 over.

24  
25 **CHAIRMAN GREENE:** Thank you. Chairman Anson.

26  
27 **CHAIRMAN ANSON:** Dr. Crabtree, are you required, if you were to  
28 have a second season, are you required to use the same first  
29 ACT, or the original ACT level, and that buffer or -- I mean you  
30 could go into it and just say, well, based on our calculations,  
31 in order to still maintain at a certain level below the ACL,  
32 we're just going to have a ten-day season, let's say, and that  
33 would still equate to your whatever is decided buffer.

34  
35 I understand that spelling it out is one thing, versus just  
36 coming back in and creating a season that's going to have some  
37 reasonable guarantee that it won't go over the ACL. I guess  
38 that's -- What you're probably looking at is just so you have it  
39 in writing, through a framework action, that specifically  
40 identifies what the process is and such, rather than just kind  
41 of doing it -- Now you couldn't and you could decide that now  
42 and just say, well, instead of a twenty-day season, which puts  
43 us at the ACL, we might be able to do a ten-day season, and is  
44 that --

45  
46 **DR. CRABTREE:** Our attorney has advised me that I don't have the  
47 authority to reopen now. That's why we need this. Whether we  
48 would apply the same buffer again or whether we would want to

1 apply a larger buffer, because there's a smaller amount of fish  
2 left, I don't know. The catch rates are lower. This would be a  
3 fall reopening, practically speaking, or late summer.

4  
5 The catch rates are probably lower, and so that generally makes  
6 things a little easier, but there is probably more uncertainty  
7 in knowing what the catch rates are at that time of year, and so  
8 that all would have to be figured out.

9  
10 **CHAIRMAN GREENE:** Thank you. Ms. Levy, did you have your hand  
11 up? Okay. Ms. Bademan.

12  
13 **MS. BADEMAN:** Let me make sure that I understand what this is  
14 that we're talking about, because I don't know that I do. We  
15 have our summer season in June and we have our ACT. We hit that  
16 ACT, but we don't exceed it. What you're saying is if we did  
17 some kind of change that we could take that million pounds or  
18 whatever that's left, that was between the ACT and the ACL, and  
19 have another season, potentially, with a different ACL or buffer  
20 on it. Is that what's going on? Okay.

21  
22 **CHAIRMAN GREENE:** Further comments by the committee? Chairman  
23 Anson.

24  
25 **MR. ANSON:** It just may not be worthwhile, because of the way  
26 the seasons are currently structured and what species  
27 specifically we would be dealing with, but would you want to do  
28 this -- Can it be done so it would apply to multiple species, or  
29 would we want to have it for other species, like amberjack and  
30 such, or, because of the state that they're in, maybe we  
31 wouldn't want to do that?

32  
33 **DR. CRABTREE:** I think this is just red snapper, because we have  
34 a buffer there. I don't think we have a buffer like this that's  
35 dictating closure anywhere else, or at least nothing is jumping  
36 to mind right now.

37  
38 With the 20 percent, if you have an ACL of seven-million pounds,  
39 then the 20 percent, that's 1.4-million pounds. If we do  
40 everything right and catch the ACT, that's 1.4-million pounds,  
41 and so maybe you want to reopen and try to catch 700,000 or  
42 800,000 more pounds of fish, and you feel like you're  
43 comfortable with that, and maybe that's okay.

44  
45 It will all have to be analyzed and show that it's okay, and, as  
46 I said, we're going to need everybody, states and everybody, to  
47 get onboard on how we're going to do this, but I think it's  
48 worth exploring.



1  
2 **CHAIRMAN GREENE:** Mr. Diaz.

3  
4 **MR. DIAZ:** Just because I haven't heard any negative comments  
5 about it yet, I'm going to throw a motion out there and just see  
6 where it goes. I do realize, before I even make this motion,  
7 that staff time is at a premium, and I know we constantly are  
8 putting a lot of work on the staff and those -- It's not  
9 something that probably supports the motion I'm going to put up,  
10 but people do need to consider whether the staff has time to do  
11 this. I want to throw that out there.

12  
13 **My motion would be to start the development of a framework**  
14 **action to develop a mechanism to allow for the red snapper**  
15 **season to be reopened in the event that the ACL is not exceeded**  
16 **during the initial season.**

17  
18 **CHAIRMAN GREENE:** We a have a motion on the floor. Is there a  
19 second for this motion? It's seconded by Dr. Stunz. Any  
20 further discussion? Ms. Bosarge.

21  
22 **MS. BOSARGE:** Is our intent to have this be something that we  
23 would try and implement this year? Is that our intent, for a --  
24 You know, depending on how the numbers hash out, to try and do  
25 this in 2016, or is this -- I ask that because of this, because  
26 if it's not, if this is something that we're thinking about for  
27 2017 or 2018 or something like that, I could see where it could  
28 possibly fit into the document that staff has already started  
29 developing with the buffers. That's why I'm asking, just a  
30 logistical on where to put it.

31  
32 **MR. DIAZ:** If you're asking me, I'm not sure I could answer  
33 that. The one that we're working on with the buffer, it doesn't  
34 look like that's something -- With all of the analysis that has  
35 to be done, it doesn't look like that's something that we could  
36 implement for this year, and so I don't think that could be done  
37 there for this year, but, if this is not as complicated as the  
38 analysis that's required on the ACT document -- You know Dr.  
39 Crabtree would be better able to answer, or one of the other  
40 staff members would be better able to answer.

41  
42 Even if it's not in place for this year, I mean kind of when he  
43 mentioned it the last meeting, I was just thinking it would  
44 probably be good to have that tool, to where we could use it if  
45 the situation ever came up that it was something that we felt  
46 like we needed.

47  
48 Right now, we don't have it, and so if we have this 1.4-million

1 pounds, we really can't do anything with it, and that's not  
2 really working us towards fishing towards OY.

3

4 **CHAIRMAN GREENE:** Mr. Sanchez.

5

6 **MR. SANCHEZ:** I am curious. Would this entail having to do the  
7 analysis for -- While we're doing this and that and the other,  
8 there is also some pushes to extend the state territorial waters  
9 out to nine miles for those at three. Would you have to  
10 consider their landings in this and have the benefit of all that  
11 data in this to make this a meaningful exercise?

12

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

14

15 **DR. CRABTREE:** I mean those landings absolutely have to be  
16 considered. The thought behind this was that by August we would  
17 have a pretty good idea of what's going to be caught, and that  
18 may not be the case now. It really depends on how late in the  
19 year the states are going to open their seasons and how much  
20 fishing is going to go on and things.

21

22 As I said earlier, you know I can see how this might work, but  
23 getting there is going to take a lot of changes and a lot of  
24 work, and I think it's probably a pretty tall order to think we  
25 could get this done by this season, but --

26

27 **CHAIRMAN GREENE:** Mr. Gregory.

28

29 **EXECUTIVE DIRECTOR GREGORY:** Roy, I was thinking of this as a  
30 conceptual plan, in that we don't really need landings. We say  
31 if -- You said earlier if the ACT is not exceeded. This one is  
32 an ACL, but we would have options that would say if the ACT is  
33 not exceeded, then have a second season with a 20 percent or a  
34 30 percent buffer. If the landings are between the ACT and the  
35 ACL, we would have a second season with a certain buffer.

36

37 It would be nice to have numbers to analyze, but every year is  
38 going to be different, and so we could use maybe the last two  
39 years of data to analyze that, but it's like the 20 percent  
40 buffer that we did originally.

41

42 That was a conceptual buffer. You had some analysis of the  
43 probability of overfishing. We could do that with the previous  
44 two years, but we know it's going to change every year. Do we  
45 really need to wait until we get the landings from this season  
46 to do this?

47

48 **DR. CRABTREE:** I mean not to do this, I don't think, to put in

1 place a framework to allow it to happen, but to decide whether  
2 to do it or not, you would, but there will have to be some  
3 analysis in here. It's not just if we're not over the ACL that  
4 we're going to reopen. There will have to be something in there  
5 that there's got to be at least 800,000 or 900,000 pounds of  
6 fish left or we're not going to do it, because we've got to do  
7 this in a way that we can make a very good argument of how this  
8 is safe to do and how we don't think we're going to go over.

9  
10 **CHAIRMAN GREENE:** Mr. Gregory, to that point? Okay. Steven  
11 Atran is waiting. Hold on one second, Dale.

12  
13 **MR. ATRAN:** I was just going to suggest you remove the word  
14 "framework" from here. I'm thinking of a couple of things.  
15 This might require modifying our generic framework action, which  
16 I believe needs to be done as a plan amendment and not a  
17 framework action, and I have a couple of other ideas that would  
18 probably require a full plan amendment. If you just say to  
19 develop an action, then that leaves us free to later on decide  
20 whether it could be a framework action or a plan amendment.

21  
22 **CHAIRMAN GREENE:** Thank you. Mr. Diaz.

23  
24 **MR. DIAZ:** As the maker of the motion, I am glad to accept that  
25 language. Also, Dr. Crabtree, if you have some better language  
26 to help us deal with this ACL issue, I would be glad to accept  
27 anything that makes this motion something that's more workable.

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

30  
31 **DR. CRABTREE:** I think staff will have to figure it out.  
32 Essentially, what we're doing is making a modification to the  
33 accountability mechanism, right, but, in terms of figuring out  
34 all the specifics, I wouldn't want to try and do that on-the-  
35 cuff now.

36  
37 **CHAIRMAN GREENE:** Thank you. Mr. Walker.

38  
39 **MR. WALKER:** I was just going to echo what Dale had said at the  
40 beginning. It was about the workload. Where are we at the  
41 workload? The last two days have been the workload and the last  
42 meeting it was the workload. I would like to get an idea about  
43 that.

44  
45 **EXECUTIVE DIRECTOR GREGORY:** Yes, we have a workload problem,  
46 but we do the best we can. We understand the urgency. We  
47 understand what the council wants to accomplish and the  
48 importance of these things, and so we'll go back and we'll work

1 up a priority list and share it with the Chair and the council.  
2 It's in our current priority of actions and you can see the list  
3 of actions we're working on is in the briefing book, and so  
4 there's our workload.

5

6 **CHAIRMAN GREENE:** Chairman Anson.

7

8 **MR. ANSON:** I wonder if Dr. Crabtree is considering the  
9 thresholds or triggers or something that we would kind of use  
10 this information that's developed through this framework -- I  
11 mean what's the last date, I guess, that we could move forward  
12 on this?

13

14 I mean we have a forty-five-day lag in the MRIP data. Texas  
15 data isn't available until the end of the year, and so there  
16 would be some kind of guesstimation there. I mean at what point  
17 do we -- I mean October 15 would be the first time we would be  
18 able to see landings through August, and so I would assume that  
19 would be the earliest that we would want to even consider  
20 possibly having a fall season at that point. How many days do  
21 you have to -- Even with this framework in place, would it even  
22 be necessary or worthwhile?

23

24 **DR. CRABTREE:** My response is that's largely up to you guys at  
25 the state level. Our season is open in June, and so we'll get  
26 all of our landings in August. It really depends on how late in  
27 the year the states are going to allow fishing to take place.

28

29 If the answer to that is we're going to let it take place way  
30 late in the year, then I don't think this will ever happen, but  
31 if we could all get onboard with seasons that allowed us to  
32 evaluate this in August, then we might could go forward with  
33 that, but it's really just dependent on what the seasons are  
34 structured.

35

36 **MR. ANSON:** I guess I go back to my original question, and  
37 that's October 15 would be the first time we would have  
38 preliminary information from MRIP. Assuming all the states  
39 ended their season the end of August and we had some idea of  
40 those landings and there was going to be no other fishing as of  
41 August 15, and there's an estimation as to number of pounds, how  
42 long would it take, with this in place, to do the necessarily  
43 procedural things in order to even establish the season?

44

45 **DR. CRABTREE:** You know if all the states are going to allow  
46 fishing to go until the end of August, I think it's difficult to  
47 see how this works.

48

1 **CHAIRMAN GREENE:** Mr. Walker.  
2  
3 **MR. WALKER:** I was just going to ask a question. I mean is  
4 there the possibility that we could have a rollover? Is that  
5 not possible, to roll it over to the next year, the unused?  
6  
7 **DR. CRABTREE:** It's possible, I guess. I mean I think what  
8 you're talking about is going back to the SSC with the actual  
9 landings rerun and the projections and getting a new ABC from  
10 them and making a change for the next year, but I would caution  
11 you, if you go down that path because of an underage, you're  
12 going to be expected to go down that path when there's an  
13 overage, and that could be painful.  
14  
15 We could do that, but there's a lot of risks entailed with that,  
16 but we could explore -- You know you could carry, if we have a  
17 buffer between the ABC and the ACLs, we could carry underages  
18 over into the next year, provided it doesn't cause us to exceed  
19 the ABC in the next year.  
20  
21 We would have to look at where we are in terms of the catch  
22 levels relative to the ABC, and I think there is some distance  
23 between those two, and see how much we might be able to roll  
24 over into the next year, and I think that's something staff  
25 could probably look at and advise us on in full council, because  
26 that would be an easy enough thing to check, you know how many  
27 pounds are there between our current catch levels and the ABC,  
28 because I don't remember.  
29  
30 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Ms.  
31 Bademan.  
32  
33 **MS. BADEMAN:** I think, to go back to Kevin's question, at least  
34 on your end -- Okay, and so let's pretend we do this and it's  
35 August 15 and we realize that we can reopen. How long does it  
36 take on your end to do that? Is it like a thirty-day notice or  
37 is it sixty days?  
38  
39 **DR. CRABTREE:** No, it's not sixty days. We could probably  
40 reopen in a matter of days, but you want to give fishermen some  
41 notice of what you're going to do, so they have time to plan and  
42 all, and so I would think we would want to do that, but you know  
43 we've had occasions when we've reopened for various reasons. We  
44 reopen fisheries fairly often, more commercial fisheries, I  
45 guess, in the South Atlantic, when we realize we are below the  
46 quota and we'll reopen, and so we can do that quickly.  
47  
48 **CHAIRMAN GREENE:** Thank you. Is there further discussion? We

1 have a motion on the board. **All those in favor, please raise**  
2 **your hand.**

3  
4 **EXECUTIVE DIRECTOR GREGORY:** Fifteen. **Anybody opposed. It's**  
5 **fifteen to zero.**

6  
7 **CHAIRMAN GREENE:** **The motion carries fifteen to zero.** That's  
8 everything I have on my list, and so unless there's any other  
9 business to come before -- Chairman Anson.

10  
11 **MR. ANSON:** Sorry. This had come up during the Chairman and  
12 Vice Chairman and Executive Director meeting today, and it's  
13 something that staff has been looking into, and it's related to  
14 roll call votes.

15  
16 I know I brought this up a couple of times to just gauge council  
17 members' interest in doing roll call voting. This has been  
18 suggested or requested by a couple of individuals in the last  
19 year or so, to do all motions by roll call vote, but Charlene  
20 has some information on a system that she has found, or staff  
21 has found, on how to put it up on the board and how it can track  
22 votes and how it can be incorporated into our standard  
23 documents.

24  
25 Is anyone interested in doing roll call votes and using some  
26 form of technology to kind of speed that process up? I mean  
27 right now, it has to be done manually, but this way, everybody  
28 would be given their own clicker and you would click yes or no  
29 or abstain, and then it goes and gets tracked towards the  
30 motion.

31  
32 It would be included in the record and there's a couple of ways  
33 you can go about doing this, on committees and full council, or  
34 just full council, or that type of thing. Inasmuch as  
35 completing the public record and having it for the record for  
36 the public to look at, how the council has voted on certain  
37 issues, it would provide more clarity on that. I wanted to see,  
38 is that something that you all want to talk about or pursue or  
39 get more information? What's the general consensus?

40  
41 **MR. MATENS:** Is that something that staff thinks will improve  
42 the efficiency of this meeting?

43  
44 **EXECUTIVE DIRECTOR GREGORY:** It may. It's designed for meetings  
45 and voting, and to include the motions and the seconds, the  
46 substitutes and the amendments to that. It would be pretty  
47 quick. We could probably have a click vote within thirty  
48 seconds, and it would be on the screen. Everybody here and on

1 the webinar would see how everybody votes for each motion.  
2  
3 The system costs \$1,500. We had a demonstration at our office.  
4 We could bring it and start working with it and trying it. I'm  
5 sure at the beginning it will be a little clunky, because we've  
6 got a learning curve, but we can certainly try it. The real  
7 issue is, does the council really want every vote to be counted  
8 like that and be in the record and be available? I mean that's  
9 something different. The technology part I think would help  
10 things move along. If not, we'll quit using it.

11  
12 **MR. MATENS:** If you don't mind, with this system, does it  
13 envision everything comes up on the board and people vote and  
14 there is a time period for them to change their vote, or not?

15  
16 **EXECUTIVE DIRECTOR GREGORY:** During that time period, you can  
17 change your vote. Once you push the button, it's not set. It's  
18 up to us to set the time period. It could be a minute or it  
19 could be thirty seconds.

20  
21 **MR. ANSON:** Go ahead, Roy.

22  
23 **MR. WILLIAMS:** Does this mean there's going to be another wire  
24 up here on the table?

25  
26 **EXECUTIVE DIRECTOR GREGORY:** No, this will be wireless. It's  
27 good for 300 feet. The extra burden on staff is to keep  
28 tracking you all down so you don't take them out of the room or  
29 whatever, but no, it's a small little clicker. The battery in  
30 it is good for three years. It looks pretty robust, and it  
31 certainly is not expensive.

32  
33 As far as the roll call votes, you can have your name up here as  
34 soon as you push the button, or we can wait until everybody  
35 votes and then all the names appear at once anyway. We can make  
36 it completely anonymous, which nobody I've talked to is  
37 interested in that. It has a lot of flexibility, and it would  
38 also list the names of people who are waiting to -- That's a  
39 different system. I'm sorry.

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

42  
43 **MR. RIECHERS:** Well, I mean I will just weigh in a couple of  
44 points. One is I don't necessarily believe we need it at  
45 committee, because committee is not your final vote. Even if we  
46 did bring a system in like that, I'm not certain that it's  
47 needed.

48

1 I don't know that it's quicker than a show of hands, certainly.  
2 Doug, you always try to get the exact count on hands. Once we  
3 know a motion is defeated or not, that's all we have to say in  
4 the minutes. We don't have to say what the numbers were, unless  
5 people really think there's a good flavor in putting that into  
6 the minutes, so that people know whether it was close or not.

7  
8 Beyond that, I mean I don't have a preference one way or the  
9 other whether we use it at the meeting. I will say that, given  
10 the number of us that hit this from time to time, I'm not  
11 certain how we'll that's going to work with our different  
12 buttons, but we'll do the best we can if you all choose to go  
13 that route.

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

16  
17 **MR. SANCHEZ:** I've always been curious to see how the votes  
18 would go if they were anonymous.

19  
20 **CHAIRMAN GREENE:** I guess we could use secret ballot. Dr.  
21 Stunz.

22  
23 **DR. STUNZ:** I can tell you we use these devices all the time.  
24 Maybe I should say we used to use these devices all the time in  
25 the classroom. They became real popular and it was a good way  
26 to get students interacting. It does exactly what you're  
27 saying, but it turns out to be a little more clunky than the  
28 salesman deliver it to you when they're making the sale, and so  
29 it's kind of just gone away. It was a think and it came up and  
30 I mean, as much as I like technology, I'm still for the old-  
31 school, random-generated list. That's from experience and take  
32 that as --

33  
34 **EXECUTIVE DIRECTOR GREGORY:** If I may, the real impetus from  
35 this came from staff, because we were having difficulty counting  
36 hands, because of people doing this. At some point, I thought  
37 some people were just playing with me too, but it's kind of  
38 embarrassing to get different counts on hands and have to  
39 recount.

40  
41 It started with that, and then we also were getting some  
42 questions from stakeholders, particularly people on webinars,  
43 that want to know how people vote, and this came together. It's  
44 called Live Tally, if you want to look it up. We'll send  
45 information to the council members after this meeting on it, so  
46 you can go to their website. Then we're going to try it out on  
47 the AP and the SSC first also, between now and the next council  
48 meeting.



1  
2 **CHAIRMAN GREENE:** Ms. Bademan.

3  
4 **MS. BADEMAN:** Kind of along what Greg is saying, if you -- I  
5 would recommend testing it thoroughly before even trying to  
6 bring it here. We used them for the red snapper workshops, and  
7 I know Kelly did too, and it was a different program, but at the  
8 workshops we kind of thought we did all these things that were  
9 cool and then we saved all the files and then we realized, once  
10 we were back in the office, we couldn't really do all the things  
11 that we thought we could do. We were on the phone with the tech  
12 people and they were like, no, you can't really do that.  
13 Luckily, we had just rented them, but they weren't as useful as  
14 we kind of hoped they would be.

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

17  
18 **MR. WILLIAMS:** Years ago, when Mau Claverie was Chairman, he had  
19 a number of innovative things. I think Robin was here. He had  
20 Wayne Swingle running around with a bell to call people back  
21 from breaks, but that's -- He rather enjoyed it, I think. He  
22 always had this sheepish grin on his face when he out there  
23 doing it.

24  
25 I remember that, but the other thing Mau did was he taught us  
26 the derivation of the term "stand and be counted", because he  
27 would make us, when we voted on motions, especially if they were  
28 controversial, he would make us vote. When he called for a show  
29 of yeas, everybody would have to stand up and then they would  
30 count us. When he called for the nays, then they would stand up  
31 and they would be counted. That's another fairly simple  
32 alternative that really doesn't take much technology and  
33 wouldn't cost us a thing, and it would never go wrong.

34  
35 **CHAIRMAN GREENE:** We may interrupt some naps. Chairman Anson.

36  
37 **CHAIRMAN ANSON:** Well, again, I brought this up because it's a  
38 recurring question. Granted, people aren't beating the doors  
39 down, at least not yet, but there are, particularly those that  
40 attend the meetings via webinar or listen in, that they would  
41 feel, one, more part of the meeting, but also have a better  
42 understanding as to how particular individuals are voting on  
43 particular topics.

44  
45 I've got some mixed reviews here. It seems like some folks are  
46 indifferent and could go either way. Other folks have some not-  
47 so-good experiences with them, but it is a minimal cost in the  
48 grand scheme of things, but, on the other end, if you all aren't

1 interested in pursuing it, or trying to do anything with that,  
2 then I would say we forego it. That's all I was trying to do,  
3 is to get some guidance from you all before we made a decision  
4 to do anything else. I guess we won't pursue it then, is what  
5 I was looking around the table at. Okay. Thank you.

6  
7 **CHAIRMAN GREENE:** Okay. Any further business to come before the  
8 Reef Fish Committee? Seeing none, we stand adjourned.

9  
10 (Whereupon, the meeting adjourned at 3:35 p.m., January 26,  
11 2016.)

12  
13

- - -