

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 REEF FISH MANAGEMENT COMMITTEE

4
5 Hilton Galveston Island Resort Galveston, Texas

6
7 OCTOBER 7-8, 2015

8
9 October 7, 2015

10
11 **VOTING MEMBERS**

12 John Greene.....Alabama
13 Martha Bademan (designee for Nick Wiley).....Florida
14 Doug Boyd.....Texas
15 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
16 Myron Fischer (designee for Randy Pausina).....Louisiana
17 Kelly Lucas (designee for Jamie Miller).....Mississippi
18 Campo Matens.....Louisiana
19 Robin Riechers.....Texas
20 David Walker.....Alabama
21 Roy Williams.....Florida

22
23 **NON-VOTING MEMBERS**

24 Kevin Anson.....Alabama
25 Leann Bosarge.....Mississippi
26 Jason Brand.....USCG
27 Pamela Dana.....Florida
28 Dale Diaz.....Mississippi
29 Dave Donaldson.....GSMFC
30 John Sanchez.....Florida
31 Greg Stunz.....Texas
32 Ed Swindell.....Louisiana

33
34 **STAFF**

35 Steven Atran.....Senior Fishery Biologist
36 Assane Diagne.....Economist
37 John Froeschke.....Fishery Biologist/Statistician
38 Doug Gregory.....Executive Director
39 Ava Lasseter.....Anthropologist
40 Mara Levy.....NOAA General Counsel
41 Charlene Ponce.....Public Information Officer
42 Ryan Rindone.....Fishery Biologist/SEDAR Liaison
43 Claire Roberts.....Essential Fish Habitat Specialist
44 Bernadine Roy.....Office Manager
45 Charlotte Schiaffo.....Research & Human Resource Librarian
46 Carrie Simmons.....Deputy Director

47
48 **OTHER PARTICIPANTS**

1 Pam Anderson.....Panama City, FL
2 Luiz Barbieri.....GMFMC SSC
3 Paul Bitner.....TX
4 Ellen Bolen.....Ocean Conservancy, Washington, D.C.
5 Tyler Borel.....Galveston, TX
6 Steve Branstetter.....NMFS
7 Gary Bryant.....Gulf Shores, AL
8 Mike Colby.....Clearwater, FL
9 Chris Conklin.....SAFMC
10 Michael Drexler.....St. Petersburg, FL
11 Martin Fisher.....FL
12 Carter Frank.....Tomball, TX
13 Derrick Greene.....Galveston, TX
14 Scott Hickman.....Galveston, TX
15 Joe Jewell.....Biloxi, MS
16 Bill Kelly.....FKCFA, FL
17 Mike Larkin.....NMFS
18 Zach Lewis.....Galveston, TX
19 Walter Lynch.....
20 Paul Mickle.....MS
21 Bart Niquet.....Lynn Haven, FL
22 Bonnie Ponwith.....SEFSC
23 Michael Regan.....TX
24 Robert Reynolds.....Galveston, TX
25 Jason Rittenhouse.....
26 Andy Strelcheck.....NMFS
27 Chad Wilbanks.....Gulf Coast Leadership Institute

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29
30 The Reef Fish Management Committee of the Gulf of Mexico Fishery
31 Management Council convened at the Hilton Galveston Island
32 Resort, Galveston, Texas, Tuesday morning, October 6, 2015, and
33 was called to order at 8:30 a.m. by Chairman Johnny Greene.

34
35 **ADOPTION OF AGENDA**
36 **APPROVAL OF MINUTES**
37 **ACTION GUIDE AND NEXT STEPS**
38

39 **CHAIRMAN JOHNNY GREENE:** Good morning. I would like to call the
40 Reef Fish Committee together. I believe all the members are
41 present. I don't see any vacant seats at the table and so we'll
42 carry on. First up is the Adoption of the Agenda. Is there any
43 additions to the agenda? Mara.

44
45 **MS. MARA LEVY:** Whenever you feel it's appropriate, I was just
46 going to give you an update on the status of the Amendment 40
47 litigation, in case anybody is interested in knowing more about
48 that. Thanks.

1
2 **CHAIRMAN GREENE:** Okay. So noted. Any other changes to the
3 agenda? Okay. Hearing none, we will adopt the agenda as
4 modified. Next up is Approval of Minutes. Is there any changes
5 or additions? Mara.

6
7 **MS. LEVY:** Thank you. I just have two. On page 57, line 32, I
8 think it should be "open to gag fishing" and not "option to gag
9 fishing". Then on page 72, line 21, it says "46 percent of
10 unfished level", but I think it should say "4 to 6 percent of
11 unfished level". Thank you.

12
13 **CHAIRMAN GREENE:** Thank you. We will adopt it as modified.
14 Action Item III is Action Guide and Next Steps, which is Tab B,
15 Number 3, for your review, as we work through the committee for
16 the next day or so. With that, we will move on to Item Number
17 IV, which will be an SSC Summary by Luiz Barbieri, Tab B, Number
18 4.

19
20 **SSC SUMMARY**
21 **BEST PRACTICES FOR CONSTANT CATCH ABC PROJECTIONS**
22

23 **DR. LUIZ BARBIERI:** Thank you, Mr. Chairman, and good morning,
24 council members. I am going to go over the most relevant items
25 of our report. Of course, as always, you have a written report
26 in your briefing package that contains more details of the
27 topics discussed at the SSC meeting and also goes into some of
28 the items that are smaller in nature that I decided, for the
29 sake of brevity, not to include in this presentation.

30
31 One of the things that we are discussing is trying to address a
32 request from you that we develop or explore some methods for
33 providing constant catch options for the council.

34
35 You may remember that because some of the stocks have had some
36 peaks in biomass that some of the projections coming out of the
37 assessments have either sharply increasing or sharply decreasing
38 yields. You asked for an option that would give you the
39 opportunity to explore a constant catch scenario over the length
40 of the yield stream.

41
42 We looked at different options there and I am going to go over
43 some of the advantages and disadvantages so you can think about
44 the pluses and minuses of them. One option that, in many cases,
45 is the simplest way to do this is to use the equilibrium yield
46 at F ABC.

47
48 By equilibrium yield, it means that you are projecting that

1 stock -- The yield stream you are projecting way into the
2 future, like some twenty or thirty or fifty years into the
3 future, until you can actually reach what is called equilibrium
4 yield.

5
6 That is the most conservative approach. You know you can use
7 that safely over your projection period, but you are going to
8 lose -- You are going to forego some yield in the short term and
9 so some of the advantages are in terms of stability over time,
10 especially if you have a longer projection period, but the
11 disadvantage is that you're going to be fairly conservative and
12 you're going to forego quite a bit of yield. We're going to go
13 over an example here with hogfish where you can see that, but
14 that's one option.

15
16 Option Number 2 is, and we have done this in the past, is
17 average the ABCs over the projection period. This works in some
18 cases, but not always, and it depends on that steepness of the
19 yield projection curve, because, as you know, your ABC cannot be
20 any higher than your OFL.

21
22 If you average, over that projection period, your ABCs and you
23 end up with an ABC value that might be higher than one of those
24 OFLs that are on the projection stream, that won't work out and
25 so it's one of those things that we have to do iteratively to
26 see when it works and when it doesn't.

27
28 This is also a method that has some disadvantages when you have
29 a decreasing yield stream of you having an average that's higher
30 than what the stock may be able to sustain in terms of
31 sustainable yield over the long period.

32
33 Number 3 is you can pick a value from the ABC projection stream.
34 The advantage is it's easy and we have the streams of yield
35 streams for OFL and ABC and just pick one of those values that
36 doesn't make you go over any of the OFLs. The advantage is that
37 it's very simple and the disadvantage is you usually end up
38 foregoing some yield there as well.

39
40 Then the fourth method -- This we had not really thought about
41 before the meeting, but we discussed during the SSC meeting and
42 Dr. Shannon Cass-Calay was there with some of the folks from the
43 Science Center and we have been working with them for several
44 stocks in developing different projection scenarios.

45
46 She proposed that they could actually develop this iterative
47 projection process, which takes into account how much you are
48 harvesting now and how is that impacting the yields that come

1 after, later on, in your yield stream and accounts for all of
2 that iteratively and corrects back.

3
4 There are some major advantages of this, one being that, from a
5 scientific point of view, for you to end up with an estimate of
6 OFL and ABC, this one method is the most defensible one
7 scientifically that you know that you have something that is
8 robust and credible.

9
10 The disadvantage is that you won't be ready right when we review
11 the -- Most often when we review the assessment at the SSC
12 meeting and this is because you can only do this after the SSC
13 selects a base assessment model, makes the choices of reference
14 points, whether you're going to have direct MSY or proxies and
15 what kinds of proxies you are going to use, choose the P* value,
16 choose the coefficient of variation for your P* for the
17 distribution of P* there, of OFL.

18
19 Really, you have to have the assessment come to the meeting and
20 be reviewed and the SSC makes some recommendations and then it
21 goes back to the Center to run those iterative estimation
22 procedures and return to the SSC at a later meeting for that to
23 be reviewed.

24
25 The bottom line here is that this is causing some delays in you
26 having that yield stream in a short time after the assessment is
27 completed and reviewed. I am going to stop there, Mr. Chairman.
28 This is just a fast overview of the methods that we discussed.
29 The SSC recommended the use of the fourth method there.

30
31 I forgot to mention one other thing and that is that given the
32 burden on the Center in terms of all the assessments the Center
33 is having to address and all the other -- This method would also
34 impose an additional burden there in terms of staff time to go
35 over all of this and run all of those iterative processes and so
36 it's something for you to keep in mind, that when we're trying
37 to be economical in the way that we use our staff time to
38 maximize the number of assessments that we put through the
39 process, this is a factor to take into account. I am going to
40 pause there, Mr. Chairman, in case there are specific questions
41 on this item.

42
43 **CHAIRMAN GREENE:** Okay. Thank you. Any questions? Mr.
44 Gregory.

45
46 **EXECUTIVE DIRECTOR DOUG GREGORY:** Thank you, Luiz. I sat in on
47 the SSC meeting for this discussion and it was very interesting.
48 When you do a projection of ABC, say for three years or five

1 years, there is also a projection of OFL and so if you -- To get
2 around the problem you're talking about, about an average ABC
3 possibly being above an OFL later in that yield stream, wouldn't
4 it make sense that if you average one that you average the other
5 and that then there wouldn't be the problem of exceeding the
6 OFL?

7
8 Then the same thing with Number 4. That's Number 2 and that's
9 the simplest way to go. I know we haven't don't extensive
10 analysis to see how close a simple average is to what you would
11 get with Number 4, but the impression I got from talking with
12 you and Clay and others is that it's close.

13
14 Number 4 also gives you an average and so if you don't do an
15 iterative constant catch OFL, you could still run the problem --
16 You were saying if you have a steeply declining projection that
17 the number for an ABC average could exceed OFL if you don't
18 treat them both the same way.

19
20 I personally have been pushing Number 2, because it's simple.
21 You just take three numbers and you average them and you're in
22 the ballpark. I know the SSC likes to do things more precisely
23 and I realize the Center agreed they could do these analyses
24 within Number 4 within a couple of weeks after an SSC meeting
25 and that's not a terrible delay, particularly if we can work out
26 a way where the SSC kind of approves it, whatever comes out, in
27 advance, because we know it's going to be somewhere near the
28 simple average. Then that number from the Center could come to
29 the council, probably by the time of the next council meeting.

30
31 2 and 4 would be the different ways of going and I understand
32 why the scientists don't like 2. It's just too crude of a tool,
33 let's say, but thank you for all of that.

34
35 **DR. BARBIERI:** If I may address that, Mr. Chairman. You're
36 absolutely right. I mean remember that discussion during the
37 SSC meeting. Because OFL in our ABC control rule is defined as
38 MSY, that value has a biological meaning that is determined by
39 all the parameters of how the assessment was structured and all
40 the data streams going into it.

41
42 When you average those values, in reality, to be strict, you are
43 not really coming up with an OFL that meets those criteria and
44 you're absolutely right that we are kind of splitting hairs a
45 bit, but we are trying to make sure that you stay within the
46 scientific advice that's most robust and credible.

47
48 **CHAIRMAN GREENE:** Okay. Thank you. John Sanchez.

1
2 **MR. JOHN SANCHEZ:** Thank you. I don't pretend to fully
3 understand this in detail. I guess I never took the Constant
4 Catch for Dummies, but when it comes to like mackerel yesterday,
5 we're looking at it and we're seeing an underutilized resource.
6 We're always leaving surplus fish in the sea and that's been
7 going on for quite some time.

8
9 Then you see projections in the future of how much harvest we
10 can take and they're declining and that tells me something
11 doesn't quite make sense and so I guess my simplistic question
12 is if we were to use like Number 2 or Number 4 here, would we
13 arrive at something that probably makes more sense in terms of
14 given the mackerel scenario, the kingfish, something that shows
15 that it's not declining over time and it would be something more
16 in line with logic?

17
18 **DR. BARBIERI:** Well, potentially. The issue with mackerel has
19 to do with how you structure and configure your projections in
20 terms of recruitment and so populations go up and down and if
21 they are healthy and around the biomass that produces MSY,
22 you're going to have some fluctuations.

23
24 Good year classes come in and poor year classes and you have all
25 sorts of environmental parameters and so you're going to have
26 fluctuations. Sometimes your biomass is up here, but as you
27 look into the future, because of the way that your whole
28 recruitment stream is coming out, as you project into the future
29 you're going to end up having some decreases in yield.

30
31 Usually that's addressed by you trying to look for more certain
32 information about recruitment and I mean those things can always
33 come back for additional analysis and review by the SSC, but the
34 way that we could look at that situation, it would have to
35 involve some analysis of the recruitment going in.

36
37 In that case, because it's going down, you're going to have a
38 constant catch, but it's going to be lower than what you would
39 get in the next couple or three years, just because right now
40 you are producing recruitments that are higher and they are
41 going to be decreasing into the future. Do you know what I
42 mean?

43
44 **CHAIRMAN GREENE:** Hang on. I had Mr. Williams next.

45
46 **MR. ROY WILLIAMS:** Luiz, Doug and John have both really said
47 what I was going to say, that I personally would favor Number 2.
48 It's easy for all of us to understand. Doug brought out the

1 point that maybe we could simply average those OFLs, too.
2
3 You said that in some years if we did that we might be exceeding
4 the OFL, especially if yields were declining steeply, I guess,
5 but I am going to say that everybody here understands averaging
6 those and it would really be desirable if we could do that.
7
8 I also tend to think that we're probably applying precision that
9 doesn't need to be applied. I mean there is so much variability
10 in all of these data that I think we can be a little less
11 precise at times and it would work just as well and so that's my
12 comment.
13
14 **DR. BARBIERI:** Absolutely and so this is why we presented this.
15 The SSC made a recommendation, but, of course, it's to your
16 pleasure to approve which one of these methodologies you feel
17 would be most convenient for how the council wants to set future
18 catches.
19
20 **CHAIRMAN GREENE:** Dr. Stunz.
21
22 **DR. GREG STUNZ:** Thanks for letting me address your committee,
23 Mr. Chairman. Roy, that was my same point too, is are we
24 overthinking this a little bit, but it's related to a question
25 that I would have for you, Luiz.
26
27 When you say the fourth method is a lot more work, I am trying
28 to get a feel for is that weeks' worth or a day's worth of work
29 for someone? The reason I am asking that is it's hard for me to
30 evaluate which one would be best over a normal yield stream
31 without kind of seeing some examples.
32
33 I don't know if it's possible for the first few times we
34 consider something like this to sort of see what we would be up
35 against in these different scenarios of the way to do it, but I
36 don't want to create a bunch of work for the Science Center on
37 Number 4 if it's a lot of time and effort going into that
38 calculation.
39
40 **CHAIRMAN GREENE:** Steven Atran.
41
42 **MR. STEVEN ATRAN:** Maybe related to what Dr. Stunz just said,
43 but we are going to be getting a constant catch ABC
44 recommendation using Method 4 at the January SSC meeting and so
45 perhaps for that method, and maybe a couple more times, we will
46 have the Method 4.
47
48 The averaging can be done on the fly and so we could compare the

1 two methods over the next few assessment results and if it turns
2 out we're getting pretty much the same results, then a decision
3 might be made that Method 2 is giving the same results and it
4 can be done more quickly and more simply, but if we're getting
5 different results -- As Luiz said, Method 4 is the most
6 scientific approach and it's the most defensible approach.

7
8 **DR. BARBIERI:** May I add to that, Mr. Chairman? The issue with
9 Method 2 -- I mean it would work just fine in many situations.
10 It's just so you know that there are some when it won't, because
11 if you have, for example, in the case of hogfish, that we have
12 like a three-year projection period -- When you average that,
13 you end up with an ABC that's higher than OFL for that stream
14 and so it becomes problematic in that.

15
16 Maybe we can kind of generate some form of a tier system that we
17 try to use Method Number 2 if that works. If that doesn't, we
18 can go to another one and in terms of your question about the
19 amount of work involved in Number 4 --

20
21 **DR. BONNIE PONWITH:** Mr. Chairman, regarding Number 4, it's less
22 that it is this huge onerous amount of work, but that it's a
23 continuation of a stock assessment. Basically we get into this
24 stock assessment where it's the throughput issue and people in
25 their mind, when the stock assessment is done, it's, okay, now
26 you can move on and start the next one.

27
28 The fact of the matter is that there's a lot of work that has to
29 happen after a stock assessment is completed, including the
30 projections and including answering questions and addressing
31 questions that come up after this.

32
33 You know I think that it's smart to make this decision balancing
34 the desire of having the best methodology and the most reliable
35 methodology you can have, but also recognizing that if it does
36 impact the throughput of the stock assessments that you bear
37 that in mind and do the cost benefit.

38
39 I think the idea of looking at how these two map to one another
40 under some various scenarios is a reasonable approach, you know
41 to see how they differ and when they differ. If there is a type
42 of scenario under which 4 differs significantly from 2 and we
43 recognize what those series of characteristics are like, we
44 could use that as a time to shift to a 4.

45
46 I don't have simulations in front of me and so I can't answer
47 whether that would be a common thing, but we could learn from
48 patterns we've seen in the past from this to help make decisions

1 on this.

2

3 **CHAIRMAN GREENE:** Mr. Gregory.

4

5 **EXECUTIVE DIRECTOR GREGORY:** I was just going to point out that
6 Clay said, for Greg, that it's basically you set up a computer
7 and put it in the corner for a week and let it run, once you
8 develop the algorithm, because you choose a number and you see
9 if that matches the same result at the end and then you adjust
10 it up and down. That's the iterative part of it, as we all
11 know, but it just takes time for the computer to work through it
12 and for the scientists to monitor it.

13

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

15

16 **DR. ROY CRABTREE:** I guess when this gets really complicated and
17 really involved, it causes me to -- Why do we want constant
18 catch so badly, rather than just using the yield streams?

19

20 **CHAIRMAN GREENE:** Mr. Williams.

21

22 **MR. WILLIAMS:** Because the yield streams inevitably go down and
23 we don't want to -- I mean it will run contrary often to what
24 people see. We will give them a yield this year and then next
25 year we've got to say your yield is lower and your yield is
26 lower the year after that. That seems to be -- John referenced
27 it earlier. That seems to be the typical pattern, Roy.

28

29 **DR. CRABTREE:** Well, the other side of that is the yield
30 initially is higher because there is lots of fish out there. If
31 you're managing a recreational fishery, they're going to have
32 very high catch rates, because there is lots of fish out there.

33

34 When you average things out, you are lowering the amount of fish
35 they can catch that year and so you're going to shut them down
36 earlier and then as the stock fishes down some, you are giving
37 them more fish, but their catch rates are going down and so I
38 think, in some respects, constant catches are less stable, in
39 terms of season lengths, than letting the yield streams vary,
40 because those are more closely tracking the actual biomass in
41 the water and that's what is driving the catch rates.

42

43 **MR. WILLIAMS:** If I may, many of the council members' impression
44 is that these yield streams -- It seems like they're always
45 going down when projected three to five years. I can't remember
46 one that ever goes up.

47

48 **DR. CRABTREE:** We've had lots of red snapper yield streams -- We

1 have had them that were going up and king mackerel -- I mean I
2 think part of the reason that one is going down is because the
3 projections are based on unrealistic catch expectations.

4
5 We know we're not going to catch the ABC or at least we
6 historically don't, because of the allocation issue. When we
7 run these projections though, they're assuming we're going to
8 catch the whole thing, but the reality is we aren't and so the
9 spawning stock biomass isn't going to really decline as much as
10 the projections indicate, but that's just because we're building
11 in expectations to them that, based on past history, aren't
12 likely to be the case.

13
14 We could run those projections assuming the recreational fishery
15 is only going to catch half of its allocation and probably those
16 yield streams wouldn't decline as much. I don't know, but I
17 don't think it's as simple as -- I think there's this knee-jerk
18 reaction that constant catch equals stability and, in fact, I
19 think yields that track population abundance mean stability and
20 not the other way around.

21
22 **MR. WILLIAMS:** But we have the impression frequently, when I
23 talk to other people, that those yield streams go down because
24 of future uncertainty and that it's not necessarily really
25 reflected in the data and that it somehow just incorporates the
26 scientific uncertainty of it all and that's what drives them.

27
28 **DR. CRABTREE:** I am not aware that we're building in any
29 increasing buffer for uncertainty into any of these projections.
30 Is that right?

31
32 **DR. BARBIERI:** If I may, yes, he's correct. We are not. I mean
33 those -- The uncertainty we know is supposed to increase the
34 longer, of course, into the future you go, but that's not
35 explicitly accounted for in these projections.

36
37 It really has to do with the amount of recruitment that you
38 expect to have into the future. If it's going up, yes, you're
39 going to have increasing -- The thing is when you get stocks
40 that are at pretty high levels of abundance, you may end up, and
41 this is an issue that was discussed for mackerel, where you end
42 up having some level of carrying capacity, sort of.

43
44 I mean you reach a peak and then it comes down and then it will
45 go up again and then it comes down, but you are already above --
46 You know the stock is fully rebuilt and it's just natural
47 fluctuations and they shouldn't be too large to really cause any
48 major disruption in the stability of the fishery, but in some

1 cases they are.

2

3 In that case of mackerel, it's really looking into the future of
4 what we would expect in terms of projections and not for here,
5 for the Gulf, but I can tell you that I looked into this in a
6 lot of detail for mackerel in the South Atlantic and there was
7 this clear indication that you are reaching some level of
8 carrying capacity and the stock is pulling back on recruitment
9 and that eventually it's going to -- You know it's like
10 population fluctuations that are natural.

11

12 **CHAIRMAN GREENE:** Thank you. Next I had Bonnie.

13

14 **DR. PONWITH:** Thanks. I think Roy has made some good
15 observations. What you are seeing, I think, in this notion of
16 having very high projections and then having them drop is
17 exactly that.

18

19 We like stability and we like stable and we like predictability
20 and fish are anything but and some species are characterized by
21 having -- Ambling along at some level of population size and
22 when environmental circumstances or social circumstances or
23 whatever it is contributes, you get this huge spike in
24 recruitment.

25

26 So that begs the question of you know that spike is unusual. In
27 other words, that spike is not the new norm. If it repeats at
28 all, it's going to repeat on some unpredictable periodicity in
29 the future and what that does is it creates a surplus of fish
30 and when those fish recruit into the fishery that you're able to
31 catch.

32

33 You have decisions about how you want to do that. Do you want
34 to trim that spike off all in one year? Do you want to average
35 that spike out by catching fewer of those fish and allowing them
36 to reproduce and maybe try and perpetuate that and stabilize the
37 fishery?

38

39 In at least a couple of cases in recent history, the decision
40 was made of let's make it constant catch, so we don't have that
41 social scenario within the fishing community of being able to
42 fish for a lot of fish one year and then some much lower level
43 the next.

44

45 Roy has got a point there and that is when you have that spike,
46 you have high catch per unit of effort and that high catch per
47 unit effort can result in a short fishing season. If you match
48 the amount of fishing that you allow to where that spike is,

1 it's potentially possible to have a longer fishing season and
2 then when you get into the point where that spike has been
3 trimmed down and you're getting back into normal fishing
4 conditions, the catch per unit effort declines and slows down
5 the catch rates and could end up protracting the fishing season.

6
7 Those are all hypothetical scenarios, but it does create sort of
8 a counter argument to using the average catch to try and
9 stabilize that fishery.

10
11 **CHAIRMAN GREENE:** Robin.

12
13 **MR. ROBIN RIECHERS:** I mean I think what we're struggling with
14 is the difference between stability to the industry and the
15 whole issue of stability long term from a sustainability
16 perspective.

17
18 While we do fish on these cohorts as they move through, I am not
19 totally certain that within the ranges that we're talking about
20 that catch per unit of effort adjusts up and down as much as
21 we're assuming they're adjusting right now, but I think what
22 we're trying to do is find that sweet spot.

23
24 Normally we're projecting out one, two, or three years and, Roy,
25 to your point, it does seem like maybe, on average, more times
26 than not, it seems it's going down. Part of it is it may seem
27 that way, because we then have to come back and make bigger
28 adjustments and part of that is just the uncertainty as we get
29 out to three or four years in these yield streams.

30
31 We're just not very good at doing that in some respects or we
32 haven't been as good as maybe we thought we were, which kind of
33 is to your other point. It seems like we're measuring with a
34 laser sometimes and cutting with a chainsaw and we're not really
35 being that -- We're trying to be over precise and we may just
36 not be capable of doing that, especially -- I don't think we're
37 far off when we talk about a year out or maybe a year-and-a-half
38 or two years, but as we get further into that yield stream,
39 there is just too many factors that are uncertain and we don't
40 really capture those very well.

41
42 **CHAIRMAN GREENE:** Doug Gregory.

43
44 **EXECUTIVE DIRECTOR GREGORY:** All this is logical, but if the
45 stock assessments are truly reflecting variation in the
46 populations, we would be seeing more like equal numbers of stock
47 projections going down and projections going up.

48

1 I am concerned that this declining projections could be an
2 artifact of the stock assessment model and the way that's done
3 and there is other problems with SS3 and I think maybe SEDAR
4 should do a workshop on the functionality of SS3. I have
5 attended some of the stock assessment review and assessment
6 workshops and I have heard comments from the CIEs about SS3.

7
8 That is my concern, that this is not necessarily reality that
9 we're seeing and this is something that is just happening and if
10 we average it every time we get a stock assessment, we're in the
11 same ballpark. We're doing the same thing and it's -- I don't
12 see the risk that I hear people saying about averaging.

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

15
16 **MR. WILLIAMS:** Doug, what is needed from us today on this,
17 anything?

18
19 **EXECUTIVE DIRECTOR GREGORY:** No, we've asked for a constant
20 catch scenario and they presented us with different ways of
21 doing it and it seems like Number 2 and Number 4 can be done
22 straightforwardly and we're doing that with hogfish and so let's
23 just for each stock assessment -- The important thing here was
24 for the council to get through to the SSC that the council wants
25 constant catch options as well as the yield stream, so the
26 council can make that decision at that time.

27
28 We have had difficulty getting that out of the stock assessments
29 in the last year or so, because we would get a yield stream and
30 we would say give us constant catch and it would take maybe one
31 or two SSC meetings to actually get it and so we've made
32 progress.

33
34 They know that the council wants it. The stock assessment
35 people know it and so we will be getting that as an option going
36 forward, I presume. Right, Luiz? I mean that's part of the
37 system now and so we just look at is 2 or 4 comparable and if
38 so, then we could take some workload off the Center going
39 forward. As long as we get 4 and we can do 2 ourselves and do
40 the comparison going forward, I think we're on the right track.

41
42 **DR. BARBIERI:** Right and just to clarify the role of the SSC
43 here, the SSC evaluates the assessment and evaluates and reviews
44 the projections that are produced, but when it involves issues
45 like constant catch versus constant F that involve foregoing
46 yield in the near future for stability into the medium and long-
47 term future, we feel that this is something that we cannot do
48 without checking with you first.

1
2 We didn't want to be presumptuous and give you an average catch
3 when you might have decided that you wanted to go and harvest
4 this near-term production of the stock that's there. This is
5 one of the reasons why we wanted to get back with you and why we
6 presented you with all the different options, so you can see the
7 tradeoffs, the pluses and minuses, and make some
8 recommendations.

9
10 What I am understanding, from the discussion, is that we're
11 going to favor Method Number 2 if that works. If it doesn't, we
12 go to Method Number 4.

13
14 **CHAIRMAN GREENE:** Mara.

15
16 **MS. LEVY:** Is the outcome of this going to result in alternate
17 ABC recommendations from the SSC? The council can't set a catch
18 level that exceeds the ABC recommendation that the SSC provides
19 and so I think we just need to make clear what the actual
20 recommendation is or if it's alternate and -- I am sort of
21 trying to figure out how that process is going to work to allow
22 the council to set a catch limit that doesn't exceed what you
23 recommend if we have like three different recommendations coming
24 out of the SSC.

25
26 **DR. BARBIERI:** Well, actually you don't. At this point, you
27 don't have any recommendations on constant catch for hogfish. I
28 mean all we did was discuss this at our meeting and instead of
29 making that decision ourselves, bring all the options to the
30 council and get this kind of feedback that we are getting and
31 then go back and actually produce an ABC recommendation based on
32 the method that you recommended.

33
34 **MS. LEVY:** But I guess I was hearing that we're somehow going to
35 try two different methods and get two different recommendations
36 and then what if the council decides they really want the
37 declining yield stream, because that better suits the particular
38 management purpose? I guess I just want to clarify what's
39 actually going to happen and what's going to come back, so that
40 when you come back with one recommendation and the council
41 expects two different types of ABCs that we're not all like,
42 what happened?

43
44 **CHAIRMAN GREENE:** Bonnie.

45
46 **DR. PONWITH:** To that exact point, the SSC is going to set that
47 ABC, period. What we're talking about is a way to set an ABC,
48 whether it's based on taking that ABC all now or foregoing some

1 of what you could have taken for the purposes of stabilizing
2 over multiple years.

3

4 When they come to the council, they're not asking the council,
5 hey, what do you think the ABC should be? They are saying you
6 can have this ABC and you can have it all at once or you can
7 have it averaged over three years and you tell us how you want
8 those fish and we'll tell you how many fish that equates to. In
9 essence, the SSC is not relinquishing any of their
10 responsibility to setting that ABC.

11

12 **CHAIRMAN GREENE:** Thank you. Any other questions on this?
13 Bonnie.

14

15 **DR. PONWITH:** I just have to circle back. It isn't on this and
16 it's on a comment that Doug made and I do want to say, for the
17 record, that the SS3 model has been -- It's a peer-reviewed
18 model and so basically, outside of any stock assessment itself,
19 the code has been peer reviewed and it has been thoroughly
20 walked through.

21

22 Because of that, it resides in the stock assessment toolbox and
23 that means that you peer review the products that come out of it
24 to make sure that you used it properly and that you set and held
25 your assumptions correctly, but the coded cell for that stock
26 assessment tool has been peer reviewed.

27

28 I just want to put that one to bed. Now, any tool can be used
29 wrong and so if you make an assumption and then bust that
30 assumption through the stock assessment, things can go wrong.
31 That's what the CIE peer review of the stock assessment is for.
32 You don't have to go back and re-review the computer code that
33 runs SS3, but you look at how you used that tool, to make sure
34 you used the tool properly.

35

36 **CHAIRMAN GREENE:** Thank you. Any other -- Leann.

37

38 **MS. LEANN BOSARGE:** Just a -- Based on what Mara said, I thought
39 that we had asked for this discussion so that maybe in the
40 future, when we were given these yield streams from the SSC,
41 that we would have not only either the increasing or decreasing
42 yield stream projections, but also another option available to
43 us that was still biologically sound of a constant catch
44 scenario that would still meet those parameters.

45

46 I thought in the future, once we have this discussion, that
47 maybe we would be given both of those yield streams as options
48 and so that was just my thoughts.

1
2 **DR. BARBIERI:** I mean you can actually have both streams brought
3 before you without not complying with the Act or with National
4 Standard Guidelines, because you have two streams that are based
5 on the same assessment and actually use the same configuration
6 criteria to project. All you're doing is, as Dr. Ponwith
7 explained, either you're having this higher yield for the next
8 couple of years, in the near future, or not and you save it for
9 later and you get more stable.

10
11 I don't see, and maybe there is something there that I just
12 don't understand as far as the implementation of National
13 Standards and the recommendation for the SSC or the mandate for
14 the SSC to make those ABC recommendations and set ABC before the
15 ACL can be set.

16
17 I think that those two options are not necessarily in conflict
18 in any way. It's simply a management strategy that's being
19 applied on whether you want to fish like this or you want to
20 fish like this, but because the two are coming out of the same
21 assessment or the same set of parameters, I don't see that many
22 conflicts.

23
24 **MS. LEVY:** Right and so I just wanted to clarify what the SSC
25 was going to be doing with respect to that and make sure that --
26 I don't see any problem with you sort of coming up and talking
27 about and recommending two alternate methods, if that's what it
28 is, but what I guess I didn't want to see happen is it not
29 being, quote, unquote, a recommendation. Meaning here are these
30 two options and pick one.

31
32 I guess it's sort of splitting hairs, but just in terms of the
33 process that the SSC actually make the recommendation and it's
34 structured in such a way that it's clear that either of these
35 are acceptable from the SSC standpoint.

36
37 **DR. BARBIERI:** For that reason, Mara, explicitly is one of the
38 reasons why we have not brought those multiple options for you.
39 I mean this assessment was completed and we had yield streams
40 done the beginning of this year. I think it was February or
41 March.

42
43 Then we met and we saw the yield stream and we brought that for
44 you in June and you said, well, there are declining yields and
45 we would like constant catch and so we went back to look at how
46 we could come up with a constant catch. It was actually to
47 avoid that kind of situation.

1 **CHAIRMAN GREENE:** Thank you. Mr. Gregory.

2
3 **EXECUTIVE DIRECTOR GREGORY:** I just wanted to be clear. I think
4 the comments here are the simple approach is preferable, but the
5 iterative approach is what's going to be provided for hogfish
6 and the Science Center said they can do it within two weeks of
7 an SSC choosing a base model and so we're going forward with the
8 iterative approach as the primary way of calculating a constant
9 catch and then we can compare it with the simple approach and
10 just see how they compare over time and if we can make a
11 transition to the simpler approach, fine, but the SSC has
12 recommended the iterative approach.

13
14 I have not heard the council say otherwise and so you said
15 earlier that the council was asking for a simple ABC average and
16 that's a preference going down the road, but it's not that we
17 don't want the iterative thing, because that is what the SSC has
18 recommended and the Center said they can do it within two weeks
19 of the SSC choosing a base model and so that's the primary way
20 of estimating constant catch at this point.

21
22 **DR. BARBIERI:** Mr. Chairman, just to clarify that point, a
23 couple of things. In this situation, the simple average method
24 did not work for hogfish and this is one of the reasons why we
25 had to look into something else.

26
27 For hogfish specifically, the average, the simple average, would
28 not work, because you would end up with an ABC that's higher
29 than some of the OFL in that yield stream and so we had to go to
30 something different.

31
32 The iterative method for hogfish that's going to be presented to
33 you at the next meeting is actually coming out of FWC, because
34 we conducted the assessment and we are conducting the
35 projections and that's not the Center. In this case, it was
36 just a recommendation in general, because basically our
37 understanding was that you wanted to always have the option of
38 constant catch. Going into the future, we would bring to you
39 the constant catch option as well as the constant F option.

40
41 **CHAIRMAN GREENE:** Okay. Thank you. Anything else before we
42 move on to the next item, which would be Constant Catch for
43 Hogfish? Unless anybody else wants to speak up, we'll just move
44 on into that, Dr. Barbieri.

45
46 **CONSTANT CATCH ABC FOR HOGFISH**

47
48 **DR. BARBIERI:** Thank you, Mr. Chairman. Now that's very easy to

1 explain, because it's right there. Basically when you look at
2 what happens in terms of the estimated equilibrium yield at F
3 ABC way into the future and that's bound to be constant for a
4 long time and so that's the best sort of constant value that we
5 could produce, but that causes you to forego quite a bit of
6 yield, because when you look at the ABC coming out of the
7 projection stream that would produce an ABC for 2016, that would
8 be 240,000 pounds.

9
10 If you follow the line there, you can see this hump in
11 productivity here of the stock is allowing you to harvest
12 something more in the short term, but, because the population is
13 fluctuating, we're not going to be able to keep this high level
14 of yield way into the future, because the population is going to
15 come back down and in that case, we're going to be almost
16 certainly overfishing.

17
18 This is why we are going to go back with the iterative method
19 and provide you with the three-year yield stream using that
20 methodology. The steepness here of that yield stream for OFL
21 and ABC made it difficult for the average method to work and so
22 we're going to have to go to something else. I will pause
23 there, Mr. Chairman.

24
25 **CHAIRMAN GREENE:** Okay. Any comments on hogfish? Seeing none,
26 I guess we will move on.

27
28 **DR. BARBIERI:** Thank you. Right. Then what I just tried to
29 explain regarding the stability into the future, the SSC
30 recommends the use of the iterative method, because the plain
31 average just did not work in this case, but keeping in mind that
32 even because this average is three years and the three years are
33 always in a fairly high population abundance level, this is not
34 going to be possible to remain way into the future as a catch
35 recommendation that would not cause overfishing.

36
37 There was discussion at the SSC meeting about when the next
38 assessment is coming up. The next assessment kind of pushes the
39 reset button and estimates what the productivity of the stock is
40 at three years from now and makes another recommendation that
41 corrects whatever differences there might be here, but in case
42 that assessment is not completed within time to provide you with
43 a catch level recommendation, the SSC is recommending that the
44 ABC at equilibrium yield then be adopted in the interim period
45 until that assessment can be completed.

46
47 **CHAIRMAN GREENE:** Robin.

48

1 **MR. RIECHERS:** In that notion, is there a timing that -- I mean
2 obviously there's a new completion date and if for some reason
3 we don't meet it, is that when you're saying to just go ahead
4 and then flip the switch and use the equilibrium ABC?

5
6 **DR. BARBIERI:** Yes.

7
8 **MR. RIECHERS:** Okay and so nothing about the projection from a
9 risk standpoint three years out and four years out? You all
10 haven't tried to incorporate any notion like that and just here
11 was our next date and if we don't get a stock assessment for
12 some reason on that date, we go from whatever our projected
13 amount had been to, in this case, 159,000 pounds. Is that --
14 Okay.

15
16 **DR. BARBIERI:** Mr. Chairman, just to clarify a point, this was
17 basically sort of like an insurance policy that the SSC was
18 putting forward to make sure that you had a catch level
19 recommendation going into the future that will not cause
20 overfishing and was sustainable, but we have this assessment
21 update already planned within our FWC work plan and I don't see
22 any reason why we wouldn't get this completed in time.

23
24 **MR. ATRAN:** Just to let you know, when we get to the hogfish
25 options paper, the options for setting ACL -- We have
26 incorporated these recommendations into those options and so
27 this dropping down to equilibrium ABC if we don't have a new
28 assessment is part of those options and you can see how it's
29 actually going to work at that point.

30
31 **CHAIRMAN GREENE:** Thank you. Anything else on hogfish? Okay.
32 Seeing nothing else, I guess we'll go on into gray triggerfish.

33
34 **SEDAR-43 GRAY TRIGGERFISH STANDARD ASSESSMENT AND ABC**

35
36 **DR. BARBIERI:** Yes and I saved the best for last, because this
37 is going to generate probably the most discussion. The SSC
38 reviewed the gray triggerfish SEDAR-43 standard assessment that
39 was conducted by the Center and this is an update using SS3,
40 like most of the assessments that we are conducting right now.

41
42 By the way, FWC is also now moving towards SS3. We already
43 conducted the hogfish assessment as SS3 and we actually planned
44 a joint workshop in December, early December. Dr. Rick Methot
45 actually is going to be down here and he's going to be
46 evaluating how to best configure this model for the assessments
47 in our region.

1 At the end of this assessment, after the review, the outcome of
2 stock status determination was the stock is overfished and
3 undergoing overfishing and you can see -- It's not undergoing
4 overfishing. I am sorry. Yes, it's not undergoing overfishing.
5 It's right there.

6
7 As you can see, the F over MFMT -- This is the MFMT and this is
8 the ratio between the two and you can tell the stock is not
9 undergoing overfishing. I am sorry. Yes, there is a typo
10 there, but the stock is overfished and we can see two
11 trajectories here of SSB, the spawning stock biomass of the
12 stock, over time.

13
14 One is from SEDAR-43 and the other one is from SEDAR-9 and both
15 of them show declining biomass relative to reference points and
16 it doesn't really show any sign of recovery that we can tell.
17 You may remember that we discussed this with you at the last
18 meeting -- Not the last meeting, but after the last update
19 assessment and there were concerns regarding recruitment of gray
20 triggerfish that wasn't really showing a whole lot of progress
21 in allowing the stock to rebuild within the rebuilding
22 timelines.

23
24 The SSC had a lot of discussion about this assessment, because
25 there were a lot of issues with the assessment due to lack of
26 data and poor information on some biological parameters and a
27 lot of uncertainties associated with the assessment that
28 couldn't really be properly handled within the assessment model
29 that was developed.

30
31 There was a lot of discussion at the SSC about actually being
32 able to accept this assessment as best available science, but
33 after a whole bunch of discussion, the committee decided to vote
34 to accept this as the best available science, with the caveat
35 that it's not really appropriate to provide management
36 recommendations going into the future.

37
38 The inconsistency there is that by accepting this as best
39 available science, we concur with the stock status determination
40 of the stock as overfished and not undergoing overfishing, but
41 as we looked into the projection period, we did not feel that
42 the projections actually captured the dynamics of the stock
43 appropriately to be able to allow catch level recommendations to
44 be developed based on the assessment and the projection streams.

45
46 The committee, during discussion, expressed concerns about the
47 continued low recruitment and the declining or level indices of
48 abundance. If you look at the indices of abundance in the

1 assessment report, you see they are all either level or
2 declining and in the declining SSB estimates, which I am going
3 to show you in the next slide.

4
5 Despite nearly a decade of being well below MFMT, the stock is
6 not -- It doesn't seem to be responding to management measures
7 that are implemented right now and it's bound to fail to meet
8 rebuilding timelines.

9
10 The SSC, after a lot of discussion about this, decided to
11 recommend OFL and ABC as status quo and basically continue at
12 the level -- It's much lower than what the projections that came
13 out of the assessment actually estimated, but because the SSC
14 did not accept those projections as best available science, we
15 just recommended to continue for the next couple of years in
16 this low level of harvest, until either we can have a new
17 rebuilding plan or we can have a new assessment that's more
18 complete or, ideally, both.

19
20 There is the trajectory of biomass estimated by the assessment.
21 It's a very dire trajectory there to look at in terms of biomass
22 of the stock. The assessment actually estimated a steepness
23 value. You may remember there that steepness value, one of the
24 parameters in the stock recruitment relationship, that actually
25 provides a metric of the productivity of the stock.

26
27 You know we can interpret it like that and that value can go
28 from 0.2 to 1.0 and the higher the value you have, basically it
29 will assume that the stock is more productive and that there is
30 more independence between spawning stock biomass and the
31 subsequent recruitment.

32
33 In this case, the estimate that came out of the assessment was
34 0.45, which we consider very low. There was a lot of
35 uncertainty about that steepness estimate. You know there is a
36 diagnostic that we look at called the likelihood profile and it
37 was bouncing all over and so it wasn't really providing you with
38 a set of different streams that you could be reliably sure that
39 you are estimating steepness well.

40
41 The SSC discussed this a lot, because, in one sense, this 0.45
42 estimate is telling you that there is a reason why management
43 may not be working and that this stock doesn't really have a
44 whole lot of productivity and there are issues with the biology,
45 you know the nest building and the parental care. A lot of
46 issues that are biological in nature of how gray triggerfish
47 reproduction is set up that makes the stock more vulnerable or
48 more susceptible to overfishing and more problems, or potential

1 problems, with recruitment.

2
3 The next bullet is just basically to reinforce this issue that
4 the recruitment has been estimated to be low. It was low, the
5 estimate that came out of the last update assessment, and so we
6 didn't really have a whole lot of positive scenarios to consider
7 for gray triggerfish.

8
9 The recommendation that the SSC put forth is to continue fishing
10 at this level that we consider that will not compromise the
11 stock sustainability any further and it will allow you to work
12 with the agency in developing a new rebuilding plan for gray
13 trigger and putting forth a new assessment. I will pause there,
14 Mr. Chairman, for any questions.

15
16 **CHAIRMAN GREENE:** Questions? Mara.

17
18 **MS. LEVY:** Thank you. I think you kind of touched on it. I
19 think we sort of hit on this issue of best available science and
20 then but we're not going to use it for management purposes and I
21 think that that's contradictory, in some respects, because if
22 it's the best available science then, under the Magnuson Act,
23 we're required to use it for management purposes, but I think
24 what I heard you say is that you didn't recommend the OFL yield
25 streams and ABC yield streams in the assessment, because of the
26 assumption that the council is going to have to do something
27 with respect to the rebuilding plan and that staying at the
28 current levels until that is done is appropriate. I am just
29 confirming that that's what I heard.

30
31 **DR. BARBIERI:** Yes and this is something that we discussed.
32 Now, to be perfectly honest, I don't think that we have, within
33 the committee, a lot of good understanding about this best
34 available science. It is, at this point, a little bit
35 equivocal.

36
37 We have a lot of new members and I think that it would be
38 advisable that we actually look into National Standard Guideline
39 2, the document that addresses specifically peer review and the
40 best available science recommendations that were put together.
41 I think that the committee would benefit from reviewing those
42 and perhaps having legal counsel join us to help us kind of --
43 Shep had come in the past and gave us a presentation on best
44 available science, but there are situations like this that are
45 not black or white and gray zones where we get really sort of
46 confused about how to go.

47
48 If you look at the voting record, and this is in our report, for

1 this best available science, you will see the committee was
2 basically very divided there. There wasn't a whole lot of
3 concurrence on going with that recommendation, but it was a
4 winning vote or a passed motion and we put that forth.

5
6 **CHAIRMAN GREENE:** Dr. Crabtree, did you have your hand up?

7
8 **DR. CRABTREE:** I am trying to figure out where we go now. I
9 think that Mara is going to advise us that we need to
10 essentially put in place a new rebuilding plan, but in order to
11 do that, we're going to have to have projections and we're going
12 to need to know what's the time to rebuild in the absence of
13 fishing mortality, which that's in the assessment now.

14
15 It seems to indicate that the rebuilding plan will have to be
16 ten years or less, but I don't know how to put together a
17 rebuilding plan without projections and I don't know what to
18 base the projections on other than this assessment, but that
19 seems contradictory to the position of the SSC that the
20 assessment is not useful for management and then you seem to
21 fall back on status quo, which is based on the previous
22 assessment, but then I don't think you're telling us we should
23 go back and base the projections on the old assessment, right?
24 What do we base new projections on now?

25
26 **DR. BARBIERI:** We actually wanted to ask that question of the
27 agency, of both SERO and the Science Center, because the
28 committee did not really feel, right there and then, that we
29 actually had all the information in front of us.

30
31 We don't deal with development of rebuilding plans and we don't
32 have those experts in the room at that time and so we discussed
33 a lot of the issues that yes, we're not going to be able to meet
34 the rebuilding plan target here and so the assessment had a lot
35 of uncertainty and the projections did not really produce
36 outcomes that we felt were credible and reliable to be used as
37 management advice and so I guess this reflects how confused in
38 that situation and that we need additional advice.

39
40 **DR. CRABTREE:** Okay and so if we ask for -- I mean we can ask
41 for new projections, but I assume they're going to carry these
42 issues that you guys have in them when they come to you and so
43 how do we resolve that? What do we do different?

44
45 **CHAIRMAN GREENE:** Bonnie, to that point.

46
47 **DR. PONWITH:** Exactly to that point. This is a messy situation.
48 We're just a little bit shy of the rebuilding deadline and we

1 haven't failed yet in achieving the rebuilding plan goals, but
2 it looks like we're heading in that direction with a great deal
3 of certainty.

4
5 I talked to the stock assessment scientists about their views on
6 this assessment and the scientists feel certainly there is
7 always uncertainty and certainly more data is always better, but
8 they feel fairly confident that the assessment is a good, solid
9 assessment with the information that we had in hand.

10
11 Their concern really was on how the projections were set up and
12 if I understand correctly, the projections were run at F zero
13 and SPR 30 and, in speaking with them, they would have been more
14 comfortable with 75 percent SPR 30 as one of the parameters for
15 the projections and in this scenario, just -- They are not the
16 legal experts and they are the assessment experts and there is a
17 blend of information that we need to make a decision on where to
18 go from here, but from the science side, given that we're on a
19 trajectory to not meet the goals of the rebuilding plan, we
20 think that a prudent way of moving forward is to rerun those
21 projections.

22
23 The first question we have to answer is can the stock rebuild in
24 ten years or less or can it not? I think that the projections
25 that we have in the report indicate it can, but I need to circle
26 back and ask the question of were those projections done based
27 on -- Are those the very projections that we're concerned about
28 or should we be rerunning those with 75 percent F SPR 30?
29 That's an unanswered question that I think we need to discuss.

30
31 Once we resolve that, if we know the stock can rebuild within
32 ten years, then, based on the framework that we have, we know
33 what we need to do. We come back to the council and we ask the
34 question of this can rebuild within ten years and how do you
35 want us to set up the projections in terms of the deadline for
36 rebuilding?

37
38 Once we get that answer, then we can go back and rerun the
39 projections again and yield ABC advice or to be used to develop
40 ABC advice by the SSC. I will stop there.

41
42 **DR. BARBIERI:** To that point, Mr. Chairman, yes, that's exactly
43 it and you can see how difficult really this was for the SSC to
44 handle, because if we don't have a projection timeframe that's
45 well defined by a rebuilding plan, then we don't know how long
46 we're rebuilding towards and that's one.

47
48 Two is we identified that we need to revisit the reference

1 points. You know the reference point estimates had issues and
2 we discussed all of this, but we didn't have the analytical
3 products right in front of us and the ability to run all of
4 those scenarios right there and then and so this is why we
5 decided that, okay, we can provide something that's sort of like
6 a stop-gap recommendation, with the understanding that the
7 council may decide to do something different that moves into
8 developing a new rebuilding plan and for us to work with the
9 Center in having a new set of projections.

10
11 **CHAIRMAN GREENE:** Steven.

12
13 **MR. ATRAN:** Just two quick comments. The National Standard 1
14 Guidelines do have some guidance on if we miss the rebuilding
15 target and it says to continue at a yield of either F rebuild or
16 75 percent of MFMT, whichever is lower. I think the
17 recommendation to just stay with status quo on the ABC is
18 consistent with that.

19
20 The other thing is last year we did have the SSC review the
21 proposed National Standard 2 Guideline revisions and I haven't
22 heard anything about that since then. Does anybody over at NMFS
23 know where we stand as far as finalizing those National Standard
24 2 Guideline revisions?

25
26 **DR. CRABTREE:** They are still evaluating comments on the
27 proposed.

28
29 **CHAIRMAN GREENE:** Thank you. Mara, did you have something to
30 the point that Steven just made?

31
32 **MS. LEVY:** I know we've talked about the National Standard 1
33 Guidelines and missing the rebuilding target. First, we haven't
34 missed the rebuilding target yet and there is a requirement
35 under the Act that NMFS notify the council if there is
36 inadequate progress being made towards rebuilding.

37
38 This is clearly an indication that there is inadequate progress
39 being made and once that notification is left, that triggers the
40 requirement for the council to prepare and implement a plan or
41 plan amendment within two years to end overfishing, which
42 doesn't apply here, and rebuild the stock. In doing that, that
43 triggers the requirements that you have a Tmin, a Tmax, and a T
44 target that rebuilds in as short a time as possible.

45
46 I just want to say that the guidelines, in this respect, do not
47 allow you to continue to fish at 75 percent into the long term.
48 You are going to have to amend or do a new rebuilding plan,

1 whatever you want to call it, and it's going to have to be
2 consistent with the requirements of the Act and so you're going
3 to have to figure out what that T_{min} is and what your T_{max} is
4 and then develop a target that's within those timeframes and
5 also is as short as possible, taking into account the needs of
6 the fishing community, et cetera.

7
8 A very similar situation happened a couple of years ago in New
9 England with Gulf of Maine cod and the question was asked what
10 is the new -- How long do we have and what can the new period be
11 and General Counsel's Office produced a legal memo that sort of
12 laid all this out and I can certainly provide that to you if you
13 want me to, but I have summarized it here very quickly.

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

16
17 **DR. CRABTREE:** So we can all, again, thank New England for
18 clarifying things for us. Luiz, I am looking at the recruitment
19 and it's just plunging since the mid-1980s almost and a couple
20 of things. One, it seems like there's a retrospective pattern
21 in the recruitment and it tends to generate a high recruitment
22 in the terminal year of the assessment. Did you guys talk about
23 that?

24
25 The other thing is what's the signal that's driving this? I
26 mean why is the assessment reading that recruitment is plunging?
27 Do we have a decent index of recruitment or what's pushing it to
28 this outcome?

29
30 **DR. BARBIERI:** First, to your first question, the retrospective
31 patterns, the SSC did not even discuss this in a lot of detail.
32 I mean this assessment has a lot of issues and there are
33 conflicting signals coming out of different data sources that
34 are not really allowing those estimates to be consistent over
35 time and so that's one problem.

36
37 We didn't even go into that level of detail, because we felt
38 that there were other issues happening with the assessment that
39 still need to be revisited.

40
41 I was asked this question explicitly yesterday by a couple of
42 people regarding what's driving the process here and the short
43 answer is that we don't know until we go back and we basically
44 start over and we look at the code and we look at the data
45 inputs and refresh the data streams that go into it.

46
47 To use one of my famous analogies, stock assessments sometimes
48 are like baking a cake. If it comes out of the oven and it's

1 wrong, you can't make it go back to batter. There might be a
2 bad egg in there or maybe the milk wasn't right, but by that
3 point, it has changed to something different that integrates all
4 those different pieces and it's very difficult for you to
5 deconstruct that all the way back.

6
7 **DR. CRABTREE:** But what I look at -- I mean what strikes me is
8 this stock isn't going to rebuild unless these recruitments turn
9 around and I don't see anything here that causes me to think
10 these recruitments are going to turn around and so I mean at
11 some point do we need to recognize that something has changed
12 out there and gray triggerfish aren't going to ever rebuild back
13 to those levels way back when?

14
15 **DR. BARBIERI:** Just to that point, potentially that might be the
16 case. Now, there is a lot of evidence that hasn't really made
17 it into this analysis yet that indicates that you have strong
18 year classes that are beginning to show up.

19
20 I mean at this point all of this is anecdotal and those data
21 streams have not been really integrated into this analysis yet.
22 I mean we could definitely look into this, but this is something
23 that we get from either folks doing some of this work in the
24 northern Gulf or some of the survey people, that there are some
25 indications that the stock is producing higher recruitments.

26
27 If that is going to pan out or not, I don't know, but those
28 concerns that you mentioned about that trajectory of recruitment
29 and the trajectory of biomass going down is something that the
30 SSC has also identified as an issue for us to revisit reference
31 points for gray triggerfish. Maybe we have not been managing
32 this stock over time with the right set of reference points and
33 all of this would have to be reevaluated as a new rebuilding
34 plan is proposed.

35
36 **CHAIRMAN GREENE:** Thank you. Doug Boyd.

37
38 **MR. DOUG BOYD:** Thank you, Mr. Chairman. Luiz, you said several
39 times that there is poor recruitment and that management
40 measures are not working. We have an abundance of red snapper
41 and we have an invasion of lionfish. Is it possible that we're
42 never going to be able to recover this particular species in a
43 management plan put forth by man, as opposed to fighting nature
44 and what's going on out there in the water that we don't know?
45 In other words, are we fighting something that we can't win
46 here?

47
48 **DR. BARBIERI:** Potentially. The advantage of that approach that

1 we discussed yesterday -- You know we had a report on those
2 management strategy evaluations and remember they were
3 discussing how can we integrate some of this ecosystem level,
4 either ecological or environmental parameters, that we can try
5 to account for and there are some of these efforts going on and
6 here is another one where either competition or predation or
7 some other issue involving some higher abundance of red snapper
8 or species interactions -- All of those things can be looked at.

9
10 Again, it highlights the value of having your input and
11 participation in those working groups to help us develop those
12 things in a way that's most beneficial and informational to you
13 in addressing those questions.

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

16
17 **MR. WILLIAMS:** Thank you, Luiz. Luiz, you mentioned -- I've got
18 two questions. One is where are these indications of better
19 recruitment showing up? Then, two, is there any parallel in the
20 South Atlantic to the gray triggerfish? What's the status of
21 gray triggerfish in the South Atlantic? You're on their SSC as
22 well, I think, and so I -- Maybe you don't know, but --

23
24 **DR. BARBIERI:** Well, I don't. We actually have our first SEDAR-
25 41, gray triggerfish, assessment and webinar at eleven o'clock
26 this morning. This is just the first one, but there will be --
27 The assessment workshop is going to be in mid-November and we're
28 going to address it then, but there have been some issues with
29 gray triggerfish in the South Atlantic that have come up as well
30 in terms of sustainability. If I remember correctly Marcel
31 Reichert's report on the MARMAP indices, it's that triggerfish
32 is not showing good signs of recovery there either.

33
34 Ryan was looking at some of the information and apparently the
35 number of age zero recruits has increased by 40 percent and,
36 Ryan, I would imagine this is from SEAMAP or -- Yes, it's age
37 zero recruits that come from SEAMAP and this is what our folks
38 are also seeing in terms of the SEAMAP cruises and then some of
39 the individual researchers in the northern Gulf -- You know Will
40 Patterson has a graduate student, for example, who just finished
41 her thesis looking at gray triggerfish and they are seeing a lot
42 of young fish that seem to be moved into the area there and
43 showing good positive signs. Again, none of this has been
44 integrated into this analysis yet. It doesn't mean it can't,
45 but it hasn't yet.

46
47 **CHAIRMAN GREENE:** Okay. I have one thing on triggerfish that I
48 was wanting to ask about, but go ahead.

1
2 **MR. KEVIN ANSON:** Roy is not here, but going back to his point
3 and, Bonnie, you can chime in, but relative to his concern with
4 the recruitment issue -- Granted, there is some new information,
5 but the timeline that we're under apparently to come up with a
6 new rebuilding plan of two years and then the availability of
7 that data to be input in the model and to have the outputs for
8 the council to make some decisions and then get the plan put
9 forward and the comment periods and all that stuff, I still
10 think we're going to be in the same situation that Dr. Crabtree
11 pointed out. There is no chance, based on the data that we have
12 at hand -- The data at hand shows that there is very poor
13 recruitment. We're still kind of back to square one, in my
14 mind.

15
16 **CHAIRMAN GREENE:** Mara.

17
18 **MS. LEVY:** I just need to clarify something I said before when I
19 mentioned the Gulf of Maine cod thing. I did summarize the
20 requirements of the Act, but I wouldn't be able to provide the
21 memo, as it's an internal attorney/client communication
22 document, but essentially the same situation happened there and
23 I am pretty sure if I look at the minutes and things from the
24 New England Council that I could provide you with the discussion
25 they had about the requirements when that almost same exact
26 situation happened. If anybody is interested in that, I will do
27 the research and get that.

28
29 **CHAIRMAN GREENE:** Okay. Thank you. Yesterday when we were in
30 SEDAR, we had some discussion about trying to figure out how to
31 reschedule triggerfish back in in the schedule coming up. Luiz
32 mentioned there was some new information in the northern Gulf
33 that a student of Dr. Patterson's has done. We have also gone
34 through a very -- You know we've shut the fishery down,
35 essentially, and we've also dealt with circle hooks and these
36 size limits.

37
38 I think that there is some new information there that perhaps
39 wasn't captured in the last assessment, but now we're in this
40 conundrum that we can't get another assessment for triggerfish,
41 who is fixing to be in this ten-year timeframe, and we're not
42 going to be able to get an assessment for five years.

43
44 How does this balance out? We have a situation where a fishery
45 is basically stopped and we can't get an assessment for five
46 years and I don't see, if we can't get a new assessment for five
47 years, how we're going to be able to meet a ten-year rebuilding.
48 If somebody could help me with that, it would certainly be

1 appreciated. Okay. All right. Well, the next thing -- Do you
2 have anything else on triggerfish, Dr. Barbieri?

3
4 **DR. BARBIERI:** No, Mr. Chairman. I think actually this
5 completes my report and so unless there are any other questions
6 -- I will stay here all day today and a part of tomorrow
7 morning, in case there are additional questions.

8
9 **CHAIRMAN GREENE:** Martha.

10
11 **MS. MARTHA BADEMAN:** Well, just one question, to follow up on
12 Johnny's comments. We do have some new information that's kind
13 of swirling in the hopper right now and when is that information
14 going to be ready for primetime, in the event that we can move
15 this assessment up? I mean clearly we need to do this, sooner
16 rather than later, and so I'm just curious.

17
18 **DR. PONWITH:** I want to be careful about our Chair's comment
19 about five years. I mean we've got 2016, 2017, and 2018 that
20 we're trying to sketch out right now. 2017 and 2018 are still
21 considered preliminary and so I think there's no assessment for
22 five years is maybe stretching it.

23
24 It's a matter of yes, if this is a stock that you're concerned
25 about, we can certainly consider that through the process we use
26 to determine what our priorities are. I am guessing you don't
27 want to substitute it in for red snapper and so I think that
28 getting it done in the immediate future, because red snapper is
29 already on your slate, is off the table.

30
31 Now, what I am hearing is anecdotal information from fishers and
32 from researchers that they're seeing triggerfish and that some
33 of the fishery-independent data collectors are seeing higher
34 than usual numbers of fish in those samples and so we have
35 anecdotal information corroborated with raw observations from
36 the fishery-independent surveys.

37
38 It's two lines of evidence that creates something that's worth
39 looking at. These are pre-recruits from the fishery. These are
40 animals that wouldn't show up in the fishery for a certain
41 amount of time, depending upon growth rates in that area, and so
42 the fishing industry wouldn't necessarily feel this increase in
43 fishes before there being a lag period.

44
45 We certainly can take a look at the stock assessment schedule
46 and see what the gives and what the takes are for getting that
47 into the mix again, but that's hard work, because there are a
48 lot of stocks that we're all very anxious to see included in the

1 assessment and I still remain very concerned about doing due
2 diligence to ensuring that this modification to the MRIP
3 program, the effort estimation process, is properly updated into
4 our time series data as well.

5

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

7

8 **DR. CRABTREE:** It seems to me in the meantime that we have got
9 to start work on a plan amendment to revise the rebuilding plan
10 and it seems to me we need -- I think we already have in the
11 assessment projections of F of zero and we need a projection
12 that gives us yield streams at an F rebuild for a rebuilding
13 period of ten years and then if there is anything intermediate
14 to those two that could be looked at, because what I looked at,
15 the time to rebuild at F zero was about eight years and so I'm
16 not sure there is much else to look at, but I think, Johnny, we
17 need to -- The council needs to put together a letter to the
18 Center requesting projections to base a new rebuilding plan on.

19

20 **CHAIRMAN GREENE:** Okay. Thank you. Robin.

21

22 **MR. RIECHERS:** The scenario that Roy just laid out is
23 projections based on the current assessment, but I think what --
24 The conundrum we're in here is a little bit that we're going to
25 have to remain at the current levels until we get those new
26 projections.

27

28 We just discussed the possibility of moving up an assessment,
29 but, at the very least, we wouldn't be receiving those results,
30 and I am just guessing here, based on the timing, but at the
31 near -- At the timing when we would be running out of our two-
32 year period of which to then start an amendment on, because if
33 we did it in 2016, the earliest we probably could expect that
34 would be the summer of 2016 brought to the council and our two-
35 year window of taking another action would be nearing its end, I
36 assume, based on what Mara indicated when we will be receiving a
37 letter here soon.

38

39 Johnny, in answer to your question, I am not certain there is a
40 way out, unless the Science Center can, based on the SSC's not
41 being able to provide us estimates of yield streams on the
42 current assessment, finds a way to go back in and look at some
43 of these newer pieces of information within the current
44 assessment and possibly -- I realize that wouldn't be a full-
45 blown SEDAR, but if there is some interval method that we can
46 come up with that basically says because of the SSC's not being
47 able to provide estimates or recommendations that we take an
48 iterative step and we do something we wouldn't normally do.

1
2 **CHAIRMAN GREENE:** Thank you. Kelly.
3
4 **DR. KELLY LUCAS:** All right and so this is your think outside
5 the box and how do you get a stock assessment and have we ever
6 considered leaving our people doing their stock assessment
7 process and actually paying somebody to -- Some group that
8 actually does this to go do a stock assessment for triggerfish?
9 I know other councils I believe have reached out to other groups
10 who have done stock assessments for them.
11
12 **DR. PONWITH:** So one -- That's a good out-of-the-box suggestion
13 and it's not the first time we've heard it. The catch with it
14 is that it's already a complex stock assessment and it's one
15 where it's generated within the assessment group and within the
16 SSC a great deal of conversation around uncertainties and around
17 the response of this animal to the stock assessment measures.
18
19 My sense is if you bring someone in cold that their ability to
20 do that stock assessment really hinges on having people who have
21 been engaged with the collection of the data and the conduct of
22 the stock assessment in the past involved.
23
24 I think it would be really hard to bring someone in cold and do
25 this thing sight unseen and in the situation, it really doesn't
26 alleviate as much of the time pressure as one would hope for by
27 bringing in an extra set of hands.
28
29 If there are surplus resources that came into the normal
30 process, we could hire extra stock assessment scientists and we
31 have a situation like that in the South Atlantic right now,
32 where we received some resources that we were able to put into
33 bringing on a contract employee working for the Southeast
34 Fisheries Science Center who works shoulder-to-shoulder with the
35 stock assessment scientists and that enabled us to plus-up and
36 do one more update stock assessment than we would have been able
37 to do otherwise, but bringing in a stock assessment scientist
38 cold is -- It can actually cost more time to do an assessment
39 that way than doing the assessment internally if you're not
40 really careful.
41
42 **DR. LUCAS:** I think I'm under the impression -- I wasn't just
43 referring about one person or a contract employee, but I'm
44 talking about these groups, like your NSF-sponsored like CEMEX
45 and stuff like that that do these stock assessments for
46 different regions.
47
48 I think they've indicated, and they came and talked to us at one

1 of our council meetings, where they were doing it for another
2 council and I'm not real sure and I think it was somewhere up in
3 the Northeast, where they came in and did the -- They have a
4 group. It's not one person. It's a group of people that
5 provide this type of service and has provided it for councils, I
6 believe.

7
8 **DR. PONWITH:** Yes and that is outside of the box. That's good
9 forward thinking, but I remember exactly that presentation and
10 the way that was set up is the Northeast Fisheries Science
11 Center took a considerable amount of money and put it into a pot
12 to be able to create this group.

13
14 That group used that to leverage resources from other places and
15 then basically that consortium of collaborators set a work plan
16 saying we're going to pool our resources and the money we put
17 together we'll use to do our collective highest priority
18 projects and that means that the Center, as one member of that
19 consortium, is one of the voices setting those priorities.

20
21 Standing up something like that is possible in this region if we
22 found the money to do it and if we thought that would buy us
23 more than we could do on our own, but setting that up I think
24 would be a pretty long process and I don't think the timing of
25 that would be a solution for this triggerfish issue right now.

26
27 **CHAIRMAN GREENE:** Okay. Mr. Riechers.

28
29 **MR. RIECHERS:** Bonnie, a couple of people have offered some
30 solutions and we've talked about some iterative steps and the
31 solutions, as you suggest, probably won't meet the timing of
32 this issue. How are we going to meet the timing of this issue?

33
34 **DR. PONWITH:** I think what we need to do is break this problem
35 down into its pieces, because right now, I don't know what
36 you're talking about. Are you talking about the legal conundrum
37 that we're two years out from rebuilding with the prospect bleak
38 for rebuilding on time? Are you talking about the fact that we
39 need a stock assessment?

40
41 I think what we need to do is break the problem down into
42 manageable pieces and tackle it that way. If you want to talk
43 about the stock assessment schedule, we can ask that the
44 schedule be put back up and revisit the stock assessment
45 schedule in light of this new information and make some
46 decisions on what your priorities are for the stock assessment,
47 but I think if we throw our hands up that we're going to have a
48 hard time -- We're going to have a hard time resolving this.

1
2 I think we need to break it up into the management implications
3 and the science implications and then sort of manage those
4 aspects jointly to arrive at a solution.

5
6 **CHAIRMAN GREENE:** Dr. Crabtree.

7
8 **DR. BARBIERI:** To interrupt for a second, if you don't mind, I
9 guess I'm going to sit down and I will be more than glad to get
10 up and address any other questions.

11
12 **DR. CRABTREE:** We're in the process of drafting a letter to the
13 council that I would guess you will get maybe next week or the
14 week after notifying you that, based on the new stock
15 assessment, we're not making adequate progress and we need to go
16 through the steps of revising the rebuilding plan.

17
18 Then the statute gives you two years to have that implemented
19 and so we're going to need to take final action on an amendment
20 in early 2017 to get it implemented by two years from
21 essentially now and so I don't see any real chances that we're
22 going to get a new stock assessment in the timeline we're
23 talking about and so I don't know what else to do with this,
24 other than request the projections that we need and start
25 working on putting something together.

26
27 Then we can look at scheduling a new stock assessment. If you
28 want to move it up in your schedule, your priorities, that's all
29 fine, but it doesn't seem to me that we're going to get a new
30 stock -- It sounds like we need a benchmark, from what I'm
31 hearing, because I'm not sure if we went through another update
32 or a standard right now that we wouldn't just come out with the
33 same answer again, and that just isn't going to happen in that
34 length of time.

35
36 I think that's where we are and then we can -- I guess when we
37 get back to the SEDAR schedule and all that that we can look at
38 where do we want to schedule another benchmark assessment and
39 hopefully we get some better news out of that, but that's the
40 timing that I see with what we need to do right now. We need to
41 go ahead and get the information we need from the Science Center
42 and get it back in front of the SSC and start working on an
43 amendment and our goal should be to take final action on it
44 sometime in early 2017.

45
46 **CHAIRMAN GREENE:** That was an update assessment we got. It was
47 not peer reviewed and it was a --

48

1 **DR. CRABTREE:** It was a standard and it was peer reviewed. It
2 went through the process and it was peer reviewed and looked at
3 by the SSC.

4
5 **CHAIRMAN GREENE:** But it was peer reviewed by the SSC at that
6 time? Okay. So if the SSC had rejected that assessment, what
7 would have happened then and if the council -- I mean we've got
8 something here we can't use for management use and can we reject
9 the assessment?

10
11 **DR. PONWITH:** Our approved peer review methodology, to comply
12 with National Standard 2, is well documented. We have three
13 types of stock assessments, the benchmark, the standard, and the
14 update. They each have their peer review process and that peer
15 review process was exercised in the aftermath of this stock
16 assessment.

17
18 It was peer reviewed. It was peer reviewed according to our
19 protocols and so that's the state of the stock assessment and I
20 think what we need clarity on is -- According to Roy's process,
21 we need clarity on what parameters do you want to use to rerun
22 those projections?

23
24 What we need to know is it 75 SPR or 30 or something else?
25 That's what we need and then the other thing we need is what is
26 the timeline for rebuilding that you want to enter into those
27 projections? Is it the remaining two years or is it ten years
28 or is it something different? Then those projections can be
29 rerun.

30
31 **DR. CRABTREE:** It's clear from what we have that it's ten years
32 and I am not sure there is anything much less than that we can
33 look at. You can look at 75 percent of F 30 percent and whether
34 that rebuilds within ten years or not, I don't know. It's hard
35 for us to ask for specifics.

36
37 I would say we would like to have a rebuilding scenario at ten
38 years and then a couple of alternatives that are shorter, but
39 I'm not sure in this case there can be many that are shorter,
40 because, from what I got out of the assessment, it doesn't
41 recover much more quickly at F equals zero, but I think that's
42 what we need.

43
44 I guess the start date on the rebuilding plan would be
45 implementation and so it seems to me the projections would
46 assume for 2015 and 2016 that catches stay where we are and that
47 the new rebuilding plan yields begin -- I guess even 2017
48 catches are going to stay where we are and then the projections

1 would put the new yields in place for 2018 forward.

2
3 **CHAIRMAN GREENE:** Steven.

4
5 **MR. ATRAN:** In the SSC report, an interim suggestion that the
6 SSC made would be to use Tier 3 of the ABC control rule to
7 calculate ABCs, at least for the near future. That's a data-
8 poor method, but it would set new ABCs that would be more
9 conservative than what we currently have.

10
11 It doesn't tell us how long we would take to rebuild the stock,
12 but apparently if we're not rebuilding at current ABC, at least
13 it would get us some rationale for moving to a different ABC
14 level.

15
16 **DR. CRABTREE:** I mean you certainly have the option of doing
17 something in the interim via a framework amendment to put more
18 conservative catch levels in place while you work on the
19 rebuilding plan. I think you can do that.

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

22
23 **MR. ANSON:** Going back to this issue of timing, I guess then
24 what would be the appropriate path forward -- Dr. Crabtree, you
25 mentioned something about a benchmark assessment. We have to
26 look at the SEDAR schedule as it currently stands and I am
27 looking at 2016 and 2016 has a status of final and we've already
28 set up the suite of species that we're planning to do.

29
30 Bonnie, relative to a benchmark and relative to where we are
31 today and our two-year window, is that even doable? I mean at
32 this point can we do a stop on -- At this point, it would be
33 data-poor species, because they don't start until May of 2016.
34 Actually, any of them we could select, because they all have a
35 late start, but is that something that we could do? We could do
36 it in January.

37
38 Then, going back to this issue that Robin brought up about this
39 stepwise procedure, potentially, of trying to incorporate this
40 other fishery-independent data that shows these more robust
41 recruitment schedules, I don't know -- Maybe Luiz could have
42 some input on that relative to the states' data collection, but
43 if we were to start in January, let's say, the process for a
44 benchmark, would data from the states be available through 2015?

45
46 I know we would have a terminal year for the other SEAMAP,
47 probably, in 2014, which would add one more year of data to what
48 was just completed, but is that even doable and meet our two-

1 year time window to get something implemented?

2
3 **DR. PONWITH:** Anecdotal information and the observations within
4 raw data that we're seeing gray triggerfish is new information
5 and so it has not been incorporated into an index. I don't know
6 how long that signal has -- Whether it's a brand-new signal that
7 just bubbled up or whether they started seeing it last year and
8 how the assessment responds to that information depends on how
9 persistent that pattern is.

10
11 If it's a one-month spike and then it goes away, it's not going
12 to be influential in the assessment. If there is two or three
13 years showing that pattern is persistent, that persistence
14 itself makes it more influential in the assessment.

15
16 The risk that you take of rushing the assessment to say I want
17 to see this is the very act of rushing the assessment could
18 confound the power of that observation in the assessment by not
19 letting those data accumulate and so that's a Catch-22. It's
20 just a reality of how the data behave in the assessment. If you
21 see a strong pattern, the strong pattern sends a strong signal.
22 If it's a blip and you use that in there, you're going to get a
23 blip's worth of influence and that's actually probably a good
24 thing.

25
26 In terms of being able to do the stock assessment in 2016 and,
27 if I heard you correctly, you asked -- You are asking if we
28 could forego data-poor and I will tell you we have worked really
29 hard to get data-poor on that assessment list. We have talked
30 about it every year for probably five years running. It would
31 be a real challenge to me to see that one dropped, because what
32 it does is it gets information on the table for stocks that
33 really have either been unassessed or poorly understood for a
34 long time and to know where we are with them.

35
36 The second thing is that I can't answer today in real time, and
37 that is always one of the challenges with changing the schedule
38 at the last minute and this would be absolutely a last-minute
39 change, is where we are in the biological samples. When a stock
40 assessment is done, because we don't have enough hands and eyes
41 to be able to keep even and avoid accumulating a backlog for
42 biological sampling processing for any of our stocks --
43 Basically the second we finish one stock, we move to the next
44 stock, to make sure we can get those ages or those reproductive
45 parts caught up in time for the next stock assessment, which
46 leads me to believe it is highly likely that we haven't touched
47 the gray triggerfish. I don't know that for sure, but it's a
48 reasonable guess, which means that it may be physically

1 impossible to catch them up in time to bump that.

2
3 I can find out in time for full council where we are in the
4 processing of the biological samples and ask some hypotheticals
5 of if you stopped what you're doing right now, how long would it
6 take you to get caught up and what's the earliest we could do an
7 assessment, but my expectation is that doing one in 2016 is
8 probably off the table, for those reasons.

9
10 **CHAIRMAN GREENE:** Thank you. Kelly.

11
12 **DR. LUCAS:** Kevin's question kind of addressed the whole
13 timeline and getting it in there and I think my question is
14 really to Luiz here on your opinion on using this anecdotal
15 information that you all keep referring to, your opinion on that
16 improving the recruitment model in a potential next assessment.

17
18 **DR. BARBIERI:** Right and right now, it's just an opinion, but
19 talking to staff who work on the SEAMAP survey back at FWRI and
20 discussing with some of our other state partners and then
21 talking to Will Patterson and some of the other colleagues in
22 the northern Gulf, the perception from them is that there is a
23 signal coming in that's very different than what had been
24 happening before.

25
26 Maybe it's a lag time between when those new management measures
27 were implemented and how long it took for the gray triggerfish
28 population to respond and start producing higher recruitments,
29 but, in general, I think that it would change some of the
30 scenarios that we have in place right now.

31
32 It was one of those timing issues that did not work out for the
33 last assessment, I think, in terms of the data streams going in
34 and so I do think it would help.

35
36 **CHAIRMAN GREENE:** Thank you. With that, I think we're going to
37 take about a ten-minute break. Kelly, go ahead.

38
39 **DR. LUCAS:** I hear what Bonnie said about the consortium and all
40 of that, but we keep -- I think we keep running into this
41 problem and so I'm just going to make a motion and we'll see if
42 we get any seconds to do it. **My motion would be for the council
43 to explore working with a consortium of scientists to perform
44 stock assessments.**

45
46 **MR. BOYD:** I will second it, if we didn't get a second.

47
48 **CHAIRMAN GREENE:** Okay. Does that read as you wish?

1
2 **DR. LUCAS:** I just was explicitly referring to the council, but
3 I think that's fine.
4
5 **CHAIRMAN GREENE:** Okay. We have a motion on the board and it's
6 been seconded. Dr. Crabtree.
7
8 **DR. CRABTREE:** Can you be more specific? I know we talked about
9 a consortium, but is there a specific group you have in mind or
10 are you talking about creating something?
11
12 **DR. LUCAS:** I think Bonnie referred to creating. I certainly
13 think there are some out there that we could probably look into
14 joining if we would rather and so explore -- I was trying to be
15 vague, because I didn't want to tie our hands. If there is one
16 out there that can meet our needs and that we can be a part of
17 it and that works for us, great. If not, maybe looking into
18 partnering and creating this consortium to help alleviate some
19 of our backlog.
20
21 **DR. CRABTREE:** The next question is, Doug, I'm assuming that if
22 we find a consortium of scientists to do this that they're not
23 going to do it for free and so we would have to go through some
24 contractual deal with them and then we would have to figure out
25 are they going to do the lead and go through the SEDAR process
26 and what kind of reviews and all are going to take place and
27 what the budgetary implications of all of that are and does
28 anyone have the funding to actually do it.
29
30 **DR. LUCAS:** I think that was part of my definition of exploring.
31
32 **CHAIRMAN GREENE:** Okay. Any further comments on the motion?
33 Mr. Williams.
34
35 **MR. WILLIAMS:** So, just to be specific then, we would expect
36 staff to look at budget and to explore the possibility that
37 there is somebody out there that would do this and give us a
38 report by the next meeting and is that right, Kelly?
39
40 **DR. LUCAS:** Yes, I think so and I know we've already had at
41 least one presentation by a group that came in and talked to us
42 and so I know these groups exist. The one who spoke was Dr.
43 Eric Powell and he was working with NSF and their partnership or
44 whatever and I am sure I could provide that to staff as a place
45 to at least start.
46
47 **EXECUTIVE DIRECTOR GREGORY:** If I may, so what we would do is an
48 RFP and distribute it and get with some people to find out how

1 best to word the RFP, since I don't think we've done this
2 before, and see what the costs are that come in and see what our
3 budget is. We are updating our budget now, at the end of this
4 last quarter, and we'll be looking at our budget in 2016. The
5 money will be a big factor, but also the coordinating and the
6 arranging of the stock assessment and I would assume it would
7 not go through SEDAR and it would be independent of SEDAR. It
8 would go through the council only.

9
10 **CHAIRMAN GREENE:** Kelly.

11
12 **DR. LUCAS:** I may suggest that some of this -- Evidently we
13 indicated that the Mid-Atlantic Council, I believe, had done
14 this. I think that's what Doug indicated and maybe even just a
15 phone call to them to determine how they went about
16 accomplishing that process could be a step in the right
17 direction, if you all's staff would like to just have
18 discussions with their staff on how they did it and why they did
19 it and how it worked for them.

20
21 **CHAIRMAN GREENE:** Okay. Any further discussion? We have a
22 motion on the floor. **Is there any opposition to this motion?**
23 **Seeing no opposition, the motion carries.** With that, we're
24 going to take about a ten-minute break and we will be back about
25 10:35 and pick up with the AP comments with gray triggerfish.

26
27 (Whereupon, a brief recess was taken.)

28
29 **REEF FISH AP COMMENTS ON GRAY TRIGGERFISH**

30
31 **DR. CARRIE SIMMONS:** I don't see that he is back yet, but I
32 wanted to say that Martin Fisher was elected the Chair and Troy
33 Frady was elected the Vice Chair of the Reef Fish AP and Captain
34 Fisher is here, I believe, today and so he can help answer any
35 questions that you may have throughout the report.

36
37 We will start on page 4, Review of the Gray Triggerfish SEDAR-43
38 Stock Assessment. Staff reviewed the assessment and the
39 recommendations and motions that were made by the SSC. The AP
40 members had a lot of questions and concerns about all the things
41 we've just talked about for the last hour regarding gray
42 triggerfish and that was the best available science, but it
43 wasn't used for management, and we talked about the motions
44 being split among SSC members and the rationale for why the SSC
45 made those motions.

46
47 We did talk about the landings in the western Gulf and there was
48 discussions about why the western Gulf landings were so low in

1 comparison to the eastern Gulf, not only because the center of
2 abundance was in the east, but also because fishermen, they
3 said, in the west, over here in Texas, do not typically want
4 gray triggerfish.

5
6 Other AP members observed that while they may have disappeared
7 for a few years in recent years, they do feel they are
8 rebounding and becoming more abundant.

9
10 We spent quite a bit of time talking about environmental and
11 ecological factors, some of which we have touched on. We talked
12 about the relationship between stock success and the increasing
13 abundance of red snapper and lionfish and potentially that being
14 an environmental factor that's not being taken into account in
15 the stock assessment.

16
17 The unusual life history of gray triggerfish and that they are
18 closely associated with sargassum during the first four to seven
19 months of life and so the difficulty in estimating recruitment
20 in the stock assessment and we talked about management changes
21 and made sure that those were in the model and being accounted
22 for, such as the change in circle hook requirements in 2008, the
23 change from total length, twelve inches total length, to
24 fourteen inches fork length. That was really a big change in
25 management, due to the long filaments in the tail, and that was
26 accounted for in the stock assessment.

27
28 They also talked about other factors, such as the 2010 BP oil
29 spill, and were asking how that was being evaluated in the stock
30 assessment.

31
32 They passed the following motion after that discussion, which
33 was a voice vote of sixteen to one, that the AP requests further
34 analysis on the impacts on gray triggerfish by red snapper and
35 lionfish, the BP oil spill, and the abundance of sargassum and
36 additional information to the standard assessment, in order for
37 the SSC to make a decision on the OFL and ABC. I will stop
38 there for a second and see if there's any questions.

39
40 **CHAIRMAN GREENE:** Any questions? Seeing none --

41
42 **DR. SIMMONS:** Next, we started talking about the full retention
43 policy for gray triggerfish and one suggestion, and they passed
44 the following motion, was that they recommend to the council to
45 revisit Amendment 33, the IFQ document, which would include gray
46 triggerfish in the fishery management plan, and then the
47 following motion, which was a vote of thirteen to two with three
48 abstentions, that the AP recommends that the council untable

1 Amendment 33 and move forward with this. I will stop there.

2

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

4

5 **MR. DAVID WALKER:** It looks like the AP -- They voted that they
6 were going to support and look for different tools and I have a
7 motion I would like to put up on the board here. **It's to**
8 **untable Amendment 33 and include gray triggerfish in the fishery**
9 **management plan.**

10

11 Some of the rationale is commercial management of gray
12 triggerfish isn't working. The biomass is shrinking and some
13 spawning potential and there is concerns of the SSC that
14 commercial discards are increasing and the commercial fishery
15 has gone over the last two out of the three years and we need to
16 try something different than these size limits and trip limits.
17 They're just not working.

18

19 You know let's just untable 33 and let's figure out whether an
20 IFQ would work, whether it would solve these problems or not,
21 but you know without looking at the tool, there is no way to
22 know until we untable it and so I just think that's what we need
23 to move forward and I have already sent my motion up.

24

25 **CHAIRMAN GREENE:** Thank you. We have a motion on the floor and
26 it's been seconded. Any further discussion? Mr. Williams.

27

28 **MR. WILLIAMS:** What all is in 33? Is it only triggerfish or is
29 it other --

30

31 **MR. WALKER:** There is other species. I don't want to get hung
32 up in the species, but I know that triggerfish is one that we
33 need to explore looking at the possibility of using a different
34 management plan, something we need to help address these
35 discards that are an issue in the fishery and twelve fish and
36 high-grading, the way the trip limits are going now and the
37 numbers of fish.

38

39 **CHAIRMAN GREENE:** Mr. Atran.

40

41 **MR. ATRAN:** I think on the wording, I think what you meant to
42 say was include gray triggerfish in the amendment. It's already
43 in the FMP.

44

45 **CHAIRMAN GREENE:** Okay. Thank you. Doug Boyd.

46

47 **MR. BOYD:** David, if you're concerned about gray triggerfish, I
48 think you could do what you want to and accomplish it in a

1 separate motion and amendment, rather than untabling 33.

2
3 **MR. WALKER:** Well, untabling 33, I mean there's a lot of other
4 species. I mean you know we have vermilion snapper that's
5 having some severe issues and there's amberjack. There's a lot
6 of issues and 33 could help -- Be comprehensive to cover several
7 species and I think we need to move forward.

8
9 You know the status quo is not working and if we want to look at
10 it, vermilion is coming up. The stock assessment is coming up
11 on that and I think it's going to -- It's not going to be very
12 good, I can tell you that.

13
14 **MR. BOYD:** To that point, Johnny. If you're really concerned
15 about gray triggerfish and you untable 33 and put it in there,
16 it's going to take a long time to get through that, I think. If
17 you want to speed it up, I would suggest that you do a separate
18 amendment targeting gray triggerfish.

19
20 **MR. WALKER:** I am concerned about the triggerfish. I would just
21 like to untable 33 and then let's not get hung up on which
22 species goes into that and move forward with 33. I think it's a
23 tool we can use for the other species. I mean it's conservation
24 for not just triggerfish, but other reef fish species that are
25 in the same vicinity.

26
27 **CHAIRMAN GREENE:** Robin.

28
29 **MR. RIECHERS:** Well, David, and along the same lines that Doug
30 just spoke to, I mean we just discussed that we will have to be
31 going forward within two years with a rebuilding plan that's
32 different than the current one.

33
34 It's certainly within the context of that rebuilding plan that
35 we'll probably have to address both fisheries, the commercial
36 and the recreational fishery. I understand your desire to
37 untable it and move that amendment forward, but in this context,
38 I don't think I can basically vote for that, based on this
39 justification, not to mention the fact that you already just
40 said, if I heard you correctly, that the twelve fish limit and
41 the discards are already causing you to go over.

42
43 Basically no management change or any management change that
44 would allow any greater take is going to still have you going
45 over and so that's not going to be the solution that we would
46 need here, but with that, I will go back to the tabling of that
47 motion and I will ask staff, when we tabled that motion, did we
48 table with a time certain or did we just table? Does anyone

1 have that motion, so that we know how that was done previously?
2

3 **CHAIRMAN GREENE:** We will see if they come up with something.
4 Roy Crabtree.
5

6 **DR. CRABTREE:** My recollection with this is I think it was Bob
7 Gill who might have made this motion, but it was a long time
8 back and I don't remember if we actually tabled it or what
9 exactly we did with it.
10

11 The merits of this aside, we have had some overruns with gray
12 triggerfish, but when you look at the assessment, we are not
13 overfishing and so the problem doesn't appear to be that we're
14 taking too many fish out of the population. The problem is
15 recruitment is plummeting and, as best I can tell, that's being
16 driven by something other than fishing mortality or at least I
17 don't see where the -- I have a hard time seeing the connection
18 there, since we're not overfishing.
19

20 **CHAIRMAN GREENE:** Roy Williams.
21

22 **MR. WILLIAMS:** I was going to try to respond to Robin. In the
23 end, it doesn't really make any difference. The council, by a
24 vote of the council, they could -- Even if we had tabled it
25 until 2016, by a vote of the council we could take it off the
26 table, right?
27

28 **MR. RIECHERS:** I will turn to our parliamentarian. I thought
29 that if you tabled until a time certain and that time certain
30 hadn't been achieved that you were still in a tabled motion and
31 that you had to leave it on the table, if you will, or under the
32 table.
33

34 **CHAIRMAN GREENE:** Carrie.
35

36 **DR. SIMMONS:** Thank you, Mr. Chairman. It was not with a time
37 certain. It was just postponed and to cease work and that was
38 done in April of 2012 on Reef Fish Amendment 33, the LAPP
39 program.
40

41 **DR. CRABTREE:** I guess a question for Mr. Gregory. Doug, if we
42 did decide we wanted to start working on Reef Fish Amendment 33,
43 what would the workload implications of that be and when would
44 we even have time to start doing anything with that?
45

46 **EXECUTIVE DIRECTOR GREGORY:** That's something we will have to
47 discuss at the staff meeting after this meeting. I couldn't
48 give you an answer now. I mean it is an additional amendment.

1 We've put two amendments to bed, 40 and 28, but we've started 41
2 and 42.

3
4 I know with some of the South Florida items that, given the
5 problem we were having with agreements with the South Atlantic
6 Council on certain items, we had the impression that if we took
7 some items out and did them by framework that they could be done
8 more quickly, more simply, but now we're running into the
9 problem of, well, they're small items and so they're low
10 priority and they are not getting through the system, because
11 you don't have the staff -- You know our staff hasn't expanded
12 and you're short-handed, in my understanding, and so your office
13 is telling us we can't form an IPT on this and we can't do that.
14 The workload is heavy, but we try to work everything in as best
15 we can.

16
17 **DR. CRABTREE:** Yes and we're adding another amendment to it now
18 to put in place a new rebuilding plan for gray triggerfish. My
19 office is down a number of people and we're going to have to
20 backfill a lot of positions and so I don't -- If the council
21 wants to start working on this amendment, I don't have any
22 issues with that, but I'm not sure we could really make much
23 progress on this for some time down the road.

24
25 **CHAIRMAN GREENE:** Mr. Walker.

26
27 **MR. WALKER:** We've got to start somewhere. You know the red
28 snapper IFQ program has been successful and I would like to see
29 some of the other species in the commercial industry that could
30 be in that type of fishery. You know it's done good and it's
31 meeting all its goals and we have problems and I mentioned that
32 it's amberjack and vermilion and it's not just triggerfish.
33 There's other fish to be concerned about and I don't think it's
34 time to sit on our hands and worry about this time schedule. I
35 think it's time to untable this and start talking about it and
36 start letting the staff work on it some and bring it back to the
37 next meeting and let's discuss it. It's a tool and I would like
38 to hear some comment from the public on it.

39
40 **CHAIRMAN GREENE:** Okay. Thank you. Any further discussion on
41 the motion? Okay. **By a show of hands, all those in favor
42 please raise your hand.**

43
44 **EXECUTIVE DIRECTOR GREGORY:** Four.

45
46 **CHAIRMAN GREENE:** Okay. **All those opposed like sign.**

47
48 **EXECUTIVE DIRECTOR GREGORY:** Four. It's four to four.

1
2 **CHAIRMAN GREENE:** Okay. The motion fails four to four. With
3 that, we will go back to Dr. Simmons.

4
5 **DR. SIMMONS:** Okay. Thank you, Mr. Chairman. Actually, we
6 just, according to the Regional Office website, the commercial
7 sector did not reach its quota in 2014 and has not yet for 2015
8 for gray triggerfish and so the last time the quota was reached
9 was in 2013.

10
11 The AP talked about this and the current trip limit, which was
12 put in place in Amendment 37, which was the twelve gray
13 triggerfish trip limit or bag limit, and potentially it being
14 too restrictive, because they are discarding fish, but they are
15 not reaching their quota.

16
17 By a voice vote of eleven to two with two abstentions, the AP
18 recommends to the council that the analysis be done to optimize
19 the maximum yield for the commercial industry for gray
20 triggerfish to reach the quota by increasing the trip limit.

21
22 **CHAIRMAN GREENE:** Any discussion on that AP motion? Okay.
23 Seeing none, Dr. Simmons.

24
25 **DR. SIMMONS:** Then we got into the recreational management
26 measures and there was discussion about reducing the bag limit
27 to one fish to help extend the fishing season and increase
28 fishing opportunities and also some suggestions or discussion
29 about increasing the minimum size limit to fifteen inches fork
30 length, but there was concerns about that being a very large
31 fish and then the discard mortality.

32
33 By a voice vote of fifteen to one, the AP recommends for gray
34 triggerfish in the recreational fishery that there be a one fish
35 bag limit and a fourteen-inch fork length minimum size limit to
36 maximize yield for the recreational fishery.

37
38 Then under Other Business, we added this motion to the gray
39 triggerfish section. The AP expressed concerns that the council
40 might reduce the gray triggerfish stock ACL below its current
41 level and, given their observations that the stock does seem to
42 be recovering in recent years, they passed the following motion.

43
44 By a unanimous vote, the AP recommends to the council to
45 maintain the SSC's recommendation for the total allowable catch,
46 or ABC, for gray triggerfish at 305,300 pounds whole weight.
47 That concludes my section of the AP report on gray triggerfish.

1 **CHAIRMAN GREENE:** Thank you. Any further discussion on
2 triggerfish? Mr. Williams.

3
4 **MR. WILLIAMS:** You can't help but notice their observation that
5 the stock seems to be in greater abundance in recent years
6 conflicts with the assessment and I am just wondering if anybody
7 has any comments on that.

8
9 On the one hand, we're being told that we need to take more
10 restrictive action and on the other hand, the AP is saying that
11 the fish seem to be more abundant and so that leaves me not
12 knowing what to believe.

13
14 **CHAIRMAN GREENE:** Thank you. Mr. Gregory.

15
16 **EXECUTIVE DIRECTOR GREGORY:** I was talking with Ryan about that
17 earlier and he pointed out in the graph in the stock assessment
18 that in the last year of the stock assessment there was a spike
19 in recruitment. If that indeed is real, that would be two years
20 ago and so those fish might be showing up now. Ryan, was that a
21 correct summary?

22
23 **MR. RYAN RINDONE:** Yes.

24
25 **CHAIRMAN GREENE:** Okay. Thank you. Being from that part of the
26 Gulf, I can totally assure you I have never seen more
27 triggerfish ever than I am seeing right now. Dr. Dana.

28
29 **DR. PAMELA DANA:** I am glad you said that, Johnny, because
30 that's exactly what we're seeing in the Destin area, too. A lot
31 of triggerfish are being caught and released, obviously.

32
33 **CHAIRMAN GREENE:** Okay. Thank you. Mr. Williams.

34
35 **MR. WILLIAMS:** Before we leave this subject, should we -- The AP
36 had made a recommendation for a one fish bag limit and should we
37 consider -- It's two fish right now and is that right, a two
38 fish bag limit? I'm guessing that is not going to extend their
39 season much, but it would probably extend it a little bit. I
40 don't know if there is much interest in this or not. I am just
41 going to go ahead and jump on it, I guess.

42
43 **I would move that we adopt a one fish bag limit for triggerfish,**
44 **realizing that it couldn't be in place for next year, but it**
45 **could be for the following year.**

46
47 **CHAIRMAN GREENE:** We are getting the motion up on the board. Do
48 we have a second for it? Mr. Walker seconds it. Dr. Crabtree.

1
2 **DR. CRABTREE:** I think what we need to do, Roy, is probably pass
3 a motion to start working on a plan amendment to revise the
4 rebuilding plan and we could do this as part of that, but we're
5 going to have to do a whole bunch of things, this just being one
6 piece of it.

7
8 **CHAIRMAN GREENE:** Mr. Riechers.

9
10 **MR. RIECHERS:** As I understood Roy Williams's motion and
11 comment, it was he understood it wasn't going to be in place for
12 this year, but it might still get in place prior to the actual
13 amendment going forward, if I understood what you were
14 suggesting.

15
16 While I don't necessarily disagree with that notion, I think
17 probably we're better off asking for the analysis of what a one
18 fish bag limit would look like at this point and have that come
19 forward to the meeting, because if we do this under framework,
20 we would still have time for that anyhow and you would still be
21 in front of the new rebuilding plan that we would have to put in
22 place.

23
24 I think maybe that's maybe the more appropriate motion at this
25 point in time, would be to bring that analysis to the next
26 meeting so we can see what it would do.

27
28 **MR. WILLIAMS:** If the seconder would agree, then I would modify
29 my motion that we ask for an analysis of a one fish bag limit
30 for gray triggerfish.

31
32 **CHAIRMAN GREENE:** Okay. The seconder agrees and is there any
33 further discussion on the motion? **Is there any opposition to**
34 **this motion? Seeing no opposition, the motion will carry.**

35
36 Any further discussion before we leave triggerfish? Seeing no
37 further discussion with triggerfish, we will move on. The next
38 agenda item under this section is Best Practices for Number of
39 Years of OFL/ABC Projections to Provide -- I don't know who is
40 supposed to lead on that. We are currently on Item Number IV(d)
41 right now. We may have covered it already and I'm not 100
42 percent sure.

43
44 **MR. ATRAN:** That may have gone on in error. That was an item
45 that was on the agenda for the SSC meeting, but, as I recall, we
46 ran out of time and we deferred that discussion to the January
47 meeting and so you can just cross that off the agenda.

48

1 **CHAIRMAN GREENE:** Any other business on triggerfish? I think
2 I've asked that already and I didn't see any. Dr. Branstetter.
3
4 **DR. STEVE BRANSTETTER:** To Mr. Williams's point, Mr. Chairman,
5 this is dated now, but if you look at Table 2.4.2.1 in Amendment
6 37, approximately 80 to 90 percent of the trips, angler trips,
7 have less than one triggerfish. That's like three or four years
8 old.
9
10 **MS. BADEMAN:** Just a question. Steve, you might be able to
11 answer this. For looking towards doing a framework to adjust
12 the bag limit for triggerfish for next year, are we even going
13 to have a season for triggerfish for next year, based on
14 landings this year? Do we have any clue have landings have come
15 in? No? Okay. Fair enough.
16
17 **CHAIRMAN GREENE:** Mr. Williams.
18
19 **MR. WILLIAMS:** I would like to follow up on Martha's question.
20 What happened last year was that the fishery closed in February,
21 early February, and that was because so much had been caught the
22 previous year, right, and it wasn't just what had been captured
23 in January of 2015 and it was what they had caught the previous
24 year. Is the fishery going to open on January 1, 2016?
25
26 **DR. BRANSTETTER:** That will depend.
27
28 **MR. WILLIAMS:** On what?
29
30 **DR. BRANSTETTER:** Whether you exceeded 241,200 pounds in 2015.
31
32 **CHAIRMAN GREENE:** I can't imagine that we caught that many
33 triggerfish in the month of January, but I guess it will be
34 fleshed out as it comes forward. Dr. Branstetter.
35
36 **DR. BRANSTETTER:** The State of Alabama was open for the entire
37 month of July and catches have been trickling in from other
38 areas as well.
39
40 **CHAIRMAN GREENE:** Ms. Bademan.
41
42 **MS. BADEMAN:** We closed I think the same date that federal
43 waters closed. It's been a while.
44
45 **CHAIRMAN GREENE:** Okay. Thank you. Any more discussion on
46 triggerfish? Last call. Okay. With that, we will move on into
47 Final Action on Framework Action to Set Gag Recreational Season
48 and Gag and Black Grouper Minimum Size Limits, Tab B, Number

1 5(a), and Steven Atran will be leading us through this.

2
3 **FINAL ACTION - FRAMEWORK ACTION TO SET GAG RECREATIONAL SEASON**
4 **AND GAG AND BLACK GROUPER MINIMUM SIZE LIMITS**
5 **REVIEW OF FRAMEWORK ACTION**
6

7 **MR. ATRAN:** Thank you, Mr. Chairman. This has three actions and
8 you already selected preferred alternatives for Actions 1 and 2.
9 That is to raise the recreational minimum size limit for gag and
10 black grouper from twenty-two inches to twenty-four inches and
11 so, unless anybody wants to revisit that, I think we'll go
12 straight to Action 3, which is the recreational fishing season
13 for gag.

14
15 Action 3 is on page 16 of the document and you do have one
16 preferred alternative in here. Preferred Alternative 2 would
17 eliminate the current fixed closed season of December 3 to 31,
18 so that if the season can extend beyond December 3 without the
19 ACL being reached, it will do so now, if that alternative is
20 adopted.

21
22 Now, if you do nothing else with Action 3, what we will have is
23 a recreational season that opens on July 1 and closes on
24 December 31, or whenever the ACL is reached. If you select
25 either Alternative 3 or Alternative 4, then you would have a
26 season that -- If you have that July 1 to December 31 season, at
27 the current catch rates, it looks like the recreational ACL
28 would not be reached.

29
30 Under Alternatives 3 and 4, the season would be modified.
31 Alternative 3 would open the recreational season on January 1
32 and then go until the ACL is projected to be reached.
33 Alternative 4 would back-calculate from December 31 to estimate
34 what day the season would have to open in order to have a season
35 that goes through December 31.

36
37 Then each of these alternatives has three options. They are the
38 same options on each of them and that is how to deal with the
39 February to March shallow-water grouper partial closure, if that
40 occurs during what would otherwise be an open month for gag.

41
42 Option a would treat gag the same as the other shallow-water
43 grouper. During those months, harvest would be prohibited
44 beyond twenty fathoms, but would continue to be allowed
45 shoreward of twenty fathoms

46
47 Option b would allow fishing for gag during those months
48 regardless of depth. The depth boundary would be removed for

1 that one species and Option c would close those two months
2 completely for gag, regardless of what depth they are being
3 fished at. Those do have implications on how long the season
4 would be, if the season includes February and March.

5
6 There were two tables that would probably be more useful than
7 looking at the options here on pages 18 and 19. Table 2.3.1
8 goes with Alternative 3, which is open on January 1, and the
9 following table, Table 2.3.2, goes with Alternative 4, which is
10 try to time the opening so that you don't close until December
11 31.

12
13 For purposes of looking at these tables, I would focus on the
14 ACL row for twenty-four inches total length. The ACT would only
15 come into effect if you exceed the ACL catch in a given year.
16 If that happens, then the following year the season length would
17 be based upon when the ACT is projected to be reached, but we
18 didn't fill the ACL last year and it doesn't look like we're
19 going to fill it this year and so for 2016, we will be guided,
20 most likely, by when the ACL closure is expected to occur.

21
22 I do want to emphasize these estimates on what the season
23 lengths would be are estimates. They are our best estimate
24 based upon recent landings patterns. They will have to be
25 reevaluated as the season progresses.

26
27 I know with red grouper there has been some talk that we had
28 promised fishermen a year-long season with a two-fish bag limit
29 and, unfortunately, that was our best estimate at the time and
30 it turned out catch rates were higher than projected. I want to
31 make sure people understand these are our best projections, but
32 that's all they are, is projections.

33
34 **CHAIRMAN GREENE:** Okay. Any discussion? Ms. Bademan.

35
36 **MS. BADEMAN:** Just a question. I know the AP talked about this
37 and had some ideas about opening in January and then reopening
38 either April -- Opening January and closing February and March
39 and then reopening April 1 or whenever would take them to
40 December 31. This, I guess, maybe is a question for Martin or
41 whoever attended the AP meeting, but was there conversation
42 about this risk of potentially closing before December 31?

43
44 I mean even if we project that we can make it through December
45 31, that's not always going to be the case. We may have
46 landings that are higher than expected and I guess what's the
47 preference? Is being open December 31 more important or is it
48 having those months upfront, January, April, May, and so on? I

1 guess whoever can answer it. Do you understand what I'm saying?
2 Okay.

3
4 **REEF FISH AP RECOMMENDATIONS**
5

6 **MR. MARTIN FISHER:** Thank you, Mr. Chairman, and thanks to the
7 council for bringing the AP Chair out here to answer questions.
8 Ms. Bademan, it wasn't a question of how soon to open in terms
9 of -- It was maximizing the total fishing year and back date it
10 from December 31.

11
12 December 31 is really the target date to remain it open and so I
13 think the general consensus of the AP was that if we open
14 January and close February and March -- We don't necessarily
15 open April 1 and, in fact, the document, or the actual preferred
16 alternative that we put in, is on a date such that the 2016 ACL
17 is projected to be reached, on or before December 31. That
18 could be at that time, depending on what the catch was in
19 January, and opening could be May 15 or June 1.

20
21 **MS. BADEMAN:** All right, but so let's say we do that and we open
22 April 1 or May 1 or whatever, but as that second season reopens,
23 the longer part, we're getting in MRIP data and as that MRIP
24 data is coming in, if we're seeing higher than expected landings
25 then, there is still the potential that we would close before
26 December 31.

27
28 Like we have the situation now with red grouper. We thought
29 that would go towards at least later in this year, but we are in
30 a situation that we're going to be closing this week and so was
31 there any conversation about the risk there for an early closing
32 and is it more preferable to avoid a situation like that and be
33 a little bit more conservative or -- I guess what I'm hearing
34 you saying is December is the most important month, but there is
35 still a desire to have as much opportunity as possible to
36 harvest and I am just wondering which is more important,
37 December or the longer season. That's what I'm trying to get
38 to.

39
40 **MR. FISHER:** I think they go hand-in-hand. Certainly if you're
41 increasing the size limit to twenty-four inches, you're going to
42 extend the season just by virtue of that. We're not catching it
43 now and so, logically thinking, we're not going to catch it if
44 we increase the size limit, even if the season is extended.

45
46 However, it's all based on whatever staff can come up with for a
47 projection for the catch rate. January should be a good litmus
48 test for what kind of gag are in the water and how they're

1 biting and what the catch rate is, if that can be extrapolated
2 through the end of the year, but I think a lot of people at the
3 table really wanted all of December to be able to provide
4 service for their customers. That was of key importance.

5
6 **CHAIRMAN GREENE:** Mr. Atran.

7
8 **MR. ATRAN:** One thing is if you wanted to use that as a litmus
9 test, January is part of Wave 1, which is January and February.
10 The MRIP data, preliminary data, comes in forty-five days later
11 and so the landings estimates would not be available until about
12 mid-April and then to give NMFS time to evaluate the
13 projections, sometime in May would probably be the earliest it
14 could reopen, if you wanted to have time to evaluate the January
15 landings.

16
17 **MR. FISHER:** I can't really speak to that for the committee, for
18 the AP.

19
20 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
21 discussion? Mr. Walker.

22
23 **MR. WALKER:** Martin, I don't have an issue with opening up the
24 rest of December. I mean you have a lot of bad weather during
25 that time and there's not many opportunities to get out there in
26 December, but I am concerned about adding too many more days,
27 you know January and April and March. I like the July one,
28 through December 1.

29
30 Martin, you've been out there and you've seen it and we've heard
31 the testimony and people are concerned about gags and they're
32 just not -- They haven't been available lately and what is your
33 opinion on the gag?

34
35 **MR. FISHER:** Well, I'm glad you asked that question. I don't
36 think anybody in the room feels any differently than they did
37 the year before, that we need to take a precautionary approach
38 to how we manage gag.

39
40 I think every fisherman sitting at that table knows that there
41 are not as many fish in the water that the Science Center is
42 telling us there is. However, increasing the season is
43 predicated on an increase in minimum size limit. If you
44 increase the minimum size limit, you cut by a very large factor,
45 I believe, in terms of what we saw on paper.

46
47 You cut the opportunity for landing those fish and the season
48 will automatically be extended by that action. It's not -- I

1 don't think anybody at the table felt like by doing this it was
2 in opposition to a conservation ethic.

3

4 **CHAIRMAN GREENE:** Thank you, Mr. Fisher. Ms. Bademan.

5

6 **MS. BADEMAN:** A question for Steven. So it's October now and we
7 can take final action on this today and what are we looking at
8 in terms of an implementation date or window, I guess? You know
9 if we choose an option where we're opening earlier in the year,
10 will that actually happen in 2016?

11

12 **MR. ATRAN:** We have discussed this with the IPT and, given the
13 amount of time necessary to do all the in-house reviews, if we
14 get this thing submitted by the end of this month, and, Steve
15 Branstetter, correct me if I'm wrong, but I believe it would be
16 probably sometime in April would be about the earliest that it
17 could be implemented.

18

19 **CHAIRMAN GREENE:** Okay. Thank you. All right. I think
20 everybody is kind of dissolving that information and anybody
21 else want to offer anything? Okay. Seeing none, I guess we
22 will go back to Mr. Atran.

23

24 **MR. ATRAN:** At this point, we do have a series of preferred
25 alternatives. As I said, if you take no further action beyond
26 what you currently have, we will have a July 1 to December 31
27 season.

28

29 If you want to adopt one of the alternative seasons in here,
30 somebody would need to make a motion and if you're happy with
31 the suite of preferred alternatives that you have here, then I
32 guess the appropriate motion would be for somebody to move that
33 the council recommend that the framework action be approved and
34 submitted to the Secretary for review and implementation. We
35 also have some codified regulations that you would also need to
36 deem necessary and appropriate.

37

38 **CHAIRMAN GREENE:** Okay. Did that cover all of the AP
39 recommendations as well? Dr. Simmons, I know there was
40 discussion between Mr. Fisher, but was there anything else
41 within that, just looking down the agenda?

42

43 **DR. SIMMONS:** I think there was one more motion and it's on page
44 9, at the very bottom. The AP recommends unanimously in the
45 event the recreational minimum size limit is raised to twenty-
46 four inches total length for gag, then the AP recommends to the
47 council by framework action to increase the commercial minimum
48 size limit to twenty-four inches total length.

1
2 That was just to try to have the same minimum size limit for
3 both sectors and there was discussion about discard mortality
4 and that the size limit had just decreased or been reduced
5 fairly recently for the recreational sector to twenty-two
6 inches, but I think the discussion was really they're catching
7 larger fish, larger than twenty-four inches, anyway and so that
8 concludes the section of the AP report, I believe, on this
9 framework action.

10
11 **CHAIRMAN GREENE:** Okay and so the AP recommends through a
12 framework to raise the size limit on the commercial, but we also
13 need to get a motion for sending it up to the Secretary as well.
14 Mr. Atran.

15
16 **MR. ATRAN:** I almost forgot that we did receive a few written
17 comments and Charlene Ponce can review those.

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

20
21 **REVIEW OF PUBLIC COMMENTS**

22
23 **MS. CHARLENE PONCE:** Since the last council meeting, we did get
24 a handful of comments, both in support of and opposed to raising
25 the minimum size limit for gag and black grouper. Everyone who
26 commented on the season length was obviously in favor of the
27 longest season possible. We do have two specific season dates
28 presented and one was March 1 through December 31 and the other
29 was January 1 through December 31. That was it.

30
31 **CHAIRMAN GREENE:** Thank you. All right. Anything else on
32 grouper? Does somebody want to offer up a motion to send it?
33 Mr. Williams.

34
35 **MR. WILLIAMS:** I am not sure if staff has the correct language
36 here about deeming the regulations and so on, but I would just
37 move to send the Gag Framework Action to the Secretary of
38 Commerce for approval.

39
40 **CHAIRMAN GREENE:** They are getting that up on the board and is
41 there a second for this? Ms. Bademan seconds it.

42
43 **MR. WILLIAMS:** That is my motion. Do you want me to read it?

44
45 **CHAIRMAN GREENE:** Mr. Riechers, did you have a comment?

46
47 **MR. RIECHERS:** As a point of order, I would think Mara or one of
48 us would want to walk through the codified text before we vote

1 on it.

2
3 **CHAIRMAN GREENE:** Ms. Levy.

4
5 **REVIEW OF CODIFIED REGULATIONS**

6
7 **MS. LEVY:** I was going to point out that it is in your briefing
8 book under Tab B, Number 5(b). It reflects what the preferred
9 alternatives were in there and are currently in there, removing
10 that December 3 through December 31 closed period and changing
11 the size limit to twenty-four inches for both black grouper and
12 gag. Those are the only changes in this document and the
13 codified text in your briefing book reflects those changes.

14
15 **COMMITTEE RECOMMENDATIONS**

16
17 **CHAIRMAN GREENE:** Thank you. We will go back to the -- If we
18 have met all the parameters we need to cover, we have a motion
19 to approve Final Framework for Gag and Black Grouper and that it
20 be forward to the Secretary of Commerce for review and
21 implementation and deem the codified text, as modified in
22 discussion, as necessary and appropriate, giving staff editorial
23 license to make necessary changes in the document. The Council
24 Chair is given the authority to deem any changes to the codified
25 text as necessary and appropriate. Ms. Levy.

26
27 **MS. LEVY:** Just for clarity, we haven't modified anything in
28 discussion and so it should probably just say "and deem the
29 codified text as necessary and appropriate". I think sometimes
30 we've done that and so that is why it says that, but in this
31 case we haven't modified it during discussion.

32
33 **CHAIRMAN GREENE:** Thank you. Does this require a special vote
34 of any kind of just a committee vote?

35
36 **MR. ATRAN:** It doesn't require a roll call at the committee
37 level, but it will at the full council level.

38
39 **CHAIRMAN GREENE:** Thank you, Mr. Atran. All right. **Any**
40 **opposition to sending this? Hearing no opposition, the motion**
41 **carries.** With that, I guess we will turn back to Mr. Atran.

42
43 **MR. ATRAN:** That completes the gag and black grouper framework
44 action and so we're through with that agenda item, unless
45 anybody has anything else to say.

46
47 **CHAIRMAN GREENE:** Thank you. It is 11:24 and we're scheduled
48 for lunch at 12:00 and the next item is Amendment 39 and I don't

1 think that's going to happen in thirty minutes. Do you want to
2 start it?

3

4 **MR. ANSON:** You are a little behind schedule.

5

6 **CHAIRMAN GREENE:** I understand. We have a -- I guess the one
7 thing after lunch would be the Options Paper on Hogfish Stock
8 and ACL. That's set for half an hour. Do you want to skip
9 ahead and do that? Is there any opposition? If everybody is
10 onboard, then -- With that, we are going to skip ahead in the
11 agenda to Options Paper - Amendment to Define Gulf of Mexico
12 Hogfish Stock and Set ACL Status Determination Criteria, Tab B,
13 Number 7, and Mr. Atran.

14

15 **OPTIONS PAPER - AMENDMENT TO DEFINE GULF OF MEXICO HOGFISH STOCK**
16 **AND SET ACL AND STATUS DETERMINATION CRITERIA**
17 **REVIEW OF OPTIONS PAPER**

18

19 **MR. ATRAN:** I will just go through the actions and alternatives.
20 The Reef Fish AP had some very relevant comments on this and so
21 I think we need to pay attention to what they had to say.

22

23 There are three actions in this options paper. The first action
24 is to define the geographic boundary for the Gulf of Mexico
25 hogfish stock and the second one is to establish status
26 determination criteria. That's minimum stock size threshold,
27 maximum fishing mortality threshold, and our MSY proxy.

28

29 Then the third action is to set the ACL for hogfish. As far as
30 the Action 1, which is titled "Definition of the Management
31 Unit", we have four alternatives for setting a boundary level
32 for the hogfish stock. The reason why we have this is because
33 while the hogfish stock in the Gulf of Mexico is healthy, the
34 hogfish stock for the Atlantic and Florida Keys area was found
35 to be in an overfished state and so the South Atlantic Council
36 needs to put together a rebuilding plan. Part of their stock
37 extends into our jurisdictional waters.

38

39 The intent here is for us to establish a geographic boundary
40 below which we will not manage hogfish and we would send a
41 letter to the Secretary of Commerce asking him to designate the
42 South Atlantic Council as the lead staff for that portion of
43 hogfish in the Gulf of Mexico and so they can just do their
44 rebuilding plan for all of the hogfish within the stock that
45 falls under their jurisdiction.

46

47 We have four alternatives and they are in order going from south
48 to north in terms of where they would occur on the map.

1 Alternative 1, no action, would leave the boundary at the
2 jurisdictional boundary between the Gulf of Mexico and the South
3 Atlantic.

4
5 Alternative 2 would establish a boundary just south of Cape
6 Sable, at 25 degrees, 9 minutes North latitude. That was
7 suggested by FWC and that is a boundary line that they are using
8 for some other species that they manage.

9
10 Alternative 3 would establish a boundary point at Shark Point,
11 which is 25 degrees, 23 minutes North latitude. That had been a
12 previous recommendation and I am not sure exactly where it came
13 out of, but the rationale was that fishermen who leave port
14 south of Shark Point rarely travel north of there and fishermen
15 who leave from a point north of Shark Point rarely travel south
16 of there and so it seemed to be a natural breaking point.

17
18 Then Alternative 4 would set the boundary the Monroe/Collier
19 County line. That is the boundary that the stock assessment
20 used for differentiating catches for the Gulf from catches for
21 the South Atlantic. One of the reasons they picked that is
22 because MRIP -- I guess it does not allow them to be able to
23 divide up MRIP landings within a county and they have to assign
24 it all to either South Atlantic or Gulf. They can divide up
25 headboat landings, but not the MRIP landings. We have no
26 preferred alternatives and I will stop here if somebody wants to
27 make a motion.

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

30
31 **MR. ATRAN:** I am sorry, but we probably should go over the Reef
32 Fish AP comments on that too first.

33
34 **DR. SIMMONS:** Okay and so this is Action 1 and I think it's on
35 page 11 of the Reef Fish AP Report. By unanimous vote, the AP
36 recommends to the council that Action 1, Alternative 3 be the
37 preferred. That's the hogfish management unit is the West
38 Florida Shelf and for stock of hogfish, it's at the
39 Monroe/Collier County line, the 25 degrees North, 48 minutes
40 North latitude.

41
42 **CHAIRMAN GREENE:** Okay. Was there anything else? Ms. Levy.

43
44 **MS. LEVY:** Just to note that right now it's an options paper and
45 I'm not saying you can't pick preferreds, but there is no
46 chapters of analysis of the effects of any of these actions in
47 here and so generally we would wait until there is some sort of
48 analysis of the effects before you start picking preferreds. I

1 think at this point it was just trying to capture all the
2 possible options so that that's in place before staff starts
3 analyzing the effects.

4

5 **CHAIRMAN GREENE:** Ms. Bademan.

6

7 **MS. BADEMAN:** Just a little bit about where Alternative 2 and
8 Alternative 3 came from. The Shark Point alternative I think
9 originated from the Joint South Florida Committee. We had been
10 talking about a line where we could potentially have a break for
11 management between the Gulf and Atlantic for a couple of things.
12 Hogfish, I think was one of them and yellowtail snapper, the use
13 of circle hooks, that's another situation where we talked about
14 that.

15

16 When we talked about that in that group though, we weren't -- We
17 were talking about Shark Point in general and we didn't have a
18 latitude associated with it and so I think this latitude here
19 was generated by one of the council staff and I'm not really
20 sure and we had decided on Shark Point based on some testimony
21 from our law enforcement.

22

23 They thought that this was an area where it was a good break
24 where you have not a lot of people passing through to go jump
25 from Monroe County to Collier County. Like this was kind of a
26 no-man's land, so to speak.

27

28 Anyway, when they actually saw this latitude and mapped it out,
29 they felt that this was not going to work. It's too far I think
30 north and there would be boats that would be coming down from
31 Collier that would be in this area and it would make things a
32 little bit fuzzy.

33

34 Alternative 2, the latitude there, was their recommendation to
35 avoid that situation and it would be a cleaner line and so just
36 that little bit of background about where that came from.

37

38 **CHAIRMAN GREENE:** Thank you. Any further discussion? Yes, sir,
39 please go ahead.

40

41 **MR. CONKLIN:** Thank you, Mr. Chairman. The South Atlantic has
42 picked preferred on this, which Alternative 3 would be
43 consistent with it. I just wanted to make that point.

44

45 **CHAIRMAN GREENE:** Okay. So noted. Okay. Any further
46 discussion? Okay, Mr. Atran.

47

48 **MR. ATRAN:** Thank you, Mr. Chairman. The next action, Action 2,

1 is on page 9. This is to establish a status determination
2 criteria for hogfish. At the moment, those status determination
3 criteria, except for the overfishing threshold, are undefined.

4
5 Alternative 1 would leave it as undefined. We don't have a
6 proxy for MSY and we don't have a minimum stock size threshold.
7 The maximum fishing mortality threshold is defined as fishing at
8 a fishing mortality rate of F 30 percent SPR.

9
10 Alternative 2 would set MSY at the actual estimate of MSY using
11 the stock assessment and the maximum fishing mortality threshold
12 would be redefined as the actual FMSY rather than 30 percent,
13 based on the most recent stock assessment.

14
15 For the minimum stock size threshold, we have three options. We
16 could either use the formula one minus M times SSB MSY and, for
17 this purpose, M is 0.179 and so that would set the minimum stock
18 size threshold at about 82.1 percent of the MSY level.

19
20 Option b would be to set MSST at 75 percent of the MSY level and
21 Option c would be to set it at 50 percent of the MSY level. I
22 want to mention why we have these three options in a moment, but
23 let me go through the other alternatives.

24
25 Alternative 3 would set the same status determination criteria,
26 but they would base it on a proxy of 30 percent SPR rather than
27 using the actual MSY estimate. Then Alternative 4 is the same
28 thing, only it would use 40 percent SPR, which is a more
29 conservative level than 30 percent, as the proxy.

30
31 These options mirror a set of options and alternatives that we
32 are developing in the minimum stock size threshold amendment
33 that we will be going over this afternoon or tomorrow morning to
34 try to establish MSST for all of our stocks, with a particular
35 emphasis on those stocks that have a low fishing mortality rate.

36
37 We could, if you want, remove this action from this amendment
38 and just cover it under the MSST amendment or we could cover it
39 here, whichever way you prefer to go. I don't know if anybody
40 has any questions. I do have some information to try to discuss
41 MSST when we get to that amendment and so, unless anybody has
42 any questions at this point, I think I would just skip over this
43 for now.

44
45 **CHAIRMAN GREENE:** Any questions? Seeing none, carry on, Mr.
46 Atran.

47
48 **MR. ATRAN:** Okay. Then the last action is Action 3 on page 12,

1 setting the annual catch limit for hogfish. This is incomplete
2 at the moment, because, as Luiz Barbieri went over this morning,
3 the council has requested a constant catch ABC for the
4 projection period and while the SSC did agree on a methodology,
5 we won't have the actual ABC constant catch results until the
6 January meeting and so we just have a placeholder for that at
7 the moment.

8
9 What we have for alternatives is Alternative 1, no action. The
10 ACL would remain at its current level of 208,000 pounds whole
11 weight. The ACT would remain at 179,000 pounds whole weight.

12
13 The ACT doesn't play any role in hogfish. We established that
14 back when we established our Generic ACL/ACT Amendment, because
15 we weren't sure if we were going to tie in some accountability
16 measures for that, but for hogfish, we don't have anything for
17 ACT right now. The accountability measure says if we exceed the
18 ACL in the following year that the season will be closed at such
19 a time as to make sure the ACL is not subsequently exceeded.

20
21 All the rest of these alternatives have as an option to set ACT,
22 but you don't need to set it if you don't want to, unless you
23 want to adjust the accountability measure.

24
25 Alternative 2 would set the ACL equal to the annual ABC for each
26 year 2016 to 2018. This is the variable ACL that the stock
27 assessment came up with. If at the end of 2018 we don't have a
28 new stock assessment and we don't have some new ABC projections,
29 the ACL would then revert to the equilibrium ABC yield until we
30 do have some new projections and so that would result in an ACL
31 in 2016 of 240,400 pounds whole weight, 2017 is 216,800 pounds
32 whole weight, 2018 is 200,800 pounds whole weight. You see
33 we've got a declining yield stream.

34
35 Then if we don't have a new set of projections by 2018, in 2019
36 and onward it would drop to the equilibrium yield of 159,300
37 pounds whole weight. For ACT, we have two options. Either ACT
38 will not be defined or, if you do want to define it, it would be
39 set at 87 percent of the ACL and that's based upon the results
40 of our ACL/ACT control rule. That was also part of our Generic
41 ACL/ACT Amendment. We just plugged some numbers into that and
42 it says what an appropriate buffer would be between ACL and ACT.

43
44 I won't read the numbers there, but we do have for 2016 through
45 2018 an ACT yield that's 87 percent of the ACL and then 2019 and
46 onward is 87 percent of the equilibrium level.

47
48 Alternative 3 is the constant catch level for the years 2016 to

1 2018. We don't know what that is yet and so all I said was a
2 constant catch ACL is set at XXX, based on the constant catch
3 ABC recommendations for the years 2016 to 2018 of the SSC. We
4 will have the numbers in January to fill in on this.

5
6 Then, again, if we don't have future projections beyond 2018,
7 for 2019 and beyond, the ABC yield would drop down to the
8 equilibrium yield of 159,300 pounds. Again, we have options for
9 ACT. Option a is don't define an ACT and Option b is set the
10 ACT at 80 percent of the ACL. Again, that depends upon what
11 that number is for the constant catch ACL.

12
13 Alternative 4 is another constant catch alternative. It would
14 set the constant catch ABC at the equilibrium level of 159,300
15 pounds whole weight. Since that is equilibrium and we are
16 currently above that, in theory, we would never have to change
17 the ACL again, but, as Dr. Barbieri pointed out, that means some
18 foregone yield in the near future. Again, the same options for
19 ACT. Either don't define it or set it at 87 percent of that
20 ACL, which is 138,600 pounds.

21
22 **CHAIRMAN GREENE:** Okay. Thank you. Ms. Levy.

23
24 **MS. LEVY:** Thank you. I think there might be a typo here, but
25 in Alternative 3, Option b, the last sentence says the ACL for
26 the years following 2018 will then revert to the equilibrium ABC
27 yield of one-hundred-thirty-eight-thousand-and-change. Is that
28 supposed to be the ACT in that second sentence?

29
30 **MR. ATRAN:** Yes and I am looking at the Option b above it and
31 the 2019 plus ACT is 138,600 pounds and so it referred to that
32 same ACT. That should read "ACT" rather than "ACL". Thank you
33 for pointing that out.

34
35 **CHAIRMAN GREENE:** Thank you. Any other comments on Action 3?
36 Okay. The next thing I have is the AP recommendations on this
37 and Dr. Simmons.

38 39 **REEF FISH AP RECOMMENDATIONS**

40
41 **DR. SIMMONS:** Thank you, Mr. Chairman. We have covered the
42 recommendation for Action 1. They did make recommendations for
43 Action 2, based on -- The AP members thought, regarding the
44 proxy, the unofficial proxy was the best choice for the status
45 determination criteria, because it was based on the fishing
46 mortality at 30 percent spawning potential ratio. By a
47 unanimous vote, the AP recommends that the council adopt Action
48 2, Alternative 3 as the preferred alternative.

1
2 Then for the minimum stock size threshold option, AP members
3 thought that the definition should err on the side of caution
4 and by a unanimous vote, the AP recommends Action 2, Alternative
5 3, Option a as the preferred alternative. I will stop there for
6 a second.

7
8 For Action 3, there was quite a bit of discussion on this. I
9 think maybe Mr. Fisher might help me out here a little bit, but
10 they really wanted to see the constant catch numbers, I think,
11 and they wanted to see the ACL changes occur pretty quickly and
12 they understood that the definition of the management unit was
13 important, because of the work that the South Atlantic Council
14 is currently doing to define that and because of the rebuilding
15 plan that the South Atlantic Council has to put together for the
16 Florida Keys hogfish stock.

17
18 They passed a motion and by unanimous vote, the AP recommends to
19 the council that they create a plan amendment to manage hogfish,
20 our western hogfish stock, and establish the geographical
21 boundary line and status determination criteria and then in a
22 separate action -- Have a separate document for Action 3 from
23 the current options paper for hogfish.

24
25 They also talked about the landings history, the recreational
26 and commercial landings, and they passed a motion to recommend
27 to the council that they divide the Gulf hogfish stock, the
28 western hogfish stock, between the commercial and recreational
29 sectors and so establish sector allocations.

30
31 They also talked about the current size limit, the twelve-inch
32 fork length minimum size limit, for hogfish and it was pretty
33 unanimous that they thought that this was too low and that it
34 could be increased to fourteen inches, even though the stock is
35 considered healthy.

36
37 One suggestion was to go as high as fifteen inches fork length,
38 but they thought that that probably wouldn't get as much support
39 and so by a unanimous vote, the AP recommends to the council
40 that they increase the minimum size limit for hogfish to
41 fourteen inches fork length for both the commercial and
42 recreational sectors. That concludes my report on this section
43 for hogfish.

44
45 **CHAIRMAN GREENE:** Okay. Thank you. Any discussion by the
46 committee on hogfish? Mr. Atran, do you have anything else?
47 Dr. Crabtree is waving at me.

48

1
2 **MR. BOYD:** Thank you.
3
4 **CHAIRMAN GREENE:** Mr. Gregory.
5
6 **EXECUTIVE DIRECTOR GREGORY:** In general, they mature as females
7 first and that's probably about eight inches and they start
8 converting to males at about twelve inches. Now, that could be
9 off a little bit from the latest stock assessment, but that's
10 what it used to be when I was involved in it, because I know
11 that's -- They are transitioning to males at twelve inches,
12 which is the current size.
13
14 **CHAIRMAN GREENE:** Okay. Thank you. Any further discussion on
15 the motion? **Seeing no further discussion, is there any**
16 **opposition to the motion on the floor? Seeing no opposition,**
17 **the motion carries.** Dr. Crabtree.
18
19 **DR. CRABTREE:** The other thing is do you want to stick with just
20 the combined ACL or do you want to define allocations in the
21 fishery, because I don't think we have any allocations at the
22 moment and is that correct, Steve?
23
24 **MR. WILLIAMS:** Are there any regulations other than the size
25 limit? Are there bag limits on commercial and recreational
26 fishermen for hogfish? What are our regulations, other than
27 size limit, now?
28
29 **MR. ATRAN:** I believe we have a five-fish bag limit. It's
30 twelve inches, a five-fish bag limit, no closed season, and I
31 guess there is no regulations on the commercial sector other
32 than when the ACL is -- The twelve-inch size limit is also
33 commercial.
34
35 **CHAIRMAN GREENE:** Okay. Thank you. Anyone else? Mr. Williams.
36
37 **MR. WILLIAMS:** Where is the South Atlantic in their process of
38 coming up with regulations to solve the overfishing problem of
39 hogfish in the Keys? Are they depending upon us to finish this
40 amendment before they can take action, since our first action is
41 the Shark Point versus Cape Sable issue?
42
43 **DR. CRABTREE:** We are going to need to come to agreement with
44 them on the boundary there. I don't know that the councils have
45 to take action at the same time, but when we go through the
46 rulemaking, there will have to be some coordination, I would
47 think, with the timing of the final rules, but they are working
48 on it, but I don't know, and maybe Chris does, what exactly the

1 timeline that's on at the moment.

2

3 **CHAIRMAN GREENE:** Ms. Bademan.

4

5 **MS. BADEMAN:** I know they're going to do public hearings early
6 next year, I think. I think it's January and February.

7

8 **MR. CONKLIN:** I know we did a lot of work on this at our last
9 meeting and we had some -- The assessment came back and it was
10 deemed there is two stocks, a Georgia through North Carolina
11 stock and then a Florida and Florida Keys stock.

12

13 One is undergoing overfishing and so we're having to take some
14 pretty quick measures to address those and start a rebuilding
15 plan for the Florida Keys and east coast Florida stock and so
16 we've got that that in the works. I can get back to you on
17 where we are with the scoping or public hearings, but we did ask
18 MRIP to reevaluate the hogfish catch estimates for this year,
19 because the recreational fishery subsequently closed down due to
20 about a 150 percent overage through Wave 2, which is just a
21 couple of intercepts, we've learned. We are working away at it.

22

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

24

25 **MR. RIECHERS:** On the boundary issue, was the boundary issue
26 that you all selected as preferred, was that before law
27 enforcement had a chance to review this or is that just a -- I
28 mean give me the chronology of that. I am trying to figure out
29 whether you all have a real issue there or it just happened
30 based on a timing of looking at the document.

31

32 **MR. CONKLIN:** I can't recall right off the top of my head
33 whether or not we consulted with the Law Enforcement AP, but I
34 feel like we did. The boundary changed a couple of times, if I
35 am not mistaken. Martha may have had some more dialogue with
36 her counterpart on the South Atlantic Council on the reason
37 behind that, but I know that the line that we chose is above
38 Shark Point, I believe, and there's a large bay there and I
39 think we discussed at our June meeting with you guys that a lot
40 of the people don't cross that area and it's kind of a good
41 divider for law enforcement, but I could be wrong.

42

43 **CHAIRMAN GREENE:** Mr. Williams.

44

45 **MR. WILLIAMS:** Where I was going with my original question is I
46 perceive that they are somewhat ahead of us on solving their
47 problem with hogfish in the Keys and I simply don't want to slow
48 them down by our first action, but what I hear Dr. Crabtree

1 saying is it's really just the way you write the regulations and
2 so if we came to an agreement on what that point is, they could
3 proceed, even if we were not finished with this amendment.
4

5 **DR. CRABTREE:** I am not sure about that, Roy. We will have to
6 figure that out and somewhere the Secretary is going to have to
7 designate them as the lead. I think the message I got was that
8 they're on track for a June final action on their amendment and
9 so I don't know if that's much ahead of us or not. Steven, what
10 would you guess our timeline on this is?
11

12 **MR. ATRAN:** If we come back with a draft amendment in January
13 and go to public hearings and take final action in April, and
14 this is being kind of optimistic, but we might be able to do it.
15

16 **DR. CRABTREE:** We could potentially vote this up in June, which
17 would be on the same timeline as the South Atlantic, and so I
18 don't think we're off very much.
19

20 **CHAIRMAN GREENE:** John Sanchez.
21

22 **MR. SANCHEZ:** Robin, getting to the enforcement, Shark Point is
23 like Flamingo, Everglades National Park. It's a good way kind
24 of in between the Keys, kind of like a halfway point, and then
25 going north towards Marco and Everglades City and so
26 enforcement's logic there was it would prevent and make it
27 harder for people to just zip in and zip back and play both ends
28 and so that was that.
29

30 **CHAIRMAN GREENE:** Thank you. Martha.
31

32 **MS. BADEMAN:** That was the original thought, but then once they
33 actually talked to people in Naples and Marco, they figured out
34 that was not the right line. I am trying to figure out what the
35 chronology was, Robin, as to when we figured this out and figure
36 out what actually transpired at the South Atlantic and if they
37 even discussed this, but I will bring it back to full council
38 and we can talk about it.
39

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

42 **EXECUTIVE DIRECTOR GREGORY:** The last line, the one that's
43 further south, is like twenty miles south of the Shark Point
44 line. Martha, we should get some comment from the Keys, because
45 that blue line there goes just north of all the wrecks, the
46 Luckenbach and all the other wrecks that the Keys fishermen
47 fish.
48

1 It is close to where they fish and I do know, from talking with
2 some people from the Mackerel AP, that the commercial fishermen
3 did come down below the green line and they were concerned about
4 that and these are fishermen out of Naples and fishermen out of
5 Madeira Beach, that they come towards the Keys to catch fish
6 there.

7
8 The blue line probably would help them, but I don't know if it
9 will interfere with the Keys fishermen, because it is right near
10 the wrecks that everybody visits and you can visit them on any
11 moderate-sized outboard.

12
13 **MS. BADEMAN:** Right and so I think that's kind of where we ended
14 up with the blue line and that seems to be what law enforcement
15 is asking for at this point.

16
17 **CHAIRMAN GREENE:** Thank you. Any further comments? Okay. I
18 think that was it on AP Recommendations and I don't think
19 there's anything else, unless someone wants to make a motion to
20 do anything different here. Okay. Mr. Atran.

21
22 **MR. ATRAN:** Just one thing and I am not sure about the timing of
23 this, but you have asked for an analysis of a size limit
24 increase and we'll have to get a request in, I guess fairly
25 quickly, to either the Science Center or to Mike Larkin, whoever
26 the appropriate person is, and see if they can get the analysis
27 done in time for the January SSC meeting.

28
29 **CHAIRMAN GREENE:** Okay. Mr. Atran, you've got everything and
30 you're clear?

31
32 **MR. ATRAN:** Yes, I do. The only other thing right now is this
33 amendment doesn't have an amendment number and I wanted to make
34 sure you were going to go forward with it. We will have an
35 amendment number the next time we present it to you.

36
37 **CHAIRMAN GREENE:** Thank you. Anything else on hogfish?
38 Chairman Anson, it is almost noon.

39
40 **MR. ANSON:** Yes, it is. Thank you, Mr. Greene. We will go
41 ahead and recess for lunch and be back here at 1:30. Thank you.

42
43 (Whereupon, the meeting recessed at 12:00 p.m., October 6,
44 2015.)

45
46 - - -

47
48 October 6, 2015

1
2 TUESDAY AFTERNOON SESSION
3
4
5

- - -

6 The Reef Fish Management Committee of the Gulf of Mexico Fishery
7 Management Council reconvened at the Hilton Galveston Island
8 Resort, Galveston, Texas, Tuesday afternoon, October 6, 2015,
9 and was called to order at 1:30 p.m. by Chairman Johnny Greene.

10
11 **REVISED PUBLIC HEARING DRAFT AMENDMENT 39 - REGIONAL MANAGEMENT**
12 **OF RECREATIONAL RED SNAPPER**
13 **REVIEW OF AMENDMENT**
14

15 **DR. AVA LASSETER:** Regional Management of Recreational Red
16 Snapper, an Updated Public Hearing Draft. I just wanted to
17 start as an overview of the structure, because it is a large
18 document and we do have a lot of actions to go through and so
19 just a brief few words about how everything fits together.

20
21 We have seven actions. Action 1 is the structure of the
22 regional management approach and your alternatives are
23 delegation and two alternatives that describe this conservation
24 equivalency approach.

25
26 Action 2 is where you address how to reconcile the existing
27 federal for-hire and private angling component ACLs before the
28 sunset and this is applicable if this amendment goes forward
29 before that has occurred.

30
31 Action 3 is where you establish the regions for management and
32 we've had a preferred for that for a while. Action 4 is where
33 originally we had discussed having the regions could modify
34 their own minimum size limit and since you have decided to all
35 agree to a consistent Gulf-wide minimum size limit.

36
37 Action 5 addresses the idea of a region being able to close
38 parts of federal waters adjacent to their region and Action 6 is
39 how you will allocate the red snapper recreational ACL amongst
40 the regions selected and Action 7 are the post-season
41 accountability measures, addressing what to do in the event of
42 an overage.

43
44 We are going to review them one-by-one. If we scroll down just
45 to the next page, I just want to point out, at the very end,
46 that two appendices have been added, which just are referenced
47 in the document with some of the new tables and figures that
48 have been added. These have been provided to you in the

1 appendix as well.

2
3 Let's go to page 4. In the Amendment 40, Reef Fish Amendment
4 40, it formally adopted the language of ACLs for red snapper and
5 so I just wanted to speak a little bit about how the ACL and the
6 difference between a regional ACL and the regional ACT.

7
8 Throughout the document, in different parts, it talks about
9 regions must constrain landings and regions must estimate the
10 season length and so I just wanted to emphasize that this
11 amendment would apportion the recreational sector ACL into
12 regional ACLs and potentially regional component ACLs.

13
14 Each of these regional component ACLs would be further reduced
15 by the 20 percent buffer, leading to a corresponding ACT. The
16 regions, if we go forward with the CEPs, or if, under
17 delegation, this holds true as well, the region would estimate
18 the season length towards the regional ACT, given the bag limit
19 and other management measures that they have in place, towards
20 the ACT, but the region must constrain landings to not exceed
21 the regional ACL. It is the regional ACL, the Gulf-wide
22 recreational sector ACL, and if that is exceeded, that will
23 trigger the overage adjustment that is selected in Action 7.

24
25 I just wanted to distinguish that, that the regional ACTs are
26 what you would estimate your season to, given all of your other
27 management measures, but it's the ACLs that would trigger an
28 overage adjustment and your current preferred alternative for
29 the overage adjustment is if one region's ACL is exceeded and
30 the Gulf-wide recreational sector ACL is also exceeded, that
31 region's ACL would be reduced the following year. I just wanted
32 to emphasize those differences.

33
34 Let's scroll down a bit and we'll go to page 9, which is Action
35 1. Before I go to the current preferred alternative, we have
36 discussed this and I know this is how Myron has described how
37 this would work for a long time and that essentially the federal
38 waters are open. There are a couple of conditions under which
39 federal waters could be closed, either by NMFS or if a region
40 elects to use the provision in Action 5 to close portions of the
41 EEZ, but essentially the federal waters are not part of any one
42 region.

43
44 You could fish from one state in any part of the EEZ that is
45 open and so we consistently use the language "federal waters
46 adjacent to such region" and the federal waters are not
47 technically part of that region. Anybody can fish there.

48

1 The Action 1 alternatives, we have the Alternative 2 is the
2 delegation and Alternative 3 and 4 are the two options for
3 conservation equivalency measures. At the last meeting, you did
4 change your preferred alternative to Preferred Alternative 4,
5 which would involve initially sending the proposals to a
6 technical review committee, which would conduct the first review
7 before forwarding the proposals on to NMFS.

8
9 Actually, I forgot to mention that we were going to also
10 intersperse the discussion of the amendment with the AP's
11 recommendations, because we're assuming that we're going to get
12 committee recommendations as well, but since Dr. Simmons isn't
13 here yet, I will carry on for now.

14
15 Can we scroll down to just the next page, 11, and I want to
16 point out where we added -- At the top of page 11, there is some
17 highlighting. At the last meeting, you also discussed what
18 would be the composition of this technical review committee and
19 you decided it would consist of one member from each of the
20 states and designated by the state fisheries director.

21
22 Now, there was some additional discussion, and I have had some
23 questions on the side, about what would be required to ensure
24 that the proposals would be likely to be approved by NMFS and
25 Dr. Crabtree had suggested including a member of the Science
26 Center at least in the discussions or as a liaison to help you
27 and so while you may not want to review your composition of your
28 committee, that would be an option available to you, for NMFS to
29 help work with the committee to determine whether or not these
30 are likely to get approved through the NMFS process.

31
32 If we can go just back up to the action alternatives, was there
33 any further discussion on Action 1? I am sorry, but real quick,
34 I'm going to interrupt. For each action, I was going to request
35 that Dr. Simmons provide the Reef Fish AP's recommendations to
36 the council and so I think she has something for Action 1.

37
38 **DR. SIMMONS:** Thank you. It starts on page 2 and they made a
39 motion on Action 4 first and we'll come back to that later,
40 since you're going action-by-action. The AP members suggested,
41 after they reviewed the regional management program, that rather
42 than adopting a sunset provision that they recommended more of
43 like a review of regional management.

44
45 They also felt that, for regional management to succeed, it
46 should pass with a larger majority of the council members'
47 support instead of the simple majority required for other votes.
48 By a vote of ten to seven, the AP recommends that the preferred

1 alternative be Alternative 2 and that's to establish a regional
2 management program that delegates some management authority to a
3 state or group of states or regions.

4
5 **DR. LASSETER:** Okay and I will turn it over to the committee or
6 the Chairman, if there's any discussion.

7
8 **MR. WILLIAMS:** Ava, what's the difference between the AP's
9 recommendation and our preferred alternative?

10
11 **DR. LASSETER:** They did recommend the delegation, the
12 Alternative 2, but I don't -- They did not really discuss what
13 the delegation meant and the discussion really hinged on that
14 Alternative 2 requires a larger majority vote of the council to
15 pass. That seemed to be their emphasis, rather than they didn't
16 like the idea of conservation equivalency.

17
18 I don't feel that they really discussed the difference to the
19 regions between the two approaches and it was more in terms of
20 they wanted to recommend that, for this to pass and for this to
21 work, it would require support by a larger part of the council
22 and I will speak kind of to this.

23
24 In the introductory chapter, we do talk about regional
25 management being a form of co-management, where it is better
26 connecting the local levels of governance to the federal
27 management and that being a strength in it. I hope that answers
28 the question.

29
30 **CHAIRMAN GREENE:** Martha.

31
32 **MS. BADEMAN:** Thank you, Mr. Chairman. I have a question about
33 some of the timelines in here, particularly with in a situation
34 -- I guess for delegation and for the conservation equivalency
35 situation, when a state either has their delegation revoked or
36 fails to submit a conservation equivalency plan that gets
37 approved, is that instantaneous, if delegation is revoked or the
38 plan is not approved? I mean does it have to be noticed by NMFS
39 or what's the timeline for either a state notifying that they
40 don't want to participate or not being eligible to participate
41 and actually something going on the books to enforce that?

42
43 **DR. LASSETER:** Okay. This paragraph that begins "in
44 application" and I think I can find your answer there and I will
45 turn this over to NMFS staff if I don't do an adequate job of
46 explaining it, but really, it's going to depend on a case-by-
47 case basis.

1 NMFS is going to encourage the earliest timeline as possible to
2 get any problems identified and worked out, but it will have to
3 be according to what the conditions are, what the situation is.
4 I would assume that in the first year of doing this that
5 everybody would want to give themselves some more time for this
6 process and, as the end of it says, due to the short season
7 lengths and high catch rates, the implementation of corrective
8 actions may need to occur very quickly.

9
10 Under such circumstances, the region would need to establish a
11 process to implement corrective actions very quickly and, again,
12 this goes to the cooperative nature of regional management, is
13 working with NMFS to try to avoid these problems.

14
15 **MS. BADEMAN:** Yes, but I guess, should that fail or if a state
16 decides to opt out all of a sudden or something like that, I
17 mean is there -- Do you guys have to notice something in the
18 Federal Register? What's the timeline for that? I am just
19 trying to back-calculate. It says that a state can opt in or
20 out at any time, but that's not entirely true, it sounds like,
21 and there is some lag time, I guess, between when a state maybe
22 makes a choice or is removed from regional management and when
23 that actually takes effect.

24
25 **DR. CRABTREE:** I think they've tried to address that on page 14,
26 in the table. Right now, it says January 1 or sooner NMFS would
27 publish a notice in the Federal Register identifying states or
28 regions with approved conservation equivalency programs and also
29 states without approved plans then would be subject to the
30 federal default.

31
32 **MS. BADEMAN:** So we're looking at like a two-month window?

33
34 **DR. CRABTREE:** The whole process starts July 1 and winds up
35 January 1, according to this, but I think they have us trying to
36 make the determination by November 1 and then getting something
37 to the Federal Register. My view of how this would go is if we
38 saw problems in a conservation plan that we would try to go back
39 to the state as early as we could and try and fix it.

40
41 **MS. BADEMAN:** I am trying to think about situations where there
42 might be an impasse. I am just trying to think about all the
43 what-ifs and that's all.

44
45 **MS. LEVY:** Well, I mean I think, if it comes to an impasse with
46 the conservation equivalency thing -- I mean in order for it to
47 be effective and for the default regulations not to apply to
48 vessels landing in those states, NMFS has to say that in the

1 Federal Register notice.

2
3 If there's an impasse and NMFS never makes the determination
4 that there's a conservation equivalency plan, they are never
5 going to publish that notice with respect to that state. The
6 delegation is sort of the opposite and so the council delegates
7 and then NMFS is looking to make sure that whatever the state
8 does is consistent with the plan and the Act and everything and
9 if the agency finds an inconsistency, notice is given to the
10 state of the inconsistency and the state has an opportunity to
11 change what they're doing.

12
13 If they either don't or don't change it in a manner that makes
14 it consistent, then the delegation is no longer active and NMFS
15 would have to, I assume, do something to notify the public of
16 that.

17
18 **MS. BADEMAN:** That's kind of what I was getting at, was how that
19 actually happens and whether it's a notice, and how long that
20 takes. Thanks.

21
22 **CHAIRMAN GREENE:** Kevin.

23
24 **MR. ANSON:** Ava or maybe Dr. Crabtree, if a state were to -- If
25 the conservation equivalency plan were the way that we were to
26 go down regional management and it's approved and all that and a
27 state were to submit a conservation equivalency plan and it's
28 approved by the January 1 deadline and a state goes forward with
29 that and six months into that conservation plan happens and they
30 decide it's maybe not the greatest thing, is there an
31 opportunity for the state to opt out at that point and then the
32 default regulations would then occur?

33
34 Then I guess what's the timeline for that? That would be almost
35 immediately, I guess, and that would be in the agency's
36 determination that if a state were no longer abiding by the
37 conservation equivalency plan that automatically default
38 regulations would apply?

39
40 **DR. CRABTREE:** I think that would have to be case specific. If
41 the state had already allowed a lot of fishing to occur, it
42 could be that the waters just are closed off of that state at
43 that point.

44
45 **MR. ANSON:** So depending upon the particular circumstances. I
46 mean that could happen pretty quickly though and a determination
47 would be made by the agency, based on the information at hand,
48 to go ahead and make that public declaration that, because of

1 information we have relative to the landings, that waters are
2 closed or maybe waters may be open another couple of weeks or
3 whatever, but that would be done at that time, right?
4

5 **DR. CRABTREE:** Right and we would try to do it as quickly as we
6 can, understanding it would have to go through attorney review
7 and notices published in the Federal Register and all those
8 kinds of things.
9

10 **DR. LASSETER:** Are there any further questions? I will point
11 out that the timeline has modified, this Table 2.1.1, and I
12 highlighted what has been modified for you or what has been
13 added since you selected your Preferred Alternative 4. It's
14 pretty much that the established timeline may also be applied
15 for this alternative and I understand that NMFS would just
16 encourage this process to begin as early as possible and were
17 there any further questions on the timeline?
18

19 **CHAIRMAN GREENE:** To be clear, Alternative 2 does not require a
20 CEP, but Alternative 3 does?
21

22 **DR. LASSETER:** Alternative 2 is a completely different approach
23 and this is what we worked on when we started this amendment.
24 This was your preferred alternative from when we began and this
25 was to use the delegation provision of the Magnuson-Stevens Act,
26 which is also provided in one of the appendices, so that you can
27 refer to it.
28

29 Basically, it's that NMFS would delegate management authority --
30 It would remove from the federal regulations certain aspects,
31 whatever it's going to delegate to the states or regions to
32 manage themselves. However, the delegation provision to apply
33 this requires a three-quarter majority vote of the council and,
34 of course, that would be a different process. That would not be
35 a CEP process.
36

37 It's specified on page 12, the requirements of the delegation
38 provision. NMFS has provided their description of how this
39 process would work and that's why I read that paragraph for
40 Martha's question earlier.
41

42 It's just a completely different structure of management,
43 whether NMFS would delegate the bag limit and season or whether
44 the regions would provide proposals, which would be reviewed.
45 It would be a different rulemaking process as well.
46

47 **CHAIRMAN GREENE:** Roy.
48

1 **MR. WILLIAMS:** Ava, we didn't -- Within that same action,
2 Alternative 5 would establish a sunset provision, but we took no
3 preferred alternative there?
4

5 **DR. LASSETER:** Back when delegation was your preferred
6 alternative, you did have a sunset date selected and then you
7 did not retain that when the document was reorganized and the
8 CEPs were introduced. It's available there as an alternative
9 with options that you could select, but there is not a currently
10 selected preferred alternative.
11

12 **MR. WILLIAMS:** I don't know when discussion will be done, but at
13 some point I would like to make a motion regarding Alternative
14 5, Mr. Chairman, and so when the rest of the discussion is done,
15 I would like to be recognized.
16

17 **CHAIRMAN GREENE:** Any further discussion? I think I saw a hand
18 from Martha.
19

20 **MS. BADEMAN:** I guess just a comment on the timeline. I mean,
21 at least for the CEP timeline. I'm going the wrong way in my
22 pages here, but it just seems like, in some ways, the
23 flexibility that's supposed to be coming from this is taken away
24 by this.
25

26 Having to kind of have your ducks in a row and be planning by
27 July 1 and submitting something on September 1 as your plan,
28 before the season even opens the following year, that's a lot.
29 We wouldn't really have much in the way of information from the
30 previous year's landings or that year's landings to inform the
31 following year's season and so I don't know and I have mixed
32 feelings about our current preferred.
33

34 **CHAIRMAN GREENE:** Okay. Thank you. Any further discussion?
35

36 **DR. LASSETER:** I am sorry, but I forgot there's a little bit
37 more that I highlighted to call your attention to on page 15.
38 It's the top paragraph, the application of the federal default
39 regulations.
40

41 As Martha has kind of brought some of this up, if a region's CEP
42 is not approved and the delegation is not active, NMFS would
43 apply the federal default regulations to the portion of the EEZ
44 adjacent to that region and so in this paragraph, it says
45 "although there is flexibility in the assemblage of management
46 measures to be adopted for a region, each region must establish
47 its season and bag limit".
48

1 That would be required under any of the alternatives that you
2 would select for this action, because, as I noted, those
3 regulations would be removed from the current regulations and
4 then they would be identified as the default regulations that
5 would be put in place. To be consistent, a region must
6 establish at least those two things in its regulations. Then I
7 will turn it back to anybody else.

8

9 **CHAIRMAN GREENE:** Martha.

10

11 **MS. BADEMAN:** I have a question about the highlighted sentence
12 and it's about the assemblage of management measures that could
13 be adopted. We have to do the season and the bag limit and we
14 have to do whatever size limit is required, but I am -- There is
15 not much else that we can do through this process without going
16 back to the council, is that right, and having to go through the
17 council process?

18

19 **DR. LASSETER:** Anything that the regions may want to consider
20 proposing should be identified at this time and included in the
21 document, so that the required federal analyses can be conducted
22 and processed. It would be part of the EIS in this document,
23 which is why we have the Action 5 closed areas alternative. As
24 specific as you could be about what you would want to do under
25 that would be most helpful and it would help -- It would be most
26 likely to get approved if it is fleshed out in this document and
27 so NMFS and the IPT staff really encourages the regions -- If
28 there is anything you think you may want to do, and you don't
29 have to do it, let's get it in the document at this time, so
30 that we can have it go through the required process.

31

32 I don't know what those might be, but otherwise, certain things
33 can be changed in framework actions, but if you're looking at an
34 allocation decision or if you're looking at anything that
35 requires a full plan amendment and going in front of the
36 council, it would need to do so before the region could propose
37 it.

38

39 **CHAIRMAN GREENE:** Mr. Boyd.

40

41 **MR. BOYD:** Kind of to that point, in Alternative 2, and I know
42 that's not our preferred right now, but it says "delegates some
43 management authority". To that point of being more specific,
44 shouldn't "some" either be taken out or defined, so that we
45 don't have to do something later? I don't know what "some"
46 means.

47

48 **DR. LASSETER:** We actually went through this before. It was in

1 the previous iteration, when the state directors, I believe,
2 wrote a letter to Dr. Crabtree and asked specifically about what
3 were the terms of delegation and I don't have the letter handy,
4 but perhaps Dr. Crabtree can remember what NMFS's response was,
5 but the provision in Magnuson does not allow full turning of red
6 snapper.

7
8 The ACL must still be in place. Red snapper is under a
9 rebuilding plan and so there is certain elements of the
10 regulations that are -- I'm sorry and they are going to help me
11 explain this better. Thank you.

12
13 **DR. CRABTREE:** In theory, we could delegate the entire
14 management of the fishery to a state. In practice, I don't
15 think that's often done and more likely you would delegate
16 certain aspects of management of it, which are -- If you read in
17 this alternative, it talks about I think some of the things that
18 are delegated. Is that right, Mara?

19
20 **MS. LEVY:** I think what happened is the first sentence says
21 "delegates some management authority to the state or group of
22 states" and then instead of having that list where you pick
23 different things -- When it got restructured, the next sentence
24 specifies what that delegation includes. Each region must
25 establish the red snapper season structure and bag limit.

26
27 That is essentially what is being delegated. It's the same
28 thing that you would be required to do under your CEP. The
29 council would be delegating the authority of the state to set
30 the season and bag limit.

31
32 **CHAIRMAN GREENE:** Robin.

33
34 **MR. RIECHERS:** When we had the presentation regarding the other
35 conservation equivalencies, and I am not completely recalling
36 it, but I know there were differential size limits and maybe
37 some different seasons as they approach that.

38
39 When they fleshed that out the first time, did they contemplate
40 everything that they possibly could think of moving forward or
41 was that granted to them in a slightly different way, from a
42 conservation equivalency perspective?

43
44 I realize times have changed and there may be some different
45 governance now as opposed to then, but just give me some idea of
46 that, because -- I mean we're all trying to figure out how this
47 is going to work, but, as Martha kind of pointed out, we're
48 wanting to create as much flexibility here so that then if the

1 states opt into this conservation equivalency then we won't have
2 to come back to this process for however long it takes every
3 time a change is made.

4
5 I am not recalling exactly -- I don't know that the history of
6 that was given to us, as to how that delegation occurred and the
7 flexibility and do they have to go back to their council every
8 time and do a NEPA document and those kinds of things.

9
10 **DR. CRABTREE:** Are you talking about delegation or conservation
11 equivalency?

12
13 **MR. RIECHERS:** Conservation equivalency.

14
15 **MS. LEVY:** From my understanding, when I look at the document
16 that is set up, the summer flounder conservation equivalency
17 program, they're specifying three things, fish size, possession
18 limit, and/or season.

19
20 That is what the states are doing in their conservation
21 equivalency plans. That's what they are evaluating and that's
22 what NMFS is implementing and then NMFS is also looking at --
23 Because, in that particular case, they also look at coast-wide
24 measures that would apply everywhere and decide what they're
25 going to choose and then the default regulations would be
26 similar, in that there is a default size limit and a default
27 season and a default possession limit that would apply if the
28 state doesn't have an appropriate conservation equivalency plan,
29 but theirs is limited to those three things and has been since
30 the beginning.

31
32 **MR. RIECHERS:** May I follow up? Mara, are you aware, have they
33 ever tried to go outside of those three things and in fact did
34 it require a NEPA analysis, as it alludes to here?

35
36 **MS. LEVY:** I don't believe so, because I believe the way that
37 they set up their plan is that's what the states and their
38 review committees and everything are looking at, those three
39 particular things. I don't think they have contemplated doing
40 anything else other than those three things. I could be wrong,
41 but from my understanding of the history, that's what has
42 happened.

43
44 **CHAIRMAN GREENE:** Thank you. Any further comments? Okay. As
45 far as Action 1, I think -- Roy Williams had made a comment
46 earlier that he wanted to be recognized. Roy, did you --

47
48 **MR. WILLIAMS:** Yes, Mr. Chairman, and thank you. On Alternative

1 5, we used a sunset provision in Amendment 40 of three years,
2 which I always thought was too short, quite a bit too short, and
3 so I am going to offer a motion that we do a five-year sunset on
4 this and that would be Option b, five calendar years of the
5 program.

6
7 **CHAIRMAN GREENE:** Mr. Williams, does the motion read as you
8 wish?

9
10 **MR. WILLIAMS:** Yes.

11
12 **CHAIRMAN GREENE:** Is there a second to this motion? It's
13 seconded by Mr. Walker. Any further discussion? **By a show of**
14 **hands, all those in favor of the motion on the board, please**
15 **raise your hand.**

16
17 **EXECUTIVE DIRECTOR GREGORY:** Four.

18
19 **CHAIRMAN GREENE:** All those opposed like sign.

20
21 **EXECUTIVE DIRECTOR GREGORY:** Three.

22
23 **CHAIRMAN GREENE:** The motion carries four to three, I believe.
24 Anything else before we leave this action? Mr. Williams.

25
26 **MR. WILLIAMS:** One clarifying question and this may or may not
27 be the correct time to ask it and so if it's not, just say so.
28 If a state, for example, Florida, wanted to try to provide some
29 red snapper for a portion of the state -- Let's say they wanted
30 to try to ensure that south Florida got a few red snapper, and
31 they don't get many now, could they open the Peninsula, the
32 lower portion, of Florida for a month or two while keeping the
33 Panhandle closed and then close that portion and then open the
34 Panhandle later in the year?

35
36 **DR. LASSETER:** My understanding is that yes and we have that
37 example described under Action 5. One thing I am not sure of,
38 and I will throw this out to the NMFS staff, is would they be
39 constrained in any way -- Could they allow all of the season to
40 be caught in one area and keep it completely closed in another?
41 Would there be any requirement to allow certain catch to be
42 caught regionally or not? I am not sure.

43
44 **DR. CRABTREE:** I think the main thing that we would want to see
45 in the conservation equivalency plan is an analysis and an
46 assurance that they're not going to go over their allowable
47 catch and so there would have to be some kind of monitoring or
48 some sort of projection done to explain how the bag limits and

1 openings in those different regions work.

2
3 Now, you know if fishermen in one part of the state decided they
4 were being disadvantaged relative to another part of the state,
5 I guess then they could go to the commission and argue that it's
6 not fair. I don't know what would happen in terms of a
7 challenge of things not being fair and equitable, but I think
8 the main thing we would want to see in the conservation
9 equivalency plan is that it constrains the catches and keeps
10 them within the catch limit.

11
12 **CHAIRMAN GREENE:** Kevin.

13
14 **MR. ANSON:** Using that example, Dr. Crabtree, using that
15 example, that's a relatively new process or way of calculating
16 catch, potentially, and trying to forecast it, looking at
17 Florida in potentially two different regions.

18
19 I am just curious to know, do you have any sense as to what
20 level of analysis would need to be done in order to do that?
21 Are we talking about maybe MRIP data and then kind of looking at
22 some historical MRIP data to look at catch per trip and that
23 kind of thing and then estimating harvest based on your size and
24 bag limit? Is that pretty much all you need or is it that
25 analysis plus some more deeper statistical computations that
26 require bootstrapping and all this other stuff? I mean I am
27 just curious to know what your thoughts are.

28
29 **DR. CRABTREE:** If you really want to get into that, I would
30 suggest talking to Andy, probably, but I know you can go into
31 the MRIP data and post stratify I think by county even. Florida
32 is a big state and so you could break it up and probably still
33 have enough area to look at it, but it would increase the
34 uncertainty of the analyses, I'm sure, as you come in and start
35 splitting things up, but the details of it I don't think are
36 clearly defined in this plan.

37
38 Remember there are the provisions for paybacks and all those
39 kinds of things and so the state is going to have a pretty
40 strong incentive to not let it get so complicated that it's hard
41 to know what's going to happen.

42
43 **CHAIRMAN GREENE:** To that point, Kevin?

44
45 **MR. ANSON:** I certainly agree that the states would want to have
46 as much thought and do the due diligence when they come up with
47 their estimate, but I guess I was trying to look to see if there
48 was some sort of threshold that would be a minimum requirement,

1 in the agency's eyes.

2
3 We get -- Quite frankly, we are supplied with some rather robust
4 statistical summaries at a stock assessment level, but even at
5 estimating the season that the agency does here for the whole
6 fishery. I mean we are looking at some fairly in-depth
7 statistics and I was just wondering if that's going to be a
8 litmus test and the states have to meet that test or is it going
9 to be something potentially much less?

10
11 **DR. CRABTREE:** Well, it's going to have to have enough rigor and
12 enough analysis in it that we're able to evaluate what the
13 probability of staying under is and so it's going to have to
14 take into account the precisions of the estimates and evaluate
15 some probabilities of going over or under, which is similar to
16 what our office does with the red snapper projections and things
17 now.

18
19 **LCDR JASON BRAND:** Just kind of going back to Mr. Williams's
20 scenario, I was curious if you're kind of thinking that we're
21 closing the landings for that part of Florida or the at-sea as
22 well, closing it as a closed at-sea from fishing from everybody.

23
24 **MR. WILLIAMS:** Well, all I was -- I hadn't thought it out very
25 far, Jason. I just know that fishermen from south Florida, from
26 Clearwater and Sarasota and Key West, have expressed a desire to
27 be able to catch red snapper again and they haven't.

28
29 If Florida decided to give them a week or two weeks or a month
30 opportunity to do that, I was just wanting to find out, would
31 that be allowed under these provisions? I hadn't thought it out
32 that far. Sorry.

33
34 **CHAIRMAN GREENE:** Roy.

35
36 **DR. CRABTREE:** As I was reading your question, it refers to the
37 landings and so the state could prohibit landings in a certain
38 portion of the state and, of course, they can do what they
39 choose with their own state waters, but the EEZ -- For example,
40 let's say the state decided to close Tampa Bay south. They
41 could prohibit landings in that area and they could close state
42 waters in that area, but someone from north of Tampa Bay could
43 still fish in the EEZ off of the south, as long as they landed
44 in the portion of the state that was open.

45
46 Then it would be up to the state what they did with their own
47 state waters and whether they closed that or not, but it
48 wouldn't -- If you're getting into closing and opening the EEZ

1 differently, then that's getting into one of the other actions
2 in the document about closed area and that gets very complicated
3 and is a different thing.

4
5 **CHAIRMAN GREENE:** Thank you. Any further comments? Okay, Dr.
6 Lasseter.

7
8 **DR. LASSETER:** Thank you, Mr. Chairman. We will move on to
9 Action 2 then, which begins on page 17 of your document. Action
10 2 addresses what to do with the recreational sector ACL, given
11 that for the years 2015 to 2017 there are separate component
12 ACLs and ACTs for the two components, as specified in Amendment
13 40.

14
15 We reorganized this whole action and we've added some tables and
16 figures, which I will get to. If we could scroll down to page
17 18 for a moment, I want to note the highlighted part. Note the
18 sunset provision for sector separation is removed under all of
19 the alternatives here.

20
21 What happens is different, but regional ACLs and regional
22 component ACLs, if applicable, will also be reduced by the
23 established buffer, resulting in regional ACTs and, if
24 applicable, regional component ACTs. Let's go back up to the
25 beginning. I just wanted to note that we had reorganized it and
26 emphasized it there.

27
28 I explained Alternative 1. That's our status quo. We have
29 three alternatives here for what to do with the recreational
30 sector ACL and how to divide it up. Alternative 2 would, again,
31 remove the sunset and extend the separate management of the two
32 components. It continues sector separation.

33
34 This amendment would apply to the private angling component only
35 and you can see in the little figure there how the recreational
36 sector ACL is divided into the private angling component ACL,
37 which is then divided into five state regional ACLs, five
38 regional ACLs. The other side would leave a federal for-hire
39 component ACL in a dotted line that would not be under the terms
40 of regional management.

41
42 Let's scroll down to Alternative 3. This one also, your sunset
43 goes away. Alternative 3 would extend the separate management
44 of the two components and this amendment could apply to both the
45 components. Here, if we look at the figure, the recreational
46 sector ACL is initially divided into the regional ACLs, based on
47 your preferred alternative in Action 6 for how you're going to
48 apportion the recreational sector ACL.

1
2 Each of those regional ACLs is broken down into component ACLs.
3 Those component ACLs though are based on that state's landings
4 between the two components using the formula from Amendment 40,
5 which is our established allocation for separating the sectors.

6
7 However, it differs from Alternative 2, in that Alternative 2's
8 component allocation is the Gulf-wide average of private angling
9 versus federal for-hire landings. Under Alternative 3, the
10 state's regional ACL is divided based on that region's
11 proportion of landings between the federal for-hire and the
12 private angling component.

13
14 A state or region may elect to manage both of the regional
15 component ACLs, but it could apply the same regulations to both
16 components or different regulations to both components, but it
17 would be required to constrain the landings of each component to
18 that regional component ACL.

19
20 A region could opt not to manage the federal for-hire component,
21 which, with any states or regions that elect not to do so, would
22 go into a common pool and NMFS would establish regulations and a
23 season based on the amount of quota that goes into that pool,
24 into that federal for-hire component ACL.

25
26 Let's scroll down to Alternative 4. In this one, not just your
27 sunset provision goes away, but sector separation completely
28 goes away. At the time this amendment is implemented, there is
29 no more sector separation and this amendment applies to the
30 entire recreational sector and you can see in the figure the
31 recreational ACL is divided directly into five regional ACLs
32 that are managed as a single unit by each region. Are there any
33 questions at that point or I will start to review the figures
34 and tables.

35
36 Okay. Let's scroll down to Table 2.2.1. I will let you kind of
37 explore this. There was a prior figure in here and we just
38 provided -- We integrated the Action 6, the how the allocation
39 would work, into this, so you can see under Alternative 2, 3, or
40 4 which component -- How components would be managed by either
41 the regions or at the federal level and what sector separation
42 would mean under each of the alternatives and a summary of how
43 the recreational sector ACL would be allocated under each of
44 those alternatives.

45
46 Then if we scroll down a little further, to page 21, we have an
47 expanded table for you here that combines -- Although this is
48 Action 2, these are all based on your current preferred

1 alternatives for the allocation of the recreational sector ACL
2 in Action 6 and so if you change your allocation in Action 6,
3 all of these would change as well, but for the purpose of
4 assuming you remain with your current preferreds in Action 6.

5
6 Alternative 2 shows you how the regional ACLs, which are for the
7 private angling component only, and the federal for-hire
8 component ACL, what the proportion of allocation would be for
9 each of those, the ACL, the estimated number of days that that
10 would allow, and provides the ACT, again, that's your buffer,
11 reduced by 20 percent, and the estimated number of days for the
12 ACT.

13
14 Now, these estimates were based on three scenarios that the data
15 team and NMFS ran, one of which was based on the 2015 season,
16 and they were also based on the current recreational sector ACL
17 of 7.01 million pounds, which, when Amendment 28 goes final, our
18 ACL should be changing as well and so that would need to be
19 updated. That's Alternative 2.

20
21 Alternative 3 would provide the same information in terms of the
22 proportion of the allocation ACL, in million pounds and days,
23 and ACT, in million pounds and estimates for days, for each of
24 the regions, how it's initially broken up, and so you can see
25 those proportions that are in parentheses under each state.

26
27 That mirrors how the regions would be broken down in Action 6,
28 but it breaks them down further based on each state's proportion
29 of landings in that state between the private angling and the
30 for-hire.

31
32 Then, finally, Alternative 4 is at the bottom and here, we have
33 only regional ACLs and so each of the states would have the
34 proportion allocated under Action 6 and you can see the
35 resulting proportion of the allocation of the recreational
36 sector ACL and, again, the ACL is in millions of pounds and days
37 and the ACT is with estimates for the time, the length of the
38 season, as well.

39
40 I will just note -- At the bottom, I highlighted a little note
41 there that the regional allocations remove landings from both
42 2006 and 2010, because that is your preferred alternative in
43 this document in Action 6, while your component allocations
44 remove landings from 2010 only, because that was your preferred
45 alternative in Amendment 40.

46
47 Let's scroll down to the next page and let's get the
48 highlighting with the figure in there. Again, this is the same

1 message that I tried to communicate at the beginning, the
2 difference between the regional ACLs and regional ACTs.

3
4 The regional ACLs will be reduced by 20 percent to provide
5 regional ACTs and the regions manage toward meeting the ACT,
6 but, again, must show how they -- They must constrain landings
7 to within the ACL to avoid triggering the overage adjustment.

8
9 This figure kind of shows the difference between Alternative 2
10 and Alternative 3 in terms of whether the federal for-hire
11 component ACL is based on the Gulf-wide average, which would be
12 under Alternative 2, and that's the red line, or what each
13 state's private angler landings and federal for-hire landings
14 are and that is how that region's regional component ACLs would
15 be broken down.

16
17 Then another way to look at it is on the next page, on 23, and I
18 will note that these are ACLs only and these have not been
19 reduced for the ACT. These reflect the ACL and so you can see
20 Alternative 2. Again, you have that federal for-hire component
21 out on the side and then each of the regions, breaking up the
22 private angling component ACL.

23
24 Alternative 3 is where each state's proportion in the regional
25 component ACLs are broken down and then, finally, Alternative 4
26 at the bottom, where the recreational sector is reunited as a
27 whole and the ACT is simply broken down into five regional ACLs.
28 That's kind of our new information and I will turn it over for
29 discussion and questions.

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

32
33 **MR. ANSON:** I just want to -- I have a comment, Dr. Crabtree. I
34 appreciate your staff getting this together. It was relatively
35 short notice and it came in time, a couple of weeks before this
36 meeting, and it was Nick Farmer and I just appreciate the time
37 that he had devoted to this, in addition to his other duties
38 relative to the South Atlantic Council. Thank you.

39
40 **CHAIRMAN GREENE:** Any further comments on Action 2? Mr. Boyd.

41
42 **MR. BOYD:** I just have a question, for clarification. Does
43 Alternative 1 end the sunset or is the sunset still in place in
44 Alternative 2?

45
46 **DR. LASSETER:** Alternative 1 is always our no action and it
47 means we don't do anything, which means we have sector
48 separation in place for the years 2015 to 2017, and the reason

1 this action is here is because that is what we have and so if
2 you implement this amendment before 2017, we don't know what to
3 do. NMFS won't know how to write the rules to divide the
4 recreational sector ACL.

5
6 If you were to want Alternative 1, I would assume that you would
7 want to wait until the sunset expires and allow the three years
8 of sector separation and then pass this amendment. Does that
9 make sense?

10
11 **CHAIRMAN GREENE:** Any further comments? Okay. We are leaving
12 Action 2 and I guess we'll move on to Action 3.

13
14 **DR. LASSETER:** Okay and I will add to that that this action
15 would completely go away and you wouldn't even need to pick
16 Alternative 1 if 2017 rolls around, or if it looks like this
17 wouldn't be implemented before then. This action would not be
18 applicable and that is the first paragraph under the discussion
19 and I underlined it. Action 2 is only applicable if this
20 amendment is implemented while the separate components of the
21 recreational sector are still in effect.

22
23 **DR. SIMMONS:** Mr. Chairman, did you want --

24
25 **CHAIRMAN GREENE:** We will circle back to Dr. Simmons in one
26 second. Mr. Williams, did you --

27
28 **MR. WILLIAMS:** No.

29
30 **CHAIRMAN GREENE:** Okay, Dr. Simmons.

31
32 **DR. SIMMONS:** Thank you, Mr. Chairman. The Reef Fish AP spent
33 quite a bit of time discussing Action 2. Some members expressed
34 concern for state management or issues with current state
35 management, while others expressed concern with current federal
36 management.

37
38 They talked a lot about dividing the recreational ACL into the
39 component or regional ACLs, such that it's shown in Alternative
40 3, where you could potentially have ten regional component ACLs,
41 and the concern with that was just the variability in having
42 that many different component ACLs and monitoring of landings.

43
44 They made an initial motion to recommend Alternative 4 as a
45 preferred, but that didn't pass. There was a substitute motion
46 that passed that I will read in a minute.

47
48 They talked a lot about the Magnuson-Stevens Act Section 407(d),

1 which requires the prohibition on further harvest of red snapper
2 by the entire recreational sector when the ACL is reached, and
3 it was asked if it was possible for a particular region to
4 exceed their ACL or their apportionment of the ACL so much that
5 it would close the entire recreational sector. We talked a lot
6 about that. There were a lot of questions about that and the
7 council staff answered those as best we could.

8
9 They passed a motion by a vote of twelve to six that the AP
10 recommends in Action 2 to recommend Alternative 2 as the
11 preferred alternative, which was to extend the separate
12 management of federal for-hire and private angling components of
13 the recreational sector. The amendment would apply to the
14 private angling component only.

15
16 **DR. LASSETER:** My apologies for forgetting the Reef Fish AP
17 motions. That does remind me also that this is the one action
18 in the amendment that we do not have a preferred alternative
19 for.

20
21 **CHAIRMAN GREENE:** Mr. Williams.

22
23 **MR. WILLIAMS:** Mr. Chairman, do you think we should have a
24 preferred alternative in this before we have a public hearing
25 tomorrow, where they are likely to address some of this, or are
26 we better off just going with everything open? Do you have an
27 opinion?

28
29 **CHAIRMAN GREENE:** No, I don't.

30
31 **MR. WILLIAMS:** Well, I do and so if I could make a motion, I
32 would like to.

33
34 **CHAIRMAN GREENE:** By all means.

35
36 **MR. WILLIAMS:** I would move that we make Alternative 2 the
37 preferred action in Action 2.

38
39 **CHAIRMAN GREENE:** We have a motion going on the board. Mr.
40 Williams, make sure it's correct as written.

41
42 **MR. WILLIAMS:** Yes, that is correct.

43
44 **CHAIRMAN GREENE:** Is there a second for this motion? It's
45 seconded by Mr. Walker. Is there discussion? Mr. Riechers.

46
47 **MR. RIECHERS:** Well, it looks like we may be doomed to repeat
48 last meeting's motions and discussion, in some respects. The

1 reason why I was hoping we would get out of this particular
2 section without the preferred, Roy, was simply, in some
3 respects, this document is supposed to go back out for public
4 hearing over the course of the next couple of weeks.

5
6 There has been a lot of addition to this section, specifically
7 regarding the days and calculation of days, that was not in the
8 earlier document when it went out and so I was kind of hoping
9 that we would take it out and review this.

10
11 As you also know, obviously we've had a lot of discussions
12 around the table that suggest that most of the states at this
13 point, or at least some of the states and I shouldn't say most
14 and I don't know where all the states may be, were looking more
15 towards Preferred Alternative 4, or having Alternative 4 as a
16 preferred alternative.

17
18 Obviously the sector separation amendment is there and in play
19 now and we both have these hearings coming up and we have some
20 other discussion regarding, litigation regarding, sector
21 separation and certainly litigation doesn't change what we do
22 around this table until something actually happens there. **With**
23 **that, I would offer a substitute motion for Preferred**
24 **Alternative 4.**

25
26 **CHAIRMAN GREENE:** We have a motion on the floor and, Mr.
27 Riechers, is it correct as it's written? Do we have a second
28 for this motion? Seconded by Mr. Matens. Any further
29 discussion? Dr. Crabtree.

30
31 **DR. CRABTREE:** I just wanted to point out, and I don't know if
32 everyone got this or not, but I was handed -- I guess it's a
33 petition, I guess you could call it, to Gulf Council members and
34 it was from for-hire permit holders in Mississippi and does
35 everyone have this? I will give this to staff to distribute,
36 but it's signed by thirty federally-permitted, I guess, charter
37 boat captains from Mississippi.

38
39 It says as federally-permitted charter-for-hire permit holders
40 operating in Mississippi, we want to continue to be managed by
41 the Gulf of Mexico Fishery Management Council for recreational
42 red snapper fishing. It has a few other things and concludes
43 with when the Gulf Council votes on Amendment 39, we ask that
44 you select Alternative 2 in Action 2 and keep us under federal
45 management. I will give this to Mr. Gregory to pass around to
46 those that don't have it.

47
48 **CHAIRMAN GREENE:** Okay. Mr. Sanchez.

1
2 **MR. SANCHEZ:** I am not on the committee, but can anybody answer
3 about how many, approximately, federally-permitted charter
4 vessels there are in the State of Mississippi?
5
6 **DR. LUCAS:** Forty-one, I believe.
7
8 **CHAIRMAN GREENE:** Thank you. Any further discussion? Mr. Boyd.
9
10 **MR. BOYD:** I would just ask Roy, but isn't that a public comment
11 that just should be taken as a public comment? It's not an AP
12 recommendation.
13
14 **DR. CRABTREE:** No, it's something that a member of the public
15 handed me outside in the hall. I'm sure that we will hear about
16 that in public testimony tomorrow, but it's relevant to the
17 discussion and I thought it should be distributed.
18
19 **MR. BOYD:** Well, I would consider it to be a public comment and
20 handled as such.
21
22 **CHAIRMAN GREENE:** Ms. Bosarge.
23
24 **MS. BOSARGE:** Just for the record, I received a copy of it as
25 well.
26
27 **CHAIRMAN GREENE:** Okay. Is there further discussion? Ms.
28 Lucas.
29
30 **DR. LUCAS:** I believe both Dale and I also received a copy and I
31 have also taken it upon myself to call several people on there
32 and several of them have indicated that they may not have had
33 all the information and so they are certainly willing to revisit
34 the situation. Thank you, Roy.
35
36 **CHAIRMAN GREENE:** Thank you. Any further discussion on the
37 motion on the floor? Okay. We have a substitute motion on the
38 board to make Alternative 4 the preferred alternative. It's
39 been seconded and is there any further discussion? **All those in**
40 **favor, please raise your hand; all those opposed, like sign.**
41 **The motion carries.**
42
43 **DR. LASSETER:** If there is no further discussion, we will move
44 on the next action, which would be Action 3, which begins on
45 page 24 in your document. This is how to divide the regions for
46 the purposes of management, identifying the regions.
47
48 Your current preferred alternative is Alternative 5, to

1 establish the five regions representing each Gulf state, which
2 may voluntarily form multistate regions with adjacent states.
3 It's been a couple of meetings, but you previously had
4 Alternative 4 and then you added Alternative 5, which reflects
5 the summer flounder management as well, which specifies the same
6 thing.

7
8 Although no states are employing the provision, it does give
9 them the ability to join into multistate regions and I am going
10 to remember this time to turn it over to Dr. Simmons for the
11 Reef Fish AP recommendations.

12
13 **DR. SIMMONS:** Thank you, Mr. Chair. In Action 3, the AP
14 supported the council's current preferred alternative and that
15 was Preferred Alternative 5. That's the panel's preferred, to
16 establish five regions representing each Gulf state, which may
17 voluntarily form multistate regions with adjacent states.

18
19 **CHAIRMAN GREENE:** Thank you. Any discussion? Seeing no further
20 discussion, Dr. Lasseter. I'm sorry, Dr. Lucas.

21
22 **DR. LUCAS:** I am assuming if we did choose to voluntarily join
23 together that we would just show that as the conservation
24 equivalency plan and move it forward in that manner?

25
26 **DR. LASSETER:** That is my understanding, is that the states
27 would file a shared plan identifying that the states were
28 joining together into that region. You would then, assumedly,
29 aggregate the two regional ACLs and then provide your proposed
30 management measures for the two states.

31
32 **CHAIRMAN GREENE:** Thank you. Any further discussion? Okay.
33 Seeing none, Dr. Lasseter.

34
35 **DR. LASSETER:** Moving on, Action 4 is to modify the federal
36 minimum size limit and with the understanding that for the
37 states or regions to have active delegation or an approved
38 conservation equivalency plan, as applicable, that the state
39 would also adopt, in its regulations, the same federal minimum
40 size limit.

41
42 Your current preferred alternative is Alternative 3, which would
43 reduce the federal minimum size limit to fifteen inches total
44 length. Let's hear from the Reef Fish AP recommendations, Dr.
45 Simmons.

46
47 **DR. SIMMONS:** Okay. They talked about I guess the amount of
48 high-grading and concerns about conservation they felt was going

1 on out there and discard mortality as well. The AP made a
2 motion, eighteen to zero with two abstentions, that they
3 recommend in Action 4 that a fifteen-inch total length minimum
4 size limit be adopted and the retention of all legal fish
5 caught, up to the bag limit, be considered in regional
6 management, in this document.

7
8 They acknowledged the enforcement issues involved with the
9 recommendation, but they wanted to express support for reducing
10 bycatch and conservation of the stock.

11
12 **CHAIRMAN GREENE:** Okay. Any discussion about the AP? Seeing no
13 discussion, I guess we will move on to the next action.

14
15 **DR. LASSETER:** Thank you, Mr. Chairman. Moving on to Action 5,
16 it begins on page 30 and this addresses the regions' ability to
17 propose closures in federal waters of the Gulf and your current
18 preferred alternative is Alternative 2. A region may establish
19 closed areas within federal waters adjacent to their region in
20 which the recreational harvest of red snapper is prohibited.

21
22 I did just want to note, if we scroll down to page 32, the very
23 end, in order to -- For NMFS to close areas of the EEZ, just as
24 they currently do, they have to do rulemaking and so if a region
25 was going to propose implementing a closed area under a CEP,
26 NMFS would likely need to do that additional rulemaking and so
27 you would want to keep that in mind in your timing and have that
28 built into your timing. Is there any discussion on this action?

29
30 **MR. RIECHERS:** Could we have a little discussion about the
31 timing that would be required, just so that we understand that,
32 much as Martha did earlier with the time table?

33
34 **DR. CRABTREE:** Well, it would depend on whether the region came
35 in with a sufficient analysis to constitute a NEPA document,
36 because we would have to put together a NEPA document and then
37 publish a proposed rule with the public comment period and a
38 final rule.

39
40 I guess, the way this is set up, it would not come back before
41 the council. At least I don't think that's written in here and
42 so, depending on how all that took, it could easily be a six-
43 month process after we got the request from the state. This
44 wouldn't be something that could be done in the line of the
45 conservation equivalency plan. This would take longer than
46 that.

47
48 **CHAIRMAN GREENE:** Ms. Bademan.

1
2 **MS. BADEMAN:** I guess two questions to follow up, based on what
3 Roy just said. Can we get clarification as to whether something
4 like this would have to go through the council, one way or the
5 other, and then, if we were in a delegation scenario, would that
6 change? Would we have to go through this either NEPA process or
7 council process or whatever process to do some kind of closure
8 in the EEZ under this action?
9

10 **DR. CRABTREE:** I can answer the first part of that. Yes, you
11 can write in the document whether you want this to come back
12 before the council or not. As to the delegation question, I
13 will defer to General Counsel.
14

15 **MS. LEVY:** I think if that was part of what was delegated, the
16 authority to open and close, that you could probably do that. I
17 think I would have to think about how we would functionally open
18 and close, in terms of the regulations.
19

20 It would probably just be that the state regulations applied to
21 the EEZ and so -- But there would still need to be the
22 consistency determination that NMFS makes and if there is some
23 sort of determination that the closure that the state is
24 implementing is not consistent with the Act or the FMP or
25 anything like that, you would go through that whole notice
26 provision about saying it's not consistent and fix it and that
27 sort of thing. The delegation, whatever the council decides to
28 delegate, it really leaves it to the state to develop and
29 requires action to take that delegation back, whereas the CEP is
30 the opposite.
31

32 **MS. BADEMAN:** I guess what I'm wondering is if we go down the
33 delegation road, is just having Action 5 in here and having
34 Alternative 2 selected enough to basically make that happen and
35 have this be delegated or do we need to rework Action 2, or the
36 delegation part of Action 2, if this is something that we wanted
37 to do?
38

39 **MS. LEVY:** I'm not sure that you would need to rework it, but I
40 think it would put more burden on the state to show that you
41 have complied with the Magnuson Act, because if you're going to
42 do some sort of closure and -- I think we would have to think
43 about how NEPA would fall into that, but I don't know that you
44 would need to restructure this particular action to make that
45 happen, if that's the way you went, but I will think about it.
46

47 **CHAIRMAN GREENE:** I had Kevin and Robin and then Dr. Crabtree.
48

1 **MR. ANSON:** Dr. Crabtree, to follow up on your response to Robin
2 relative to the timeline for this, you said it would take six
3 months and so would that be six months in addition to the
4 timeline, if it's a CEP environment that we're working in?
5 Would it be six months plus the six months that's already put
6 forth in the document or is this something that can go
7 concurrent with the CEP timeline or is it twelve months or is it
8 eight months or six months total?

9
10 **DR. CRABTREE:** Well, I am viewing this as similar to a framework
11 action that the council does, except in this case it's not the
12 council asking for the framework and it's the region asking for
13 a framework and so they're going to have to prepare something
14 that's similar to one of our framework amendments like we did.

15
16 Now, it seems to me if you do something like this that it's
17 going to be inherently a part of your conservation equivalency
18 program and so this will have to be evaluated in the context of
19 that program and so it seems like this would add quite a bit of
20 time onto the whole process of adopting the conservation
21 equivalency.

22
23 Now, whether we could go forward with the rulemaking on this
24 before we had made all the determinations on the conservation
25 equivalency program, I am not sure, but I don't think we would
26 be able to approve the conservation equivalency program until we
27 had gotten through the whole process of the rulemaking on this,
28 so that -- That's not too clear of an answer, because we're in
29 unplowed ground here and it's not that clear to me.

30
31 **MR. ANSON:** That was sufficient, for me at least.

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

34
35 **MR. RIECHERS:** I will go ahead and suggest that since it's
36 silent on that this doesn't have to come back before the
37 council, I am going to assume that it is and I would also assume
38 that if we need to write it in here, we need direction from the
39 IPT team on that and that we would want to do that.

40
41 As far as the closures go, I mean I am kind of viewing this --
42 You know we keep talking about it having to meet certain
43 consistency requirements and the consistency requirement we're
44 going to be trying to meet is we've been given a certain
45 allocation and within the constraints of the bag and size limits
46 and closure areas and the analysis we do to support that, as
47 long as that analysis has enough rigor and we are not over on
48 numbers of days that are open and we have appropriate buffers

1 for uncertainty, then I am assuming at that point the
2 conservation equivalency gets approved by the technical
3 committee, if we continue to have that as the preferred.

4
5 It's forwarded to NMFS and they go through appropriate review
6 and hopefully there will be no hiccups in that respect. Now,
7 obviously what they're judging it on is did you use enough rigor
8 and does your calculations add up to the calculations when you
9 do a catch per unit of every day times the number of days you're
10 open in this kind of window of opportunity.

11
12 While I understand that we're going to have to go through a
13 little more arduous process on the very first time we do it,
14 because it's going to be all of us getting used to it, I don't
15 think it will be something that is that difficult as we get into
16 it.

17
18 **DR. CRABTREE:** I don't know. I mean let's say a state wants to
19 close the EEZ off of that state, but people in the adjacent
20 state often fish in the EEZ off the other state and so what if
21 we put out a proposed rule and we get flooded by comments from
22 members of the adjacent state about all these economic adverse
23 impacts it's going to have on them that the state that submitted
24 it didn't analyze or take into account, because it's not part of
25 that state?

26
27 I am not going to bother making a motion for Alternative 1,
28 because I have made it at every meeting and it always fails, but
29 this is a hugely complicated thing and I don't think we're
30 thinking this through very well, but you're setting up a
31 situation where an action on one state is going to, in all
32 likelihood, affect fishermen from the adjacent states and I
33 think that is a very complicated thing and it's going to make
34 this a very complicated situation.

35
36 **CHAIRMAN GREENE:** Lieutenant Commander Brand.

37
38 **LCDR BRAND:** I think just one thing that would be helpful for
39 enforcement is whether or not enforcement is strictly going to
40 be at the landings or if we're expected to still issue
41 violations for Magnuson-Stevens in federal waters that are being
42 regulated by the state or those closures and how that would
43 work, just so we can provide guidance to our teams when they're
44 out there enforcing, or are we just going to basically ignore
45 red snapper when we're on a boarding, because there is no
46 enforcement at sea? I am just trying to figure out the best
47 option for enforcement.

48

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

2
3 **DR. CRABTREE:** Well, this particular provision will have to be
4 enforced at sea and my guess is we will want to see, from the
5 state who is proposing to do this, how they plan to enforce it
6 and I would guess when we evaluate its effectiveness as a
7 component of their conservation equivalency plan that we will
8 have to take into account whether it's enforceable and how much
9 compliance we're going to have with it and so that's an
10 additional complication of it.

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

13
14 **DR. LASSETER:** I just wanted to speak to the enforcement.
15 Before we reworked the document a long time ago, and I can't
16 remember, Jason, if you were a Coast Guard representative, but
17 we did get the guidance that the near border areas, if they did
18 have different regulations, the Coast Guard would just assume,
19 either based on the licenses that they held or would use the
20 most generous of any regulations of any region. If you were in
21 excess of that, you would, of course, be out of bounds. We have
22 put that in the document from that direction. If you would like
23 to speak to that or should we modify that?

24
25 **LCDR BRAND:** Just to that point, the only complicating factor
26 with that is that we don't enforce state regulations and so
27 we're talking about enforcing the most egregious state
28 regulation, but we don't do that and so I don't know how that
29 would work.

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

32
33 **DR. CRABTREE:** If we do this, this would be a federal
34 regulation, because we would go through a federal rulemaking to
35 establish the closure.

36
37 **DR. LASSETER:** Does that apply to bag limits as well, enforcing
38 bag limits?

39
40 **DR. CRABTREE:** No and only the closed area provision. The rest
41 of it is presumably going to be enforced at the dock.

42
43 **CHAIRMAN GREENE:** I am just trying to walk through how it would
44 be enforced at the dock when they are at-sea boarding and a
45 vessel has fish, but you're going to enforce part of the
46 regulation at the dock and part of it at sea. Maybe I am
47 misunderstanding.

48

1 **DR. CRABTREE:** Well, the problem is what bag limit a vessel is
2 subject to depends on where it's going to land and so if you
3 have a vessel fishing somewhere near the border of Florida and
4 Alabama and if Florida's plan has a two-fish bag limit and
5 Alabama's has a three-fish bag limit, I mean it will depend on
6 where they are going to land and I am not sure that that's going
7 to be very effectively enforced at sea.

8
9 Now, if you board a vessel that doesn't have a commercial permit
10 and it's not an IFQ and it's got two people and a hundred
11 snapper onboard, I would guess in that case there will be a
12 violation, because it's violating all of the bag limits, but in
13 cases where there is ambiguity and it's depending on landings --
14 Or easily you could have a situation where Florida's season is
15 closed and Alabama's season is open and so it depends on where
16 the vessel is coming in.

17
18 If a vessel is a Florida vessel, but they have an out-of-state
19 license in Alabama, they could land the fish in Alabama and pull
20 the boat out on the trailer and drive back home to Florida, I
21 guess.

22
23 **MS. BADEMAN:** Let me make sure I'm understanding this right, at
24 least in terms of delegation with enforcement. So, under a
25 delegation scenario, if Florida sets a season and the season
26 goes under our regulations, so the state regulations for bag
27 limits and size limits and the season would extend into federal
28 waters -- I guess that we would write that into our rule, that
29 it applies in Florida waters.

30
31 In that case, we don't have -- Those regulations would not go
32 into federal rule and it would be a state rule that's extended
33 into federal waters and wouldn't you have an enforcement at sea
34 situation then, because it would be a Florida state rule that is
35 extended into federal waters adjacent to the state.

36
37 **MS. LEVY:** I would have to go back and see how we wrote the
38 regulations for the delegation, because we got to the point in
39 this document where we were going forward with delegation and we
40 wrote regulations that would implement that delegation and I
41 know we talked about the enforcement piece of that and I think
42 we wrote them in such a way to address that, but I haven't
43 looked at it in so long that I would have to go back through
44 that part to see.

45
46 **CHAIRMAN GREENE:** Thank you. Any further discussion? Okay.
47 Seeing none, I will hand it back to Dr. Lasseter.

48

1 **DR. LASSETER:** Thank you, Mr. Chairman. Martha brought this up
2 and I heard a couple other comments. If we could scroll back to
3 page 14 on the timeline, I have heard committee members mention
4 if this would go back to the council and in the updated timeline
5 that included Preferred Alternative 4, the region would provide
6 a brief description of its preliminary CEP for the following
7 year and would provide that to NMFS and the council. I thought
8 perhaps we should -- I am not quite sure on that of what role
9 the council plays in the CEPs and perhaps NMFS staff could speak
10 to that.

11
12 **DR. CRABTREE:** Well, my read on it is they're just providing
13 this so the council is aware of what they're proposing, but the
14 decision about approving it or not would be made ultimately by
15 the Fisheries Service, with advice from the technical review
16 committee.

17
18 Now, understand if the council doesn't like what is going on,
19 the council could always vote to change the plan and get rid of
20 the whole thing, but I do think it's important that the council
21 is aware of what's going on, because I am quite sure that we're
22 going to hear a lot about it at public testimony.

23
24 **DR. LASSETER:** Perfect. Thank you. Then I think we can move
25 on, if there's nothing further on Action 5, to Action 6, which -
26 - Did we cover the AP recommendations? I missed the AP
27 recommendations, excuse me, for Action 5. Let me turn it back
28 to Dr. Simmons.

29
30 **DR. SIMMONS:** On the top of page 3, by a vote of fourteen to
31 two, the AP recommends in Action 5 that Alternative 1 be the
32 preferred alternative. The discussion was based around a lot of
33 the unintended consequences and potential enforcement issues
34 that have already been discussed.

35
36 **DR. LASSETER:** Thank you. If there is no further discussion, we
37 will continue with Action 6.

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

40
41 **MR. WILLIAMS:** I have had problems with this one over time as
42 well and let me ask the state directors, maybe Robin or maybe
43 Martha. I mean why do you need to close a region of the federal
44 zone? Why couldn't you just set a zero bag limit, for example,
45 for your fishermen operating in the federal zone and why do you
46 -- As Martha said, anybody licensed under your state regulations
47 in your state would be subject to whatever regulations you gave
48 them and why couldn't you just set a zero bag limit? Why do you

1 need the authority to close the federal waters?
2

3 **CHAIRMAN GREENE:** Martha.
4

5 **MS. BADEMAN:** I think let's continue with this regional
6 situation for Florida, if we split the state, in a way. I do
7 think that having the closure extend into the EEZ does make
8 enforcement a lot easier. I think having -- I think that's a
9 big deal, but this is more consistent with, I think, how we do
10 our regional management now within the state, with things like
11 sea trout and scallops and stuff like that. You just can't
12 possess these fish north or west of this line and that's just
13 how that goes within a region and so --
14

15 **MR. RIECHERS:** I will follow up. I mean, Roy, in some respects,
16 the zero bag limit would, in effect, do the same thing and I
17 don't care which tool we use. I think part of it is the notion
18 that we might have situations where we want to have the EEZ
19 closed and state waters still open or state waters and the EEZ
20 closed.
21

22 In either one of those situations, we were just trying to leave
23 this and obviously Dr. Crabtree has expressed his discontent
24 with this from the outset and I think it's workable in a CEQ
25 plan. We're all in new territory here and it's going to take
26 some back and forth and us figuring out how to make this work.
27

28 At the end of the day, what we're going to be doing is saying
29 we're counting this many fish and if we counted correctly and if
30 we have done our due diligence in that respect and we're staying
31 underneath the limits, then we should have the flexibility to
32 use these tools. That's all we're saying, at the end of the
33 day.
34

35 **CHAIRMAN GREENE:** Dr. Crabtree.
36

37 **DR. CRABTREE:** Of course, the problem I see with that is one of
38 the big problems this was intended to address, was the problem
39 of inconsistent state water and federal water regulations and
40 the inequities that it produces based on where you live and the
41 enforcement problems it creates.
42

43 So by going down this path, we are perpetuating the very problem
44 that, to me, is the main reason to go down this path. Aside
45 from the fact that states will be creating commercial fishing
46 only zones, and I think we're going to catch hell about that
47 from recreational fishermen, but that's the problem I see with
48 it. It's allowing the problem that this, in theory, could solve

1 to continue.

2

3 **CHAIRMAN GREENE:** Any further discussion? Ms. Bosarge.

4

5 **MS. BOSARGE:** I was trying to ask somebody in discussion about
6 this is why -- That's what I can't fathom, as somebody that's
7 not in state management and so I'm not privy to maybe the plans
8 that you already have in the works for some of this flexibility,
9 but where would there be a time where you would want to close
10 federal waters and leave state open? I am trying to figure out
11 why that would be optimal at any point.

12

13 **MR. RIECHERS:** It may not be completely optimal and let me back
14 up and say, while Roy thinks this is the reason for the plan, we
15 have talked about this plan and some of the rationale for it and
16 while it may address some of those local issues certainly and it
17 may address the ability to be more flexible and that's what
18 we're trying to create here.

19

20 Under the current situations, there have been states who have
21 kept their waters open when the federal season is closed,
22 basically giving those state waters more opportunity or more
23 opportunity for the entire state.

24

25 Again, as you have heard others around this table, my colleague
26 from Louisiana, talk about the states are in the business of
27 making sure that we have enough recreational fishing opportunity
28 and promote recreational fishing opportunity. We sell licenses
29 and we do our conservation work based on those licenses that we
30 sell. It's part of the North American model that all our
31 fisheries and wildlife agencies work off of.

32

33 While we have come at odds at times with the federal system in
34 that respect, these closures are nothing new. We are talking
35 about a closure and a line drawn in the water between the South
36 Atlantic and the Gulf on hogfish and we've got a closure for the
37 Texas shrimp closure and the fishery there and you're well aware
38 of that.

39

40 I am not saying it's easy and I am not saying it's something
41 that we don't have to work through, but it is something that we
42 can work through on a local level. I realize there are some
43 states, because of close proximity, that are going to have more
44 difficulty than others. Myron and Randy and I have talked about
45 this a lot and we think we can work through the issues at that
46 border state and some of you others -- I know other state
47 directors have visited about it as well. I don't know what the
48 plan is going to completely look like, but we want to have as

1 many tools as we can have.

2

3 **CHAIRMAN GREENE:** Mr. Fischer.

4

5 **MR. FISCHER:** Thank you, Mr. Chairman. My comment is real
6 short. If you were to ask the reason why, it's just another
7 method of slowing the fishery down to make it last longer.

8

9 **CHAIRMAN GREENE:** Any further discussion? Seeing none, Dr.
10 Lasseter. I guess we have AP recommendations?

11

12 **DR. LASSETER:** Yes, I believe we got that for Action 5. Let's
13 move on to Action 6 and that begins on page 33. This is
14 apportioning the recreational sector ACL, which is your quota,
15 among the regions and your current preferred alternative is
16 Alternatives 5 and 6 and so 5 is that 50 percent of the longest
17 average historical landings, the longer time series, and 50
18 percent of the more recent time series and so it's combining
19 Alternative 2 and Alternative 4, plus removing landings from
20 both the years 2006 and 2010. Those are the Preferred Options a
21 and b. I will briefly turn it over for the AP recommendations
22 and then I will point out the additional table.

23

24 **DR. SIMMONS:** Okay. Thank you. The AP supported, by a vote of
25 eighteen to zero and one abstention, the current preferred,
26 Action 6, to recommend Preferred Alternatives 5 and 6 as the
27 preferred, with Option a and b under Alternative 6.

28

29 **DR. LASSETER:** Thank you. So I wanted to point out one extra
30 thing. When we first began this amendment back in 2012 -- It's
31 been quite a while and now all of these alternatives are only
32 going through 2013 and I'm not sure if that's anything you want
33 to address about updating the years, but I just wanted to point
34 that out, that all of these alternatives do run through the year
35 2013.

36

37 Then if we scroll down to page 39, again we can all second Mr.
38 Anson's gratitude to Dr. Farmer. He helped greatly with this as
39 well and we now have one table with all of the projected range
40 of season lengths, minimum to maximum days, based on the
41 scenarios that he ran, for the alternatives.

42

43 Again, these are based on the regional ACTs and so these are the
44 estimated season lengths based on the ACTs, which, again, is 20
45 percent below whatever your regional or regional component ACL
46 would be. Dr. Farmer also wanted me to really highlight that,
47 especially for Mississippi, that there are high levels of
48 uncertainty in the estimates. Is there any discussion?

1
2 **CHAIRMAN GREENE:** Thank you. Mr. Matens.
3
4 **MR. MATENS:** Thank you very much. What was the effort estimate
5 that goes into calculating these numbers?
6
7 **DR. LASSETER:** I have no idea and I would have to probably ask
8 Andy. Are you familiar with how these were done and can you
9 speak to the analysis?
10
11 **MR. ANDY STRELCHECK:** What specifically is the question?
12
13 **MR. MATENS:** Andy, I was curious what effort did you use to
14 calculate these days of minimum and maximum season?
15
16 **MR. STRELCHECK:** We're using all the recreational data
17 collection programs throughout the Gulf of Mexico. It is based
18 on prior seasons and landings and effort data, as projected
19 forward for 2015, looking at trends in average size as well as
20 catch rate.
21
22 **MR. MATENS:** Thank you.
23
24 **CHAIRMAN GREENE:** Dr. Crabtree.
25
26 **DR. CRABTREE:** Ava, can you point us to where in the document it
27 discusses the rationale for the preferred alternative and the
28 justification for how it's fair and equitable?
29
30 **DR. LASSETER:** I do not recall exactly where in the text it
31 actually states that this is why it's fair and equitable.
32 Somewhere it will state that this is very similar to what was
33 selected for sector separation in Amendment 40 and that
34 rationale was based on balancing somewhat long time series with
35 a more recent time series and there was a lot of consensus about
36 removing the years that everybody experienced hardships.
37
38 There was discussion at a prior council meeting where I believe
39 the council even said that they would have removed both of those
40 years from sector separation and they weren't thinking about it
41 at the time and so it seemed to be an unintentional oversight
42 that both years were not selected.
43
44 **DR. CRABTREE:** I don't have much heartburn from leaving a couple
45 of years out, but it is, when you look at the analysis, it is
46 very much a shift of harvest away from the eastern Gulf and to
47 the western Gulf and somewhere in here, you're going to have to
48 explain why that is fair and equitable and it's got to be more

1 than just because that's what we did in sector separation.

2
3 Sector separation really didn't shift harvest from the eastern
4 to the western Gulf, but this does and I just -- I still remain
5 concerned that we haven't explained why shifting -- Why it's
6 fair and equitable that Louisiana and Texas will have seasons in
7 the forty-five to fifty-five-day range and Florida and Alabama
8 are going to have seasons in the fifteen to twenty-day range.
9 That's what the analysis right now indicates and we're going to
10 have to explain how that's fair and equitable.

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

13
14 **DR. LUCAS:** I guess we can begin by just cutting and pasting
15 whatever we agreed to in the other document for allocation when
16 we did that and over into this document and going from there. I
17 understand what you're saying, but I have also noticed that this
18 year, with the MRIP numbers coming in, it also seems that we may
19 be overestimating effort on the recreational side, just by
20 looking at the numbers and just by looking at the fact that
21 Alabama had -- You know you all attributed two-million pounds to
22 them and I think they got 800,000 or close to a million or
23 something like that.

24
25 You all said we caught zero and certainly that was not the case.
26 I think Florida's numbers were down and so it looks like effort
27 may not be being estimated correctly to begin with, but I think
28 if we just begin by that cut and paste that maybe then we can
29 just add the additional information in.

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

32
33 **DR. CRABTREE:** But there is nothing in Amendment 40 and that
34 allocation decision about shifting fish from the eastern to the
35 western Gulf and so there is nothing in that amendment that
36 addresses the impact of choosing this allocation and shifting
37 the fishery towards the western Gulf. It's not in Amendment 40.

38
39 I understand there are uncertainties and that there are some
40 disparities in some of these estimates, but, again, that
41 doesn't, to me, explain why this shift of fish is fair and it
42 doesn't even get at the -- It doesn't get at the question of
43 why, at least on the face of it, it's fair and equitable for
44 Florida and Alabama to have much shorter seasons than
45 Mississippi, Louisiana, and Texas.

46
47 I really haven't heard anybody give any reason why that is fair
48 and equitable, but somewhere you're going to have to come up

1 with an explanation of why that is fair and equitable or it's
2 not clear to me how this amendment is going to be able to get
3 through the approval process, because we're going to have to
4 explain that.

5
6 Just saying because that's what we did in Amendment 40 isn't
7 good enough, because it doesn't address the apparent outcome of
8 using that same set of years here, which is to shift the fishery
9 from one side of the Gulf to the other.

10
11 **CHAIRMAN GREENE:** Mr. Anson.

12
13 **MR. ANSON:** Thank you, Mr. Chair. I am not on your committee,
14 but I will attempt to provide some insight on that, Dr.
15 Crabtree. I know Robin has mentioned in the past that some of
16 this time series and trying to attribute 50 percent in the
17 historical and 50 percent in the near term was to try to get at
18 some of the inequities in how the fishery is managed over time
19 and, as I've been told or Robin has said on previous occasions,
20 the Texas fishermen have been constrained in the season that's
21 been selected to, maybe one would argue, benefit the eastern
22 Gulf as far as the better time of year for not only the
23 tourists, but also it's calmer weather in the eastern Gulf and
24 so there is much more access, inasmuch as the weather is more
25 conducive to fishing, versus what has been selected here as of
26 late for Texas and the western Gulf.

27
28 That description of inequity might not be an accurate way of
29 looking at how the fish would be divvied up under this scenario
30 and one must remember -- My interpretation of this is the days
31 are imputed based on the most recent management regime and so
32 the most recent management regime is that fishing that mostly
33 occurs when you're talking about federal water fishing has been
34 occurring in a period of time that is not conducive, if Robin is
35 correct, is not conducive to fishermen fishing in Texas.

36
37 If they were to go and fish in a better time of year, where the
38 seas are more favorable to fishing, their fishing effort would
39 probably go up and their catches may go up and their landings
40 may go up each day and so that would equate to less days
41 relative to if they had those pounds fished during the
42 summertime, which isn't as good.

43
44 I don't know, Robin, and you can certainly comment to that, but
45 that's the way I interpreted it and so yes, number of days, on
46 the face of it, looks like there is an imbalance or an inequity,
47 but it's my understanding, and, Andy, you can comment too, but
48 it's based on what is currently done in management and that's

1 just applied to years forward.

2
3 **MR. RIECHERS:** The only thing I will suggest there is that -- I
4 certainly agree with the way you characterized that and what we
5 were attempting to do. That may not meet Roy's personal litmus
6 test of fair and equitable, but that certainly is what we tried
7 to do as far as balancing the long time series versus the
8 shorter timeframe.

9
10 We realize there's been a shift in effort and participation
11 across the Gulf, or at least in the ability to get out and get
12 fish. You know as we were going through the 2000s and the early
13 2000s, we weren't questioning why it was fair and equitable that
14 certain sectors weren't getting as much as they had been in the
15 past, or certain states weren't getting as much as they had been
16 in the past.

17
18 We weren't asking those questions of the management decisions we
19 were making at the time and so here's where we are and we're
20 trying to find a way through here with a path that both meets
21 that litmus test as well as provides some recognition of long-
22 term series and short-term series.

23
24 The only think I will make sure we correct on the record here
25 regarding your statement is that, at least by past discussions
26 Gulf-wide, the summer is that higher catch per unit effort time
27 and by actually stretching it out into other periods of time, we
28 may actually gain days, because the catch rates aren't as high
29 in some of those earlier spring and fall time periods, but, for
30 the most part, I think -- While I agree with Dr. Crabtree if we
31 need to be more explicit about we describe that fair and
32 equitable here, please help us with that. Your IPT team has
33 been working on this document for quite some time and we were
34 certainly take any assistance in how we write that that you can
35 give us.

36
37 **DR. CRABTREE:** I think they're looking to you for guidance as to
38 how to write it and what to say and I'm really just looking at
39 what's in the document. Now, I have heard it might be this and
40 all that and, Ava, I guess you guys can try to put that down in
41 writing somehow and we can see how that works out, but I urge
42 you all to think hard about this and then we need to take a look
43 at what they can come up with at the next meeting, because I
44 think this is something that we need to be careful with.

45
46 **CHAIRMAN GREENE:** Mr. Williams.

47
48 **MR. WILLIAMS:** I would just note that it looks to me like, at

1 least in the first year, Mississippi is going to be a
2 destination location for fishermen.

3

4 **CHAIRMAN GREENE:** Mr. Branstetter.

5

6 **DR. BRANSTETTER:** Thank you, Mr. Chairman. I would just like to
7 reiterate what Dr. Crabtree said and I know, to keep Ava's head
8 from exploding, any explanation that this council can provide as
9 to the rationale for this just helps the IPT draft it. We are
10 not mind readers and so the staff and the IPTs really need all
11 the guidance they can get from your council to provide that
12 text. Thank you.

13

14 **CHAIRMAN GREENE:** Okay. Thank you. Any further comments?
15 Seeing none, Dr. Lasseter.

16

17 **DR. LASSETER:** Okay. Thank you, Mr. Chairman. If there is no
18 further questions on Action 6, we will move to our last action,
19 Action 7. It begins on page 40. This action addresses post-
20 season accountability measures, basically what happens if the
21 entire recreational sector ACL is exceeded.

22

23 Under no action, what we have currently, the accountability
24 measure would reduce in the following year by the full amount if
25 the recreational sector ACL is exceeded. The following year,
26 the amount that is exceeded will be deducted from the next
27 year's ACL.

28

29 Your current preferred alternative is Alternative 2 and, again,
30 this only applies while red snapper are overfished, based on the
31 most recent Status of U.S. Fisheries Report to Congress. If the
32 combined recreational landings exceed the recreational sector
33 ACL, that is when the accountability measure is triggered.

34

35 Then reducing the following year the regional ACL of any region
36 that exceeded its regional ACL by the amount that it went over
37 and first, I will turn it over to get the Reef Fish AP's
38 comments and recommendations.

39

40 **DR. SIMMONS:** Okay and thank you. These are towards the bottom
41 of page 3 and we discussed the accountability measures provided
42 in Action 7 and talked a lot about how these interacted with
43 Action 2 and the various states' new data collection programs
44 and the idea that if these were certified that the 20 percent
45 buffer could be reduced at some point and there was some
46 discussion about how that might play out and how long that might
47 take.

48

1 We weren't really sure as staff, but we did discuss that and I
2 think it was the intent that those potentially, based on those
3 programs and the change in those programs and those being
4 certified, that that buffer potentially could be changed as
5 regional management moves forward.

6
7 After we talked about that, there was an initial motion that
8 recommended the council's current preferred alternative, which
9 was the Alternative 2. Then they passed a substitute motion and
10 the rationale for that was to have an overage adjustment that
11 would apply only to the group's ACL or the component ACL that
12 went over and not to penalize the entire or for-hire and private
13 angler component. By a vote of fifteen to four, the AP
14 recommends in Action 7 to adopt Alternative 4 as the preferred
15 alternative.

16
17 **DR. LASSETER:** Thank you. I will just speak a little more to
18 the Alternative 4. These are your current alternatives.
19 However, after the August meeting discussion, to kind of better
20 reflect your intent and then also an issue was identified to be
21 consistent with all of the alternatives in the document and the
22 IPT has a suggestion, if we could scroll down to the next page.

23
24 What we would like to do is actually remove -- This is not in
25 your document. This is something we are proposing. The IPT is
26 requesting to remove Alternatives 3 and 4, which are very wordy
27 and cumbersome, and to replace them with the Option a and b,
28 which are in italics. Again, these are the not in your current
29 document, but these provide more simple language for essentially
30 saying the same thing, Option a at least.

31
32 Option a reflects the intent behind -- It's a blend between
33 Alternative 3 and 4. Essentially, Option a is if a region has
34 both a private angling ACL and a federal for-hire ACL, the
35 reduction would be applied to the component or components that
36 exceeded the applicable ACL and so it's mirroring both
37 Alternative 3 and 4.

38
39 An option does not need to be selected as preferred and the
40 committee's current preferred alternative in the Action 2 --
41 This would not be applicable anyway and so you would not want to
42 select it, but it would make the analysis clearer.

43
44 Option b is not similar to any of these, but it is a way to
45 analyze Option a, give it something to analyze against, and if
46 you did select the Alternative 3 in Action 2, you would then
47 have a choice as to how to apply that overage adjustment.

48

1 Option b states, again, if a region has both a private angling
2 ACL a federal for-hire ACL that the overage adjustment, the
3 reduction, will be applied equally to both components. The
4 difference being Option a would apply just to the component that
5 exceeded its applicable ACL and Option b would distribute the
6 overage adjustment across both of the regional components for
7 that same region.

8
9 Again, we just felt that this is more clear and it provides more
10 simple language and better reflects the other alternatives in
11 the document.

12
13 **MR. RIECHERS:** So Preferred Alternative 2 could stand just as it
14 is and Alternative 3 or Suboption a is now what, if you wanted
15 to add an option preference here, it would be the equivalent of
16 Alternative 3 and is that correct?

17
18 **DR. LASSETER:** And 4, because it's if a region has both private
19 angling and the federal for-hire and so Alternative 4 would do
20 exactly the same thing. If you had the component ACLs, it would
21 reduce from the component ACLs and the regional ACLs.

22
23 Alternative 3 is only part of Option a. It only would apply to
24 the -- They are the same thing and Mara really helped with this
25 language and making it more consistent and so, essentially,
26 Option a is only applicable if you have both of those components
27 selected and it applies the overage adjustment to that segment
28 that went over its regional ACL and regional component ACL.
29 It's just a much simpler way of combining Alternative 3 and
30 Alternative 4, but it does not need to be selected as preferred.

31
32 **CHAIRMAN GREENE:** Mara.

33
34 **MS. LEVY:** I think what happened was when we were reading this,
35 and essentially when I was reading this action and the
36 alternatives, is 3 and 4 did not seem to get at the issue very
37 well and were very long and confusing to read and what is
38 happening is we're trying to capture anything you might want to
39 do, based on what you do in Action 2 with regard to having
40 components or not components.

41
42 If the regions aren't managing both components, then just the
43 Preferred Alternative 2 the way it's written works just fine.
44 If you choose something in Action 2 that says the regions can
45 manage both components, then the attempt was to add options here
46 that would then address any overages by those components that
47 then caused a regional overage and then a total ACL overage.
48 There are two ways to address that.

1
2 You can take the overage off of just the component that went
3 over or proportionally if they both went over or you could say
4 we're just going to apply it equally to both and that's what
5 those two options do, but, really, this only applies if you end
6 up choosing Alternative 3 in Action 2 and the states have the
7 option to manage both components.
8
9 **CHAIRMAN GREENE:** Thank you. Any further discussion? Okay.
10 Seeing none, Dr. Lasseter.
11
12 **DR. LASSETER:** I am going to assume there is no motion to change
13 the document. We did get our preferred alternative or
14 recommendation from the AP and that is our last action in the
15 document and so if there is no further discussion, I will turn
16 it back to Mr. Chairman.
17
18 **CHAIRMAN GREENE:** Ms. Bademan.
19
20 **MS. BADEMAN:** Hang on. So you need a motion to replace
21 Alternatives 3 and 4 with Options a and b for -- I will make
22 that for you. **I move that we, in Action 7, remove Alternatives**
23 **3 and 4 and add in new Alternative 2, Option a and b.**
24
25 **MR. RIECHERS:** Second.
26
27 **CHAIRMAN GREENE:** Okay, Martha. I think they've got it correct
28 and is that right?
29
30 **MS. BADEMAN:** Does it need to say Alternative 2, Options a and
31 b, or does it matter?
32
33 **DR. LASSETER:** As proposed.
34
35 **MS. BADEMAN:** **As proposed.** I am cool with that then.
36
37 **CHAIRMAN GREENE:** Okay. We have a motion on the floor and it's
38 been seconded. Any discussion? **Seeing no discussion, is there**
39 **any opposition to this motion? Seeing none, the motion carries.**
40 Okay, Dr. Lasseter.
41
42 **DR. LASSETER:** That concludes the actions of this amendment.
43
44 **CHAIRMAN GREENE:** Kevin.
45
46 **MR. ANSON:** Thank you, Mr. Chair. I will extend Dr. Lasseter a
47 thank-you for the efforts and your dedication to this and
48 cleaning up the document, if you will, between the last meeting

1 and this meeting and making it a little bit more streamlined and
2 your attempts to make it more understandable. I appreciate it.

3
4 **DR. LASSETER:** Thank you, Mr. Chairman, and I will add one
5 thing. I did forget we do have the public hearings scheduled
6 for Amendment 39 coming up in the next two weeks, beginning on
7 October 19. We hope to get a lot of attendance and feedback to
8 bring to you in January.

9
10 **CHAIRMAN GREENE:** Thank you. We had taken care of the next
11 section before lunch. It is about 3:15 and so let's go ahead
12 and take about a ten-minute break and we will pick back up under
13 Item VIII.

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

16
17 **CHAIRMAN GREENE:** We are going to go ahead and get started here
18 and so let's find our seats. Before we get going on South
19 Florida Management, Chairman Anson would like to speak.

20
21 **GRAY TRIGGERFISH DISCUSSION**

22
23 **MR. ANSON:** Thank you, Mr. Greene. Kind of reviewing, in my
24 mind, the conversation that we had earlier today relative to the
25 gray triggerfish assessment, I don't have a good feeling, a warm
26 and fuzzy feeling, as to how we can proceed with all of the
27 information that the SSC report provided relative to best
28 available science, yet not fit for management type of thoughts.

29
30 I wanted to see, Dr. Ponwith, if this might be a potential way
31 forward and that is that we go ahead and send the assessment to
32 an outside review group, like a CIE type of group, and they do a
33 desktop review and it's a relatively minimal amount of time for
34 that to occur.

35
36 Assuming they have some inconsistencies similar to the SSC had
37 some concerns with and their recommendation is that yes, it's
38 not fit for management, it's to send it back to the SSC and then
39 the SSC kind of massages what they recommend and what they
40 thought of before and then they go forward, working with your
41 staff, to get up underneath the hood and make some fine-tuning
42 in the assessment model and maybe come back with a better
43 assessment.

44
45 **DR. PONWITH:** Actually, the process that we have for peer
46 reviewing that type of a stock assessment was carried out. That
47 was a peer review via the SSC. The SSC approved the stock
48 assessment and so your own science advisors have approved the

1 stock assessment and the challenge that we bumped into was with
2 the projections.

3
4 I think the reason that we're having the biggest problem with
5 the projections right now is that the terms of reference
6 directed projections that the assessment scientists were not
7 comfortable with and that there should have been a different
8 request in the terms of reference for the projections.

9
10 The other challenge is, again, the fact that even with the
11 projections that they ran, we can see that we're going to have
12 problems with rebuilding on the schedule that is set up. In
13 other words, we still have more time on this rebuilding
14 schedule, but the probabilities of being able to rebuild by the
15 rebuilding goal are slim to none.

16
17 The analysts in the Southeast Fisheries Science Center believe
18 that the right course of action is to get direction from the
19 council on the timing for rebuilding and our General Counsel
20 advice on this -- They provided some advice on the timing of the
21 preparation of a letter, saying that the current actions are
22 inadequate to rebuild the stock on time and that that would set
23 up the sequence of events for recasting those projections with a
24 new deadline for rebuilding and then those projections are the
25 ones that could be used for providing the -- Used by the SSC for
26 generating ABC advice.

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

29
30 **MR. ANSON:** Again, I get hung up, I guess, on the best
31 management or it's informative for management discussion that
32 was held during the SSC meeting and some of the basic parameters
33 or inputs into the assessment were suspect and that's why the
34 vote ended up with a twelve to eight vote on the best available
35 science.

36
37 Close votes are close votes and I guess, with the age comp and
38 the shrimp bycatch information, as it was introduced and used in
39 the model, those can have some fairly large impacts if they
40 aren't appropriately assigned and I think that's what I was
41 getting at, is with the CIE review if we can get concurrence or
42 if there is concurrence after that review with what the SSC was
43 concerned about, then we, again, could maybe address those and
44 come back -- Adjust the model and potentially come back with
45 something that could get a seal of approval from the SSC
46 relative to management advice.

47
48 **DR. PONWITH:** Again, you know when I read that review, the SSC

1 report, and when I hear from the analysts, I mean a vote to
2 approve the stock assessment was clear and it was not unanimous
3 and so if the council is recasting what qualifies as an approval
4 of a stock assessment as being unanimous, I imagine that would
5 be its prerogative, but I am really concerned.

6
7 I mean what I hear is concerns about there were discussions and
8 there were some challenging aspects and we can talk about those
9 challenging aspects of the stock assessment in the council, but,
10 in my view, the SSC has looked at that stock assessment and
11 approved the stock assessment.

12
13 I guess what we need to do maybe is break the conversation up
14 into two pieces and that is the stock assessment itself and then
15 how we move forward on the projections. I will confess that the
16 issue of how to move forward on the projections is a challenging
17 issue. Again, it's confounded by the fact that we're nearly at
18 the end of the rebuilding period and those projections, as they
19 were done, show that we will not rebuild, but even we have
20 concerns about the way those projections were cast and we have
21 our own ideas of ways we think would have been more appropriate
22 for the projections. I guess I am going to stop and see if Ryan
23 has a question.

24
25 **CHAIRMAN GREENE:** Ryan.

26
27 **MR. RINDONE:** Thank you, Mr. Chairman. Dr. Ponwith, if the
28 Science Center was uncomfortable with the way that the
29 projections were defined in the terms of reference, would there
30 be utility in providing some sort of caveat in the terms of
31 reference which would offer the Science Center latitude to
32 propose an alternative method based on the data and results of
33 the stock assessment to proffer to the SSC for consideration?

34
35 **DR. PONWITH:** I think that having a discussion about how we set
36 up terms of reference and approve terms of reference going into
37 the future is a good idea, based on lessons learned for this,
38 but that's not going to be helpful for this conversation, but I
39 think the real -- Today, the conversation is what do we do about
40 those projections and how do we move forward to provide adequate
41 information to the SSC to enable them to generate ABC advice for
42 the council.

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

45
46 **MS. LEVY:** I just wanted to add that the SSC is looking at the
47 stock assessment and making a recommendation about best
48 available science. Ultimately the call as to what is best

1 available science is the Secretary of Commerce/NMFS's call.

2
3 So you have this statement from the SSC that they've agreed that
4 it's the best available science and basically in terms of the
5 status of the stock and not undergoing overfishing, but
6 overfished, and had some issues with the projections that were
7 provided.

8
9 I think ultimately NMFS is going to need to decide whether the
10 stock assessment is a basis to say that there has not been
11 adequate progress in rebuilding and if that determination is
12 made, then the whole process that I discussed before is going to
13 get going and you're going to get the letter and then you're
14 going to need to ask for projections that say what is our T_{min}
15 and when can we rebuild without fishing mortality and then you
16 determine, based on that, what your maximum time is and then
17 you've got to figure out the target. There is going to get a
18 ball rolling, in some respects, when NMFS decides to send that
19 letter or when that determination is made.

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

22
23 **MR. ANSON:** When that determination is made, I would tend to
24 think that the Center and the Service would like to go forward
25 with the most positive and the most confidence in the
26 information and the SSC, the science advisory body, has said
27 yes, it's best available science, by a razor-thin margin, and we
28 have some problems here and they -- A few of the SSC members
29 have said that this is something that probably should be taken a
30 look at, so that we can maybe get to that point where we go back
31 and look at rebuilding schedules and we look at rebuilding
32 schedules under an improved model.

33
34 **DR. PONWITH:** What I am hearing though is eight to twelve is --
35 It passed and what I hearing is eight to twelve isn't good
36 enough to pass and is that what you're saying? Second of all,
37 when you suggest sending this to a third party, basically my
38 question would be, before we consider doing that, my question
39 would be to the SSC and did eight to twelve pass or not?

40
41 If the answer is no, eight to twelve isn't a passing vote for
42 this being best available science, which feels odd to me, what I
43 hear you saying sounds like conducting another stock assessment
44 and basically saying, okay, throw the stock assessment over and
45 do it again.

46
47 That is not -- If the SSC says this fails, then we are in a
48 situation where we need to go back and revisit the stock

1 assessment and that has consequences of itself.

2
3 **MR. ANSON:** To that point, I realize that and my comment or my
4 bringing this up again isn't related necessarily to the best
5 available science vote. It is that, but also coupled with that
6 they're not confident that this is suitable for management.

7
8 When you look at the context of those two statements, combined
9 with some of the things they felt could be reevaluated
10 relatively easily, and it doesn't require a full-blown standard
11 assessment or an update assessment and they felt like if they
12 possibly could have a few of the members of the SSC that were
13 modelers and they could perhaps have a small workgroup that
14 would assist with the stock assessment scientist or scientists
15 to go back and try to reevaluate those issues.

16
17 These are issues that the independent review panel would bring
18 as well and it wouldn't be -- I am not suggesting that only
19 those instances that the SSC thought were bad, but it would be
20 coupled with the independent review.

21
22 If the independent review had some issues and the SSC had those
23 same concerns, that would be the trigger or those particular
24 items would be addressed and not opening up the whole assessment
25 and looking at reviewing everything again and just those things
26 that would be brought up in the independent review.

27
28 **CHAIRMAN GREENE:** Thank you. I had Dr. Crabtree next on the
29 list.

30
31 **DR. CRABTREE:** A few things. I think, Mr. Gregory, that it
32 would be a good idea to get a verbatim transcript of the SSC
33 meeting, given all the concerns. I know we have tapes and is
34 that something that is doable?

35
36 **EXECUTIVE DIRECTOR GREGORY:** Yes and when you finish, if I may.

37
38 **DR. CRABTREE:** All right and then you know we will end up with
39 new projections done and those will go back to the SSC. I mean
40 when we start putting together a new rebuilding plan and all
41 that, that's a process that we'll spend probably a year on and
42 so the SSC is going to have other occasions to look at this and
43 review it.

44
45 Then I share some of your concerns about these close votes and
46 when I see a scientific body split down the middle, I generally
47 read that that the answer is not in the science and they don't
48 really know, but I think our SSC is the only SSC in the country

1 that makes motions and votes on things by Roberts Rules of
2 Order.

3
4 I am not positive about that, but I know the other SSCs that I
5 deal with are consensus bodies and I have spent quite a bit of
6 time with the South Atlantic Council's SSC and that is how they
7 operate and it works pretty well and they don't have these
8 narrow votes. They come to something that everybody can stand
9 behind.

10
11 It may not be exactly what they want, but they come to enough of
12 an agreement that everybody can get behind it, generally
13 speaking, and so I think I would prefer that sort of approach to
14 these things, so that we don't get in a situation where a big
15 decision is made by a one vote margin and sometimes that could
16 change if you had different people there, but I think that's
17 something that could be addressed by how we deal with our SSC.

18
19 Now, whether we -- If you are asking Bonnie to do a CIE review
20 or something like that, I guess the process with standards,
21 Bonnie, is that it -- The benchmark was CIE reviewed and so the
22 standard doesn't have that part of it, generally, and I am not
23 that familiar with standards, because we haven't done that many
24 of them.

25
26 **DR. PONWITH:** The assessment is reviewed by the SSC and they
27 provide their advice based on the SSC review.

28
29 **DR. CRABTREE:** But I do think it -- I guess we'll come back to
30 this in full council, when we go through the Reef Fish Committee
31 Report, but I do think we need to go ahead and request new sets
32 of projections and we need to go back to the SSC with those and
33 see what they say this time.

34
35 I think we can express some of our concerns about it's best
36 available on one hand, but not usable on the other and what
37 exactly do you mean and what about these projections and try to
38 clarify kind of how to proceed with it.

39
40 **CHAIRMAN GREENE:** Mr. Gregory.

41
42 **EXECUTIVE DIRECTOR GREGORY:** That sounds like a good plan, to
43 come back in January and have them look at whatever the Center
44 can provide and it's not a -- I like Chairman Anson's idea of
45 having a few of the stock assessment people on the SSC working
46 on doing something like that.

47
48 We did that, I believe, with amberjack this past year. The CIEs

1 had some concerns and so amberjack was looked at again and I
2 don't recall if the SSC then voiced additional concerns, but it
3 was an iterative type stock assessment and I think that's what
4 we're talking about.

5
6 The thing about consensus or voting, the SSC originally was a
7 consensus body and the council, and I think it was Corky
8 primarily at the time, was pushing for a vote, because we could
9 not get conclusions from the SSC. It was a different era and so
10 when voting started, we got very clear-cut recommendations.

11
12 I understand what you mean about the consensus thing. My only
13 personal concern is when I've seen consensus-type meetings it's
14 usually the strongest personality wins the day. They just wear
15 other people down and that concerns me, that we would end up
16 having one or two people dominating the direction of the effort,
17 but I have no problem trying it, if the council wants to try
18 that approach, but that would be my main concern about it.

19
20 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.

21
22 **DR. CRABTREE:** I mean I would say that I think the idea of
23 having a few people on the SSC have some conversations with the
24 analysts at the Science Center -- Maybe there are ways to
25 address some of their concerns and work this out and I think
26 that would be a very good thing and I hope that happens.

27
28 **CHAIRMAN GREENE:** Bonnie.

29
30 **DR. PONWITH:** To that very point, the thing that we need to be
31 careful about, when the SSC reviews an update assessment or a
32 standard assessment, is to not get in a situation where someone
33 who is participating in the assessment becomes a reviewer of the
34 assessment.

35
36 Part of the reason that the SSC can be the independent review
37 body of an update or a standard is because the update or
38 standard have been done within the Science Center according to
39 some very strict guidance. Either you change nothing or you
40 change small things, based on the terms of reference, and
41 because the SSC isn't engaged in the conduct of the stock
42 assessment, they are perfect reviewers. They are fresh eyes.

43
44 Under a benchmark stock assessment, because we actually have SSC
45 members engaged in the assessment, so that they're familiar
46 enough with what happened in this very complex process, those
47 people then are not active participants in the peer review. The
48 notion is you don't want someone peer reviewing something that

1 they did themselves and so I just put that in as a word of
2 caution.

3

4 **CHAIRMAN RIECHERS:** Robin.

5

6 **MR. RIECHERS:** I am not going to add a lot to this, but
7 obviously everyone is getting hung up on the twelve-to-eight
8 vote regarding best available science and the concerns though
9 were expressed with a nineteen-to-one vote and so I mean that
10 was pretty unanimous as we talked about it or certainly as they
11 expressed those concerns.

12

13 Now, those concerns might be expressed differently by each
14 individual as we talk to them, but that was a fairly unanimous
15 discussion regarding the concerns that they sent to us and so I
16 think any way we can create an iterative process to move forward
17 will give us greater certainty as we now move into the process
18 of what do we do over the course of the next two years and the
19 new plan amendment for rebuilding and any of that certainty that
20 we can build into that plan amendment, as opposed to waiting for
21 that next stock assessment, only is going to benefit all of us
22 around the table and certainly all the people who, both from the
23 SSC perspective, shared some of those earlier concerns and so I
24 just think we need to have some sort of iterative step here.

25

26 **CHAIRMAN GREENE:** Thank you. Well, I was the council
27 representative at that meeting and that was one of the first
28 meetings I had been to and it was very interesting. There were
29 a lot of people who sat at the table that didn't say a word and
30 there were several people who said a lot of things.

31

32 I learned a lot and it was very interesting to me, but what I
33 don't think is being relayed here accurately, and I guess I need
34 to step away from my title as Chairman here, but that twelve to
35 eight vote was the first vote they took right out of the box.

36

37 When they went through that, and they had a very long, long
38 conversation about it, I would almost bet that if they had to go
39 back and make that same vote again that it would not have been
40 the same. Now, I don't know how their procedures work or
41 anything else.

42

43 I was there and it was that the vast overwhelming majority of
44 that entire meeting was about the triggerfish and they talked
45 about shrimp and all kinds of interesting things that went on
46 with it, but you know I understand everybody is hung up on the
47 twelve-to-eight vote, but, at the end of the day, if they had to
48 vote again, there is no way it would have even passed. It

1 wouldn't have been close, because there were several guys who
2 were vocal about the fact that you've already accepted it as
3 best available science, but yet I think, looking back on it, it
4 wasn't.

5
6 I would almost -- Well, I don't want to speculate as to who it
7 was. I think I am pretty sure, but Dr. Barbieri is still here
8 and I don't know if he would like to weigh in on this item or
9 not. If he does and if the committee will allow, I will
10 certainly allow him an opportunity or if anybody has a question
11 about it. If I am incorrect, please correct me, Dr. Barbieri or
12 Steven, as you were both there.

13
14 **MR. ATRAN:** I just wanted to point out one thing. This was the
15 first meeting of our newly reconstituted SSC, where we combined
16 multiple SSCs into one. About half of the SSC members were new
17 to the SSC program. We had a couple who were old members, like
18 Joe Powers, who had rejoined it, but we had a lot of new
19 members.

20
21 For that reason, I don't think everybody was completely in sync
22 as to what they were thinking of when they were saying is this
23 or is this not the best available science. That's probably part
24 of the reason for this twelve-to-eight vote. I think in the
25 future we are going to get a lot more consensus on those votes.

26
27 **CHAIRMAN GREENE:** I see Dr. Barbieri getting up. Do you want to
28 comment, Dr. Crabtree?

29
30 **DR. BARBIERI:** Well, thank you, Mr. Chairman. I just wanted to
31 sort of step out of the formal procedural, I guess, discussions
32 and get a little more into like the commonsense perspective of
33 what we are facing here.

34
35 I think that the triggerfish assessment is very uncertain and it
36 has a lot of issues that are very difficult to evaluate and it's
37 just an easy assessment to review and to identify trends that
38 are clear in front of you.

39
40 So I think the twelve-to-eight vote, and I think that the long
41 discussion -- I agree, Mr. Chairman, that we had a lot of
42 discussion and a lot of disagreements and agreements about
43 several things, but it really reflects the challenges. There
44 were data limitations and there were a lot of issues that
45 couldn't be incorporated into that assessment properly and
46 created problems.

47
48 This is something that is a challenge, I would guess, for any

1 SSC or any body of reviewers. I mean there is no doubt about
2 that. I think we, at the end, really came out of it sort of
3 with a confusing or conflicting set of recommendations, which,
4 to me, is a reflection of how difficult and confusing that whole
5 process was.

6
7 I wasn't clear, personally, on whether the projections that were
8 presented and discussed had all been considered really the
9 official projections to be brought forth or whether they were
10 exploratory in nature and I think they were both. There were
11 some sets of projections that were exploratory in nature and
12 already had assumptions there that were just exploring
13 situations, while others were more the regular sets of
14 projections, but I can tell you -- I mean it was very difficult
15 for us to really go through that and evaluate everything and
16 provide you with the level of advice that I guess you expected
17 in terms of stock status and catch level recommendations.

18
19 I would welcome the opportunity to have the SSC work with the
20 Center in adjusting how we look at reference points and how we
21 look at the configuration of those new projections and how do
22 they tie into the estimates that came out of the assessment
23 itself?

24
25 The assessment, as you may recall, is really retrospective in
26 nature. You know it builds a history of landings, exploitation,
27 and population of those stocks and the projections are really
28 into the future and so when the two of them don't connect
29 properly, you can end up with scenarios that are not really
30 realistic and I think this is one of the situations that we are
31 facing here.

32
33 If there is an opportunity for us and what I heard, I guess from
34 today, is that the Center is looking into developing a new set
35 of projections and the new set of projections is going to be
36 potentially based, and I am not completely sure about that, on
37 this new rebuilding plan.

38
39 **DR. CRABTREE:** The rebuilding plan will be based on the new
40 projections.

41
42 **DR. BARBIERI:** Okay and so we're going to develop a new set of
43 projections to then guide development of the rebuilding plan and
44 yes, bring that back to the SSC and so as much as we can have
45 the opportunity to participate in the exchange -- I mean we work
46 with those colleagues all the time, on a regular basis, on a
47 number of issues, including other assessments, and so the more
48 we can have an iterative discussion there, I think the best.

1
2 **CHAIRMAN GREENE:** Okay. Thank you. Dr. Crabtree.

3
4 **DR. CRABTREE:** I think I will pass.

5
6 **CHAIRMAN GREENE:** Okay. Thank you. Anything else before we
7 leave gray triggerfish? Okay. Seeing no more activity on gray
8 triggerfish, Dr. Barbieri, are you going to be here tomorrow at
9 any point or are you leaving?

10
11 **DR. BARBIERI:** Yes, I am going to be here for a little while in
12 the morning.

13
14 **CHAIRMAN GREENE:** Thank you. Okay. He noted that he would be
15 here for a little while in the morning. We will pick back up
16 with our agenda and Options Paper on South Florida Management
17 Issues, Review of Options Paper, Tab B, Number 8(a), and Dr.
18 Simmons.

19
20 **OPTIONS PAPER - SOUTH FLORIDA MANAGEMENT ISSUES**
21 **REVIEW OF OPTIONS PAPER**

22
23 **DR. SIMMONS:** Okay. Thank you, Mr. Chairman. The council
24 looked at this joint amendment in June of this year. We had a
25 joint council meeting with the South Atlantic Council and we
26 didn't get through all the committee motions that were made at
27 that particular meeting in June and so we have some outstanding
28 housekeeping issues with this amendment.

29
30 The South Atlantic Council has also made subsequent motions
31 regarding this amendment dealing with yellowtail and so I wanted
32 to bring that to your attention as well.

33
34 Just to tell you we haven't done a tremendous lot of work on
35 this document since the last time we reviewed it, but if you go
36 to page 7, the purpose and need, we put in the revised purpose,
37 which was agreed on by both councils. That is on page 7.

38
39 We did come up with a proposed need, based on the council's
40 discussions, and I think this is the first time you're seeing
41 this revised need and so we put that in there for you to look at
42 and think about.

43
44 As I'm going through this, one of the other things staff is
45 looking for is really guidance on where we see this document
46 going. My understanding from the South Atlantic Council, and
47 the timeline we need guidance on as well, is that they're
48 essentially putting a lot of these actions on the back burner

1 until their visioning is complete and I am not sure on the
2 timeline on that as well and so I guess we'll get to that here
3 in a little while.

4
5 If you go to page 8, it starts with Action 1. We are looking at
6 partial delegation of commercial and/or recreational management
7 of yellowtail snapper to the State of Florida for federal waters
8 adjacent to the State of Florida. I updated this action with
9 the preferred alternatives that the council has agreed on so far
10 and so the Gulf and South Atlantic Council agreed to Preferred
11 Alternative 2, which is the recreational management items for
12 delegation to the State of Florida concerning yellowtail
13 snapper, which is size limit, seasons, and bag limits.

14
15 Then the South Atlantic Council also selected Preferred
16 Alternative 3, which was the commercial management items for
17 delegation to the State of Florida for yellowtail snapper.

18
19 You also directed, or both councils directed, staff to develop a
20 reasonable range of alternatives for both the recreational and
21 commercial size limits, bag limits, and seasons and trip limits
22 regarding this action and we have not had a chance to do that
23 yet and so I will stop there for a second and see if there's any
24 questions.

25
26 **CHAIRMAN GREENE:** Any questions or comments? Yes, sir.

27
28 **MR. CONKLIN:** Thank you, Mr. Chairman. I just wanted to make
29 you guys aware of something in the works on the South Atlantic
30 side. There has been some discussion about trying to figure out
31 a way to do a separate amendment for the yellowtail snapper
32 management and I wanted to see what you guys think.

33
34 You know in September we gave direction to our staff to begin
35 work on a joint amendment and in that amendment, and that's for
36 yellowtail snapper, to combine the ABC, the ACL, and the
37 accountability measures, but, since then, we've been working on
38 maybe changing the start date for the commercial yellowtail
39 fishery and we have an amendment in the works right now that I
40 think is due up for December, to be seen at our December
41 meeting, and I think it would be finalized there.

42
43 Anyway, it includes the action to manage yellowtail as a single
44 unit with combined multijurisdictional ABCs and ACLs and so we
45 were wanting to see if you guys would entertain finding a way to
46 manage the -- If you guys would set some sector allocations for
47 the commercial and recreational yellowtail and we could manage
48 it together, to where when the commercial ACL was projected to

1 be met or met that it would close down. If you need some more
2 details, I have them as well.

3
4 **CHAIRMAN GREENE:** Thank you. Are there comments by the
5 committee? Martha.

6
7 **MS. BADEMAN:** I will have some. I kind of want to wait until we
8 move through a couple more yellowtail things though.

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

11
12 **MR. WILLIAMS:** I was just going to note that I was the liaison
13 to the South Atlantic at their last meeting and they noted --
14 This almost happened last year, but didn't and they noted that
15 it's likely that the commercial quota for yellowtail will be
16 captured in the South Atlantic and that they will be closed this
17 year. They were at like -- I wrote it down somewhere, but I
18 think they were at 82 percent at the time of that meeting and
19 that was about three weeks ago now and so mid-September, I
20 guess.

21
22 It seemed likely that the commercial fishery was going to close
23 and when that happens, ours is still going to be open and so
24 they are looking for a way to combine the ACLs so that the
25 fishery opens and closes all at the same time throughout Monroe
26 County.

27
28 **CHAIRMAN GREENE:** Okay and so just out of curiosity, I guess
29 there is people who could travel between the two and that's what
30 they're trying to get at? Am I -- I mean I don't know --

31
32 **MR. WILLIAMS:** Well, it's going to be confusing, yes. It's
33 going to be confusing because the South Atlantic portion of
34 Monroe County would be closed to yellowtail harvest, but the
35 Gulf portion, wherever that is, will still be open and so it's
36 going to be pretty confusing for them and law enforcement both,
37 I would think.

38
39 **CHAIRMAN GREENE:** I wouldn't expect fishery management to be
40 anything but pretty confusing. Okay. Does anybody want to take
41 a stab at the South Atlantic request and go from there? Would
42 you like to weigh in with any additional options?

43
44 **DR. SIMMONS:** I think I sent around to the meetings email --
45 There was some information about the landings and it's got the
46 Gulf landings, both recreational and commercial, and what our
47 quota is and what percent of the quota has been landed in the
48 last three years and then the projection or where we are to date

1 for 2015.

2
3 In speaking with Dr. Mike Larkin, we were looking at the South
4 Atlantic Council's yellowtail snapper commercial landings and I
5 had received the same information earlier that Mr. Williams just
6 mentioned, which was that in 2014 the commercial sector landed
7 almost 92 percent of their ACL, but then, in discussions with
8 him and after updates, apparently that's been reduced and
9 there's only about 1.2 million pounds that were landed and so
10 only about 76 percent of the commercial ACL was landed in 2014.

11
12 I guess if we could get some clarification on some of these
13 recent landings -- The website seems to be outdated and we're
14 getting some different estimates for those landings, even from
15 what was sent out to the council yesterday, maybe from Steve or
16 Andy or Mike. I think that would help with this discussion.

17
18 I also want to point out that either council is coming close to,
19 based on the landings that were email out, the recreational
20 portion of the landings -- The Gulf Council doesn't currently
21 have sector allocations and all our recreational landings in the
22 Gulf -- All Monroe County MRFSS landings are assigned to the
23 South Atlantic Council and they are low in the Gulf of Mexico
24 and so that was a table sent out.

25
26 There is three tables, but there has even been some changes
27 since then and so maybe we can get some of that information from
28 Mike and get some correction there on what exactly the 2014
29 commercial landings were for both the Gulf and South Atlantic.

30
31 **CHAIRMAN GREENE:** Okay. Thank you. They are shaking their
32 heads yes. Leann.

33
34 **MS. BOSARGE:** I was just trying to scroll through the numbers
35 that you put on the screen really quickly and can you show us a
36 little further down that page right there? Okay. So in the
37 South Atlantic, the recreational sector is landing less than
38 half of its ACL and have you discussed, on the South Atlantic
39 Council, changing those allocations in order to possibly address
40 some of this issue as well?

41
42 **MR. CONKLIN:** We haven't. We have got this visioning project
43 we're going through and we do have an amendment coming down the
44 pipe to handle allocation issues, but we're waiting until we
45 came out with a finished product of our visioning process.

46
47 **CHAIRMAN GREENE:** Okay and so this isn't going to be a very high
48 priority in getting something back to the South Atlantic if they

1 are waiting on some information as well and am I correct?
2

3 **MR. CONKLIN:** As far as the allocations go, we don't have any
4 intentions of changing those right away. There has been some
5 discussion about changing the start date to the commercial
6 fishery that would hopefully help the commercial fishermen and
7 make the season last a little bit longer.
8

9 You know if we did decide to go our separate ways and you guys
10 could set sector allocations for your recreational and
11 commercial yellowtail, we've got -- You know it's one stock and
12 it's managed -- You know it's assessed by the State of Florida
13 and it's -- We could separate the ABC into like 25 percent and
14 75 percent or something like that and manage it together and it
15 might make it simple. Thanks.
16

17 **CHAIRMAN GREENE:** Okay and so I believe what he is after is for
18 us to draft a document to start looking at sector allocations of
19 yellowtail snapper. Martha.
20

21 **MS. BADEMAN:** Okay. I think, based on the last few comments
22 that were made, I am ready to make a motion on yellowtail that
23 was emailed a few minutes ago. **My motion would be to begin a**
24 **separate amendment with the South Atlantic Council that would**
25 **address management issues with yellowtail snapper. The**
26 **amendment would address consolidating the ABC and ACL and**
27 **yellowtail snapper AMs. Right now, those two actions are in the**
28 **South Florida Amendment. I would want to pull those out, as**
29 **well as addressing the commercial fishing year start date and**
30 **looking at recreational and commercial allocations in both the**
31 **South Atlantic and Gulf jurisdictions.**
32

33 **CHAIRMAN GREENE:** Okay. We have a motion on the floor and is
34 there a second? It's seconded by Mr. Williams. Any further
35 discussion? Dr. Crabtree.
36

37 **DR. CRABTREE:** I mean we can, I think, communicate and
38 coordinate with the South Atlantic, but it's going to be a
39 separate amendment. This will be a reef fish amendment and the
40 South Atlantic will do, I think at this point, a framework
41 action and I don't know that the South Atlantic is going to
42 revisit the commercial/recreational allocation. Maybe they
43 will, but you guys know how reallocating is and that would be a
44 contentious one and take some time.
45

46 I support the motion, but it's going to be a separate amendment,
47 because it's not a joint plan. Maybe it should be a joint plan,
48 but it's not.

1
2 **CHAIRMAN GREENE:** Thank you. Ms. Bademan.

3
4 **MS. BADEMAN:** I mean I guess my point here is to basically look
5 at all the options we have for fixing some of these issues with
6 the yellowtail fishery and I think allocation -- Looking at
7 allocation on both sides is part of that and so if we end up
8 wanting to go down the road of consolidating to have a single
9 ABC and ACL, then the Gulf -- We're going to have to set
10 recreational and commercial allocations. We're going to have to
11 do that. I think also the South Atlantic needs to do what Leann
12 mentioned and take a hard look at whether their recreational and
13 commercial split is what it should be and so --

14
15 **DR. CRABTREE:** We already have a joint consolidated ABC. The
16 issue is the ACL.

17
18 **CHAIRMAN GREENE:** Mr. Sanchez.

19
20 **MR. SANCHEZ:** Obviously this is a very important fishery down in
21 the Keys and they rely on it heavily. Some people do this full-
22 time and other people definitely do it during certain times of
23 the year when other opportunities are not available to them and
24 so I would hate to see it closed when it seems like we could
25 look at a myriad of options that would afford us opportunities
26 to address this, some of it being allocation oriented, albeit
27 contentious, and some of it combining the Gulf and Atlantic.

28
29 It seems like there's a couple of things we could look at and I
30 think we tried to do that when we were looking at things unique
31 to South Florida, this being kind of one of them, and addressing
32 that and so it kind of falls right in, but then I am the biggest
33 proponent of getting a divorce and so I hate to get married on
34 another arena, but I don't know what to say. I would hate to
35 see people get hurt more than divorced and so --

36
37 **CHAIRMAN GREENE:** Okay. Thank you. We have a motion on the
38 floor. Any more comments? Okay. **Is there any opposition to**
39 **the motion on the floor?**

40
41 **DR. MIKE LARKIN:** I'm sorry to interrupt, but I guess the
42 question was about, if I understand correctly, the South
43 Atlantic landings and they are currently, we estimate, about 92
44 percent of their ACL, the South Atlantic 2015 yellowtail snapper
45 landings. I am still looking at that and I'm sorry to
46 interrupt, but that was the question, to see where they are
47 relative to their ACL, if I understood that correctly.

1 DR. SIMMONS: 2014. What is the 2014 landings?
2
3 DR. LARKIN: The 2014 -- Give me one second here.
4
5 DR. SIMMONS: For the Gulf and for the South Atlantic.
6
7 DR. LARKIN: 2014, they're about -- Once we got the final 2014
8 landings for the South Atlantic, they were 1.2 million pounds.
9 Earlier, we had I think at 1.4, because we had to deal with
10 expansions for underreporting, but once we got the final 2014
11 landings, the South Atlantic is 1.2 and the Gulf is -- Give me a
12 second here.
13
14 DR. SIMMONS: What proportion is that of their quota? Is that
15 about 75 percent of the South Atlantic Council's quota?
16
17 DR. LARKIN: Yes and the Gulf is 760,000. I don't know what
18 that is relative to -- I can look that up, to see what
19 percentage that is of the ACL for final 2014 South Atlantic
20 yellowtail snapper landings.
21
22 DR. SIMMONS: Okay. Thank you very much. If you combine that
23 with the Gulf's recreational landings in 2014, that was about, I
24 guess, 87 percent of our quota. Okay. I just wanted to point
25 that out. We will certainly work on something, but I think
26 commercially, in the Gulf and the South Atlantic, the landings -
27 - Particularly in the Gulf, the landings were higher than I
28 think most folks had been originally estimating or thinking
29 about and I just wanted to point that out.
30
31 CHAIRMAN GREENE: Okay. Thank you. **Just to note the previous**
32 **motion did carry. I didn't see any opposition to it.** Any more
33 comments? Dr. Simmons, if you're ready.
34
35 DR. SIMMONS: Okay. So we're going to take Action 2 out and so
36 I will skip that and we will work on a separate document or
37 however that works out with the South Atlantic Council staff.
38
39 I will go to Action 3 on page 14, which is the delegation of
40 commercial and recreational management of mutton snapper. I
41 added the preferred alternatives, the Gulf and South Atlantic
42 Preferred Alternative 2, which was to determine specific
43 recreational management items for delegation to the State of
44 Florida for mutton snapper. The South Atlantic Council also
45 selected Preferred Alternative 3, which was the commercial
46 management items for delegation to the State of Florida
47 regarding mutton snapper.
48

1 The same motion was passed again to develop a reasonable range
2 of alternatives for these management measures, both
3 recreationally and commercially, and the IPT has not had a
4 chance to do that yet, but that was approved by both councils
5 and so I will stop there and see if there's any questions.

6
7 **CHAIRMAN GREENE:** Any questions or discussion? Seeing none,
8 carry on, Dr. Simmons.

9
10 **DR. SIMMONS:** Okay and then the final action that both councils
11 reviewed and made motions on was Action 4, Establish and
12 Consolidate ABCs and ACLs for Mutton Snapper. That is on page
13 16. We did not select a preferred alternative for that. The
14 South Atlantic Council selected Preferred Alternative 3, Option
15 3a, and this was a new alternative that was replaced with the
16 older alternative and we did agree to do that, but we just did
17 not select it as a preferred alternative at the June meeting.

18
19 **CHAIRMAN GREENE:** Okay and so do we need to select a preferred
20 now? Okay. Any questions or comments at this point? Seeing
21 none, Dr. Simmons.

22
23 **DR. SIMMONS:** Just in moving through the document, if we go to
24 page 19, both councils agreed to take the current Action 5 and 6
25 and you will see those in the presentation when we're talking
26 about mutton or some iteration of those, in the next agenda
27 item. They have been removed from this document and that was
28 agreed on by both councils and that is kind of where we stopped
29 when we had our joint session in June, as far as the committee
30 motions.

31
32 **REMAINING GULF REEF FISH COMMITTEE RECOMMENDATIONS FROM JUNE**
33 **2015**
34

35 Then we had some outstanding Gulf Committee motions regarding
36 the rest of the amendment and instead of just sending them
37 straight to full council, I just wanted to quickly go through,
38 so when we get to full council, when you see these committee
39 motions, we are kind of fresh on where they came from and why
40 you're seeing them.

41
42 On page 20, Action 7 is partial delegation of recreational
43 management of black grouper to the State of Florida. There was
44 two committee motions that weren't sent and discussed by full
45 council yet. The first one, if you go down towards the bottom,
46 is the Reef Fish Committee recommends to have Action 7 apply to
47 the waters adjacent to the State of Florida. Then the Gulf Reef
48 Fish Committee recommends, in Action 7, Alternative 2b to be

1 moved to considered but rejected, because there was no other
2 recommendations for the minor modifications to the existing
3 allowable gear. I will just stop there for a second and see if
4 there's any questions.

5
6 **CHAIRMAN GREENE:** Any questions? Seeing none, carry on, please.

7
8 **DR. SIMMONS:** Okay. On page 22, you did not make any Reef Fish
9 Committee motions regarding establishing and consolidating ABCs
10 and ACLs for black grouper and so we'll go ahead and move to
11 Action 9 on page 25. You didn't make any motions there
12 regarding Action 9.

13
14 Then going on to page 32, for Actions 10 and 11, the committee
15 recommends, and I so move, to remove Actions 10 and 11 in the
16 options paper and replace them with Actions 6, 7, and 8 in the
17 restructured document. I have them here for you to look at.

18
19 That would focus the differences in regulations that we had for
20 the seasons and the season closures, the bag limits, and the
21 size limits to the recreational sector and it replaced that
22 harmonize actions and so these would replace Actions 10 and 11.

23
24 In Action 8, I will just point out for the recreational grouper
25 size limits, Alternative 2 and 3, we are looking at those in a
26 framework action and so maybe when we get to full council those
27 may not be needed anymore, but Mara said to wait until the full
28 council has a chance to look at them first before they're
29 modified. I believe that was the advice she gave us and she can
30 weigh in on that. Those outstanding committee motions, they
31 should wait until full council addresses them before they make
32 any changes to them?

33
34 **MS. LEVY:** I mean I think, because they're outstanding committee
35 motions, that full council should decide what to do with them
36 and if you want to not accept them and make different motions,
37 then you can do that at full council.

38
39 **DR. SIMMONS:** Okay and then Action 12, the changes to the circle
40 hook requirements, that has been removed and we are addressing
41 that in a separate framework action. Then that just leaves
42 Action 13 on page 38, which I believe for yellowtail snapper
43 we're taking this action out and putting it in a separate
44 amendment. That concludes my report on this document. I just
45 wanted to refresh the committee before the full council saw
46 these outstanding motions and kind of remind everybody where
47 they came from and why they're looking at them again.

48

1 **CHAIRMAN GREENE:** Okay. Thank you. Anything else before we
2 leave this portion? Dr. Crabtree.

3
4 **DR. CRABTREE:** So we're still looking at changing the whole
5 seasonal grouper closures and grouper bag limits in this
6 amendment?

7
8 **DR. SIMMONS:** Eventually. My understanding is the South
9 Atlantic Council wanted to just wait before we work on this
10 document a whole lot more.

11
12 **DR. CRABTREE:** I think that's one of the problems with this
13 document, because those aren't South Florida issues. They are
14 Gulf-wide and South Atlantic-wide and, to me, this South Florida
15 needed to focus on things like yellowtail and maybe mutton, but
16 things that were really Florida Keys and South Florida issues,
17 but part of the reason it's gotten so unwieldy is we've let it
18 mushroom into a much bigger thing, when you start talking about
19 gag bag limits and red grouper.

20
21 Most of those fisheries aren't even in the Keys like that and so
22 I think that's one of the reasons this has bogged down so much,
23 is it's gone far beyond where, at least in my view, where the
24 scope of it was to begin with.

25
26 **CHAIRMAN GREENE:** Martha.

27
28 **MS. BADEMAN:** I don't know that I would say that we don't have
29 grouper issues in the Keys. I think that's one of the number
30 one things that we hear about and where this came from, is this
31 disparity in the recreational closed season and the bag limits.

32
33 **DR. CRABTREE:** I get that, but the grouper fishery goes far
34 beyond the Keys. I mean most of the red grouper in the South
35 Atlantic are caught I think much further up the coast and most
36 of the gag are other places and so they have them in the Keys,
37 but they are not South Florida issues. They are Gulf-wide and
38 South Atlantic-wide issues and that's what worries me. I think
39 we set out to just try and deal with things specific to South
40 Florida and I just don't think those issues are specific to
41 South Florida.

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

44
45 **MR. SANCHEZ:** I would agree that this got a lot bigger and out
46 of control than originally intended and to keep it focused on
47 South Florida, but at every one of the meetings that we had, you
48 heard from numerous charter boat fishermen saying that the

1 shallow-water grouper closure, which had its genesis in gag and
2 not catching gag, but more blacks and reds and scamps and
3 everything else lumped together, had a tremendous economic
4 impact on them.

5
6 That's not saying that having a closure on those other species
7 during perhaps overlapping spawning times doesn't afford some
8 benefits, but if they're not perceived as overfished and we are
9 addressing predominantly a gag issue and there is tremendous
10 economic impacts to the fleet down there, that's where it became
11 one of the central themes of a South Florida issue and so if
12 there is a way to address that that's meaningful and addresses
13 all the concerns, that would make a hell of a lot of people in
14 South Florida and that industry very, very pleased.

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

17
18 **EXECUTIVE DIRECTOR GREGORY:** Roy, your concerns were shared by
19 the IPT also and that's why the proposed restructured document
20 for Actions 6, 7, and 8 contains the phrase "in the South
21 Florida management area" and that was based on the Shark Point
22 line that we were discussing in the South Florida document at
23 the time.

24
25 These were only going to apply in that South Florida area and
26 that's what got some of the commercial fishermen out of the
27 Naples area concerned, because they fish below the Shark Point
28 line at some point and they were concerned about having
29 something more restrictive down there during one of their
30 extended fishing trips, but everything we're talking about now
31 with bag limits and size limits was in the South Florida
32 management area.

33
34 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree, I had you next on
35 the list. You pass and does anyone else want to weigh in?
36 Okay, Dr. Simmons, are you --

37
38 **DR. SIMMONS:** I guess we'll just, at full council, after we talk
39 about these motions, we just need some guidance on next steps
40 regarding the remaining actions in here.

41
42 **CHAIRMAN GREENE:** Thank you. Well, we're too late in the day to
43 pick up our next item and so I guess we will pick it up in the
44 morning and we will just reconvene the Reef Fish Committee in
45 the morning with the mutton snapper framework action at 8:30
46 a.m. We are recessed until 8:30 in the morning.

47
48 (Whereupon, the meeting recessed at 5:48 p.m., October 6, 2015.)

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2 - - -
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4 October 7, 2015
5

6 WEDNESDAY MORNING SESSION
7
8 - - -
9

10 The Reef Fish Management Committee of the Gulf of Mexico Fishery
11 Management Council reconvened at the Hilton Galveston Island
12 Resort, Galveston, Texas, Wednesday morning, October 7, 2015,
13 and was called to order at 8:30 a.m. by Chairman Johnny Greene.
14

15 **CHAIRMAN GREENE:** Good morning. We're going to go ahead and
16 call the Reef Fish back together. We are going to make a few
17 adjustments to the agenda to accommodate flight schedules and
18 everything else. We are scheduled for an hour, but we have
19 several agenda items that we are going to try to get done, as
20 much as possible.
21

22 My intention, after talking with staff and Chairman Anson, is to
23 try to follow the schedule as closely as possible. We will pick
24 up first with the options paper for mutton snapper and then we
25 will go into the options paper about the minimum stock size
26 threshold, which should be fairly quick, and then we will move
27 into the Reef Fish AP summary and additional items from there.
28 Then, depending on time, we will try to pick up the other stuff.
29

30 The only thing I'm concerned about timewise would be the
31 discussion for the private recreational AP and so we may have to
32 kick that to full council, in the constraint of time. With
33 that, we will move into our first item today, which is going to
34 be Options Paper - Framework Action to Set Mutton Snapper ACL,
35 and Dr. Simmons.
36

37 **OPTIONS PAPER - FRAMEWORK ACTION TO SET MUTTON SNAPPER ACL**
38

39 **DR. SIMMONS:** Thank you, Mr. Chairman. So I don't actually have
40 a paper. This is just a presentation, in very draft form, Tab
41 B-9. Some of the management actions you've seen in the South
42 Florida Amendment. The recreational bag limits and some of the
43 commercial trip limits, we pulled out of the South Florida
44 document and so some of those should look a little bit familiar.
45

46 Just a little bit about the species, the life history and
47 biology, it's considered a single stock and it straddles the
48 Gulf and South Atlantic Councils' jurisdiction and the primarily

1 focused stock abundance is in South Florida.

2
3 The juveniles are in sand and seagrass habitats and then, as
4 they are adults, they move to reefs. The maximum observed age
5 is forty years and the maximum length is around thirty-nine
6 inches total length and the maximum observed weight is about
7 thirty-four pounds and about age-three and they are aggregate
8 spawners and the peak spawning is between May and June.

9
10 We had an update assessment and I think this information was
11 brought before the council in June and we found that it was not
12 overfished or undergoing overfishing. We do have a current
13 stock apportionment that was set up in our Generic ACL/AM
14 Amendment in 2011 that apportions the stock between the South
15 Atlantic Council and between us and so, based on the landings, a
16 50 percent catch history from 1990 to 2008 and 50 percent of the
17 catch history from 2006 to 2008. That gives us 18 percent of
18 the ABC for mutton snapper. The South Atlantic Council has 82
19 percent.

20
21 The Gulf SSC reviewed the South Atlantic SSC's recommendations
22 and they determined the assessment represented the best
23 scientific information available and it was suitable for
24 management advice and so our SSC concurred with the South
25 Atlantic Council's OFL and ABC recommendations and we adopted
26 those for 2016 through 2020.

27
28 Those following OFL and ABC determinations you can see here in
29 the table. These yield streams are in pounds whole weight from
30 2016 to 2020 and so if we take our apportionment of the ABC,
31 that 18 percent, that results in the following ABCs for 2016 to
32 2020 and, again, these yield streams are in pounds whole weight.

33
34 Just starting to think about what we need to do regarding
35 mutton, I have three actions. The first action would be to
36 establish our apportionment of the ABC and set our new ACLs and
37 so, currently, Alternative 1, our no action alternative, is
38 where we are now, with our stock ACL is at 203 pounds whole
39 weight. We do not have sector allocations for mutton snapper in
40 the Gulf.

41
42 A look at one alternative would be to set the ACL equal to the
43 ABC and you can see what those yield streams would be there.
44 That is directly our apportionment of the current ABC. Then
45 Alternative 3, we came up with using the Gulf's ACL/ACT control
46 rule, which looks at the variability in the recreational
47 landings and how many years and if there were any overages, et
48 cetera, and that came out to a 12 percent buffer and so that

1 would be 88 percent of the ABC and that's what those resulting
2 ACLs would look like in the far-right corner, under Alternative
3 3. I could stop here and see if there's any questions about
4 Action 1, or potential Action 1.

5
6 **CHAIRMAN GREENE:** Any questions or comments? Seeing none, carry
7 on, Dr. Simmons.

8
9 **DR. SIMMONS:** Okay. This is just to give you an idea of what
10 our recent landings have been like. Like I said, we have no
11 sector allocations currently and so primarily it's a commercial
12 fishery in the Gulf.

13
14 Action 2 would look at establishing recreational management
15 measures and these are bag limits that we have. That's the only
16 thing I've put in here to date, because it came out of the South
17 Florida Amendment and we had a lot of feedback from folks in
18 South Florida that even though the stock wasn't overfished, they
19 were concerned about people fishing on the spawning aggregations
20 and so that's where a lot of these draft alternatives are
21 focused on.

22
23 Alternative 1, no action, mutton snapper is part of the
24 aggregate ten snapper bag limit in the Gulf of Mexico currently.
25 Alternative 2 would remove it from the aggregate bag limit and
26 establish a regular season, which would be July through April,
27 and then a spawning season of May through June, with the
28 following bag limits and options. 2a would be ten fish during
29 the regular season and then dropping it to two fish during the
30 spawning season, five and two, and then four and two.

31
32 Then Alternative 3 would retain mutton within the aggregate bag
33 limit, but specify during the regular and spawning season bag
34 limits within the aggregate bag and that would be the same
35 series of options that you saw in the previous alternative and
36 it just would retain it within the aggregate bag limit.

37
38 I should mention that, and I think we talked about this in the
39 South Florida document, but when we were combining these
40 management measures with the South Atlantic Council, we could
41 have a more meaningful analysis. From my understanding of
42 working with Dr. Mike Larkin is we have such low recreational
43 landings in the Gulf that we really probably cannot analyze a
44 lot of these alternatives.

45
46 What we probably would consider or think about as we move
47 forward with this is potentially adopting either the State of
48 Florida's regulations and/or the South Atlantic Council's

1 regulations, as they move forward with their mutton snapper
2 document.

3
4 This just shows what kind of reductions you would get from MRIP
5 and the headboat during the spawning season and during the
6 regular season and throughout the year, starting with the ten
7 bag limit and going down to one. Again, this is just for the
8 South Atlantic Council's jurisdiction, because that's the
9 information we had in the South Florida document.

10
11 Action 3 would be mutton snapper commercial trip limits and
12 Alternative 1 is no action, do not establish a commercial bag or
13 trip limit for mutton snapper in the Gulf of Mexico during the
14 spawning season. Alternative 2 would specify a trip limit for
15 mutton snapper for the commercial sector during the spawning
16 season of May and June in the Gulf and I have two options, a
17 five-fish per person per day and a ten-fish per person per day
18 option.

19
20 Alternative 3 and 4 focus on more of a gear type trip limit.
21 Alternative 3 would specify a trip limit for the vertical line
22 component of the commercial sector during the spawning season of
23 May and July in the Gulf, which would be -- Option 3a is five
24 per person per day and Option 3b is ten fish per person per day.

25
26 Alternative 4 is specify a trip limit for the bottom longline
27 component of the commercial sector during the spawning season in
28 the Gulf and Option 4a is 500 pounds whole weight and Option 4b
29 is a fifty pounds whole weight trip limit.

30
31 This is a table of the commercial landings from 2004 to 2013 by
32 gear type. This is just in the Gulf of Mexico and this table
33 shows the monthly distribution of commercial mutton snapper
34 landings from 2009 to 2013 and you can see they are the greatest
35 during the spawning season and into the month of July.

36
37 Based on those alternatives and options I just reviewed in
38 Action 3, this shows the estimated percent reduction based on
39 those alternatives and options and you can see they all would be
40 a reduction except for Alternative 4, Option 4a, the 500 pounds
41 whole weight trip limit. That would not be a reduction and that
42 would be actually an increase in landings and that is estimated
43 to be 4 percent.

44
45 With that, I will take questions. Again, this is very draft and
46 so what we're looking for is just some feedback about the range
47 and if we're on the right track, especially for the commercial
48 management measures, as to what the council would be looking

1 for, so we can start working on some analysis with the Regional
2 Office.

3
4 I know this is a picture of a rock beauty, because I didn't have
5 any pictures of mutton snapper, but I did take this picture and
6 so I had to include it.

7
8 **CHAIRMAN GREENE:** Thank you. Nice photograph as well. Mr.
9 Williams.

10
11 **MR. WILLIAMS:** Carrie, where is the South Atlantic Council on
12 this now? I mean given that they catch 82 percent of the total
13 stock, I would hate to get ahead of them and us end up going
14 different directions.

15
16 Personally, I would like to track their bag limits and, to the
17 degree we could, their commercial regulations. They don't have
18 any longlining in the Atlantic, I don't think, however though
19 and so we would have to come up with something there ourselves,
20 but it just seems to me that we shouldn't get ahead of them
21 here, since they have the majority of the harvest.

22
23 **CHAIRMAN GREENE:** Yes, Chris.

24
25 **MR. CONKLIN:** Thank you, Mr. Chair. We're addressing mutton
26 snapper management separately through an amendment that's going
27 to update the ACL based on the stock assessment and we are
28 pretty much at the beginning stages. We've gone over and picked
29 some options, but I don't think we have preferreds on bag limits
30 and trip limits. I know that there's a lot of concern over,
31 especially down in the Keys, of fishing on the spawning
32 aggregation and so there probably will be a little bit of a
33 reduction there, but I can get back to you with some further
34 details and if I can dig into the document, I can certainly fill
35 you in more.

36
37 **CHAIRMAN GREENE:** Thank you. Ms. Bademan.

38
39 **MS. BADEMAN:** Thanks. We are actually going to be working on
40 mutton snapper at the state level as well and we're hoping to
41 dovetail that into what's going on with the South Atlantic
42 Council.

43
44 We are going to be giving a presentation on the whole issue at
45 our commission meeting in November in Panama City. I think it's
46 scheduled for the 18th and we will be looking for some direction
47 from our commissioners, but if they want us to hold workshops,
48 we are hoping to dovetail those with the South Atlantic. I

1 think they're doing scoping meetings in January and February and
2 so we will come back with probably some more solid options.

3
4 I think what's in here is pretty representative of what we
5 discussed at the South Florida meetings and based on feedback
6 we've heard so far, but I will certainly be coming back with
7 more potential options, maybe, if the commission wants us to
8 proceed forward.

9
10 **CHAIRMAN GREENE:** Okay. Thank you. Any other comments? Dr.
11 Simmons, are you good with what you need for this document?

12
13 **DR. SIMMONS:** Yes, thank you. We will work with the South
14 Atlantic Council staff on this and I should mention that we did
15 not have time for the Reef Fish AP to review this and so I don't
16 have any comments from them on this item.

17
18 **CHAIRMAN GREENE:** Thank you. Anything else before we leave
19 mutton snapper? Seeing none, the next thing we're going to go
20 to is Steven Atran is going to lead us through a presentation, I
21 think, on minimum stock size threshold. Steven, if you're
22 ready.

23
24 **OPTIONS PAPER - ADJUST MINIMUM STOCK SIZE THRESHOLD**

25
26 **MR. ATRAN:** Yes and thank you, Mr. Chairman. This is actually
27 our second attempt to bring an options paper to the council on
28 this subject. We brought an MSST options paper back in January,
29 but it was kind of complicated and it wasn't easy to understand
30 and so we worked with the IPT to try to simplify this and I
31 think we've got a more understandable document.

32
33 The council's request was actually specifically to look at
34 establishing an MSST that would provide a little bit wider
35 buffer for stocks that have a low natural mortality rate. Since
36 we only have MSST defined for seven of the thirty-one stocks in
37 the Reef Fish FMP anyway, we went ahead and designed this so
38 that we would get that definition in for all of the stocks and
39 that would help meet our obligation under the Magnuson-Stevens
40 Act to have a minimum stock size threshold defined as part of
41 the status determination criteria.

42
43 I also had a few slides I wanted to put up just to discuss MSST
44 in general and how it fits in with the overfished definitions
45 and try to give a little background information for rationale
46 for why you might want to set it higher or lower relative to the
47 BMSY level and so if we could get that PowerPoint presentation
48 up. There it is.

1
2 First of all, there is two definitions of overfished in the
3 National Standard 1 Guidelines. First of all, on the
4 definitions part of the Guidelines, it defines overfished by
5 what we are calling the scientific definition here, anytime a
6 stock's biomass level has been reduced below the level needed to
7 sustain MSY on a continuing basis.

8
9 However, we don't declare the stock overfished unless it crosses
10 below the MSST, the minimum stock size threshold. That we're
11 calling a legal definition and that's our terminology and not
12 the NS-1's terminology. MSST is a stock's biomass has been
13 reduced below some minimum stock size threshold and you set that
14 threshold. The top definition is a scientific definition and
15 that comes out of the stock assessment. The second one is one
16 that you can set.

17
18 As I said, when MSST is set, once the stock drops below that
19 biomass level or the proxy that we're using for the biomass
20 level, the stock gets declared overfished by the Regional
21 Office. They will send a letter to the council and at that
22 point, we have two years to design, submit, and implement a plan
23 to rebuild the stock back to its MSY level.

24
25 If that plan is successful, at some point the stock biomass is
26 going to rebuild back above the MSST level. When that occurs,
27 we stop calling the stock overfished. We remove that
28 designation, but we still have an obligation to continue the
29 rebuilding plan until we've gone all the way back up to the MSY
30 biomass level.

31
32 The question came up, at least in my mind, is if a stock, from a
33 scientific standpoint, is overfished anytime it's below BMSY and
34 our rebuilding plan requires us to rebuild back up to that BMSY
35 level, why even bother setting MSST at any level below that?
36 What rationale do we have for doing that?

37
38 As it turns out, there is no rationale that I could find in
39 either the National Standard 1 Guidelines, the Magnuson-Steven
40 Act, or the technical guidance on precautionary approach to
41 implementing National Standard 1, the Restrepo et al. document.
42 There is definitions of what MSST is and there's limits as to
43 where you can set it, but no rationale as to why you would want
44 to set it either closer or further behind the MSY level.

45
46 There seems to be two schools of thought as to the rationale for
47 where to set MSST. One school of thought says that if we've got
48 the stock at the MSY level that there's going to be some natural

1 fluctuations above and below that MSY line and so MSST would set
2 the minimum stock size threshold at some level lower enough to
3 allow those fluctuations without having to periodically declare
4 the stock overfished just because of year-to-year fluctuations,
5 but still high enough so that if the stock has a real decline
6 that we would be able to catch it early.

7
8 That rationale would argue for setting MSST fairly close to the
9 BMSY level. The other rationale would say that what we're
10 trying to really avoid with MSST is a recruitment collapse.
11 Anytime we reduce the biomass level of the stock or the egg
12 productivity, we are starting to affect the ability of the stock
13 to replace itself. That's called recruitment overfishing and
14 some studies in the literature suggest that when we get below a
15 level of BMSY that the stock is more severely impaired as far as
16 its ability to reproduce itself than when it's above that level.

17
18 As a result, the MSY guidelines set 50 percent of BMSY as the
19 floor. We can't go any further below that when we're setting
20 MSST. We can set it anywhere from 100 percent of the MSY line
21 to 50 percent of the MSY line.

22
23 As I said earlier, we have a handful of stocks, seven stocks,
24 where we have defined MSST, but generally we've been defining it
25 on a case-by-case basis as we've gotten a stock assessment and
26 if that stock assessment indicates a rebuilding plan is needed.

27
28 We have a de facto MSST definition, which is the formula I think
29 you're all familiar with of one minus M times BMSY, where M is
30 the natural mortality rate. That results in a stock that has a
31 very low natural mortality rate, such as red snapper, which is
32 just under 0.1, it would set the MSST line at 90 percent of the
33 MSY level.

34
35 For a stock that has a larger natural mortality rate, let's say
36 it has an M of 0.3, it would set it at 70 percent of the BMSY
37 level and so long-lived stocks have a tight MSST control and
38 short-lived, highly-volatile stocks would tend to have a wider
39 buffer.

40
41 That seems to work with most stocks. Clay Porch did an analysis
42 that he presented to the SSC earlier this year and it's an
43 appendix in the document, in the options paper, in which he
44 looked at whether or not it was likely that stocks could
45 fluctuate far enough to enter an overfished level purely on
46 natural fluctuations to a range of species with different levels
47 of natural mortality.

48

1 He concluded that generally it was probably not going to be
2 likely that a stock would enter an overfished condition purely
3 on the basis of natural fluctuations, but when you get to the
4 very low natural mortality rate stocks, that relationship could
5 break down and so there is some concern there.

6
7 Some of the concerns, when deciding where to set the MSST level
8 relative to the biomass at MSY, is if you do set it too close to
9 the MSY level, you might not allow for those natural
10 fluctuations and you could end up with some spurious overfished
11 definitions.

12
13 The other issue is, given our ability to be accurate on exactly
14 where the biomass levels are, an MSST that's very close to the
15 MSY level may not be detectably different and so we would like
16 to have enough separation so that we know that there's a
17 difference between the MSY level and the MSST level.

18
19 On the other hand, if we go the other route and set it way down,
20 as close to that recruitment overfishing level as we can get,
21 the 50 percent level, again, because we don't know exactly where
22 that level is and we have an estimate of it, there is the danger
23 that we could go too low and actually go into the recruitment
24 overfished situation, due to the uncertainty about where the 50
25 percent BMSY level is.

26
27 The other issue is that if we set that very low and the stock
28 does drop down to that level, the rebuilding plan would have to
29 be more restrictive than if we caught the overfished situation
30 early on and then had only to rebuild a little ways and so those
31 are mainly the issues to look at when deciding where to set
32 MSST.

33
34 I am not very good at graphics and this was my attempt to try to
35 graphically represent the three levels of MSST that we have
36 basically been looking at, the one minus M, 75 percent of BMSY,
37 or 50 percent of BMSY.

38
39 This is an example for a stock that would have a natural
40 mortality rate of 0.1, such as a red snapper. The top line
41 represents where we want to be, the biomass at MSY, and then the
42 line immediately below it, the one minus M times BMSY, that's at
43 90 percent of that level and you can see that's fairly close.
44 If we go down to an intermediate level, 75 percent of BMSY,
45 there is a little bit more separation between the MSY level and
46 the MSST and if we go to 50 percent, then that's a pretty wide
47 separation. That's halfway down on the graph and so we have a
48 lot of separation between BMSY and MSST and so really this is

1 just trying to graphically illustrate what we're talking about
2 with these different levels.

3
4 Basically, I am going to go into the actions and alternatives
5 that are in the options paper, but at this point I will pause to
6 see if anybody has any questions on what I have presented so
7 far.

8
9 **CHAIRMAN GREENE:** Thank you. Any questions? Dr. Crabtree.

10
11 **DR. CRABTREE:** Just a comment. I think this is something that
12 we need to address, because I think, given the high degree of
13 uncertainty in our stock assessments and we know with many of
14 these reef fish species you see very wide swings in recruitment
15 from year to year and that you can easily end up dropping below
16 your minimum stock size threshold, even if it's not real and
17 just because the uncertainty of the assessment doesn't allow you
18 to tell with any degree of certainty where you exactly are.

19
20 I would also point out that I don't believe anyone else in the
21 country is doing one minus M times BMSY anymore. It used to be
22 the South Atlantic was doing this, but we, a year or two ago,
23 changed it to nothing closer to BMSY than 75 percent BMSY and we
24 changed that for all of our stocks.

25
26 Most other regions, the Mid-Atlantic and New England, have used
27 50 percent BMSY, most commonly, and I do have some concerns with
28 that, that that's letting things get a little worse than we
29 ought to.

30
31 One thing to bear in mind is, under the revisions to the
32 statute, we are required to end overfishing immediately and so
33 if we get regular assessments, really none of these stocks ought
34 to ever drop that far, because we would end overfishing, but
35 that's not a hard and fast rule, because, as we saw with gray
36 triggerfish yesterday, even though we ended the overfishing
37 there some years back, because of recruitment declines, the
38 stock has continued to decline, but it's not clear to me, if you
39 have a minimum stock size threshold at 90 percent of BMSY, that
40 the rebuilding plan provides any additional protection, because
41 all you probably have to do to rebuild that very quickly is end
42 the overfishing and, in most cases, the stock is going to
43 rebuild back to BMSY well within ten years, because you are so
44 close anyway.

45
46 These rebuilding plans do generate a great deal of bureaucracy
47 and work and staff time to develop rebuilding schedules and all
48 these kinds of things and I just think with our current

1 definition of MSST that we're ending up going through a lot of
2 procedural things that aren't necessary and aren't providing any
3 additional protection and we're probably not even very confident
4 that we actually are overfished on these.

5
6 So I think this is something we ought to move forward on and I
7 think my inclination right now is something around 75 percent,
8 like we did in the South Atlantic. It seems sort of appropriate
9 and that's my take on it.

10
11 **CHAIRMAN GREENE:** Thank you. Anyone else? Any comments or
12 questions? Okay, Mr. Atran.

13
14 **MR. ATRAN:** Thank you. We have two actions in this options
15 paper. The first action would be to define or redefine, for a
16 few of the stocks, where the minimum stock size threshold is for
17 species in the Reef Fish FMP.

18
19 As I said, right now, we are doing it on a case-by-case basis.
20 If we get a stock assessment for a stock and the stock
21 assessment indicates that we need rebuilding, at that point, as
22 part of the rebuilding plan, we've been defining our status
23 determination criteria, which is maximum fishing mortality
24 threshold and minimum stock size threshold and the proxy for
25 BMSY, or for MSY.

26
27 Alternative 1 would continue that basis. We would leave
28 everything undefined that we currently have undefined and only
29 address it on a case-by-case basis if it becomes necessary to.
30 Again, as I said earlier, the Magnuson-Stevens Act says that
31 we're supposed to have status determination criteria for all of
32 the stocks that we manage and so technically that leaves us not
33 in compliance with the Act.

34
35 Alternative 2 would just formally adopt what we're doing as a de
36 facto method and state that we would always use the formula one
37 minus M times BMSY for establishing the MSST boundary.

38
39 Alternative 3 is an either/or situation. For stocks that have a
40 natural mortality rate of 0.25 or less, this would end up
41 setting the stock at 75 percent of BMSY and if it has a natural
42 mortality rate higher than that, then we would use the formula.

43
44 As it turns out, for the fourteen stocks, I believe, for which
45 we have natural mortality estimates in the Gulf of Mexico, all
46 but two of them would fall under the 75 percent of BMSY level.
47 There is only two stocks, and I've got it on the next slide,
48 that have natural mortality rates higher than 0.25 and so this

1 is going to affect almost all of the stocks we currently have
2 under management.

3
4 Alternative 4 would do away with the either/or situation and it
5 would simply say all stocks are set equal to 75 percent of BMSY
6 and then Alternative 5 would say all stocks are set equal to 50
7 percent of BMSY.

8
9 As I said, that Alternative 3, the either/or, would affect
10 stocks that have a natural mortality rate equal to or less than
11 0.25 and you can see the lowest natural mortality rate estimate
12 that we have for a stock in the Gulf of Mexico is yellowedge
13 grouper and that's about 0.073. Red snapper is the next lowest,
14 just under 0.1, and then it goes up to vermilion snapper has a
15 natural mortality estimate of 0.25 and so all of those would be
16 set equal to 75 percent of the BMSY level under Alternative 3.

17
18 Over on the right, you can see that gray triggerfish and greater
19 amberjack have natural mortality rates above 0.25, but they are
20 only very slightly above and so gray triggerfish, M is equal to
21 0.27 and so MSST would be set at 73 percent of BMSY and greater
22 amberjack has an M of 0.28 and so it would be set at 72 percent
23 of BMSY and so Alternative 3, you are only leaving two stocks
24 out of the fixed category and they are only slightly out of the
25 fixed category.

26
27 Alternative 4, all of these stocks would be set equal to 75
28 percent of BMSY and in Alternative 5, all of them would be set
29 equal to 50 percent of BMSY. Now, in addition to those stocks,
30 there is -- I forget how many, but I think it's about fourteen
31 stocks on this list of species we have in our FMP that I was
32 unable to find any estimate of natural mortality from the Gulf
33 of Mexico.

34
35 I was able to find estimates from other regions, generally the
36 South Atlantic or the Caribbean. In some cases, multiple
37 estimates that covered a wide range of M's, but nothing from the
38 Gulf of Mexico. For three of them, the ones with the asterisks,
39 lesser amberjack, almaco jack, and goldface tilefish, I wasn't
40 able to find any estimate of natural mortality rate anywhere.

41
42 What I am suggesting is that unless and until we get a stock
43 assessment that defines the natural mortality rate in the Gulf
44 of Mexico that we treat these as low natural mortality rate
45 stocks, which means that under Alternative 3 they would all be
46 set to 75 percent of the BMSY. If you use one of the fixed
47 percentages, it would be set to whatever that fixed percentage
48 is.

1
2 That was Action 1, which was to define what's the formula that
3 we're going to use, but one commonality among all of those
4 alternatives in Action 1 is that we've got some multiplier of
5 BMSY or the BMSY proxy and so in order to have a complete
6 definition, we have to have a proxy for that BMSY.

7
8 Action 2 has some proxies for defining the BMSY. Alternative 4
9 is a modifier to the other ones and I will get to that in a
10 second. Alternative 1 is no action. We would continue to
11 specify the MSY proxy on a case-by-case basis.

12
13 Alternative 2 would define the proxy as the yield when fishing
14 at F 30 percent SPR, except for a list of exceptions that are
15 defined in Alternative 4. That is usually what we go with on
16 most of our stocks.

17
18 Alternative 3 would define the MSY as the yield when fishing at
19 F 40 percent SPR, except for the list of exceptions. That's a
20 more conservative estimate of MSY and it's a more -- It's
21 generally used for setting OY rather than MSY, but it is within
22 the range that the literature suggests we can set it for an MSY
23 proxy and then Alternative 4 states that if you accept one of
24 the above alternatives that we have a list of stocks that it
25 would not apply to and we already have defined the MSY proxy for
26 those stocks and so we would leave them in place.

27
28 There are seven stocks where we have defined it right now: gag,
29 which is at Fmax; red grouper, which is at 30 percent SPR; red
30 snapper at 26 percent SPR; vermillion snapper and right now
31 Amendment 23 said to use the actual FMSY estimate and not use a
32 proxy and I will come back and tell you why this stuck out in a
33 moment; gray triggerfish is set to 30 percent; greater amberjack
34 to 30 percent; and goliath grouper at 50 percent SPR.

35
36 Vermilion snapper, Amendment 23 had said to use the actual
37 estimate of FMSY that comes out of the model. Generally, the
38 assessment scientists usually don't have a high degree of
39 confidence in that number, for various reasons, and so they feel
40 more comfortable using a proxy. It turned out that in the
41 vermilion snapper stock assessment, or at least the last stock
42 assessment that was done, they used a 30 percent SPR proxy.

43
44 I have included vermilion snapper in this list because we do
45 have a formal definition through an amendment, but my suggestion
46 would be to strike it out of this list and then it would switch
47 over to whatever you choose for the default proxy for the other
48 stocks.

1
2 I would also probably add hogfish to this, because we have
3 actions in the hogfish options paper to define status
4 determination criteria there. One thing I would suggest is that
5 that be moved over into this document, so that we can get all of
6 the definitions in one place and then we wouldn't have to list
7 it in the exceptions.

8
9 I think that's all I wanted to mention and so -- Yes, that was
10 the last slide. Basically, the two actions are to define what
11 formula we want to use for MSST and whether to use one minus M,
12 a fixed 75, a fixed 50 percent, or the either/or, which would
13 affect all but two of the species that we manage. Then Action 2
14 is how do we want to define the default MSY proxy.

15
16 I know the other thing I wanted to mention. If you wanted to
17 select Alternative 3 as the proxy, which would set the MSY proxy
18 at F40 percent SPR, we do have maximum fishing mortality
19 thresholds identified for all of our reef fish stocks and for
20 most of them it's set at the 30 percent level.

21
22 Under Alternatives 1 and 2, we can leave that alone, but if you
23 wanted to get the biomass proxy based on 40 percent SPR, we
24 would probably need to add a new action to this options paper to
25 also reconsider the maximum fishing mortality threshold so that
26 it's in sync with the biomass threshold, but that's only if you
27 wanted to go with Alternative 3 in this set of alternatives.
28 With that, I will turn it back over to the Chairman.

29
30 **CHAIRMAN GREENE:** Thank you, Steven. Does anyone have anything
31 else, comments or questions?

32
33 **MR. WILLIAMS:** Are we looking for the committee to choose
34 options here, choose preferred alternatives?

35
36 **MR. ATRAN:** No, not at this time. This is just to show you how
37 we've structured the document. As I said, in January it was
38 kind of a complicated document and I think a lot of people
39 weren't able to follow along and so I guess my question is, is
40 this presented in a more understandable format and is the range
41 of alternatives what you would like to see? If it is, then we
42 can proceed with developing a draft amendment.

43
44 **MR. WILLIAMS:** Just my opinion would be that it's very
45 understandable and much better than what we saw in January.

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

48

1 **DR. STUNZ:** Thanks, Mr. Chairman, for letting me address your
2 committee and, Steven, maybe you can remind me. Given the
3 uncertainty in some of the stocks that we have, has the SSC --
4 Could you remind me, have they weighed in on this or will they
5 at some point?
6

7 I guess what I'm wondering is so we're building in for these
8 buffers or whatever you want to call it and I am just wondering
9 if there's some probability of our stocks even dropping below
10 that and that, to me, would seem to be kind of their realm.
11

12 **MR. ATRAN:** Well, we did have the SSC review whether or not
13 natural fluctuations could cause a stock to drop below the one
14 minus M level. As I said before, Clay Porch did an analysis and
15 he looked at vermilion snapper and a few other stocks, trying to
16 cover a range of natural mortality rates.
17

18 He concluded that at least if you are above a natural mortality
19 rate of 0.1 that you're unlikely to drop below that one minus M
20 due to natural fluctuations alone, but another thing, and I
21 don't know he took this into account, is the reason why you tend
22 to be more stable with low natural mortality stocks is because
23 they are longer lived and so you tend to have a lot more year
24 classes in the spawning group.
25

26 If you've got a stock that's beginning to get overfished, what
27 happens is you truncate that age distribution and so you're now
28 dependent upon fewer age groups to produce your egg productivity
29 and so that tends to make it more volatile and so that's another
30 reason why you might want to be concerned about not getting MSST
31 too close to the MSY level, but yes, the SSC reviewed some of
32 the concerns about fluctuations. They have not reviewed the
33 options paper itself.
34

35 **CHAIRMAN GREENE:** Mr. Riechers.
36

37 **MR. RIECHERS:** Steve, just in looking at it, there is really not
38 a lot of difference between 3 and 4 and so obviously if we're
39 selecting those, either one of those, you know, just from a
40 practical standpoint, there is not going to be a lot of
41 difference.
42

43 Roy, would you like to elaborate -- You were indicating that,
44 and I didn't catch which council had which, but one had 0.5 BMSY
45 and the other had 0.75 and they had set that as a standard.
46 Obviously different species and different life histories, et
47 cetera, but obviously they have taken a tack of applying it to
48 all of their species, as it sounds, at least, and whether we

1 have that to really discuss today or whether you want to bring
2 that back to us maybe next time you bring the information for it
3 and that might be informative as well.

4
5 Then, lastly, before you try to respond, Steve, just as a note,
6 in Alternative 5 in the document, I think you've got a typo
7 there. I think it's supposed to be 0.5 BMSY and you copied down
8 from Alternative 4. Just make that note before the next time.

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

11
12 **DR. CRABTREE:** I think, generally speaking, the New England, the
13 Mid-Atlantic, the West Coast councils, have used 50 percent
14 BMSY. Now, I have not done an exhaustive review of everything
15 that's on the books and so -- I am not saying that following the
16 New England experience is what we want to do.

17
18 The South Atlantic and the Southeast councils -- In the
19 Caribbean, we can't calculate any of this anyway, because we
20 don't have any estimates of BMSY and so it's a little moot down
21 there, but the Gulf and the South Atlantic have been, as far as
22 I know, the only councils that have really adhered to one minus
23 M times BMSY and it's been that way since before I came on the
24 council and so way back into the 1990s.

25
26 What has happened over time is our perception of M has changed.
27 We have learned that fish live to be older than we thought and
28 the estimates of M have gotten smaller and smaller and so we've
29 watched our MSSTs creep closer and closer to BMSY.

30
31 The South Atlantic changed this and their SSC reviewed it and
32 the Beaufort Lab weighed in on it and everybody was in agreement
33 and we set it to basically what is Alternative 3, so that in no
34 case do we have an MSST that's closer to BMSY than 75 percent of
35 BMSY. That seems to work pretty well.

36
37 That's probably where I would recommend that we go here. Clay
38 did do an analysis that looked at what happens with swings in
39 recruitment and I have talked to Clay about that analysis and
40 the trouble with it is it doesn't take into account the overall
41 uncertainty in the assessment itself and so you've got these
42 swings in stock size over time due to the recruitment, but
43 you've got to factor into that that there's a lot of uncertainty
44 in our estimate of what the stock size is and I think that tends
45 to magnify the whole thing or, at minimum, fuzz it up quite a
46 bit.

47
48 I think that's where they are and it seems to me that 75 is a

1 pretty good compromise in terms of a balance of where we ought
2 to go, but that our status quo, where, for example, for red
3 snapper, the MSST is at 94 percent of BMSY and I do not believe
4 we have the resolution in our assessments to be able to tell if
5 we're at 94 percent of BMSY or 6 percent over BMSY. I don't
6 think the certainty is there.

7
8 That means just because of sheer sampling error and random
9 chance that we could drop below overfished and back out of
10 overfished and we just don't want to be in that situation where
11 we're just bouncing around.

12
13 **CHAIRMAN GREENE:** Bonnie.

14
15 **DR. PONWITH:** Looking at this from the science perspective, I
16 certainly agree with Roy on this, that status quo right now
17 works well for the species with the higher natural mortality
18 rate, but the closer we get to those low rates, the more peril
19 that puts us in in terms of being able to absorb natural
20 fluctuations in those stocks.

21
22 You know the difference between 3 and 4, just simply 4 is
23 attractive from the standpoint of being uniform across all the
24 stocks and it's elegant in its simplicity. The 3 affords a
25 little more attention to those stocks that do have very high
26 natural mortality rates and it gives you a little bit more
27 attention to those differences and so I think these are the
28 right alternatives to be analyzing and it certainly comports
29 with the sense of the Center.

30
31 **CHAIRMAN GREENE:** Thank you. I am not seeing any more comments
32 and we're going to go ahead and wrap this part up. We are about
33 fifteen minutes left in our scheduled time and we still have
34 some other issues we need to get to. With that, I am going to
35 go ahead and move on into the Reef Fish AP Summary and turn it
36 over to Dr. Simmons.

37
38 **REEF FISH AP SUMMARY ADDITIONAL ITEMS**

39
40 **DR. SIMMONS:** Thank you, Mr. Chairman. I think we have just a
41 few other items the AP commented on. The draft framework action
42 to modify the gear restrictions for yellowtail snapper begins at
43 the bottom of page 9.

44
45 Staff presented the framework action, draft framework action, to
46 modify the gear restrictions for yellowtail snapper that the
47 council reviewed in August and the Gulf anglers are required to
48 use circle hooks when catching reef fish with natural bait and

1 the same is true for South Atlantic anglers, but only north of
2 the 28 degree, 0 minutes North latitude, so around the St.
3 Petersburg area.

4
5 The AP was in agreement with the gear exemption allowing the use
6 of j-hooks by commercial yellowtail snapper fishermen, saying it
7 was the most appropriate for Monroe County fishermen, and
8 provide the following recommendation to the council.

9
10 By a unanimous vote, the AP recommends that the council select
11 Alternative 4 as preferred. Alternative 4 would remove the
12 requirement to use circle hooks when commercial fishing with
13 natural bait for yellowtail snapper south of 25 degrees, 23
14 minutes North latitude on the west coast of Monroe County,
15 Florida and south to the Gulf Council jurisdictional boundary.
16 I will stop there and see if there's any questions.

17
18 **CHAIRMAN GREENE:** Any questions or comments? Okay. Carry on.

19
20 **DR. SIMMONS:** Okay. They briefly reviewed the coral habitat
21 areas of particular concern and that discussion starts at the
22 bottom of page 12. I think there is forty-four potential areas
23 and it was a presentation that Dr. Kilgour went through and
24 there was a lot of discussion about the western Gulf areas and
25 what the Sanctuary, the Flower Gardens National Marine
26 Sanctuary, had already been working on and just making sure that
27 the council staff is coordinating well with them and we talked
28 about that and where our efforts are now as far as looking at
29 other fisheries or potential impacts on other fisheries besides
30 the shrimp fishery.

31
32 The AP recommended, by a unanimous vote to the council, that
33 they form a working group of coral scientists, charter,
34 recreational, bottom and vertical line commercial fishers to
35 identify new and existing coral areas that need boundary
36 revisions. They also suggested the potential charge for this
37 working group was to minimize the restriction of access to all
38 the appropriate fisheries by identifying the exact location of
39 important coral structures and limiting the boundaries to the
40 bases of those structures to the critical habitat, or where that
41 critical habitat exists. I will stop there and see if there's
42 some questions.

43
44 **CHAIRMAN GREENE:** Any questions or comments? Seeing none, carry
45 on, Dr. Simmons.

46
47 **DR. SIMMONS:** Okay. There were a couple of Other Business
48 motions that were brought up by the Reef Fish AP and those start

1 kind of in the middle of page 13. Out of concern for other reef
2 fish species managed by the council and their potential
3 competitive and predatory interactions with lionfish, the AP
4 passed the following motion.

5
6 By a unanimous vote, the AP requests that the council address
7 the lionfish issue with the video surveys and data collection on
8 the reefs and collection of information from divers for the
9 purposes of determining a way to eradicate or significantly
10 decrease the presence of lionfish on the reefs.

11
12 There was also two motions that discussed the red snapper stock
13 recovery and changes in recreational angler fishing behavior
14 based on changes in management and the AP passed the following
15 two motions.

16
17 The first one is very long. By a vote of eleven to three with
18 two abstentions, the AP recommends the council request that the
19 Science Center run additional red snapper projections using the
20 recalibration methodology through 2032, using a wider range of
21 reasonable assumptions for selectivity and recreational discard
22 mortality, including, but not limited to, selectivity and there
23 is several ranges and other things in there that they requested
24 in the motion and they requested the SSC review this and present
25 it to the council as soon as possible.

26
27 They also recommended, by a voice vote of eleven to three, that
28 in all future council decision based on recalibrations be made
29 only when all recalibration methods are evaluated and reviewed
30 by the SSC in their entirety.

31
32 Then a final motion that was made was in how the report is
33 presented and the Chair, Mr. Fisher, was there and stated that
34 we were trying -- He was going to be present and he was going to
35 be available to answer questions and that the following motion
36 wasn't necessary, but they made a motion by a vote of fourteen
37 to three that the AP recommends that the Reef Fish AP Chair
38 present the AP's recommendations to the council at the October
39 meeting.

40
41 That pretty much concludes all the business that the Reef Fish
42 AP discussed. There are failed motions at the end of the report
43 and two motions on Amendment 39 that carried if anyone needs to
44 see those and so if you have any questions --

45
46 **CHAIRMAN GREENE:** Okay. Any questions or comments? Dr. Stunz.

47
48 **DR. STUNZ:** Thank you, Mr. Chair. I just have a brief comment

1 concerning the lionfish point that was brought up, where in the
2 western Gulf lionfish is -- It's a problem, of course, but it's
3 not as bad as it might be in Florida and some other areas, but
4 there are several initiatives going on that I was just going to
5 make the council aware of, largely led by some environmental
6 groups and institutions, and Robin's group as well, to try to
7 get out in front of this problem of lionfish.

8
9 They are there, but to see if there isn't things that can be
10 done ahead of time, before they get too pervasive like they are
11 out in the eastern Gulf. That is kind of underway, at least in
12 our area, and we'll see where that goes. There will be a lot of
13 key meetings later this year and early next.

14
15 **CHAIRMAN GREENE:** Thank you. Any additional comments? Mr.
16 Anson.

17
18 **MR. ANSON:** To that, in Alabama we received some Fish and
19 Wildlife Service monies to look into lionfish eradication and
20 such and there is quite a bit of efforts going on in Florida.
21 They've got a lot of fishing tournaments that are geared
22 specifically toward lionfish and so we're trying to follow
23 Florida's example, I guess, at least in our neck of the woods,
24 and we have spent some of the money received from Fish and
25 Wildlife Service to establish a webpage where folks can report
26 their information or observations and harvest of lionfish, as
27 well as we have dovetailed that with some information on our
28 reefs. They can report on the condition of the reefs and
29 whether or not they are subsiding or breaking apart and such and
30 so we're going to be kicking that off or getting that online
31 here very, very soon.

32
33 **CHAIRMAN GREENE:** Thank you. Dr. Stunz.

34
35 **DR. STUNZ:** Just briefly to that point, if anyone is interested,
36 in early February, and those dates are still being hammered out,
37 there will be a symposium on lionfish issues in the western Gulf
38 and I will be happy to forward that, Doug, to you if you want to
39 forward it along, for those that are interested in attending.

40
41 **CHAIRMAN GREENE:** Okay. Thank you. Any other comments? Dr.
42 Simmons, does this complete the Reef Fish agenda item? Okay.
43 We've only got about seven or eight minutes left of our time. I
44 don't see how we would get through the Ad Hoc Private
45 Recreational AP at this point. It's slated for an hour's worth
46 of discussion.

47
48 We have one other item under Other Business and so if the

1 committee is fine, we will just pick up the Other Business and
2 we will move the AP discussion to full council, unless someone
3 has some other ideas. Seeing none, the only item we had under
4 Other Business was by Ms. Levy and so if you are prepared, we
5 will go ahead and move into that.

6

7

OTHER BUSINESS

8

9 **MS. LEVY:** Thank you. It's only going to take me about a minute
10 or less. I just wanted to give you a quick update on the status
11 of the Amendment 40 litigation. We are doing the final briefing
12 for the court on the motions for summary judgements that were
13 filed and oral argument is scheduled for October 28 and it's in
14 New Orleans and so the reason I am telling you this now is if
15 folks are interested in attending that, it is open to the public
16 and anyone can go to court and watch the argument.

17

18 I can send the order out that sets the date so you know -- If
19 anybody wants it, you can let me know or I can send it to
20 council staff and they can forward it, in case anyone is
21 interested in more information. Thank you.

22

23 **CHAIRMAN GREENE:** Thank you. Okay, committee, I guess that's
24 going to wrap us up, unless someone wants to try to take five
25 minutes into the recreational AP, unless the committee has any
26 other ideas. I believe we are done with the Reef Fish
27 Committee.

28

29 (Whereupon, the meeting adjourned at 9:25 a.m., October 7,
30 2015.)

31

32

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33

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3 PAGE 39: Motion for the council to explore working with a
4 consortium of scientists to perform stock assessments. The
5 motion carried on page 41.
6
7 PAGE 43: Motion to untable Amendment 33 and include gray
8 triggerfish in the amendment. The motion failed on page 47.
9
10 PAGE 48: Motion to ask for an analysis of a one fish bag limit
11 for gray triggerfish. The motion carried on page 49.
12
13 PAGE 56: Motion to approve Final Framework for Gag and Black
14 Grouper and that it be forward to the Secretary of Commerce for
15 review and implementation and deem the codified text as
16 necessary and appropriate, giving staff editorial license to
17 make necessary changes in the document. The Council Chair is
18 given the authority to deem any changes to the codified text as
19 necessary and appropriate. The motion carried on page 57.
20
21 PAGE 65: Motion to add an action to look at increases to the
22 minimum size limit. The motion carried on page 66.
23
24 PAGE 80: Motion under Alternative 5, to do a five-year sunset,
25 Option b, five calendar years of the program. The motion
26 carried on page 81.
27
28 PAGE 89: Motion to make Alternative 4 the preferred
29 alternative. The motion carried on page 91.
30
31 PAGE 110: Motion in Action 7 to remove Alternatives 3 and 4 and
32 add in new Alternative 2, Option a and b, as proposed. The
33 motion carried on page 110.
34
35 PAGE 125: Motion to begin a separate amendment with the South
36 Atlantic Council that would address management issues with
37 yellowtail snapper. The amendment would address consolidating
38 the ABC and ACL and yellowtail snapper AMs. Right now, those
39 two actions are in the South Florida Amendment. I would want to
40 pull those out, as well as addressing the commercial fishing
41 year start date and looking at recreational and commercial
42 allocations in both the South Atlantic and Gulf jurisdictions.
43 The motion carried on page 127.

44 - - -
45