

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL  
2  
3 SUSTAINABLE FISHERIES/ECOSYSTEM MANAGEMENT COMMITTEE  
4

5  
6 Marriott Beachside Hotel Key West, Florida  
7

8 June 8, 2015  
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11 **VOTING MEMBERS**

12 Leann Bosarge.....Mississippi  
13 Steve Branstetter (designee for Roy Crabtree).....NMFS, Florida  
14 Harlon Pearce.....Louisiana  
15 Lance Robinson (designee for Robin Riechers).....Texas  
16 John Sanchez.....Florida  
17 Greg Stunz.....Texas  
18 David Walker.....Alabama  
19 Roy Williams.....FLorida  
20

21 **NON-VOTING MEMBERS**

22 Kevin Anson.....Alabama  
23 Martha Bademan (designee for Nick Wiley).....Florida  
24 Doug Boyd.....Texas  
25 Jason Brand.....USCG  
26 Pamela Dana.....Florida  
27 Dale Diaz (designee for Jamie Miller).....Mississippi  
28 Dave Donaldson.....GSMFC  
29 Myron Fischer (designee for Randy Pausina).....Louisiana  
30 John Greene.....Alabama  
31 Campo Matens.....Louisiana  
32 Corky Perret.....Mississippi  
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 Karen Hoak.....Administrative and Financial Assistant  
40 Ava Lasseter.....Anthropologist  
41 Mara Levy.....NOAA General Counsel  
42 Emily Muehlstein.....Fisheries Outreach Specialist  
43 Charlene Ponce.....Public Information Officer  
44 Ryan Rindone.....Fishery Biologist/SEDAR Liaison  
45 Bernadine Roy.....Office Manager  
46 Charlotte Schiaffo.....Research & Human Resource Librarian  
47

48 **OTHER PARTICIPANTS**

1 Adam Bailey.....NMFS SERO, St. Petersburg, FL  
2 Eric Brazer.....Reef Fish Shareholder's Alliance  
3 J.P. Brooker.....Ocean Conservancy, St. Petersburg, FL  
4 Charles Carter.....Key West, FL  
5 Michael Drexler.....Ocean Conservancy, St. Petersburg, FL  
6 Chad Hanson.....Pew Environmental Trusts  
7 Mark Hubbard.....  
8 Van Hubbard.....FL  
9 Judy Jamison.....FL  
10 Joe Jewell.....DMR, MS  
11 Bill Kelly.....FKCFA, FL  
12 Kelli O'Donnell.....NOAA Contractor, Summerland Key, FL  
13 Bonnie Ponwith.....SEFSC  
14 Steve Tomeny.....LA

15  
16 - - -  
17

18 The Sustainable Fisheries/Ecosystem Management Committee of the  
19 Gulf of Mexico Fishery Management Council convened at the  
20 Marriott Beachside Hotel, Key West, Florida, Monday morning,  
21 June 8, 2015, and was called to order at 8:30 a.m. by Chairman  
22 Leann Bosarge.

23  
24 **ADOPTION OF AGENDA**  
25 **APPROVAL MINUTES**  
26 **ACTION GUIDE AND NEXT STEPS**  
27

28 **CHAIRMAN LEANN BOSARGE:** Good morning. We have our Sustainable  
29 Fisheries and Ecosystem Management Committee meeting first thing  
30 this morning and we are missing the wonderful Mr. Robin. He is  
31 on his way and so I will be your Chair in his spot this morning.

32  
33 Let's read out the members, just to make sure we have everybody  
34 here. Robin, we know, is on the way, but we have the more than  
35 capable Lance here. I am here and Dr. Crabtree or Mr.  
36 Branstetter and Harlon is here via the webinar.

37  
38 **MR. HARLON PEARCE:** I am here.

39  
40 **CHAIRMAN BOSARGE:** Good. If you want to speak, Harlon, you just  
41 stop us at any point.

42  
43 **MR. PEARCE:** What I'm going to do, Leann, is I'm going to type  
44 in the chat box and they will let you know I want to say  
45 something. That way, I don't disrupt the meeting.

46  
47 **CHAIRMAN BOSARGE:** Beautiful. John Sanchez we have and Greg,  
48 Dr. Stunz, is here and David Walker is here and Mr. Roy Williams

1 is here. All right. We have everybody and first let's look  
2 over our agenda. Are there any changes or additions that anyone  
3 would like to make to the agenda? If not, can I get a motion to  
4 adopt the agenda as presented? We have a motion from Roy and  
5 it's seconded by John.

6  
7 Approval of Minutes, the minutes were attached in our briefing  
8 book. Were any changes or revisions that we need to make to the  
9 minutes from our last meeting? Seeing none, can I get a motion  
10 to adopt the minutes?

11  
12 **MR. ROY WILLIAMS:** Motion to adopt the minutes.

13  
14 **CHAIRMAN BOSARGE:** It's seconded by John. The minutes are  
15 adopted. All right. On our Action Guide, the first item that  
16 we are going to address are the National Standard 1, 3, and 7  
17 proposed revisions and I believe Mr. Atran is going to talk to  
18 us about that.

19  
20 **NATIONAL STANDARD 1, 3, AND 7 PROPOSED REVISIONS**

21  
22 **MR. STEVEN ATRAN:** Thank you, Madam Chairwoman. National Marine  
23 Fisheries Service has put out some proposed revisions primarily  
24 to National Standard 1, but there is a couple of associated  
25 edits also to National Standard 3 and 7. National Standard 3,  
26 just to refresh your memory, says that to the extent practicable  
27 an individual stock of fish shall be managed as a unit  
28 throughout its range and interrelated stocks of fish shall be  
29 managed as a unit or in close coordination.

30  
31 National Standard 7 says that conservation and management  
32 measures shall, where practicable, minimize costs and avoid  
33 unnecessary duplication and National Standard 1, of course, says  
34 that management measures shall, to the extent practicable, shall  
35 prevent overfishing while achieving, on a continuing basis, the  
36 optimum yield from each fishery.

37  
38 These proposed changes are not really intended to make any major  
39 changes in how National Standard 1 is implemented. For the most  
40 part, they are just clarifying changes, but in some cases they  
41 do alter the National Standard a little bit.

42  
43 We have prepared a draft letter for the council to submit as a  
44 comment to the National Marine Fisheries Service. They are  
45 requesting comments from all of the councils with a June 30  
46 deadline, I believe. We wanted to present the draft letter to  
47 the council to see if you approve this letter or if you want any  
48 changes made to the letter before approving it.

1  
2 I've got a PowerPoint that I put together that just briefly goes  
3 through each of the recommendations that we're suggesting. I  
4 thought that would be a little easier than trying to go through  
5 the red-line version of the document itself and so if we could  
6 start.

7  
8 The first recommendation we have has to deal with the section on  
9 fishery management objectives. What this is suggesting -- What  
10 NMFS is suggesting is adding a statement that says "to reflect  
11 changing needs of the fishery over time, the council should  
12 reassess the objectives of the fishery on a regular basis".

13  
14 We, in our letter, are saying that the council supports this  
15 addition. Now, this does not say it should be reassessed every  
16 X number of years. They leave that flexibility up to the  
17 councils and they just say that periodically there should be  
18 some adjustment.

19  
20 **MR. CORKY PERRET:** Given the government language "on a regular  
21 basis", I guess the government is going to decide what a regular  
22 basis is, six months or a year or five years. It seems to me we  
23 should be -- I don't know. What is reasonable? Every two years  
24 or every three years? Regular is very generic and could we have  
25 something a little more specific of at least every two years or  
26 so or three years? What is reasonable? That's just something  
27 you might want to think about.

28  
29 **EXECUTIVE DIRECTOR DOUG GREGORY:** We have a number of FMPs and  
30 so each FMP would have to be done on that same schedule and that  
31 could be -- If we say every five years, unless we stagger them,  
32 yes.

33  
34 **MR. PERRET:** But staggered. I won't be around. You guys have  
35 got to live with a regular basis and so if you all are  
36 comfortable with it, so be it.

37  
38 **CHAIRMAN BOSARGE:** Corky, maybe something that could go in there  
39 would be -- If you are worried about it being too often or not  
40 being often enough, maybe there could be some wording in there  
41 of no more frequently than such and such years or at least every  
42 such and such years and maybe we can get with staff and get some  
43 feedback on that and see what they think.

44  
45 **MR. PERRET:** Probably every -- I don't know, but at least every  
46 five years or something. I think Steve is taking some notes and  
47 so maybe staff can add something. Thanks.

48

1 **MR. ATRAN:** Okay and just to let you know, since there were no  
2 motions made, this is just a suggestion from one of the  
3 committee members and so that's how it will be reflected in the  
4 report.

5  
6 Recommendation Number 2 falls under the section for stocks that  
7 require conservation and management and this section -- Remember  
8 I said that there were some editorial changes made to the  
9 guidance for National Standards 3 and 7 and some of that  
10 guidance was moved from those other National Standards into this  
11 section here.

12  
13 This deals with the requirement to set ACLs for any stocks that  
14 are in the management unit unless they are exempt from the ACL  
15 requirements. Basically, that means that either they are short-  
16 lived species or they qualify as ecosystem component species.

17  
18 If you remember, we've had a problem where we've had several  
19 species that were originally added to our Reef Fish FMP back in  
20 the early 1990s for data collection purposes only and now they  
21 are still in there. Some of them are still in there and so  
22 we're required to set ACLs for species that the council really  
23 never intended to actively manage.

24  
25 The problem is that these species do have catches associated  
26 with them at low levels and so they don't qualify for the  
27 current criteria for ecosystem component species. Our  
28 recommendation is that the council feels that this section does  
29 not provide sufficient flexibility to determine if an  
30 incidentally caught data-limited species should require  
31 management.

32  
33 We suggest including incidental low-catch species as ecosystem  
34 species that are exempt from ACL requirements. That would  
35 require some modification to the criteria for designating a  
36 species as an ecosystem component species, but once it is, we  
37 would not have to have specific species-level ACLs.

38  
39 **MR. WILLIAMS:** Madam Chairman or Mr. Executive Director or  
40 Steve, what are you looking for from us here? Do you want a  
41 motion that we approve this proposed staff recommendation?

42  
43 **MR. ATRAN:** I was planning to go through all the recommendations  
44 and then we could come back and talk about the recommendations  
45 as a whole, but if you would prefer to approve or modify each  
46 one as we go along, that would be fine as well. That's the  
47 committee's preference.

1 **CHAIRMAN BOSARGE:** Go ahead, Martha.

2  
3 **MS. MARTHA BADEMAN:** This isn't to that and so you can come back  
4 to me if you want to continue this discussion, but I do have a  
5 question.

6  
7 **CHAIRMAN BOSARGE:** What is the committee's preference? Would  
8 you like to go ahead through the presentation and then as we go  
9 along -- If there is something that really stands out to you,  
10 don't hesitate to stop us, but if not, then we will take a look  
11 at it at the end and then, Martha, do you want to address your  
12 question now?

13  
14 **MS. BADEMAN:** Thanks. I'm not on the committee and so thanks  
15 for recognizing me. Just a question about the -- There is a  
16 sentence in here about including species as ecosystem species to  
17 encourage continued data collection. Is there data that we're  
18 collecting on these species that we're not collecting on other  
19 species, things that are regulated or not regulated?

20  
21 **MR. ATRAN:** No, but back when Reef Fish Amendment 1 was written  
22 and Doug was one of the authors of that and he could probably  
23 explain it better than me, but we had a list of species that  
24 were in the management unit and then another list of species  
25 that were in the fishery, but not in the management unit,  
26 intended primarily for data collection.

27  
28 Nowadays, there is data collection, at least catch data  
29 collected, on anything that's caught and brought back to the  
30 dock and so that distinction is no longer relevant and, in fact,  
31 I noticed -- I forget where in the red-line version of the NS-1  
32 revisions it occurs, but they actually have deleted that  
33 sentence about including species for data collection.

34  
35 Basically the approach is that if it's listed in the FMP that  
36 it's necessary for conservation and management and ACLs are  
37 required unless it falls under one of the exemptions to ACLs.

38  
39 **EXECUTIVE DIRECTOR GREGORY:** The real critical sentence here is  
40 the last sentence of this slide. The Act says that ACLs are  
41 required on all fisheries except certain categories and  
42 ecosystem species is one of those categories.

43  
44 The conundrum we have been caught in is the interpretation that  
45 incidentally-caught species that are really minor and rare in  
46 the catch and are not targeted -- We have been advised by NOAA  
47 General Counsel that we cannot call them ecosystem species  
48 because they are kept.

1  
2 What we are asking NMFS here is to let us call incidentally low-  
3 caught species as ecosystem species so we can make them exempt  
4 from the ACLs. That is the important thing we're trying to get  
5 at here and that's the major distinction, but this also goes  
6 along with what we've asked in our testimony before Congress  
7 last year.

8  
9 **MR. ATRAN:** The next recommendation deals with the definition of  
10 a stock complex and how to define it. I probably put the wrong  
11 sentence up here. Very simply, a stock complex is a tool to  
12 manage a group of stocks within an FMP.

13  
14 In the proposed revisions, NMFS has added a little bit more  
15 specificity. They say where practicable that the group of  
16 stocks should have similar geographic distribution, life history  
17 characteristics, and vulnerabilities to fishing pressure such  
18 that the impact of management actions on the stocks is similar.  
19 They are providing a little bit more guidance than they have in  
20 the past on defining what constitutes a stock complex.

21  
22 We are suggesting that the council recommend that it supports  
23 the revisions to the definition of stock complex and revised  
24 proposed language on indicator stocks.

25  
26 The next recommendation has to do with something that's new to  
27 the National Standard Guidelines and that is adding a definition  
28 for a depleted stock. This does -- If a stock is overfished,  
29 this definition is supposed to indicate a stock that is  
30 overfished for reasons primarily other than human overfishing  
31 purposes, because ecological or environmental conditions have  
32 gotten in the way of the stock and it's either caused the stock  
33 to enter an overfished condition or it's preventing the stock  
34 from rebuilding.

35  
36 It does not negate the overfished designation and it does not  
37 negate the requirement to rebuild the stock, but it just adds a  
38 new definition to differentiate stocks that are overfished  
39 primarily due to human activities from those that are overfished  
40 due to other factors.

41  
42 NMFS has a proposal and I am not going to read the whole thing  
43 and you might not be able to read it on your screen, but I just  
44 want you to see that it's a very complicated definition and we  
45 thought that it was a little too complicated and a little too  
46 prescriptive, talking about the stock has not experienced  
47 overfishing at any point over a period of two generation times.  
48 That seems rather arbitrary.

1  
2 We are suggesting a simplified definition that we think captures  
3 the essence of what's intended by the term "depleted", but  
4 provides more flexibility.

5  
6 We are suggesting a definition that says a stock is considered  
7 depleted if the biomass level drops below MSST due primarily,  
8 but not necessarily, solely to reasons other than fishing  
9 mortality. I think that more or less captures the essence of  
10 what "depleted" actually is intended to mean without getting too  
11 prescriptive.

12  
13 The next section has to deal with modifying the definition of  
14 minimum stock size threshold. Currently, the definition simply  
15 says MSST is a level of biomass below which the stock or stock  
16 complex is considered to be overfished. There is no guidance as  
17 to where to put the MSST level, but just once it's been defined,  
18 if the stock drops below that level, it's overfished.

19  
20 The proposal is to add some guidance as to where to set the  
21 level. However, we think that NMFS may have made a little bit  
22 of an error in their suggested wording. They state that their  
23 proposal is that MSST means the level of biomass below which the  
24 capacity of the stock or stock complex to produce MSY on a  
25 continuing basis has been jeopardized.

26  
27 The problem is the level at which the capacity of the stock to  
28 produce MSY on a continuing basis is the definition of the  
29 biomass at MSY and so if this proposed change were put in as  
30 worded, it would mean that anytime you drop below the BMSY level  
31 at all that the stock would be overfished.

32  
33 We want the MSST level to be some level below that BMSY level to  
34 allow for fluctuations and so we have proposed an alternative  
35 definition to state that MSST is a level of biomass below which  
36 the stock biomass is unable or unlikely to return to its BMSY  
37 level in the absence of a rebuilding plan.

38  
39 Again, it's not as prescriptive, but it does allow a little bit  
40 more flexibility and it does allow setting MSST at some level  
41 below the biomass at MSY.

42  
43 The next section is under specification of status determination  
44 criteria and overfished and overfishing determinations and this  
45 deals with using a multiyear approach to determining whether or  
46 not a stock is undergoing overfishing.

47  
48 The proposed language is that the council may develop



1 overfishing status determination criteria that use a multiyear  
2 approach, not to exceed three years, and particularly supports  
3 the allowance that allows for a three-year mortality reference  
4 point to determine overfishing status.

5  
6 We are actually doing this already. Most of the time, our stock  
7 assessments, when determining whether overfishing is occurring,  
8 uses the last three years of fishing mortality estimates and  
9 takes the geometric mean of those and then compares that to  
10 whatever our threshold level, our maximum fishing mortality  
11 rate, is.

12  
13 We are already doing this and I think other councils are already  
14 doing this and so this just basically puts into the National  
15 Standard Guidelines the practice that is already undergoing or  
16 that's already in practice.

17  
18 The next section is also under acceptable biological catch and  
19 annual catch limits definitions and it adds definitions for  
20 management uncertainty and scientific uncertainty. Currently,  
21 the National Standard Guidelines discuss management uncertainty  
22 and scientific uncertainty, but they don't define what they are  
23 and so this adds some definitions.

24  
25 Management uncertainty refers to uncertainty in the ability of  
26 managers to constrain catch so that the ACL is not exceeded and  
27 it also includes uncertainty in quantifying the true catch  
28 amounts, i.e., estimation errors in what we feel the catch has  
29 been.

30  
31 Scientific uncertainty refers to uncertainty in information  
32 about a stock and its reference points and so now we have some  
33 actual guidance as to what management uncertainty and what  
34 scientific uncertainty means.

35  
36 The definition about trying to estimate if catch is exceeded,  
37 that could probably go in either of these, but NMFS has chosen  
38 to put it under management uncertainty. We are suggesting that  
39 the council supports the proposed definitions that clarify  
40 management uncertainty and scientific uncertainty.

41  
42  
43 The next section is something that's a little bit new. It  
44 allows a phase in of ABC control rules and NMFS is proposing to  
45 state that a council may choose to develop a control rule that  
46 phases in changes to ABC over a period of time not to exceed  
47 three years as long as overfishing is prevented.

1 Just as a matter of historical perspective, back when Reef Fish  
2 Amendment 1 was first implemented and the original framework  
3 procedure for setting total allowable catch was implemented,  
4 when a rebuilding plan was put in place, that original framework  
5 procedure allowed a three-year phase in of the ABC and then we  
6 got away from that for some reason. This is allowing us to get  
7 back to phasing in an ABC over three years.

8  
9 However, what we have found, very often, is that it's not the  
10 ABC itself that's causing all the socioeconomic issues, but it's  
11 the requirement to end overfishing immediately and if we can  
12 phase in ABC, we may still end up overfishing even if we phase  
13 it in over that second and third year.

14  
15 In order to be consistent, we are suggesting adding the phrase  
16 "by the end of the phase-in period" and so this would say that  
17 the council can phase in an ABC over a period of time, not to  
18 exceed three years, as long as overfishing is prevented by the  
19 end of the phase-in period.

20  
21 This is also consistent with some other sections that we're  
22 going to get to where the council is allowed to reduce, but not  
23 necessarily end, overfishing if immediately ending overfishing  
24 would cause severe socioeconomic impacts.

25  
26 **MS. MARA LEVY:** Just a comment. Whatever comments the council  
27 chooses to submit is fine, but just that the idea of phasing in  
28 the ending of overfishing would likely be inconsistent with the  
29 requirement in the Act that says your rebuilding plan or  
30 whatever you do has to end overfishing immediately.

31  
32 So you have a certain period of time to implement it and when  
33 it's implemented, it needs to end overfishing immediately, which  
34 is why I suspect that the proposed changes are phrased the way  
35 they are.

36  
37 **MR. ATRAN:** Okay and the next section deals with carryover ABC  
38 control rules. This deals with underharvest. Up to now, for  
39 the most part, if a sector has not fished its ACL that just goes  
40 away and it's not carried over to the next fishing season. This  
41 proposal states that an ABC control rule may include provisions  
42 for the carryover of some and not necessarily all, but some of  
43 the unused portion of the ACL from one year to increase the ABC  
44 for the next year.

45  
46 However, if this would result in having to actually increase the  
47 ABC for the following year, we would still have to go back to  
48 our SSC and ask them if they would concur with this one-time

1 increase in the ABC.

2  
3 What we've done, and we haven't run into this problem too often,  
4 but back in 2010 when we had a strong underharvest of red  
5 snapper due to the oil spill, we went back to the SSC and we  
6 asked them to redo their projections all the way through the  
7 rebuilding plan, which resulted in being able to increase ABC  
8 not only for the next year, but for all years going forward.

9  
10 The underharvest in 2010 -- I guess you could say it was  
11 amortized over the entire remaining time of the ABC control  
12 rule. This would be allowing it to actually be implemented in  
13 its entirety in the following year, provided the SSC would  
14 concur that that one-time increase in ABC would be consistent  
15 with the rebuilding plan and we are proposing to support that  
16 language.

17  
18 The next section deals with defining the relationship between  
19 optimum yield and the ACL framework. I am really glad that NMFS  
20 is trying to address this, because right now we have two  
21 different management targets, one to achieve optimum yield and  
22 the other to achieve an annual catch limit, and they don't  
23 always come up with the same number.

24  
25 The NMFS proposal states that an annual OY cannot exceed the  
26 ACL. Our SSC was kind of confused by this. If you read it, it  
27 says the annual OY cannot exceed the ACL and another way of  
28 saying that is that the ACL must always be higher than the  
29 annual OY and that doesn't seem to make sense if we're trying to  
30 achieve OY. We don't want to be consistently overachieving it.

31  
32 Part of the problem is that the term optimum yield is used both  
33 to discuss an annual level of fishing as well as a long-term  
34 level that can be achieved on a continuing basis and so on the  
35 continuing basis, the OY is similar to MSY, but on an annual  
36 basis, it's similar to an OFL, which is the yield when you're  
37 fishing at FMSY on a year-to-year basis.

38  
39 This is confusing, because we have got one term, but two  
40 different uses for it and we feel that the use of the term "OY"  
41 to discuss an annual yield should be discouraged and that  
42 optimum yield should only be that long-term yield on a  
43 continuing basis and so if that were to occur and if we were to  
44 only use OY as an annual yield, then we could state that the  
45 annual ACL cannot exceed the long-term OY, which is actually the  
46 exact reverse of what NMFS is proposing. We would be saying  
47 that OY, over the long term, sets a target that you should not  
48 exceed and we feel that this would be consistent with the

1 Magnuson-Stevens objective to achieve optimum yield on a  
2 continuing basis.

3  
4 The next section, which also falls under overfished fisheries,  
5 under rebuilding timelines, right now the -- This is not a  
6 change in the wording, but we are suggesting a change in how the  
7 wording is interpreted.

8  
9 It says that the time period shall not exceed ten years, except  
10 where the biology of the stock, other environmental conditions,  
11 or management measures under an international agreement to which  
12 the U.S. participates dictate otherwise.

13  
14 Other environmental conditions, up until now we've only  
15 considered that to be biological or ecological conditions, but  
16 NEPA also recognizes a social environment and an economic  
17 environment and so we're suggesting that other environmental  
18 conditions include socioeconomic as well as the biological  
19 environment.

20  
21 This would be consistent with the guidance that states that  
22 rebuilding time shall take into account the needs of the fishing  
23 communities and it would allow all environmental conditions to  
24 be considered and so under certain circumstances, there would be  
25 very negative impacts to the social or economic environment and  
26 this would allow the stock to be given a rebuilding period more  
27 than ten years even if biologically it could rebuild in ten  
28 years.

29  
30 **MR. PERRET:** Steve, you are saying other environmental includes  
31 socioeconomic and why wouldn't you say it that way, rather than  
32 someone who is not involved with this group and other  
33 environmental? I think of environmental as just that, habitat  
34 and water quality and all that sort of stuff, but why not say  
35 other socioeconomic and environmental conditions, to make sure  
36 you've got the socioeconomic in there?

37  
38 **MR. ATRAN:** We could do that certainly if you think it would  
39 clarify things. It did not suggest a change because, as I said,  
40 this is not a -- This is the same wording that's in there right  
41 now and NMFS is not proposing any change to this and so we were  
42 just proposing a reinterpretation, but if you feel it would  
43 clarify it to actually state socioeconomic and other  
44 environmental conditions, we could suggest that that be put into  
45 here.

46  
47 **MR. PERRET:** I just don't -- When I read environmental, I don't  
48 even think of socioeconomic and so if we want to be inclusive,

1 it just seems to me that would clarify it a little bit better.

2  
3 **MR. JOHN SANCHEZ:** I would agree 100 percent with what Corky  
4 said. Let's add that and make it very clear.

5  
6 **CHAIRMAN BOSARGE:** I have a comment on this one. Because this  
7 is addressing a stock of fish that needs to be rebuilt and so it  
8 obviously has a problem from that standpoint, sometimes when we  
9 get into our social and economic issues it can be a slippery  
10 slope on which way we go on this or that.

11  
12 If we think about this particular recommendation from the  
13 standpoint of the fish itself and making sure that we ensure the  
14 health of that stock of fish, can you make me feel a little  
15 better about taking into consideration more of the aspects of  
16 the man rather than the fish when we get into the economics and  
17 the social part of it and extending this rebuilding plan a  
18 little bit longer?

19  
20 **EXECUTIVE DIRECTOR GREGORY:** I understand the potential concern  
21 here and I think the way the system operates that the biological  
22 considerations of the stock are going to be primary, unless  
23 there is some really obvious and dramatic social or economic  
24 impact that can be demonstrated to extend the rebuilding period  
25 somewhat, but I don't think it would be based solely on those  
26 attributes.

27  
28 **MR. ATRAN:** I think one of the problems with this might be that  
29 from a biological perspective that the stock assessment  
30 scientists can go to their projection models and plug in the  
31 parameters and get an absolute answer. It's going to take less  
32 than ten years or it's going to take more than ten years in the  
33 absence of fishing mortality.

34  
35 I don't know with the social and economic considerations if  
36 there is some similar parameter where you can plug numbers into  
37 a model and say you exceed or you don't exceed some threshold  
38 and so this would add a certain amount of subjectivity to the  
39 determination of whether or not a stock can be rebuilt in ten  
40 years or less.

41  
42 **EXECUTIVE DIRECTOR GREGORY:** This and the other thing that Mara  
43 pointed out that would be disapproved by NMFS are things that we  
44 asked for in our testimony to Magnuson with Congress regarding  
45 the reauthorization to provide some flexibility.

46  
47 It's ironic that the Congress established regional councils  
48 because of regional differences and then in 1996 started

1 implementing national mandates and the ten-year rebuilding plan  
2 is one of those national mandates that oftentimes doesn't make  
3 sense and so I think you will see in the reauthorization  
4 language, as well as what NMFS is trying to do here, is build in  
5 some flexibility, some biological rationale for it.

6  
7 One of the ironies of the way it's been implemented since 1996  
8 is if a fishery is moderately overfished and can be rebuilt  
9 within ten years, you rebuild it within ten years. If a fishery  
10 -- Let's take red snapper back in 1984 or 1985.

11  
12 It's so overfished and so depleted that you can't rebuild it in  
13 ten years and you can take thirty-two years and from a  
14 management perspective, that doesn't make sense. If it's that  
15 depleted, it probably should have been shut down and so  
16 incorporating economic and social factors in that is no more  
17 arbitrary or doesn't result in that much of a longer rebuilding  
18 period than the way it's currently implemented. I think  
19 currently it's one-and-a-half generation times plus the time it  
20 takes to rebuild at F equals zero.

21  
22 **DR. BONNIE PONWITH:** It's less of an arbitrary and I think you  
23 got it right in the second part of that statement that you made.  
24 It's formulaic based on the life history of the animal. If the  
25 animal can live to be five years, it's going to take less time  
26 to have multiple year classes cycle through and rebuild that  
27 stock as you reduce your fishing mortality.

28  
29 In the case of red snapper, I think the maximum age right now  
30 we're using is fifty-four years and so it takes a -- With a  
31 long-lived species like that, it takes a longer time to round  
32 out the demographics of the population and it gets back to that  
33 old thing that the only thing it takes to get a fifty-four-year-  
34 old fish is fifty-four years.

35  
36 In that situation, ten years isn't going to be enough to  
37 rebuild, because what you've got is ten is potentially your  
38 maximum age class and that's barely scratching the surface of a  
39 properly age structured demographic for that population. I  
40 don't really think it's arbitrary the way it's worded right now.

41  
42 **MS. LEVY:** Just a clarification that the way that it's  
43 structured right now you calculate a minimum time to rebuild and  
44 if that's over ten years, that allows you to then calculate a  
45 maximum time that's based on the life history of the fish.

46  
47 That does not necessarily mean that it is appropriate to choose  
48 the maximum time to rebuild, meaning it's still the shortest

1 time possible and so you don't automatically get to go to  
2 thirty-two years or fifty years or whatever it is.

3  
4 You still have to decide what the shortest time possible is and  
5 can consider some things like short-term economics, if you don't  
6 want to have to shut down a whole complex or something, but I  
7 just want to make clear that the Tmax, the maximum time, doesn't  
8 mean that that's the automatic rebuilding time that's  
9 appropriate.

10  
11 **MR. ATRAN:** The next recommendation is still in the section  
12 dealing with time for stock rebuilding. If a stock needs more  
13 than ten years to rebuild, right now the formula that's in the  
14 guidelines states that it should be the amount of time that it  
15 would take to rebuild in the absence of fishing mortality plus  
16 one generation time.

17  
18 In the case of say red snapper, the time to rebuild in the  
19 absence of fishing mortality, and this was calculated in the  
20 year 2000, was twelve years and a generation time was 19.6 years  
21 and so when you add those two together and round off, it came up  
22 to thirty-two years.

23  
24 NMFS is proposing to provide two alternative ways to determine  
25 what the rebuilding time should be and so there would be a  
26 choice of three ways that the council could use.

27  
28 The second way would be the amount of time that the stock or  
29 stock complex would be expected to take to rebuild if it were  
30 fished at 75 percent of the maximum fishing mortality threshold  
31 and the third possibility would be Tmin, and that's the amount  
32 of time that it would take to rebuild in the absence of fishing  
33 mortality multiplied by two. For the third method for red  
34 snapper, that would be a twenty-four-year rebuilding time.

35  
36 All three of these methods will take usually, generally, pretty  
37 close to each other as far as the total time goes, but there  
38 might be one reason or another to want to prefer one over the  
39 other.

40  
41 The other thing that we are suggesting, which is really a very  
42 minor point, is the last sentence here. We also recommend that  
43 a stock that takes exactly ten years be allowed the alternate  
44 rebuilding time rather than ten years.

45  
46 Right now, if a stock were projected to take exactly ten years  
47 to rebuild in the absence of fishing mortality, we would be  
48 required to rebuild it in ten years, which means we would have

1 to shut down the fishery for ten years and then we still  
2 wouldn't meet our target, because there would be discard  
3 mortality associated with incidental catch from other fisheries  
4 and so it would be impossible for a stock to meet that target.

5  
6 We are suggesting that if it takes exactly ten years in the  
7 absence of fishing mortality that that stock go into the longer  
8 timeline and that it allowed to take the formulaic determination  
9 of how long it takes to rebuild a stock. In actuality, we're  
10 never going to find a stock that takes exactly ten years to  
11 rebuild and so this is just kind of a minor adjustment to the  
12 wording.

13  
14 Under overfished fisheries, NMFS is proposing to add a  
15 requirement that we make sure that adequate progress is being  
16 made and so they are proposing new language that says that the  
17 Secretary shall review rebuilding plans at routine intervals  
18 that may not exceed two years to determine whether plans have  
19 resulted in adequate progress toward ending overfishing and  
20 rebuilding affected fish stocks.

21  
22 We feel that we should support some periodic reviews to make  
23 sure that adequate progress is being made. However, staff felt  
24 that the two-year provision was perhaps too frequent and given  
25 the workload that the Science Center already has, this would be  
26 a very large increase in their work.

27  
28 Plus, two years may not be enough to really be able to detect  
29 the impact of management regulations that have been put in place  
30 and so we are suggesting a three-year review schedule for stocks  
31 that are under a ten-year or less rebuilding plan and five years  
32 for stocks that are under a rebuilding schedule exceeding ten  
33 years. Then also use the three-year interval for stocks where  
34 we've completed the rebuilding plan but the stock is still not  
35 rebuilt.

36  
37 The next one deals with the section on emergency actions and  
38 interim measures. Interim measures can be used to eliminate  
39 overfishing, but NMFS is proposing some new criteria and is also  
40 proposing to allow interim measures that reduce, but not  
41 necessarily end, overfishing.

42  
43 This is where I was getting at on some of these earlier  
44 provisions where I said we're trying to be consistent with other  
45 sections of the National Standard Guidelines that don't require  
46 overfishing to be ended immediately.

47  
48 It could be reduced provided -- There are three criteria and all



1 three criteria need to be met. One is it's needed to address an  
2 unanticipated and significantly changed understanding of the  
3 status of the stock or stock complex. Two is ending overfishing  
4 immediately is expected to result in severe social and/or  
5 economic impacts to the fishery and three is the interim  
6 measures will ensure that the stock will increase its current  
7 biomass through the duration of the interim measures.

8  
9 We are suggesting that the council supports the revised interim  
10 measures provision and we feel that it will provide for a more  
11 rational management that takes into account the short-term  
12 impacts on both the resource and the resource user.

13  
14 One other thing is after we wrote the draft letter I was looking  
15 through this again and this section on emergency action and  
16 interim measures, that's the title, but then it only talks about  
17 interim measures.

18  
19 Interim measures can be used to address overfishing and  
20 emergency actions can be used to address any action that meets  
21 the criteria for emergency actions, but the criteria are in a  
22 Federal Register notice that was published in 1997 and that's an  
23 eighteen-year-old publication and I imagine some people might  
24 not even be aware that it exists.

25  
26 It's not in the letter right now, but I would like to suggest  
27 that we recommend that the emergency action criteria be  
28 incorporated into the National Standard Guidelines so that  
29 people will always know where to find them.

30  
31 **MS. LEVY:** Just a couple of comments. With respect to that one  
32 about the emergency, I understand what you're saying, but just  
33 note that the National Standard 1 Guidelines deal with National  
34 Standard 1, which is achieving optimum yield and preventing  
35 overfishing, which is why I think the focus was on the interim  
36 measures that are used to address overfishing and not on  
37 emergency measures, which are used to address other things. I  
38 suspect that's why they're not integrated.

39  
40 Then I missed this before we moved on, but with respect to the  
41 adequate progress, I think the reason that the two years is in  
42 there is because the Act requires that the Secretary review  
43 these plan or plan amendments at routine intervals that may not  
44 exceed two years and so I think that's why the agency went with  
45 two years as opposed to a longer time limit, because they have  
46 to do it anyway at least every two years.

47  
48 Then I just wanted to note, probably not fresh in anyone's mind,

1 because we talked about it at the beginning, but the idea of the  
2 ecosystem component species -- One thing that NMFS is proposing  
3 here is to delete all of that language about what constitutes an  
4 ecosystem component species.

5  
6 They have proposed removing all of that and then being much more  
7 general about what is in need of conservation and management and  
8 if it doesn't fit into that, you could use ecosystem component  
9 for things like data collection. They added much more general  
10 language about ecosystem component and took out those four  
11 factors that you are supposed to consider.

12  
13 **CHAIRMAN BOSARGE:** Are there any other comments or feedback from  
14 the committee on any of the recommendations that we've seen?

15  
16 **MR. ATRAN:** On adding the emergency action criteria to this  
17 section, I understand what Mara is saying, but the title of this  
18 section is "Emergency Actions and Interim Measures" and so it  
19 seems that it's either appropriate to add the emergency action  
20 criteria or rename this section.

21  
22 **CHAIRMAN BOSARGE:** We've had a lot of feedback on this and June  
23 30 is when we need to have this submitted by.

24  
25 **MR. ATRAN:** That's correct.

26  
27 **CHAIRMAN BOSARGE:** Okay. Is the committee okay with giving  
28 staff license to take into account some of the comments that  
29 we've made here today and let them analyze it and decide what  
30 changes, if any, need to be made and then submit this letter to  
31 the CCC for consideration? If so, can I get a motion to that  
32 extent?

33  
34 **MR. WILLIAMS:** I would move then that we approve the draft  
35 letter shown at Tab E, Number 4(a), that we approve it giving  
36 staff editorial license to incorporate comments that they heard  
37 here today.

38  
39 **EXECUTIVE DIRECTOR GREGORY:** We have got it on all the other  
40 screens if you don't want to wait just for this one screen that  
41 we're trying to get fixed.

42  
43 **CHAIRMAN BOSARGE:** All right and so we have a motion to give  
44 staff editorial license to make revisions to this document and  
45 submit it to the CCC for consideration. Is that correct, Roy?  
46 Is that your motion?

47  
48 **MR. WILLIAMS:** Yes.

1  
2 **CHAIRMAN BOSARGE:** Do we have a second to that motion?

3  
4 **DR. GREG STUNZ:** I will second the motion.

5  
6 **CHAIRMAN BOSARGE:** Seconded by Dr. Stunz.

7  
8 **MR. ATRAN:** I just wanted to mention there were two more slides  
9 on the presentation, but we don't have to go through them. They  
10 were just approving the change in the wording in National  
11 Standards 3 and 7.

12  
13 **CHAIRMAN BOSARGE:** All right. Is the committee comfortable with  
14 the motion on the board? **Any opposition to the motion? Seeing**  
15 **none, the motion passes.** Thank you, Mr. Atran. I believe the  
16 next agenda item is the Review of the Draft CCC NEPA White Paper  
17 and Doug Gregory is going to go over that.

18  
19 **REVIEW OF CCC NEPA WHITE PAPER**

20  
21 **EXECUTIVE DIRECTOR GREGORY:** Yes, Madam Chairman. The Council  
22 Coordination Committee has been working on this draft white  
23 paper for a couple of years and at our meeting in February, they  
24 asked each of the councils to review it and provide input to  
25 them for the upcoming meeting, which is in two weeks here in Key  
26 West.

27  
28 I have got this before you to consider with some comments in  
29 this with council staff. Basically, the NEPA process is a NMFS  
30 agency process. It's not a council process and the purpose of  
31 the Interdepartmental Planning Team, the IPT, is to try to get  
32 the NEPA people and the Magnuson Act people together working on  
33 a document that the council sees that's a combined NEPA/Magnuson  
34 document.

35  
36 The complaints from a number of the councils is that NEPA has  
37 taken over the process and complicated the process, the NEPA  
38 procedure, and because it's an agency process and not a council  
39 process, there has been an instance where the agency changed  
40 some alternatives after it was submitted to them by the council.  
41 I think that was in New England.

42  
43 There has been concern about this for a number of years and the  
44 proposal in this document is the same language that's in HR1335  
45 that was recently passed by the House of Representatives and so  
46 the wording is identical and so this is in that part of it.  
47 What the wording is proposing is to take the NEPA procedures,  
48 such as looking at a reasonable range of alternatives, which we

1 have done since day one, and making sure that the analyses are  
2 fair and equitable.

3  
4 We have the public process, public input, and build those  
5 requirements into Magnuson directly so that NMFS will still be  
6 the agency responsible for seeing that things are followed and  
7 implemented correctly, as they are now under NEPA.

8  
9 This proposal received a lot of opposition in the House,  
10 apparently from people that -- The environmental community  
11 largely, I suspect, because the NEPA process is something they  
12 are familiar with, but one of the misconceptions in the debate  
13 in the House was that we can't really trust the councils to do  
14 this.

15  
16 What didn't come out was that NMFS is still responsible for  
17 Magnuson Act plans and NMFS still accepts and rejects it and so  
18 it's not like the councils will do whatever they want. This is  
19 an attempt to implement the basic NEPA requirements into the  
20 Magnuson Act so that we don't have overlapping procedures and  
21 protocols in developing our FMPs.

22  
23 One thing that seems to be different is some councils will do a  
24 final plan and submit it to NMFS and then NMFS does their draft  
25 EIS and EIS. In our instance, NMFS encourages us not to take  
26 final action until after they have submitted a draft EIS and  
27 have received comments.

28  
29 For instance, we are expecting final action on an amendment on  
30 August and the draft EIS just came out this past week and so  
31 that's a difference in it and so this document or the comments  
32 from this council will go forward to the CCC. This is not a  
33 letter to NMFS at this point.

34  
35 It has been built into all the testimony we've given toward  
36 Congress throughout the year last year from all the councils  
37 collectively and so what I would ask of you is, given what you  
38 know about the debate with 1335 and what's in this document, do  
39 you want as a council to support this approach to incorporating  
40 NEPA actions into Magnuson or do you want to not support that?  
41 We will take that to the Council Coordination Committee and  
42 provide information to them to that effect.

43  
44 **CHAIRMAN BOSARGE:** Do we have any feedback from the committee on  
45 incorporating this directly into Magnuson? I see some heads  
46 shaking. It sounds like you've done an excellent job of looking  
47 at this and making sure that we still will be accomplishing  
48 these same guidelines and making sure that we do this and it

1 sounds like this is something that we already do at our level.

2  
3 We make sure that the EIS gets public comment before we go  
4 forward and finalize any of our documents and so it sounds like  
5 we're doing a good job of this already and is that something  
6 that a lot of the other councils do or are we the only one or --

7  
8 **EXECUTIVE DIRECTOR GREGORY:** I presume most of the councils do  
9 similar things, but each council seems to have its own problem  
10 with the NEPA process and either the Pacific or the North  
11 Pacific was encouraged to do a one-time supplemental EIS that  
12 ended up being 6,000 pages and taking three or four years to do,  
13 but that covered most of their actions for the next four or five  
14 years and so that was the tradeoff.

15  
16 Another council, like I said, had trouble with having some of  
17 its alternatives changed after they submitted it to NMFS and I  
18 don't know the context or the details of that.

19  
20 Most of the councils have concern. The biggest concern is that  
21 it's adding to the bureaucracy of getting our amendments through  
22 the system and getting them prepared for the council. I mean  
23 when we -- It just adds to the complexity and so I think if we  
24 could integrate it.

25  
26 This has been tried in the past. There has always been a lot of  
27 political pressure against doing something like this, largely  
28 from the environmental community and also I think from National  
29 Marine Fisheries Service.

30  
31 The guy in D.C. that we've worked with on NEPA is concerned that  
32 -- His main concern is that NEPA has a lot of case law built  
33 around it and if you move these things into the Magnuson Act  
34 that it may encourage more lawsuits because there is no case law  
35 around that aspect of it.

36  
37 I don't fully understand that, but there is concerns within the  
38 agency as well as the environmental community and if you recall  
39 the administration policy that was submitted a couple of weeks  
40 ago from the executive branch, they flat out told Congress if  
41 you pass this bill that we're going to veto it and so it's an  
42 uphill battle to try to get this accomplished, but the effort  
43 has convinced the House to put this into their reauthorization  
44 bill and now it's going to the Senate and see what the Senate  
45 does.

46  
47 **CHAIRMAN BOSARGE:** I don't hear any opposition from the  
48 committee. It sounds like there may be an uphill battle on

1 this, but I guess it's one small step. I believe that's the  
2 last agenda item other than Other Business. Is there any other  
3 business to come before this committee? Seeing none, the  
4 committee is adjourned.

5  
6 (Whereupon, the meeting adjourned at 9:28 a.m., June 8, 2015.)

7  
8 - - -  
9