

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

SUSTAINABLE FISHERIES COMMITTEE

IP Casino & Resort

Biloxi, Mississippi

April 1, 2019

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 Leann Bosarge.....Mississippi
 Doug Boyd.....Texas
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 Dave Donaldson.....GSMFC
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 Greg Stunz.....Texas
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TABLE OF MOTIONS

PAGE 31: Motion to recommend the council approve the Replacement of Historical Captain Permits with Standard Federal Charter/Headboat Permits and that it be forwarded to the Secretary of Commerce for review and implementation and deem the revised codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. The motion carried on page 33.

PAGE 35: Motion to change the time intervals on black grouper, mutton snapper, and yellowtail snapper allocations between the Gulf and South Atlantic Councils from ten years to seven years. The motion carried on page 36.

PAGE 36: Motion to change the time intervals on Gulf of Mexico group king mackerel allocations between the recreational and commercial sectors, zones, and gear types from nine years to six years. The motion carried on page 39.

PAGE 46: Motion to approve the allocation review triggers letter, as revised, and submit it to NMFS. The motion carried on page 49.

PAGE 50: Motion to direct staff to contact SERO and SEFSC staff to convene an allocation review workgroup to identify criteria that would be appropriate for the species identified in the draft NMFS allocation review triggers letter. The motion carried on page 51.

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1 The Sustainable Fisheries Committee of the Gulf of Mexico
2 Fishery Management Council convened at the IP Casino & Resort,
3 Biloxi, Mississippi, afternoon, April 1, 2019, and was called to
4 order by Chairman Dale Diaz.

5
6 **ADOPTION OF AGENDA**
7 **APPROVAL OF MINUTES**
8 **ACTION GUIDE AND NEXT STEPS**
9

10 **CHAIRMAN DALE DIAZ:** Next up is the Sustainable Fisheries
11 Committee, and so I would like to call that committee to order.
12 The membership on that committee is myself, Mr. Swindell, Mr.
13 Schieble, Mr. Anson, Ms. Bosarge, Mr. Boyd, Ms. Gerhart, Mr.
14 Donaldson, Ms. Guyas, and Dr. Stunz. First up on the agenda is
15 the Adoption of the Agenda.

16
17 **MR. ED SWINDELL:** I move the adoption.

18
19 **CHAIRMAN DIAZ:** Mr. Swindell moves the adoption of the agenda.
20 Is there a second? It's seconded by Mr. Donaldson. Seeing no
21 opposition, the agenda is adopted. The second thing on the
22 agenda is the Approval of the Minutes.

23
24 **MR. DAVE DONALDSON:** Motion to accept.

25
26 **CHAIRMAN DIAZ:** Motion to accept by Mr. Donaldson, and it's
27 seconded by Ms. Bosarge. Any objections to adopting the
28 minutes? The minutes are adopted. We are going to hold up on
29 the action guide, and we're going to go over the action guide as
30 we come to each agenda item that has an action, and so we're
31 going to move into Item Number IV, which is a presentation, and
32 it's an Update on Deepwater Horizon Open Ocean Restoration
33 Planning, and that's going to be Dr. Reinhardt and Ms. Rounds,
34 and so that's Tab E, Number 4.

35
36 **PRESENTATION: UPDATE ON DEEPWATER HORIZON OPEN OCEAN RESTORATION**
37 **PLANNING**
38

39 **MS. LAURIE ROUNDS:** Thank you very much for inviting us to come
40 and talk to you today. I am Laurie Rounds, and I am with NOAA
41 Fisheries, in our Restoration Center, and I am our Open Ocean
42 Restoration Team Lead for the Deepwater Horizon Program.

43
44 Unfortunately, Jamie Reinhardt had intended to be here, but he
45 had a bit of a travel problem, and he wasn't able to make it,
46 and so I believe he is on the phone.

47
48 **DR. JAMIE REINHARDT:** Hello. Can everybody hear me? This is

1 Jamie Reinhardt.

2
3 **CHAIRMAN DIAZ:** Yes, you're coming in loud and clear, Dr.
4 Reinhardt.

5
6 **DR. REINHARDT:** Let me know if you do have trouble hearing me,
7 and I will see how I can adjust. I'm sorry that I can't be
8 there in person.

9
10 **MS. ROUNDS:** Great. Jamie is our Fish Restoration Coordinator,
11 and so he's going to be talking a little bit about some of the
12 fish restoration that we have coming up, and I'm going to start
13 us off and talk about overall what we're doing with open ocean
14 restoration planning, and so, again, thank you so much for the
15 opportunity to talk with you today.

16
17 I will talk a little bit about the Deepwater Horizon settlement
18 and provide a little bit of background, and I'm happy to provide
19 any more details, if that's helpful at all, about kind of what
20 we are and how we got to this Deepwater Horizon settlement.

21
22 I will talk about our Open Ocean Trustee Implementation Group,
23 which is the group responsible for conducting restoration for
24 injuries in what we call our open ocean restoration area, some
25 of the restoration planning that we've been doing. Like I said,
26 we want to talk a little bit more in particular about our fish
27 restoration, and, of course, we'll leave you with a little bit
28 more information about how you can stay connected to everything
29 that is happening.

30
31 A quick reminder about the BP Natural Resource Damage Assessment
32 Settlement. We often abbreviate this or say it as NRDA, but,
33 essentially, this was -- In 2016, the Deepwater Horizon Natural
34 Resource Trustees reached a settlement resulting from the
35 natural resource damages that occurred from the 2010 BP oil
36 spill, and so this was for BP's liability for natural resource
37 injuries, and so there were several injuries resulting from the
38 spill, but the Natural Resource Damage Assessment focuses
39 primarily on the natural resources.

40
41 As part of the settlement, it required BP to pay \$8.8 billion to
42 the federal and state trustees for the purposes of restoring the
43 injuries caused by the spill, as well as the services that those
44 resources provided, and so the Natural Resource Trustees for
45 Deepwater Horizon are the five Gulf states and then also four
46 federal agencies, and so that includes NOAA, the Department of
47 the Interior, the U.S. Environmental Protection Agency, and the
48 U.S. Department of Agriculture, and we'll talk a little bit more

1 about how that structure formed.

2
3 As part of this settlement, it is to be paid out over a fifteen-
4 year time period, and the first payment was made in 2017, and
5 the distribution of the settlement across our five restoration
6 goal areas and across the resources that were injured were
7 determined based on the injury, where it occurred, the scope of
8 the injury, and the scale of the injury.

9
10 In advance of the settlement, the federal and the state trustees
11 developed what we call our programmatic restoration plan, and so
12 the programmatic restoration plan describes the damages, and so
13 it describes the injury to the resources, which resources were
14 injured, and the type of injury that they suffered, and it also
15 includes our restoration, how we're going to approach
16 restoration to restore for those injuries.

17
18 The trustees, as part of this injury, really determined that,
19 because of the scale and the scope of the oil spill, it resulted
20 in what we characterized as an ecosystem-level injury, and that
21 this would require a restoration approach that also took an
22 ecosystem-level approach to restoration, and so the programmatic
23 plan lays out how we would accomplish this across, again, the
24 entire Gulf of Mexico where we had injuries.

25
26 We call it a programmatic restoration plan because it doesn't
27 prescribe specific projects. Instead, what it does is it
28 identifies -- It provides the guidance and the framework that
29 we'll use to develop what we'll call project-specific
30 restoration plans, and so I'll talk a little bit about what that
31 process is as well.

32
33 Essentially, it lays out what are our goals for restoration,
34 what are some of the approaches that we will use to restore for
35 those injuries, and, again, the process that will follow, and
36 the other important thing that it does is it sets up what we
37 call our governance structure, and so this is the framework for
38 how we're going to be organized to be able to, again, implement
39 this restoration across the Gulf, and so I will talk a little
40 bit more about that.

41
42 Today, I want to focus on the Open Ocean Trustee Implementation
43 Group, or TIG. We have to use the acronym "TIG", and so that's
44 what it's referring to, and, again, this is part of the
45 governance structure, and so there were seven restoration areas
46 that were established under the programmatic restoration plan.
47 There is one for each of the Gulf states, and that has a Trustee
48 Implementation Group that's made up of the federal trustees and

1 the state trustees, and so, for instance, there is a Florida
2 restoration area, and that's made up of the Florida trustees and
3 then the four federal trustees.

4
5 Each of the Trustee Implementation Groups is responsible for
6 developing those project-specific restoration plans that would
7 be consistent with the programmatic restoration plan, and so the
8 Open Ocean Trustee Implementation Group is a little bit
9 different.

10
11 It was established to restore for the highly migratory and
12 broadly-distributed resources that were injured in the Gulf of
13 Mexico, and so it consists of the four federal trustees only.
14 However, as part of our charge, we coordinate closely with the
15 state trustees on the restoration that we do, and we also
16 especially coordinate with them on any projects that might cross
17 state jurisdictions.

18
19 It's made up, again, of the four federal agencies, and these are
20 the representatives for each of the agencies, and so it's NOAA,
21 the U.S. Department of Agriculture, Environmental Protection
22 Agency, and the Department of Interior.

23
24 Here is a little bit more about the programmatic restoration
25 plan. This really, again, lays out what the goals are for
26 restoration across the case, and it's the five high-level goals
27 that you see there in purple, and so it's to restore and
28 conserve habitat, it's to protect water quality, it's to
29 replenish and restore living coastal marine resources, and it's
30 also to provide enhanced public recreational opportunities.
31 Then the fifth goal is an overarching goal that we call
32 providing for monitoring, adaptive management, and comprehensive
33 administrative oversight.

34
35 Those are our five broad goal areas that we have developed a
36 restoration approach for, and then, based on the injury, we
37 identified what we call restoration types, and those are the
38 things over in the light-blue column over at the far right, and
39 so this is the way that the injury was characterized, and this
40 is how we focus our restoration planning, and so each of the
41 trustee implementation groups has, based on the injury that
42 occurred in their area, has an allocation for those restoration
43 types. That is how we determine the types of plans and projects
44 that we will develop.

45
46 The Open Ocean Trustee Implementation Group has six restoration
47 types, and it's the fish and water column invertebrates, it's
48 Gulf sturgeon, it's sea turtles, marine mammals, birds, and

1 mesophotic and deep benthic communities.

2
3 For open ocean, the important thing to note for these species
4 is, again, these are highly-migratory and wide-ranging species
5 that we're going to be developing restoration for, and
6 developing the restoration really focused on what is the best
7 possible restoration for those species to restore for the injury
8 that occurred in the open ocean, and so we may be conducting
9 restoration in the waters of the Gulf of Mexico, offshore,
10 inshore, near-shore waters, wherever the injury occurred or
11 wherever we can achieve the best benefits, but we might also be
12 conducting restoration outside of the Gulf of Mexico, and so,
13 given these species, some that are very highly migratory, we
14 might be looking for opportunities to really benefit those
15 species let's say in the Caribbean or Mexico or other areas, and
16 so, for example, with birds, it might be at their breeding
17 habitat.

18
19 Here is a little bit about how the allocation is split up, and
20 so, for the Open Ocean Trustee Implementation Group, the
21 allocation provided \$868.3 million, and our primary goal is that
22 -- The high-level goal is to protect and replenish living
23 coastal marine resources, and so that allocation is divided up
24 amongst the six restoration types. Again, these are based on
25 the injury and the restoration needed.

26
27 These funding amounts were defined in the consent decree, and I
28 can give a quick, high-level overview of them. Essentially,
29 it's \$380 million for fish and water column invertebrates, \$15
30 million for Gulf sturgeon, \$70 million for birds, \$55 million
31 each for sea turtles and marine mammals, and \$273 million for
32 mesophotic and deep benthic communities.

33
34 A little bit about our restoration planning process. This is
35 essentially the process that we follow whenever we're starting
36 to think about fulfilling our restoration -- Developing those
37 project-specific restoration plans, and so it starts with public
38 participation and our project identification process, up there
39 in the kind of top-left corner, and that's the process where the
40 trustees will announce that we're going to start developing a
41 restoration plan and we're seeking public input on project
42 ideas.

43
44 We have what we call our restoration project portal, and that's
45 available online, and it's open for anyone to enter a project
46 idea at any time, but we like to notify the public when we're
47 about to start restoration planning, so that everyone can take a
48 look at their projects and update them, or submit new project

1 ideas, and so we use that as a way to identify different
2 opportunities for restoration for each of the Trustee
3 Implementation Groups.

4
5 For open ocean, we did that back in the spring of 2017, and we
6 got a great response. We got over 1,600 project ideas, in part
7 because we also looked at all the project ideas that were in the
8 portal already since it was established, and so a lot of ideas
9 for us to sift through and review and help us develop our
10 restoration plan.

11
12 Essentially, then we started a restoration planning process, and
13 part of that is a screening process that we follow, and a big
14 part of that is making sure that we're evaluating those project
15 restoration ideas that are going to restore for the injury to
16 that resource, and so that's still our primary purpose for the
17 Natural Resource Damage Assessment, and, also, that it's
18 consistent with our programmatic restoration plan, and so we
19 really use that programmatic restoration plan as the template
20 and the guide for the types of projects that we'll implement
21 through this program.

22
23 We began reviewing all of the ideas, and what we decided to do
24 was we still wanted to do restoration for all six restoration
25 types, but we decided to break that up into two restoration
26 plans, and so, in the fall of 2017, we completed our screening
27 process, and then we began developing two restoration plans.

28
29 The first one focused on birds and Gulf sturgeon, and we
30 developed the draft restoration plan for that in October of last
31 year, and we just finalized that in March, and so that is the
32 part of our process where we screen the project ideas, and we
33 select the ideas that are going to best meet our goals, and we
34 put those out for public comment, and then we review the public
35 comment and make any changes and finalize the plan, and then we
36 start implementing.

37
38 We're going through a similar process for a second restoration
39 plan, and that's what I'm going to talk with you a little bit
40 about today, and so our second restoration plan is going to
41 focus on the other four restoration types, and so it's going to
42 focus on fish and water column invertebrates, mesophotic and
43 deep benthic communities, sea turtles, and marine mammals, and
44 so we're using the set of project ideas that we screened for
45 this process to develop that into a draft restoration plan, and
46 we're excited to say that should be coming out fairly soon, this
47 spring, and it will have a public comment process for about
48 forty-five days, is what we're looking at right now, and we will

1 accept public comment, and then we'll finalize that, and we'll
2 begin implementation, and so that's our process.

3
4 Essentially, the implementation varies, depending on the project
5 that is chosen and what the best way is to implement it, and so
6 we have what we call lead implementing trustees, and so, for
7 each project, we evaluate what is going to be the best way for
8 us to implement a project and identify different opportunities
9 to do that efficiently. A lot of that can involve partnering
10 and looking for opportunities for collaboration, and so that's
11 all part of the process.

12
13 Then, following implementation, of course, we implement a
14 monitoring plan for each of the proposed projects and
15 incorporate that information both into how we're implementing
16 the project and then what restoration we want to do in the
17 future to continue to achieve our goals.

18
19 As I mentioned, the second restoration plan is the one that
20 we're excited to say is coming out fairly soon, in the spring,
21 for a forty-five-day public comment period, and it does focus on
22 the four restoration types of fish, mesophotic and deep benthic
23 communities, sea turtles, and marine mammals.

24
25 During the public comment period, we'll have a public meeting
26 and public webinars for folks to come and learn a little bit
27 more about the projects, ask questions, provide their comments,
28 and, of course, there is always the traditional public comment
29 period.

30
31 Let me provide a little bit more information about what we've
32 been considering and reviewing as the Open Ocean Trustee
33 Implementation Group to have come out in our second restoration
34 plan, and I will note that we wanted to share with you a little
35 bit of information today. However, the plan is still in
36 development and being finalized, and so it's still a work in
37 progress, but we're getting very close.

38
39 During the assessment for natural resource damages, as I
40 mentioned, the trustees were able to confirm injury to four of
41 the five sea turtle species in the Gulf of Mexico, and those
42 were loggerhead, Kemp's ridley, green, and hawksbill turtles,
43 and this injury occurred in the open ocean, near-shore, and
44 shoreline environments, and it really spanned multiple life
45 stages, and so it affected hatchlings all the way to adult sea
46 turtles, because of the scope of the oil spill.

47
48 As you know, most sea turtles spend the majority of their life

1 at-sea, in the marine environment, and one of the threats to sea
2 turtles in the marine environment is interactions and bycatch
3 with fishing gear, and so the Open Ocean TIG is considering
4 opportunities in this second restoration plan to better
5 understand bycatch in commercial fisheries and identify
6 opportunities for voluntary-based restoration activities, to
7 work with folks to reduce that bycatch, and so why is it
8 happening, what tools can we provide, and how can we reduce that
9 bycatch?

10
11 Another significant threat to sea turtles, of course, is the
12 loss of their nesting habitat, and so the Open Ocean TIG is
13 considering opportunities to protect nesting habitat, especially
14 in areas where we really find that there are some very high-
15 density nesting sites that contribute a good proportion to the
16 nesting population in the Gulf of Mexico, and so we're looking
17 at some of those opportunities.

18
19 Then, because there are some critical gaps in our understanding
20 and knowledge and data on sea turtles, we are looking at some
21 projects to help us fill some of those data gaps, things like
22 in-water sea turtle surveys and monitoring, how can we better
23 provide and integrate data to be able to inform restoration
24 planning over the long term.

25
26 Marine mammals will also be in the restoration plan. Marine
27 mammals also were injured during the oil spill, and it was
28 really across their geographic range, and so species such as
29 sperm whales and bottlenose dolphins and the Bryde's whale. As
30 long-lived species, marine mammals are important also to the
31 food web, as apex predators, and they are very long-lived and
32 slow to reproduce, and so all of these things affect their
33 ability to recover from injuries such as the oil spill.

34
35 The Open Ocean TIG is looking at opportunities to reduce the
36 stressors on marine mammals that can limit their ability to have
37 resilient individuals and populations, things that might cause
38 mortality, impact their health and the resiliency of the
39 populations, and so we're looking at things that can help to
40 reduce some of those, for long-term resiliency, and so we're
41 looking at how can we develop voluntary cooperative programs to
42 reduce vessel strikes, the risk of vessel strikes, rather,
43 reduce the impacts of noise in the marine environment, and also
44 enhance our ability to respond to natural and manmade disasters,
45 so that we can better respond using the network across the
46 federal and state governments.

47
48 Then, also, there is some important data gaps as well for marine

1 mammals, and so we're looking at how can we best fill those data
2 gaps and, again, provide that data integration in our ability to
3 track and understand how restoration might benefit marine
4 mammals.

5
6 Mesophotic and deep benthic communities, these are our
7 mesophotic reefs and deep-sea coral communities that occur
8 across the Gulf, and it also includes, in addition to the
9 hardbottom habitats that are part of these communities, it also
10 includes those soft-bottom communities, and it's such an
11 important part of the food web, and it supports so many fish
12 species and just overall important habitats.

13
14 However, because of their location, they're also a little bit
15 less known, less well-known, habitats. We do know that they are
16 very long-lived and slow-growing corals, especially in the deep-
17 sea environment, and so this really has limited our ability to
18 study and understand the species and the communities, where they
19 are located, and how can we do restoration for some of these
20 coral communities.

21
22 The Open Ocean TIG is considering ways to really look at these
23 key challenges to doing restoration for the mesophotic and deep
24 benthic communities, how can we learn a little bit more about
25 them, to really help inform restoration, and so looking at
26 things like mapping, so we can understand where they occur, and
27 can we enhance our ability to have predictive habitat models, so
28 we can better understand where they might occur across the
29 entire Gulf, without necessarily having to map it all, and,
30 also, really, how can we best assess and characterize these
31 habitats?

32
33 We are also considering, again, the challenge of not having a
34 lot of experience doing restoration in these deep-sea
35 environments, and so are there some innovative techniques that
36 we can use, maybe things that they have used for shallow corals
37 or other techniques that we can study and adapt to be able to do
38 direct restoration.

39
40 Then, finally, we're also considering opportunities to reduce
41 stressors on these environments, and so we're looking at how can
42 we enhance their management and protection in the areas where we
43 know they occur, can we do things to improve education and
44 understanding about these communities.

45
46 The other challenges, of course, to not having a long history of
47 doing restoration in the deep-sea coral environments is really
48 making sure that we're thinking about what are the best

1 approaches to be able to implement restoration, and so that
2 includes thinking about things like cost efficiencies.

3
4 Working in the deep environment requires a lot of ships, and
5 lots of equipment, and it's expensive and difficult to get out
6 there and get the researchers out there to do the work, and so
7 we're looking at cost efficiencies, how can we have robust
8 adaptive management approaches, how can we implement and
9 incorporate very highly-collaborative approaches, and so we're
10 learning from partners that have experience and knowledge and
11 research and finding good ways to work with them and engage with
12 those researchers and other stakeholders to effectively share
13 our information and our planning processes and really set up,
14 again, a highly-collaborative partnership approach to doing
15 restoration.

16
17 Then, finally, we have our fish and water column invertebrate
18 restoration type, and I'm going to turn it over to Jamie and let
19 him talk a little bit about some of the priorities that we're
20 considering for that restoration type.

21
22 **DR. REINHARDT:** Thanks very much, Laurie. I am going to speak a
23 little bit to the types of activities that we intend to present
24 in the Open Ocean Restoration Plan Number 2, out later this
25 spring, and, the first two projects on the list here, I will get
26 into in a little bit more depth in future slides.

27
28 Starting off at the top, we intend to present activities that
29 would help reduce barotrauma in the recreational reef fish
30 fishery, and this project is intended to not only provide
31 devices to recreational anglers, but offer a full program to
32 provide outreach and education to those participating in that
33 fishery, so that folks understand the optimal way to use these
34 devices and also when they are most effective and other
35 techniques to reduce post-release mortality within that fishery.

36
37 The second project on the list is that project intended to work
38 with the commercial shrimp trawl fishery, both state and
39 federally-permitted shrimp trawls, and working with that fishery
40 in a voluntary capacity to utilize better fish bycatch reduction
41 devices within the bottom-trawl fisheries.

42
43 Next on the list is a pilot or an engineering and design type of
44 project, which is intended to work with the fishing community to
45 look for opportunities to develop and implement bycatch
46 identification and communication networks, and so this type of
47 project has been implemented in other areas, where fishermen and
48 scientists have been able to work together to identify areas of

1 high bycatch and to develop systems where they can identify
2 areas of high bycatch and direct folks away from those areas and
3 towards areas where they are more likely to catch the target.

4
5 That project would really be proposed in a very early stage,
6 where most of the activities would be sort of desktop data
7 activities, collecting data, and also stakeholder engagement,
8 and, lastly, on this list is a project, a pilot-scale project,
9 working with the pelagic longline fishery in the Gulf of Mexico
10 to investigate opportunities to reduce bycatch of bluefin tuna.

11
12 Some preliminary studies have suggested that you can reduce the
13 bycatch-to-target-catch ratio by simply adjusting the set depth
14 that the longlines are set at, and, by doing that, it sort of
15 increases the efficiency of longline sets in the yellowfin tuna
16 fishery.

17
18 I am going to get into a little bit more detail on this next
19 slide here, talking a little bit more about that project, which
20 is intended to reduce post-release mortality from barotrauma in
21 the recreational reef fish fishery, but, as I mentioned before,
22 this project has a large focus on the outreach and education and
23 training and providing materials to recreational anglers as one
24 of the main components.

25
26 The second component is more of a monitoring focus, and the last
27 component is more science and focused on validating post-release
28 mortality to those fish, and so I will just speak a little bit
29 more bullet-by-bullet here.

30
31 I want to sort of acknowledge that we think that providing
32 barotrauma-reduction devices, or fish-descender devices, to
33 folks is an important thing, and getting tools into the hands of
34 fishermen is important, but just as important is providing the
35 right type of education and outreach to recreational anglers, so
36 that they know when to use these devices and how to use them
37 most effectively as well.

38
39 We intend for this project to have a Gulf -- To be implemented
40 on a Gulf-wide basis and be implemented over a time period of
41 about seven to eight years, and, along with this education and
42 outreach and providing these devices to anglers, we intend to
43 have a relatively robust monitoring and evaluation program,
44 which would tap into existing data collection mechanisms in the
45 Gulf to help us evaluate changes in the prevalence of use of
46 those descending devices and help us evaluate whether those
47 devices are being used properly and effectively across the Gulf.

1 One other component that I should have mentioned, and for the
2 previous bullet, is that we sort of see this as a project that
3 we would like to work with both the for-hire sector, but also
4 the private angler sector, and so we know that there is unique
5 challenges and opportunities for working with each sector of
6 that fishery, but we are really planning on working with both
7 there.

8
9 The last bullet is basically -- What we are planning for, at
10 least, is to have a series of validation studies to help improve
11 the estimates of post-release mortality for the species that we
12 think could be benefitted by this project, and so not just red
13 snapper, but an attempt to improve our estimates of post-release
14 mortality for the range of species that could be benefitted by
15 this project.

16
17 We think that's an important component to evaluating our
18 restoration success, in order to kind of have -- Be able to
19 understand, with greater precision, the benefit that this
20 project could have on the fishery, and there's one more bullet
21 there, one more point there, and that is that the intent here is
22 really -- We know that there's been a great amount of work done
23 on understanding post-release mortality, and the idea here is to
24 contribute to that, for the range of species, but also to the
25 various oceanographic conditions that exist within the Gulf.

26
27 On to this project that we intend to work with the shrimpers in
28 the Gulf of Mexico on a voluntary basis, and we call this the
29 Better BRD project, and there has been a number of studies that
30 have documented the types of bycatch reduction devices that are
31 in use in the Gulf of Mexico, and there are -- The standard is
32 really using the fisheye BRD within the fleet, and we know that
33 there are a number of bycatch reduction devices that do a better
34 job of allowing fish to escape and also have higher shrimp
35 retention rates, and, frankly, a number of devices are in use
36 around the Gulf of Mexico that we actually haven't characterized
37 very well, particularly in some of the white shrimp fleet, and
38 they are using devices, or device combinations, that well exceed
39 what are required by the regulations.

40
41 One thing that this project is interested in doing, first of
42 all, is doing a survey within the Gulf of Mexico to identify the
43 range of BRDs that are currently in use. Also, to conduct a
44 survey with some of the other shrimp fleets, trawl fleets, in
45 the U.S. Particularly, some new BRD combinations are being used
46 in North Carolina that may be effective for use in the Gulf of
47 Mexico as well.

1 Following the survey, the intent is to use that survey to
2 initiate further development and evaluations of innovative BRD
3 technologies and BRD/TED combinations for use within the Gulf of
4 Mexico shrimp trawl fisheries. Those combinations that show
5 effective would be developed in a voluntary and cooperative
6 manner with the shrimp trawl fishery in the Gulf of Mexico, and
7 their use within that fishery would then be -- It would then be
8 incentivized for use.

9
10 One thing I would like to add is that we see a potential
11 opportunity down the road for actually using these BRD
12 technologies within the Mexican shrimp trawl fleets as well, and
13 so, preliminarily, and from the development side, these BRDs
14 would be sort of -- The project would be focused in the northern
15 Gulf, but also see opportunity for bycatch reductions with our
16 southern neighbor as well. Laurie, that's all I have for that
17 slide, unless you have something to add.

18
19 **MS. ROUNDS:** No, that's great. Thank you, Jamie. Just to point
20 out where -- We try to provide all the information and make
21 everything easy to find, and that's the
22 gulfspillrestoration.noaa.gov website, and each of the Trustee
23 Implementation Groups has a page that talks a little bit about
24 what we're doing, as far as restoration planning, and there is
25 also a really great database for all the projects that have been
26 implemented through our restoration planning process, and so
27 there's just a lot of information on there.

28
29 You can sign up to get emails, and so, whenever there is an
30 announcement of a new plan coming out, something for public
31 comment, or opportunities to provide input on project ideas, you
32 will get an email blast, is what we call them, but it's just an
33 email letting you know that something new has been added to the
34 website.

35
36 Again, just thank you very much for the opportunity to come and
37 talk with you all. As I mentioned, we're really looking forward
38 to when the plan comes out, and we'll be sure to give you all
39 that information, so that you know when it's available and to
40 start our forty-five-day public comment period and all the
41 information about our meetings and how you can get more
42 information, and so I'm happy to take questions, if we have
43 time.

44
45 **CHAIRMAN DIAZ:** Sure, we have time for a few questions. Thank
46 you, Dr. Reinhardt, and thank you, Ms. Rounds. Any questions
47 for Dr. Reinhardt or Ms. Rounds? Ms. Bosarge.

1 **MS. LEANN BOSARGE:** Thank you. Yes, we've seen a couple
2 different presentations in the past on the BP settlements and
3 where the funds are going, and we had a slide one time that
4 showed this spaghetti, right, and it was like there were all
5 these different lines, and there was money going here and there,
6 and it was hard to make sense of, if you actually wanted to
7 accomplish something, who would you contact, but I think I came
8 across the right piece of spaghetti in your presentation, and so
9 I'm really excited that you're here, because one of the things
10 that I have harped on, and the council members will tell you,
11 and they probably get tired of me talking about it, but is the
12 dead zone in the Gulf of Mexico.

13
14 To me, your Open Ocean Trust group is really the piece that
15 could focus on that and maybe make some positive progress,
16 because you have NOAA, the USDA, the EPA, and the Department of
17 Interior, and, if I had to put a group together that could
18 actually go upstream and mitigate some of that runoff that's
19 coming out of the farmlands that makes it to our ocean that
20 reduces our access to fisheries, because there is a huge dead
21 zone, and that's where it's got to be.

22
23 Now, I am sure that it's tough, because we all live on the
24 coast, and we were very much impacted, and I'm sure the coastal
25 states really want to make sure that that money lands right
26 here, but I hope that, with your group, the focus that you have,
27 that you will really make that a priority, because it is kind of
28 frustrating for me sometimes to see, when you get into the fish
29 and invertebrates restoration, that it all focuses on bycatch.

30
31 Great. I'm all for reducing bycatch. I come from the shrimp
32 industry, and god knows that I am intimately familiar with that,
33 right, and we've been doing that for many years, and there is
34 always room for improvement, but this pot of money, as a
35 fisherman, when you look at it from a thirty-thousand-foot view,
36 right, where did this money come from? Was it fishermen that
37 caused the worst natural disaster in the Gulf of Mexico? No, it
38 wasn't. It was the oil industry that had an oil spill.

39
40 They are having to pay up, and, for some reason, all the focus
41 of the money is on what the fishermen are doing wrong and our
42 impact on the environment, our bycatch, recreational or
43 commercial or whatever, and I just hope that we'll look at
44 bigger projects that are somewhat outside the box that we will
45 never have the money to accomplish otherwise, like mitigating
46 the dead zone and working on the farmlands and keeping that
47 runoff out of that river and keeping it from coming down here
48 and affecting us, instead of looking at all the negative impacts

1 that fishermen have on the environment.

2
3 I think it would be great to focus on the positive and what we
4 can do for the fishermen, as opposed to what the fishermen can
5 do for us, and so I hope you will take that and run it up the
6 chain. We actually sent a letter, I think, the head of the EPA
7 last year that outlined some of our research priorities and
8 things like that, and I know that the dead zone and mitigating
9 that dead zone was at the top of the list.

10
11 I think we've had a change of power over there, and so maybe we
12 need to send that letter again, and make sure it's going to the
13 right people, just the same letter and send it off again, but I
14 really hope that you can focus on that, and can I ask one more
15 question?

16
17 **CHAIRMAN DIAZ:** Yes, ma'am.

18
19 **MS. BOSARGE:** Thanks. The other question is more self-centered.
20 Where does shrimp fall on that chart, because I was trying to
21 figure out, in all your different little plots, and you had fish
22 and water column invertebrates, and sturgeon and sea turtles,
23 and where is shrimp, because it seems like your restoration plan
24 calls for an ecosystem approach to restoration, and you really
25 focus on those broadly-distributed resources in the Gulf, and I
26 would say that shrimp definitely falls into that, right? It's
27 not one particular state or one particular region. It's across
28 the Gulf, and so are we in there anywhere?

29
30 **MS. ROUNDS:** In the fish and water column invertebrates, yes.
31 In part, it wasn't separated as its own restoration type, in
32 part because of thinking about it from that broader perspective
33 of trying to restore for the ecosystem as perhaps being the best
34 way to be able to restore for the injury to shrimp, which was
35 that exposure to the oil in the water column.

36
37 It also comes into play in some of the habitat restoration
38 types, and so in the state resource restoration areas. Wetland
39 restoration, for example, is something that was identified as a
40 really important component, and so, in addition to doing things
41 like what we're doing in the Open Ocean TIG, which is really
42 focusing on those species and how we can restore for the species
43 that were injured, the state Trustee Implementation Groups are
44 also looking at habitat restoration and how can we restore
45 wetlands and marshes and estuaries, to be able to restore their
46 habitat, and so it's that combination approach of looking at
47 both the species, what can we do from the perspective of
48 restoring the species, and then how can we restore their

1 habitat, and, together, those are addressing the ecosystem
2 impacts.

3
4 If I can, I don't know if I can just add -- Thank you very much
5 for your earlier comments as well, and I appreciate the input.
6 I think that, as I mentioned, part of what we're doing in the
7 Open Ocean Trustee Implementation Group is focused on those
8 restoration types that we talked about and how can we best
9 restore for the injury to those, and so we definitely look at
10 bycatch in those restoration plans coming up as a good
11 opportunity to be able to help restore for those species.

12
13 However, we're looking at it very much in that voluntary
14 approach of finding good tools, and so how can we work with our
15 fishermen and how can we do things that both better understand
16 when and why it's happening, so that we can provide the tools,
17 and, as you heard Jamie talk about, one of the main focuses for
18 that is being able to find those win-win situations, and so
19 really looking at the how can we improve the tools and how can
20 we improve information, so that we can, together, collectively
21 reduce bycatch. We definitely acknowledge that the fishermen
22 are going to be really important partners throughout this.

23
24 **CHAIRMAN DIAZ:** Ms. Muehlstein, you had your hand up?

25
26 **MS. EMILY MUEHLSTEIN:** Yes, and thank you. Laurie, thank you
27 for coming today, and, Jamie, we missed the opportunity to speak
28 with you in person. The council, you may or may not be aware
29 of, but the council recently finalized a descending and venting
30 tool policy, and we are working on implementing that policy as
31 well as doing some major outreach on that policy.

32
33 As a part of that, we are conducting a workshop, probably at the
34 conclusion of the summer, sometime in early fall, to really sort
35 of try and highlight some of the things that we need to do in
36 order to incorporate the use of barotrauma mitigation tools in
37 our fishery as well as study them, so that the outcomes can
38 ultimately be put into stock assessments and converted into sort
39 of management advice.

40
41 I am wondering if either one of you can speak to -- I know I've
42 been working with Jamie, and talking to him all along, as we've
43 been going through this, because the opportunity seems to
44 present itself, and I was just wondering if one of the two of
45 you could sort of speak to how our workshop and our policy might
46 sort of intermingle with the work that you guys are doing.

47
48 **MS. ROUNDS:** Sure. I will start off, and then, Jamie, maybe you

1 can add in or add to what I say. We are, as you mentioned,
2 excited that there is so much interest right now in that shared
3 goal of reducing barotrauma and finding, again, good ways to
4 find tools and methods and get information out there to help
5 reduce that stressor and mortality for reef fish.

6
7 I will give the boring kind of side of it, the process side of
8 it, that might be helpful, and then I will let Jamie talk a
9 little bit about some of the opportunities for partnership that
10 we're hoping we can continue to talk about with you and with the
11 commission as well and the states.

12
13 As I mentioned, we do have that process, and so part of the
14 Natural Resource Damage Assessment is that we have this process
15 to select the projects, and we propose those to the public. As
16 I mentioned, we've got a forty-five-day public comment period,
17 but we wanted to provide enough time for everybody to be able to
18 review this and provide their input on the project, so that we
19 can incorporate any changes before we move forward and select
20 our final projects to implement. We do have to go through that
21 process before these are selected and final, and so it's a
22 little bit of time, but we think it ends up with better projects
23 and more input.

24
25 Then we finalize the plan, and we release it, and, of course,
26 that takes a little bit of time as well, and then we begin to
27 implement the projects, and so, if I had to project forward, it
28 probably is going to be kind of in that 2020 timeframe before
29 we're really ready to have feet on the ground and running
30 forward with implementing a project, but, during that time, we
31 can certainly -- We have been and look forward to continuing
32 conversations about what are the best ways that we can implement
33 these projects and who can we partner with and how can we all be
34 working together, based on what everybody's goals and mission
35 are and finding the right niche for everybody, and so making
36 sure that we're implementing things in a really effective way.

37
38 We're looking forward to that, and I think there are many, many
39 ways that we can do that, and the way that we move forward with
40 these projects really leaves the door open for those kinds of
41 conversations, and so I will turn it over to Jamie, if we have a
42 moment, so he can talk a little bit more about some of his
43 ideas.

44
45 **DR. REINHARDT:** Thanks, Emily, for the question. Kind of, at
46 face value, I'm really excited about the work that the council
47 has taken on in this regard and, really, the opportunities to
48 work in a collaborative fashion and take the lessons and the

1 ideas that you guys are fleshing out and incorporate that into
2 our thought process and our planning process as well, and so I
3 am encouraged by it.

4
5 I don't have any specifics to speak of at this time on how
6 exactly that might be used, but I think that the exercise that
7 you, in particular, are undertaking with your colleagues has the
8 potential to be really helpful and useful.

9
10 **CHAIRMAN DIAZ:** Dr. Simmons.

11
12 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Thank you, Dr. Reinhardt. I
13 guess what Emily is asking is we're trying to plan this big
14 workshop, and we have tried to plan it around the industry, at
15 the council's request, and I guess what we're asking is, if we
16 hold it in the fall, is that the right timing for it to be
17 useful for your program or not?

18
19 **DR. REINHARDT:** From a timing perspective, I think that's fine.
20 I think that we have the capacity to use information that is
21 developed at that time and incorporate that into a process, but
22 I will go back to what Laurie said. We have a process now where
23 we have a draft, and then we have a formal comment period, and,
24 any information that comes along later, we can incorporate that
25 as we see fit. I mean, depending on the timing of it, but I
26 think that, for the type of information that I think you're
27 describing, I think that when you are planning to hold that
28 would be fine.

29
30 **CHAIRMAN DIAZ:** Mr. Dyskow. We're going to take this question
31 and then, in the interest of time, we're going to have to move
32 on, but go ahead, Mr. Dyskow.

33
34 **MR. PHIL DYSKOW:** Thank you. I don't want to beat that subject
35 to death, but Emily was far too modest as far as what she has
36 accomplished. This, at best, would be an immense duplication of
37 effort. This is already happening. All the appropriate parties
38 are aligned towards a common objective, and the materials have
39 been cranked out for a long time, and I don't know what you plan
40 to do, but it would be probably better served if you did a new
41 project, as opposed to duplicating something that is already
42 done, essentially.

43
44 **MS. ROUNDS:** I appreciate the input, and, yes, we have been
45 trying very much to keep in the loop and in the process and
46 working with the council on the work that's going on with the
47 fish descending devices and efforts and those sorts of things,
48 and so we will continue to follow-up, and I'm sure that Jamie

1 will follow-up with Emily, and you, Carrie, and find out a
2 little bit more and make sure up to speed on what's been
3 happening, and, again, see where we can incorporate that in
4 there.

5
6 We certainly don't want to duplicate efforts. We would much
7 rather find ways to partner, and, again, be as effective as we
8 can with the funding. We want to find those gaps and what
9 things can we do across the Gulf of Mexico that meet our
10 restoration objectives, but also contribute to all the
11 priorities that you all spend your time thinking about and put
12 so much work and effort into.

13
14 **CHAIRMAN DIAZ:** Thank you again, Ms. Rounds, and thank you, Dr.
15 Reinhardt. Are you going to be around for just a little while,
16 Ms. Rounds?

17
18 **MS. ROUNDS:** Yes, absolutely.

19
20 **CHAIRMAN DIAZ:** Maybe, if we take a break later, if anybody has
21 got any questions, they can pull Ms. Rounds to the side.

22
23 **MS. ROUNDS:** Yes, absolutely, and please feel free to contact me
24 if I can answer any questions.

25
26 **CHAIRMAN DIAZ:** Thank you. All right. The next agenda item is
27 going to be final action, and we're going to take up the
28 replacement of historical captain permits with standard for-hire
29 permits. I think I would like Ms. Muehlstein to go first with
30 the public comments. We've been over this document several
31 times. Then Dr. Diagne will take over after that. Ms.
32 Muehlstein.

33
34 **FINAL ACTION: REPLACEMENT OF HISTORICAL CAPTAIN PERMITS WITH**
35 **STANDARD FEDERAL FOR-HIRE PERMITS**
36

37 **MS. MUEHLSTEIN:** Thank you, Mr. Chair. As you may remember, we
38 did a full summary of the comments at our January meeting, when
39 we were originally scheduled to take final action on this
40 document, but were unable to. We have not received any new
41 comments since then, and so, just generally speaking, we had
42 received six written comments prior to our January meeting, and
43 they were all in support of converting the current historical
44 captain endorsements into fully-transferable charter and
45 headboat permits.

46
47 **CHAIRMAN DIAZ:** Thank you. Assane.
48

1 **DR. ASSANE DIAGNE:** Thank you, Mr. Chair. Just to give a quick
2 overview of the document, essentially, at this time, it is the
3 council's intent to convert thirty-two historic -- I will
4 rephrase this. Thirty-two CMP and thirty-one reef fish
5 historical captain permits, but this would concern thirty-two
6 historical captains, if you would, into standard federal for-
7 hire permits.

8
9 During the last council meeting, the council indicated that they
10 would provide the option, to make it optional, meaning that some
11 of those historical captains who may have a difficulty in
12 finding a vessel may choose to keep the historical captain
13 permit that they currently own, and so the document has been
14 updated to reflect the council's intent.

15
16 At this point, it is ready, and I believe we do have the
17 codified text also ready, and it is in the briefing book. If
18 the council does not have additional remarks or suggestions,
19 perhaps we can move to discussing the codified text before the
20 committee considers taking final action. Thank you. I believe
21 that Ms. Gerhart will go over that, the codified text, or Ms.
22 Levy.

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

25
26 **MS. LEVY:** It's Tab E-5(b), and it basically has the same
27 provisions for the reef fish sections and the CMP sections, and
28 it says that an eligible charter vessel/headboat permit with a
29 historical captain endorsement can be converted to permit
30 without an endorsement, pursuant to another paragraph that we
31 wrote, and so there's one paragraph that deals with the
32 procedures for converting the permit with the historical captain
33 endorsement to a standard charter vessel/headboat permit, and it
34 just basically says that those ones that are eligible were valid
35 on October 25, 2018, and so any permit that was valid as of that
36 date of the last council meeting would be eligible to do this.

37
38 It would retain the same passenger capacity, which you decided,
39 and that those folks that want to convert them would need to
40 submit an application within two years of the effective date of
41 the rule, and, if no application is received, then they just
42 would retain their historical captain permit, and that's
43 essentially all the detail that's in there.

44
45 **CHAIRMAN DIAZ:** Okay. Any questions on the codified text? Dr.
46 Crabtree.

47
48 **DR. ROY CRABTREE:** Well, it's my understanding that we've had

1 two new requests that came in after the -- What was the date,
2 Mara?

3
4 **MS. LEVY:** October 25.

5
6 **DR. CRABTREE:** After the October 25 date, and so I believe we
7 now have -- Does that make two requests or three? We already
8 had one that came in before that, at the last council meeting.

9
10 **MS. SUSAN GERHART:** Two total.

11
12 **DR. CRABTREE:** Two total that have come in since the cutoff
13 date.

14
15 **CHAIRMAN DIAZ:** Ms. Bosarge.

16
17 **MS. BOSARGE:** So is there a question that we need to answer, or
18 is this just for information?

19
20 **DR. CRABTREE:** Just for information. We had this discussion at
21 the last council meeting, and, because we had mail that hadn't
22 been sorted through, due to the shutdown, we weren't able to
23 give you an answer on how many had come in at that point.

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

26
27 **DR. DIAGNE:** Thank you, Mr. Chair. If I recall, part of the
28 goals of starting this whole exercise was perhaps to get rid of
29 the historical captain category, and so maybe the council could
30 consider just giving everybody a standard permit, as of today,
31 if you would, and continue with the rest of it, meaning making
32 the outstanding letters of eligibility invalid from this point
33 forward, and so that would, I guess, get us closer to that
34 original intent of perhaps just getting rid of historical
35 captain permits, if the council would want to consider that.

36
37 **CHAIRMAN DIAZ:** Thank you, Dr. Diagne. Ms. Levy and then Dr.
38 Stunz.

39
40 **MS. LEVY:** Well, so we talked about this before, and just two
41 points. First, the letters of eligibility are going to be
42 accepted until the effective date of the final rule, and so,
43 even if you were to incorporate the two existing applications
44 and permits that came in, there is still the possibility that we
45 would get another one, and so we would still have a historical
46 captain permit, and so it doesn't necessarily eliminate the
47 historical captain permit.

1 The second thing is that may have been one of the reasons, but I
2 feel like, if we look back at the minutes and the record and
3 what's in the actual document, the main reason for doing this
4 was that you had this group of thirty-two permit holders who had
5 these permits, most for a significant amount of time. Granted,
6 one or two for less amount of time, and the idea was to
7 recognize that they have held them and that they have these
8 restrictions on them that were not allowing them to either
9 transfer them to family members and such, and so you were going
10 to give them a fully transferable permit.

11
12 If you want to fold in the two very recent applications, and I
13 don't know, and did we issue those permits yet? We might need
14 to find that out, and then I think we need to -- At least the
15 council needs to discuss the reason for doing that, given all of
16 the discussion about the dependence on this permit from these
17 other folks and all of these other things, and so I would just
18 like more sort of rationale for doing it, if that's what you're
19 going to end up doing.

20
21 **CHAIRMAN DIAZ:** Dr. Stunz.

22
23 **DR. GREG STUNZ:** My comment is kind of to that point. I don't
24 have a problem of bringing these in. I guess, in a way, I feel
25 like it was kind of -- The date was not -- "Arbitrary" is not
26 the right word, but we were just trying to do something to get
27 these guys to do this, and I don't know the reasoning or why
28 they were late or whatever, but I don't really see it as much of
29 a problem, but I guess my question is I did understand this as
30 trying to not have all these different sort of permits that did
31 different things and to streamline this, but what does this --
32 Roy, how many does this leave on the table still that haven't
33 done anything or don't plan to do anything? In other words, I
34 am trying to decide what are we doing here. Some people will be
35 made happy, but then you still have the same permitting problem
36 we did before we started the process.

37
38 **CHAIRMAN DIAZ:** Ms. Gerhart.

39
40 **MS. GERHART:** I think you're asking about those letters that are
41 still outstanding, and so the council had decided that, once the
42 rule was effective for this action, that those would no longer
43 be valid, and so, yes, up until the effective date of the final
44 rule, we could still have more people come in and bring in those
45 and get historical captains. If no one else came forward, then,
46 no, we would not have any more.

47
48 **CHAIRMAN DIAZ:** Mr. Boyd.

1
2 **MR. DOUG BOYD:** A question for Roy. Roy, the two that just came
3 in, I guess I'm confused. Are they saying they don't want to be
4 included in the new captain license, or they do want to be
5 included?
6

7 **DR. CRABTREE:** Well, I assume they have come in asking for a
8 permit, even though they're after the date, I guess, that we had
9 discussed earlier.
10

11 **MR. BOYD:** Okay, and so they want to convert to a new permit?
12

13 **MS. GERHART:** Well, we never asked them that question. They
14 just applied for a historical captain permit and submitted the
15 letter that they had. Now, presumably, they know what the
16 council is doing and would want to be involved in that, but we
17 haven't directly asked those two people if they meant to get a
18 historical captain or if they're doing this because they want to
19 get a regular one.
20

21 **MR. BOYD:** Okay. Well, a follow-up question, Mr. Chairman. How
22 many people do we have -- How many of the historical captain
23 permits do we have out there that want to stay with a historical
24 captain permit?
25

26 **MS. GERHART:** We don't know the answer to that. We haven't
27 asked them individually.
28

29 **DR. CRABTREE:** Understand that these guys who came in after
30 October 25 applying for a permit -- I guess that permit either
31 won't be issued, or, if it is issued, when the final rule goes
32 into place, they won't be eligible for a permit, right?
33

34 **MS. LEVY:** No, they'll get a historical captain permit.
35

36 **DR. CRABTREE:** All right. They will get a historical, but they
37 won't qualify to get a transferable permit, which means we'll
38 still have some historical captains on the books, which we may
39 have anyway, because, at this point, we're making it optional
40 for what I think are three vessels, because they are fishing on
41 vessels that someone else's permit is on, and so my preference
42 is to figure out what you want to do with these applications
43 that have come in later, and I'm not too crazy about the
44 optional aspect of this. It seems, to me, that one of the goals
45 we set out was to get rid of the historical captain permit, and
46 I don't know that making it optional is something we really
47 ought to do.
48

1 **CHAIRMAN DIAZ:** If memory serves me correct, there was some
2 circumstance brought up at the last meeting that could
3 potentially penalize people by making them convert, and the
4 optional was put in there to just make sure that we didn't
5 create a circumstance where we penalize people unintentionally.

6
7 **DR. CRABTREE:** Well, they would be issued a permit, and they
8 would need to put it on a vessel somewhere or do something with
9 it, but, if they're fishing on someone else's boat, I think they
10 could continue to do what they're doing. Now, these guys who
11 came in, I guess, because they're paying attention to what the
12 council is doing -- I agree with Mara, to some extent.

13
14 When we set out to do this, we were trying to get permits to
15 people who were in the fishery, and some people who have paid
16 attention then come in, and it's a small number of permits, but,
17 still, it does kind of -- It's not consistent with the rationale
18 we started out with, I think.

19
20 **CHAIRMAN DIAZ:** Right. Mr. Boyd, to that point?

21
22 **MR. BOYD:** Yes, to that point. Roy, is the agency okay with
23 having two sets of captain licenses in the future, or should the
24 council consider only one type, which is an active captain
25 permit and not a historical captain permit?

26
27 **DR. CRABTREE:** Well, I think, when we started down this path,
28 our goal was to deal with the historical captain permit, and the
29 thought was that we would get rid of those. The problem, I
30 guess, is so you have a guy who is fishing on someone else's
31 boat, and, if we give him a charter boat permit, then he's got
32 to put it on a vessel somewhere, and then he's going to have to
33 have GPS and electronic reporting and these requirements.

34
35 Now, he can not get the permit and keep doing what he's doing.
36 The permits do have some value, although, to transfer the permit
37 and sell it, I'm not sure how that would work. You would have
38 to, at some point, and maybe Sue has talked with the folks about
39 that and can comment on it.

40
41 **CHAIRMAN DIAZ:** Ms. Gerhart.

42
43 **MS. GERHART:** Just to that, and so we looked in there, and a lot
44 of the vessels, even if they aren't owned by the permit holder,
45 there aren't permits on that vessel already, and so the permit
46 holder could lease that vessel and put their permits on. There
47 are three cases where the permit holder does not own the vessel
48 and has no relationship with the person who owns the vessel, and

1 there are other permits on that vessel, and you can't have two
2 permits on the same vessel, and so that's where the issue came
3 up.

4
5 It's three vessels, and I spoke with our Permits Office, and
6 they do have a way that they can put the permit in a particular
7 status, where it is not associated with a vessel, but that
8 permit could not be used, and so, if someone was on someone
9 else's vessel, using someone else's vessel, and using their
10 permits, then it really wouldn't matter if their permit was in
11 this no-vessel status or not. For some people, it might matter.
12 They might want to have the history, landings history or
13 whatever, associated with it, but we do have a way to deal with
14 those vessels, so that they don't lose their permit or have to
15 run out and buy a boat right away.

16
17 **CHAIRMAN DIAZ:** Mr. Anson and then Mr. Robinson.

18
19 **MS. KEVIN ANSON:** Well, I had a question before Sue just
20 commented, and then I have a question about what Sue just said,
21 and so I'll address the first question I had, and that's some
22 clarification on the codified text. Mara, if you can check
23 this, but there might be a typo in the codified text, on the
24 last page, the first full sentence of that last page, and it
25 says "to convert an eligible charter vessel/headboat permit to a
26 historical captain endorsement", and should that be "with", like
27 it reads elsewhere in the document?

28
29 **DR. CRABTREE:** We will flag that and figure it out. I think it
30 may be backwards.

31
32 **CHAIRMAN DIAZ:** Mr. Anson.

33
34 **MR. ANSON:** If I could, on that other question I had then about
35 Sue's comment, Sue, you said that -- I got the impression that
36 that change that could be made in the system would be a
37 temporary change, and it doesn't sound like it would be
38 indefinite, and so, if the circumstances changed for the captain
39 then, I guess that's a gamble that they're taking, is that, if
40 it goes beyond two years, and it's a temporary fix to whatever
41 date, three years from now or whenever, and I don't know, again,
42 what the system is set up for, but it sounds like they could be
43 out of luck then, I guess, and so they just took a chance, and
44 then their relationship with that vessel owner goes south, or
45 they decide to go and do something different, and that permit
46 then basically just kind of goes away on its own, essentially,
47 because they will be outside of the window of which they could
48 change and according to the current path we're going.

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

3
4 **MS. GERHART:** The two years comes from the actual amendment that
5 the council is working on. As far as that status in the permits
6 system, that was created for a certain HMS permit, and I'm not
7 familiar with it in a lot of detail, but I'm not sure that
8 there's a time limit on that, and so that two years came from
9 the council document itself and not from that system.

10
11 **CHAIRMAN DIAZ:** Mr. Robinson.

12
13 **MR. LANCE ROBINSON:** I think she just answered my question, and
14 it was back to that inactive permit, or inactive status. If it
15 goes inactive, as you describe, three or four or five years down
16 the road, if they wanted to make it active, that would still be
17 permissible?

18
19 **MS. GERHART:** I would have to check on that timeframe.

20
21 **CHAIRMAN DIAZ:** Okay. I'm not seeing any more hands up, and so
22 one of the goals for today was to -- If everybody deemed
23 everything to be appropriate for us to move this document along.
24 Where we're at right now, with the current language that we
25 have, is the people that were in place on October 25 of 2018
26 would get the benefit of moving to a permanent reef fish permit.
27 The letters that are outstanding right now would be eligible to
28 get a historical captain permit, and so that's where we stand as
29 of now. I would entertain a motion to -- Ms. Bosarge.

30
31 **MS. BOSARGE:** Sorry, and it wasn't a motion, and it was a
32 question.

33
34 **CHAIRMAN DIAZ:** That's okay. We can discuss it.

35
36 **MS. BOSARGE:** If we change this to a mandatory program, and we
37 change that date from October 25 to the effective date of this
38 rule, then, essentially, whatever historical captain permits you
39 had on the books when this rule goes effective would be
40 converted to the traditional permit, and the letters would go
41 away, and we wouldn't have historical captain permits anymore.

42
43 **CHAIRMAN DIAZ:** Ms. Levy.

44
45 **MS. LEVY:** I think the answer is yes, but, if you put out there
46 that anyone with a letter of eligibility can now turn it in for
47 a regular permit, then you're sort of just throwing the doors
48 open to the fifty or sixty letters that are still out there, to

1 the extent people have them, to turn them in.
2
3 If that's where you are -- I mean, the more changes we're
4 talking about, the more this document is going to morph into
5 something else. Meaning, right now, it's very limited. The
6 purpose is to give these thirty-two people this permit, and all
7 the analysis and everything is geared towards that, and so, if
8 we're going to open it up, like you just said, we're going to
9 have to go back and totally change what's in the document. I
10 mean, just consider the implications of that.
11
12 The idea of making it optional or mandatory, part of the reason
13 that we talked about making it optional at the last meeting was
14 because those letters of eligibility are still valid until the
15 effective date of the rule, and so, if the idea was to not have
16 any more historical captain permit and make the transition
17 mandatory for these thirty-two folks, that might not happen if
18 someone came in and get another historical captain permit, and
19 so, if we were going to let people do that, the idea was to make
20 it optional for the people that had the permit, right, and so,
21 if you're not going to guarantee that there aren't going to be
22 any more historical captain permits, then why force those who
23 have it to change, and that was where the optional thing came
24 from.
25
26 **CHAIRMAN DIAZ:** Okay. I am not seeing any comments, and we can
27 take this back up at Full Council, if that's the committee's
28 pleasure. Ms. Levy.
29
30 **MS. LEVY:** Just to Kevin's point, we will correct the codified.
31 It should say "with a historical captain permit", to indicate
32 what it is, and not "to", which made it wrong.
33
34 **CHAIRMAN DIAZ:** All right. We're going to move on. Let's
35 proceed with the next agenda item.
36
37 **DR. DIAGNE:** Mr. Chair, before we move on, so that means that
38 there is no motion to take final action on this, right?
39
40 **CHAIRMAN DIAZ:** No motion at this time.
41
42 **DR. DIAGNE:** Okay.
43
44 **MR. ANSON:** I don't know if I have a question, but I just don't
45 know if there's enough dissention out there where we can't make
46 a motion at committee, so that people know, coming in tomorrow
47 and Wednesday, that there is a motion made for this to go
48 through. **I think I will make a motion then that we accept the**

1 codified text with the revision that Mara just said and give the
2 Council Chair their normal oversight and sign it or allow it to
3 go through and review, once it becomes final. Our standard
4 motion for this is what I'm trying to get at.
5

6 **CHAIRMAN DIAZ:** Staff is putting it up on the board right now,
7 and so please review that, Mr. Anson, and see if that meets your
8 approval. Is there a second to Mr. Anson's motion?
9

10 **MR. ANSON:** Yes, that's it.
11

12 **CHAIRMAN DIAZ:** It's seconded by Ms. Bosarge. **That motion would**
13 **say to recommend the council approve.** Is there any discussion
14 on the motion? Mr. Boyd.
15

16 **MR. BOYD:** I guess a question for Kevin. Does this motion mean
17 that there would be an opt-out for the historic captains that
18 don't want a permit, and we will continue to have two sets of
19 permits?
20

21 **MR. ANSON:** Yes, but the opt-out is not -- It's more -- It's
22 passive, I guess, in that, if they don't do anything, then
23 they're opting out. It sounds like they have got to go and do
24 something. If they do nothing, then, in a sense, they're opting
25 out. For those that want to participate in it, they have to do
26 something.
27

28 **CHAIRMAN DIAZ:** Okay. Mr. Boyd.
29

30 **MR. BOYD:** A follow-up question for Roy. Roy, the initial
31 objective was to do away with historic captain permits. Is that
32 what the agency would like to see? I am for the whole process
33 of moving these historic captain permits to real permits, to
34 active permits. I am concerned that the agency is still going
35 to have to deal with the historic captains over the next years,
36 and then are we going to go through this same process again?
37

38 **DR. CRABTREE:** Well, I can't --
39

40 **MR. BOYD:** I understand the dilemma about these few captains and
41 their business problem.
42

43 **DR. CRABTREE:** I think it means we would have a couple of
44 historical captain permits still on the books. They are not
45 transferable, and so, eventually, they go away. They have been
46 on the books for some time now, and so it would be cleaner if
47 they just went away, but, given all the complexities and
48 concerns about folks and how they operate, I don't think it's a

1 big deal.

2
3 Our purpose was two-fold. I mean, originally, we wanted to give
4 these guys regular permits, so that they would be transferable
5 and that they could move their business and make business
6 decisions, and I think this is just a complexity with a few
7 people that we didn't foresee, in terms of fishing on other
8 boats.

9
10 **CHAIRMAN DIAZ:** Any further discussion? **Seeing none, all those**
11 **in favor of the motion, raise your hands, seven; all those**
12 **opposed, like sign.** Dr. Diagne, is that it for this agenda
13 item?

14
15 **DR. DIAGNE:** Yes, Mr. Chair. Thank you.

16
17 **CHAIRMAN DIAZ:** Let's move right into the next agenda item, and
18 so the next agenda item is the Selection of Allocation Review
19 Triggers, and Dr. Diagne is going to walk us through that.

20
21 **SELECTION OF ALLOCATION REVIEW TRIGGERS**

22
23 **DR. DIAGNE:** Thank you. There is, in our briefing book, Tab E,
24 Number 6, a draft letter for your review. This is, essentially,
25 the letter that we discussed during the last council meeting,
26 but it has the benefit of the suggestions that were made around
27 the table when the committee and the council discussed this.

28
29 To give you a summary of it, with this letter, the council then
30 would select time-based triggers as the primary triggers, and as
31 a secondary trigger, to use the council's very open, if you
32 would, public input process.

33
34 On the last page of the letter, if you could show the table on
35 the very last page, this would summarize the different
36 allocations that are subject to the policy and indicate the time
37 intervals that were selected as well as a tentative, if you
38 would, expected start for the first allocation review, and we
39 have all of our allocations that would be subject to this,
40 including the recreational red snapper ACL allocation between
41 the sub-sectors, or the components, meaning the for-hire and the
42 private angling, the sector allocation between the commercial
43 and recreational sectors, and so forth.

44
45 Perhaps the committee can further discuss the very last group of
46 allocations, and these would be allocations between our council
47 and the South Atlantic Council. As written here, the time
48 intervals would suggest ten years to start with, but I

1 understand that the South Atlantic is suggesting, or requesting,
2 that this committee and council consider an alternative
3 timeframe, and I understand also that Dr. Stunz attended the
4 South Atlantic meeting, and perhaps if you would like to discuss
5 that a bit with the committee, this potential change in time
6 interval.

7
8 **CHAIRMAN DIAZ:** Go ahead, Dr. Stunz.

9
10 **DR. STUNZ:** Did you want me to discuss it? There wasn't a whole
11 lot different than what Assane just described. They just wanted
12 a different timeline, essentially, and they were trying to put
13 forth something that was very similar to what we have.

14
15 **CHAIRMAN DIAZ:** There is a letter in the briefing book, and the
16 letter from the South Atlantic Council is asking us to move the
17 block that we have in Assane's table that says ten years, and
18 they would like for us to move that to seven years, is what
19 they're asking for. Mr. Griner, do you have any comments?

20
21 **MR. TIM GRINER:** We thought along the same lines of the way you
22 guys laid things out here, and we did feel like those are three
23 pretty important species for us, and we kept kicking around five
24 or seven or ten, and we kind of just felt like ten was too long
25 for those three species, and we looked at trying to time things
26 along with our assessments and trying to do assessments every
27 five years, and, at the end of the day, we just kept coming back
28 to seven years, and, like I said, they are pretty important
29 species for our guys, and so we didn't really want to see it go
30 much longer than that, and, really, it was kind of that simple.

31
32 **CHAIRMAN DIAZ:** Thank you, Mr. Griner. Mr. Sanchez.

33
34 **MR. JOHN SANCHEZ:** Thank you. I kind of have a question, and
35 I'm not on the committee, but I'm curious. How did we arrive at
36 these years, particularly king mackerel, and nine years and not
37 to revisit an allocation issue that's kind of been kicked around
38 every year since I've been on the council?

39
40 **DR. DIAGNE:** Essentially, this set of years really were picked
41 to, if you would, distribute the amount of potential allocation,
42 or reallocation, amendments over time. Again, these are not
43 timelines for initiating reallocation amendments. These are
44 timelines for allocation reviews if the council doesn't decide
45 to initiate a review before this. These are minimum thresholds,
46 if you would, minimum requirements. If nothing happens within
47 nine years, then the council at least would have to do it, but
48 the letter does indicate that the council can start reallocation

1 at any time, based on any reason that this council would deem
2 sufficient to do so.

3
4 **CHAIRMAN DIAZ:** Mr. Griner.

5
6 **MR. GRINER:** I did want to mention that as well. This was just
7 for us to take a look at it, and we don't have to do anything,
8 but we just wanted to take a look at it.

9
10 **CHAIRMAN DIAZ:** Ms. Guyas.

11
12 **MS. GUYAS:** So do we need a motion to modify the allocation
13 timeline, or I guess the intervals, for black grouper, mutton
14 snapper, and yellowtail, to change that?

15
16 **CHAIRMAN DIAZ:** Yes, I believe so.

17
18 **MS. GUYAS:** Okay, and so I will make a motion to change the time
19 interval for the species that are allocated between the Gulf and
20 South Atlantic Councils from ten years to seven years.

21
22 **CHAIRMAN DIAZ:** We have a motion. Is there a second to the
23 motion? It's seconded by Dr. Stunz. **The motion is to change**
24 **the timeline on black grouper, mutton snapper, and yellowtail**
25 **snapper allocations between the Gulf and South Atlantic Councils**
26 **from ten years to seven years.** Any discussion on the motion?
27 Ms. Bosarge.

28
29 **MS. BOSARGE:** Just a question for Martha. So, we already have
30 some species in that seven-year category, and is your intention
31 to like switch those two? In other words, take what we already
32 have in a seven-year time interval and put it down at ten and
33 take the tens and put them up at the seven?

34
35 **MS. GUYAS:** No, and it's just to make them also seven years. I
36 think it will work out, and so black grouper is a little bit
37 different, but, at least with mutton snapper and yellowtail
38 snapper, seven years breaks down to more or less every other
39 assessment, and so maybe that's a natural time to do it.

40
41 I know we have the date up there, but, I mean, I know the South
42 Atlantic is talking about allocation for yellowtail more or less
43 now, right, and so this is just the guideline to kind of get us
44 there, if we haven't already started allocating, or having these
45 discussions, and not necessarily reallocating. This would just
46 add this to the number of species that could be considered on a
47 seven-year timeline.

1 **CHAIRMAN DIAZ:** Any further discussion? Okay. We have a motion
2 to change the time interval on black grouper, mutton snapper,
3 and yellowtail snapper allocations between the Gulf and South
4 Atlantic from ten years to seven years. Is there any opposition
5 to the motion? We have a question by Dr. Shipp.

6
7 **DR. BOB SHIPP:** Maybe I am missing something, but shouldn't we
8 also include king mackerel, because it's nine years, and it's
9 managed by both councils.

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

12
13 **DR. DIAGNE:** Dr. Shipp, I believe that the letter that the South
14 Atlantic sent is relative to the apportionment between the two
15 councils, and, for these three stocks, we have an allocation
16 between the Gulf and the South Atlantic. Even though the
17 mackerels are jointly managed, and we have joint plans and so
18 forth, but we have Gulf group and South Atlantic group, and so
19 the allocation refers specifically to these three stocks.

20
21 **CHAIRMAN DIAZ:** I am going to call for the vote again. **Is there**
22 **any opposition to the motion on the board? Seeing none, the**
23 **motion carries.** Ms. Bosarge.

24
25 **MS. BOSARGE:** I am kind of along John's line of thinking, and I
26 would like to make the same motion for the Gulf of Mexico group
27 king mackerel allocation, changing it from nine years to -- I
28 was going to say seven, but that's a jam-packed year already, it
29 sounds like, and so I guess we could go put it up there with the
30 six-year, and we only have two species in there, triggerfish and
31 amberjack. **I would like to make the motion to change the time**
32 **intervals on Gulf of Mexico group king mackerel from nine years**
33 **to six years.**

34
35 **CHAIRMAN DIAZ:** We have a motion to change the time intervals on
36 Gulf of Mexico king mackerel from nine years to six years. Is
37 there a second to the motion? It's seconded by Ms. Guyas. Is
38 there discussion on the motion? Mr. Swindell.

39
40 **MR. SWINDELL:** Is there any particular reason why we're doing
41 that timeframe change?

42
43 **CHAIRMAN DIAZ:** Ms. Bosarge.

44
45 **MS. BOSARGE:** Well, of all the species that we have out there,
46 this is one that is actually underutilized, and so we're not
47 hitting our quotas, and there is room to reallocate and actually
48 get a little bit closer to OY in that fishery, and so, of all

1 the species we have out there that we could find some rationale
2 to reallocate, I don't want to put it at the bottom of the list
3 to look at, at nine years. I would like to look at it a little
4 bit sooner than that.

5
6 **CHAIRMAN DIAZ:** Mr. Swindell.

7
8 **MR. SWINDELL:** Then why don't we do it three years or two years?
9 I mean, we've got a resource that is not being harvested by the
10 recreational fishery at this point, nearly to the extent of
11 their allocation, and why not -- Why extend it more than two
12 years, for two more years rather, for us to consider it?

13
14 **CHAIRMAN DIAZ:** Dr. Diagne.

15
16 **DR. DIAGNE:** Perhaps just to remind us that these are minimum
17 thresholds. If, tomorrow, the council decided to pass a motion
18 for us to start looking at any one of these allocations, then an
19 amendment would be started, I guess, the day after tomorrow, but
20 these are minimum thresholds that simply say that, if between
21 now and then, the council does not do anything, then we at least
22 have to take a look, and that's all these tentative time
23 intervals do, but, at any point between now and then, the
24 council can request that an amendment or other regulatory action
25 be initiated to look at any one of these.

26
27 **CHAIRMAN DIAZ:** Ms. Bosarge.

28
29 **MS. BOSARGE:** Just to respond to Ed, I would love to see it in
30 two or three years, but I was trying not to take a hard-line
31 approach to it and kind of come up with a middle-ground
32 compromise.

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

35
36 **MR. ANSON:** Sue, or maybe Shannon can respond, but is there
37 still progress being made to the joint Mexico/U.S. king mackerel
38 assessment? What is the timeline on that for getting it
39 completed, if it is?

40
41 **CHAIRMAN DIAZ:** Dr. Calay.

42
43 **DR. SHANNON CALAY:** There was a plan, initially, to do a joint
44 stock assessment that utilized information from Mexico and
45 participation from Mexican scientists as early as 2018, but,
46 although the funding was received and distributed, the data that
47 we're looking for has not yet been made available to us, and so
48 the agreement was to do an update stock assessment of king

1 mackerel that just utilized the Gulf of Mexico and South
2 Atlantic areas for the time being and to postpone that
3 assessment that utilized Mexican data for some period of time,
4 to be determined.

5
6 **CHAIRMAN DIAZ:** Thank you, Dr. Calay. Mr. Anson.

7
8 **MR. ANSON:** Dr. Calay, when will that Gulf of Mexico and South
9 Atlantic assessment be conducted, or completed?

10
11 **DR. CALAY:** The king mackerel assessment for the Gulf and South
12 Atlantic will begin in October, and I think that it is to be
13 completed in -- It's December of 2019, I believe.

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

16
17 **MR. SWINDELL:** Since we've been looking at king mackerel, we
18 haven't had -- The allocation for the recreational sector has
19 just been -- They've been catching maybe half of what I think
20 the general king mackerel allocation is, and I don't really
21 understand why we're continuing to let it go. I mean, I think
22 that we are doing wrong for our planning purposes to completely
23 underutilize the resource, and I don't understand why we just
24 don't take more immediate action than what we're doing with it.

25
26 **CHAIRMAN DIAZ:** Dr. Stunz.

27
28 **DR. STUNZ:** Well, I can comment to that, Ed. Of course, we've
29 had a lot of these discussions, as Leann well knows, around this
30 table concerning that. Leann, I support your motion, and it's
31 fine if you want to reach that middle ground, and there's no
32 problem. I wouldn't support it if we start going down a little
33 bit lower, because, Ed, part of the thing is that -- I guess
34 especially if we want to talk about optimizing yields, Leann,
35 versus a maximizing yield.

36
37 There is high value in having those fish in the water, even if
38 they're not caught, or if they're caught and released, and, from
39 a recreational perspective, having an opportunity for high
40 abundance of the fish that are relatively easy to catch when you
41 want to go do that, and so removing fish from the water
42 compromises that ability for recreational anglers, and so
43 optimized yield, in many fisheries, may be no catch at all, it's
44 completely catch and release, and so you wouldn't have any
45 landings.

46
47 In this case, you have fish in the water that might not be
48 harvested, because they're not the best table fare, and they are

1 highly contaminated with mercury and other things, and so I
2 don't -- I want to make sure that we're on the record here.
3 Just because you leave fish in the water, it doesn't mean that
4 they are underutilized. They are still highly valuable to
5 certain sectors.

6
7 **CHAIRMAN DIAZ:** Okay. We have a motion on the board, and the
8 motion is to change the time intervals on Gulf of Mexico group
9 king mackerel allocations between recreational and commercial
10 sectors, zones, and gear types from nine years to six years. I
11 am not seeing any other hands. Is there any opposition to the
12 motion? Seeing none, the motion carries.

13
14 As far as the action guide for today, I believe we had something
15 in the action guide about if -- We would need a motion to submit
16 the final letter to National Marine Fisheries Service, if people
17 are satisfied with the letter, and so that was on our action
18 guide for today, and so I'm just throwing that out there. If
19 the committee thinks that the letter is in good enough shape, we
20 could entertain a motion, if anybody has the desire to do so.
21 Mr. Boyd.

22
23 **MR. BOYD:** I am not going to make a motion, but I would like to
24 say that I don't think the letter is in shape. At the last
25 meeting, I talked about the fact that National Marine Fisheries
26 and the Council Coordinating Committee developed a directive and
27 came out to all of the councils around the United States and
28 said that they would like to have an adaptive management process
29 towards allocations and allocation triggers, and they gave us a
30 list of things that they suggested.

31
32 One of those is a time trigger, and the other triggers we're
33 totally ignoring. We're giving lip service to them, and I think
34 that this letter says exactly what it said last time, and, with
35 a little bit more verbiage about, oh, yes, and there are some
36 other considerations, but we're not going to look at those, and
37 so, from that point of view, I could not vote for this letter.

38
39 I think what we ought to do is go back to the presentation that
40 Assane put together, which was a synopsis of the CCC and the
41 National Marine Fisheries directive, and it was Tab E, Number
42 6(b) in October, and I think we need to go back to that, and
43 this council needs to look at it and understand that what this
44 letter does basically is it checks off a block and takes the
45 responsibility, quote, unquote, off of us that National Marine
46 Fisheries put on us in that directive. We could do that now,
47 and we could go back and review that, or we could do it at Full
48 Council. I don't care, but I cannot vote for this letter.

1
2 **CHAIRMAN DIAZ:** Thank you, Mr. Boyd. Dr. Stunz.

3
4 **DR. STUNZ:** I want to add something to that, Assane, because you
5 know we had some of this discussion last time, and, in fact, you
6 mentioned it a minute ago, that, at any point, we could -- If
7 something comes up, we could take that up through a motion or
8 something, but part of the -- I generally don't have a problem
9 with the letter, but I feel like you might have these other
10 triggers, and you've got the time triggers, and that's the no-
11 brainer, but you've got the other ones that could come up, but
12 some of the -- How I read this, they are probably not likely to
13 come up, and I will give you an example.

14
15 In here, it talks about there could be economic triggers, for
16 example, but it said those would -- You would know about those,
17 because you would have some indicators, and I'm trying to find
18 it real quick here in the letter, like cost-benefit analysis,
19 economic impact analysis, economic efficiency studies, but none
20 of those will be done, right? Unless we make a motion to do an
21 economic efficiency study, we would never know that there's been
22 some trigger, and do you see what I mean? It's kind of like
23 we're saying that, well, there will be something happen, but I
24 don't think those studies will be ongoing, right?

25
26 **DR. DIAGNE:** That is exactly the point. The point is you don't
27 want to tie your hands to saying that I will do this every year
28 on a set schedule until such point that I go ahead and review
29 the allocation.

30
31 This gives the council more flexibility, and it may not be
32 perceived along those lines, but to give the council flexibility
33 without doing unnecessary additional work and committing, on
34 paper, to doing that day in and day out, and you need to go,
35 perhaps, in one of these directions, because, the minute one
36 says that I will use let's say cost-benefit analysis as an
37 indicator trigger, and so this letter would have to specify
38 thresholds for those cost-benefit analyses and the frequency of
39 conducting those studies and be sure that we will be in a
40 position of committing those resources and be tracking this
41 year-in-and-year-out, until such time that the threshold is met.

42
43 By doing this approach, you give yourself the flexibility of
44 doing this if your resources allow you to do so on your own
45 schedule, and, should you find anything not worthy, to
46 immediately go to the next level and review the allocation, and
47 that's the fundamental discussion.

1 In the policy, and in the comments offered by other councils,
2 including the North Pacific, it is clearly said that choosing an
3 indicator-based set of criteria would result in more work than
4 what the policy itself envisioned. If that is the direction
5 that the council wants to do, let's have a discussion then, and
6 the council be ready to specify thresholds for each and every
7 one of the indicators and make sure that the resources are
8 committed and tell us who is going to track those indicators, so
9 that, when they are met, we do the allocation reviews.

10
11 Again, this whole exercise is a threshold, a minimum
12 requirement, that, if the council does not do anything, the
13 public knows for certain that let's say, at the ten-year mark,
14 there will be an allocation review, but, if the council today
15 passes a motion to review the allocation of red snapper, we get
16 started, and this is why we have Amendment 52, and I think
17 that's the number, or 51, and that didn't wait on any indicator.

18
19 The council passed a motion, and we got started, and so that is
20 the main difference here, but, if the council would want to
21 specify a list of indicators and measurable thresholds and
22 methods by which you are going to track those, and that is fine,
23 and those will be in the letter, but that would be committing a
24 whole lot of resources and then tying your hands and taking away
25 some flexibility, and that is the reason why we took this
26 approach after looking at other councils that have already
27 finished with this exercise and submitted their letters.

28
29 **CHAIRMAN DIAZ:** Ms. Bosarge.

30
31 **MS. BOSARGE:** I was just going to say that I think the letter
32 does a good job of saying that we're not going to ignore those
33 indicators. We're going to use those indicators to bolster our
34 primary allocation review triggers, and I just think that, at
35 this point -- I mean, we have documents ongoing where we're
36 still trying to set status determination criteria for some of
37 our species, to say whether it's overfished, undergoing
38 overfishing, really important things, and we haven't managed to
39 tackle all of those criteria yet, and we're going to -- I think
40 it's putting the cart before the horse to say that we really
41 think that we would be able to identify and specify economic
42 indicators, such as a cost-benefit threshold for our species,
43 when we don't even have our status determination criteria all
44 laid out and approved for all of our species.

45
46 I just think we're jumping the gun on that one, and I do think
47 our council does a good job of actually going through and
48 looking at allocations. We don't shy away from the rough

1 conversations, and some councils may, but I don't think the Gulf
2 Council does. We seem to like a good fight, and so I think we
3 do a good job of looking at the allocations when we need to, and
4 I think that the time-based triggers will supplement that for
5 some things that maybe we don't look at quite as often, but I
6 don't think we need to go down the other route of trying to
7 specify these other indicators that we just don't really have
8 the time or the resources to do at this point.

9
10 **DR. STUNZ:** Leann, that's really my point. I don't think we
11 necessarily want to spend the time going down and specifying all
12 of this stuff either, but what I'm saying is some of the
13 triggers that we put in there, for example, will be obvious, if
14 there's some ecological red tide or something like that that
15 really causes something to do that, but, from the economic
16 triggers, we have it as a trigger, but we would never know if
17 it's triggered, because we'll never do the analyses to know if
18 the trigger was triggered, and nobody is doing the economic
19 efficiency or impact analysis studies to even have that as an
20 indicator, and so how would you know if it was triggered if we
21 don't have a plan to do that?

22
23 I don't have a solution, and I'm not going to fight over whether
24 we really approve this or not, but it just seems like we've got
25 triggers that we either need to decide if we're going to have
26 those studies or whatever, but, right now, we wouldn't know if
27 those were met.

28
29 **CHAIRMAN DIAZ:** Mr. Anson.

30
31 **MR. ANSON:** Dr. Diagne had a good summary of our previous
32 discussions on this issue and why we ended up where we are, and
33 I guess, Dr. Stunz, you bring up a good point, and that was,
34 again, part of the discussion that we had, but I think it is --
35 The easiest way is to go for the time-based trigger, but,
36 knowing that we have certain timelines for these species, and
37 some of them are going to be more contentious than others on
38 allocation, but certainly it gives us an opportunity to go ahead
39 and start planning to do some of the things that you're talking
40 about, potentially, like our exercise with the budget review.

41
42 There might be some monies available, and some years might be
43 better than others, as far as having some extra money, but that
44 might be something that we can try and plan to do and have some
45 of these extra studies done that would run along the same
46 timeline or have them be completed so they are done at the same
47 time that a certain species is also, on a time scale, supposed
48 to be triggered for allocation review, and so, again, not every

1 species will need an economic efficiency study, but, certainly
2 on those that are the most contentious, that would be something
3 that we could probably do, and having a time-based trigger would
4 allow us to try to plan to try to get those things done when the
5 trigger would actually occur, based on time.

6
7 **CHAIRMAN DIAZ:** Mr. Sanchez.

8
9 **MR. SANCHEZ:** Thank you. Again, I'm not on the committee, but,
10 having heard Assane's explanation, he alleviated my concern, in
11 that that's just a minimum threshold, so that we have to address
12 it by that time. We can bring it up at any time we want, and
13 that seems, to me, to cover any reason that we would want,
14 environmental or socioeconomic or what have you, and so I'm not
15 on the committee, but I'm fine with that.

16
17 **CHAIRMAN DIAZ:** Any further discussion? Mr. Boyd.

18
19 **MR. BOYD:** Well, I don't know what to say, other than what I've
20 already said, but I think Dr. Diagne was right that we do need
21 to -- We could have a document, rather than a letter, that says
22 here are some of the reasons -- Here is some of the ways that we
23 trigger a look at allocation, and I would just submit to you
24 that this directive from NMFS came out almost three years ago,
25 and we didn't look at it until last spring or summer, or
26 October, and so it's been out for two years, and so, to say that
27 the council needs triggers to get things done, we had NMFS send
28 us a directive that we didn't respond to for two years, and so
29 that just points, to me, that we really do need to have a
30 process in place that looks at different criteria for reviewing
31 whether a reallocation, or an allocation, ought to take place.

32
33 **CHAIRMAN DIAZ:** All right. I'm seeing any hands for further
34 discussion. I think we're wrapping up this agenda item at this
35 point, Dr. Diagne.

36
37 **DR. DIAGNE:** Before we wrap up, if the committee, and Mr. Boyd
38 in particular, could be more specific in what are some of the
39 things that this committee would like to see in the future, so
40 that we can start putting groups together to look at it.

41
42 **MR. BOYD:** Sure, I would be happy to. I would start with a
43 review of the allocation directive and go through there and
44 identify what they say are recommendations for the triggers, and
45 we can do that today if you want to, because we have the
46 PowerPoint that you put together, or we could do it at the
47 council meeting.

1 **DR. DIAGNE:** That, as you mentioned, we have already done, I
2 think twice. I mean, we went through the policy and put it in
3 the presentation and offered it to everybody, and so, I mean,
4 from that perspective, it seems to me that it's crystal clear.

5
6 There are three types of triggers that are offered in that
7 document, with the pros and the cons, as you mentioned, from the
8 indicator-based to the public-interest-based and the time-based
9 triggers, and those are the three types. I mean, it is the
10 responsibility of the council to select triggers in the form of
11 the letter transmitted to the agency, and that is what we are
12 trying to do.

13
14 To the extent that this, perhaps, does not capture all of the
15 triggers that this committee would like to move forward, if
16 possible, we would like to get some specific direction as to how
17 you would want, I guess, your intent to be reflected in a
18 document, so that we can bring it to you the next time and it
19 could be advanced to the agency.

20
21 **MR. BOYD:** In response, Mr. Chairman?

22
23 **CHAIRMAN DIAZ:** Yes, Mr. Boyd.

24
25 **MR. BOYD:** I think that direction to you, Assane, is in there.
26 It's in there from the CCC, and it's in there from National
27 Marine Fisheries, in a document that outlines, very
28 specifically, what should be done, and what you did was you
29 brought back one criteria only, and you did not give us an
30 analysis of any of the other criteria, and you didn't give us an
31 analysis of how we would look at those others, if they would be
32 reviewed on an ongoing basis every month, every year, and those
33 are all things that we haven't discussed.

34
35 I am not saying that we need to have a staff member doing an
36 economic analysis every month to determine if a criteria is hit.
37 I think we could establish a criteria that says we will do an
38 economic analysis on red snapper or king mackerel every year-
39 and-a-half or every two years or every three years, and, if we
40 find that there is an underutilization of king mackerel at that
41 two-year period, because we have a trigger there, then we would
42 say, are we going to do an allocation study or not, and I think
43 you gave us one part of a three or four-part process. The first
44 part of the directive says establish an adaptive management
45 process, and I don't believe that time triggers are an adaptive
46 management process.

47
48 **CHAIRMAN DIAZ:** Dr. Crabtree.

1
2 **DR. CRABTREE:** I am having a hard time following it too, Doug,
3 and I really don't think that dumping this in staff's lap is
4 fair. I mean, if you have specifics that you want in here, then
5 what are they? I recall going through the policies and the
6 directives, and we did do all of that, and I don't think there
7 was much that came out of it, beyond some general discussion.

8
9 If you want to request economic analyses on certain species,
10 let's schedule them, and let's ask for them, but I think you've
11 got to give some more specifics as to what you're looking to go
12 into this, or we're just going to continue to spin our wheels.

13
14 The reality is that we've spent a lot of time talking about
15 allocations. The reason we haven't made much progress is
16 because we have had so much difficulty coming to any sort of
17 agreement on the allocation and what the basis of the allocation
18 should be and what the basis for a change should be, and then,
19 when we did change one, we had it overturned by the courts, but
20 it seems, to me, that this conversation is too general, and I am
21 not clear what you're asking staff to do either here, and so we
22 need some specifics as to what exactly are you looking for to go
23 in this letter to do here.

24
25 **CHAIRMAN DIAZ:** Mr. Anson.

26
27 **MR. ANSON:** I have, I guess, a similar comment. Doug, I
28 appreciate your comments and such, but, when Assane came and did
29 a summary presentation of what these actually mean, as far as
30 indicator-based or public-interest-based or time-based criteria,
31 he gave examples of what those are, but NMFS is asking the
32 councils for the specifics, the nuts and bolts.

33
34 If you were going to choose an indicator-based metric, or
35 metrics, what are they, and at what point is that level that is
36 going to cause the trigger? As Assane alluded to earlier, a,
37 it's going to define that you have to do something, some sort of
38 analysis or study or something, and then, b, that has to produce
39 a result, and then what is that result? What is the number, or
40 the output, of that result?

41
42 Depending upon if you're above that number or below that number,
43 that is what is going to force the council into going forward
44 with an allocation decision, and so I think Assane did his due
45 diligence, in a sense, to bring forth the notion of what is
46 available, as far as the generally-used indicator-based or
47 public-interest-based or time-based criteria, but it's not his
48 purview to say, well, I recommend that 5,000 is the number of

1 emails that need to be received for a specific species over a
2 certain time period.

3
4 I mean, that's not what he -- I don't think that's his charge,
5 and, as Dr. Crabtree noted, that is some of the specifics that
6 are going to be needed for this letter, is we can't just choose
7 an indicator-based metric and provide no level of what that
8 number is. We have to be very specific, and so using the time-
9 based criteria is, I guess, the least amount of work.

10
11 Yes, it's the quickest and efficient, but, as Dr. Crabtree
12 mentioned, we have a difficult time dealing with allocation, and
13 this is just an outgrowth of allocation that is trying to nail
14 down those specifics, and so time-based criteria was, I think,
15 what the council had settled on, because of the ease of
16 complying with the request from Headquarters for all the
17 councils to come up with those criteria.

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

20
21 **MS. BOSARGE:** We do have a deadline on this, but I don't want to
22 put aside Doug's comments, and so what I would propose, Doug, is
23 I'm going to put out a motion to approve this letter and submit
24 it, but that doesn't mean that the discussion has to end there.

25
26 If there are some specific things that you really want to look
27 into further, if you can come up with a list of those, by Full
28 Council or the next meeting or whatever, and let's start looking
29 into those specific items, and maybe, in the future, we can
30 define some of the criteria and some of the thresholds, but I
31 also don't want us to miss the deadline for submitting our
32 allocation review trigger policy to NMFS, and so I'm going to
33 throw out a motion to send a letter.

34
35 **My motion would be to approve the allocation review triggers**
36 **letter, as revised, which is what was presented to us today, and**
37 **submit to National Marine Fisheries Service.**

38
39 **CHAIRMAN DIAZ:** We have a motion. Is there a second on the
40 motion? It's seconded by Mr. Swindell. Is there discussion on
41 the motion? Mr. Anson.

42
43 **MR. ANSON:** Leann, you said, to kind of alleviate some of Mr.
44 Boyd's concerns, that we can continue discussion of this, and so
45 I'm a little unclear as to how much leeway the Service will give
46 the councils to kind of update their triggering mechanisms as
47 you go through time, whether or not that's fluid or not or if
48 it's basically this is what they are going to print and put in

1 hardback and that's going to be what it is for time in memoriam,
2 or whatever, and so I guess that's what I am just confused of,
3 is the process.

4
5 I mean, they have given us a rather lengthy time for the
6 councils to come and provide, at least in the first cut, and
7 maybe the last cut, and I'm unsure, but they gave us quite a bit
8 of time to try to reconcile these issues and come up with
9 something that can be taken forward that the public is fairly
10 clear, as to their respective council, as to how that's going to
11 go down, as far as allocation decision and review, or allocation
12 review, and so I guess I'm a little unclear as to whether or not
13 that's going to amount to anything, if we continue on those
14 discussions, if they won't accept it whatever, and so maybe Dr.
15 Crabtree or someone from the agency could respond.

16
17 **CHAIRMAN DIAZ:** Mr. Swindell.

18
19 **MR. SWINDELL:** Doug, the last sentence of the first paragraph
20 says to select the criteria for initiating fisheries allocation
21 reviews by August of 2019, and, I mean, that's kind of what I am
22 hearing that you would like to have, are all of the things that
23 we're going to look at to -- The criteria for which to allocate
24 this by August of 2019.

25
26 I think it is well said in the letter that we're going to do it
27 by August of 2019, and we're committed to doing it by that time.
28 Just what they are at this point, I think that's still yet to be
29 discussed, and I guess we're going to know it, and I don't know
30 if staff is going to come up with it for us to review or what,
31 but we're going to have to do it by August of 2019.

32
33 **CHAIRMAN DIAZ:** Dr. Crabtree, did you all want to respond to
34 Kevin's question?

35
36 **DR. CRABTREE:** Well, I mean, it's a policy and a letter, and so
37 I guess you can change it at any time. It's up to you, and it's
38 a much simpler process than if you had to go through a plan
39 amendment or that kind of thing, and the trigger is just the
40 first step in this whole thing, which you can decide to review
41 allocations even if you haven't hit a trigger, and so I think
42 you have a lot of flexibility and a great deal of discretion as
43 to how you deal with this.

44
45 **CHAIRMAN DIAZ:** Mr. Boyd.

46
47 **MR. BOYD:** Well, I would just say that this letter is no change
48 from what we've had in the past, basically. It sets a timeframe

1 in the future that we have to look at a particular species and
2 say do we want to look at allocation and review or not, and we
3 can make a decision not to or to review it.

4
5 It's the same thing that the NMFS directive says to do with
6 other criteria, to take a look at it at that point in time, when
7 whenever that trigger is hit. For instance, as Leann says, if
8 we look at a species that is allocated and underutilized, and we
9 see that at some point, based on a criteria that we have pre-
10 set, then we look at it. We don't have to reallocate at that
11 point in time.

12
13 The difficulty, and the controversy, comes in the reallocation
14 amendment and not in the trigger, and so I would disagree with
15 Dr. Crabtree a little bit. We've had a real hard time re-doing
16 allocations, but the trigger was an easy one. Somebody made a
17 motion, and so I would submit to you that this directive gave us
18 a framework to manage this process to a point in time where we
19 have to look at all of the criteria that make up an allocation.

20
21 Ed, to your comment, it said the council should identify
22 allocation review triggers by August of 2019, or as soon as
23 practicable, and Dr. Diagne said that to us several times, that,
24 well, it's not a hard deadline, and it's as soon as practical,
25 and so I think he may be right.

26
27 **CHAIRMAN DIAZ:** Dr. Diagne.

28
29 **DR. DIAGNE:** Perhaps there is one element that I didn't make
30 clear, and perhaps I didn't discuss yet. The next step, if this
31 letter, or another version of the letter, or whatever the
32 council decides to be its policy is done and submitted, the next
33 step would then to start thinking about how exactly it is that
34 we are going to review allocations.

35
36 If we say, okay, in ten years, we are going to review mutton
37 snapper allocation, the next step would be for us to put a group
38 together and lay out the different elements and criteria that
39 you as a council would base that allocation review on, and all
40 of the criteria, I guess that perhaps Mr. Boyd is thinking about
41 and other criteria, could potentially be in that review itself,
42 and so the next step of this exercise is for us to put together
43 a group and start thinking about the elements that the council
44 would consider when the timeframe comes, and the council would,
45 of course, give us input in terms of ecological, economic,
46 social, et cetera, elements that you think are important and
47 relevant to a particular allocation of a particular species, and
48 so perhaps that would give a fuller picture.

1
2 Again, indicators are part of this process, part and parcel of
3 it, and the fundamental thing is do you want to commit
4 beforehand, before having all of the information and tying your
5 hands, or do you want to have the flexibility of addressing this
6 when the time comes and having the flexibility of picking those
7 that are relevant on a species-by-species basis? Thank you.

8
9 **CHAIRMAN DIAZ:** Okay. We've had a fair amount of discussion, or
10 I believe we have anyway. I'm going to read the motion, and
11 we're going to go ahead and vote this up or down. **The motion is**
12 **to approve the allocation review triggers letter, as revised,**
13 **and submit to National Marine Fisheries Service. All of those**
14 **in favor of the motion, please signify by raising your hand; all**
15 **those opposed, like sign. The motion passes seven to one.**
16

17 We're going to take a little break, about a fifteen-minute
18 break, and we'll come back at about five after four. Thank you.
19

20 (Whereupon, a brief recess was taken.)
21

22 **CHAIRMAN DIAZ:** Before we move into the next agenda item, Mr.
23 Anson had mentioned that I cut us off just a shade too early,
24 and he had one more thing that he wanted to do. Mr. Anson.
25

26 **MR. ANSON:** Thank you, Mr. Chair. Just to carry on the
27 conversations that we had regarding allocation review, and this
28 is going to be a new process, at the beginning at least, for us,
29 the council, and it has been noted at this meeting, during that
30 discussion and at prior meetings, if people have been listening
31 in, that allocation reviews are contentious.
32

33 A lot of times, they get bogged down with a lot of details and
34 such, and so I thought that it might be beneficial for the
35 council if we could get staff to attempt to get with SERO and
36 the Science Center staff to look at developing a workgroup, an
37 allocation review workgroup, so they can kind of identify the
38 various mechanisms that would be included in all of the reviews,
39 or all the triggers, I guess, and so indicator-based review, I
40 guess, is what I'm looking more specifically to, that they could
41 provide, and then that could -- That review, that workgroup,
42 could, a, identify what that particular indicator-based metric
43 would do, and then maybe provide some options, I guess, as to
44 what the levels would be or such, and then that might be helpful
45 for the council, as they look at specific species.
46

47 They could then use that as kind of their go-to list for
48 selecting what particular types of indicators they may want to

1 look at as we work down the list for the various species and
2 such, because some indicators may be good for some species,
3 because there is enough data, and that same indicator may work
4 for another species and such, and so, again, it would just be
5 helpful for us to plan. I was in the process of typing it up
6 for staff, and I apologize that I did not email it to them, but,
7 Bernie, if you're ready.

8
9 **My motion is to direct staff to contact SERO and the Southeast**
10 **Fisheries Science Center staff to convene an allocation review**
11 **workgroup to identify triggers that would be appropriate for**
12 **this species identified in the draft NMFS allocation review**
13 **trigger letter.**

14
15 Then I don't know if an additional sentence or two would be
16 needed to help kind of give the scope of the work or what the
17 intention is or if they can just glean it from my comments here
18 that I have just provided or not, but that's essentially my
19 motion.

20
21 **CHAIRMAN DIAZ:** Okay, and so we have a motion. Is there a
22 second to the motion? It's seconded by Dr. Stunz. Any
23 discussion on the motion? Dr. Diagne.

24
25 **DR. DIAGNE:** Thank you, Mr. Chair. If I may just ask Mr. Anson
26 a question. Would the purpose of this workgroup be to identify
27 criteria that would be used to conduct the allocation review,
28 rather than the triggers, because the triggers then would be
29 taken care of, presumably, with the letter.

30
31 **MR. ANSON:** I believe you're right, Assane. Yes, the criteria,
32 and then the trigger is what we would ultimately settle on, I
33 guess, during the actual review, and so, yes, thank you for that
34 clarification.

35
36 **DR. DIAGNE:** The criteria that would be appropriate for
37 conducting allocation reviews, essentially, that's that master
38 list of elements that you would like for us to develop.

39
40 **MR. ANSON:** As I was speaking before I made the motion, I was
41 looking for kind of a go-to document, if you will, that the
42 council could go and look at in preparation for a particular
43 allocation review for a species and then, for one species, they
44 might pick Criteria 1, 2, and 6, but, in the next species, they
45 may select just Criteria Number 3.

46
47 Again, that would just kind of be based on the amount of
48 information that would be available, and, of course, if you can

1 have some discussion to that, as to either identify what species
2 would currently fit into that particular criteria or what
3 situations the data would be needed or something like that would
4 be helpful.

5
6 **DR. DIAGNE:** All right. Thank you.

7
8 **MR. ANSON:** Thank you.

9
10 **CHAIRMAN DIAZ:** Any further discussion on the motion? Dr.
11 Shipp.

12
13 **DR. SHIPP:** I am not on your committee, but I just have one
14 question for Kevin or whoever. The way the motion reads, SERO
15 and the Southeast Center would select the working group. Is
16 that your intent?

17
18 **MR. ANSON:** Yes, I would leave it up to them, as to who they
19 felt would be the best on their staff for time, as well as
20 expertise, to help with that group.

21
22 **CHAIRMAN DIAZ:** Okay. I am not seeing any further discussion.
23 **Is there any opposition to the motion? Seeing no opposition,**
24 **the motion carries.**

25
26 **CHAIRMAN DIAZ:** All right. We're going to move into the next
27 agenda item, which is potentially final action on Generic
28 Amendment - Carryover Provisions and Framework Modifications.
29 Ryan, would you go through the action guide and the next steps
30 for that agenda item, please?

31
32 **FINAL ACTION: GENERIC AMENDMENT - CARRYOVER PROVISIONS AND**
33 **FRAMEWORK MODIFICATIONS**
34

35 **MR. RINDONE:** Yes, sir. All right, and so this a final action
36 item here. A note that we do not yet have the codified text
37 from the Southeast Regional Office. They have been working on
38 that, but we do not have a final draft yet to distribute to you
39 guys, and so you can't propose final action at this committee
40 yet, but we expect to get that from them at any moment, but,
41 generally, the committee will review the preferred alternatives
42 and accompanying analyses and modify your preferred
43 alternatives, if you think it's appropriate to do so, and then
44 you guys, once you have it, and it will probably be at Full
45 Council, can review the codified text, and Emily will go through
46 all of the public comments that we have received thus far.
47 Then, after seeing that text, you guys, again, probably at Full
48 Council, can deem it as necessary and appropriate and send it on

1 its way.

2
3 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. Ms. Muehlstein, are you
4 prepared to go through the public comments?

5
6 **MS. MUEHLSTEIN:** I certainly am.

7
8 **CHAIRMAN DIAZ:** Take it away.

9
10 **MS. MUEHLSTEIN:** Okay, and so we hosted a webinar public hearing
11 on March 4, and, unfortunately, Ryan and myself were the only
12 attendees. However, we did receive some public comment. We got
13 nine written comments on this amendment, and I will just go
14 ahead and summarize those very quickly.

15
16 We heard that allowing carryover of unused harvest, which is
17 Action 1, Preferred Alternative 2, would increase access to all
18 fisheries and should be a top priority for the council. For red
19 snapper, in the for-hire component of the recreational sector,
20 carryover would translate into unfished quota and into more
21 fishing days. We heard that a carryover provision is a good
22 idea in limited scenarios, such as premature closures.

23
24 However, it was cautioned that we do not want to increase the
25 catch on every species that falls short of its ACL. Many
26 species listed in the document show uncaught quota because
27 there's a problem with the fishery, and those stocks don't need
28 higher harvest to be allowed in the following fishing year.

29
30 There was also support expressed for Action 2, Preferred
31 Alternative 2c, which would adjust the amount of the annual
32 catch limit to be carried over by limiting the difference
33 between the ABC and the OFL by 50 percent. This would ensure
34 that the quota is only carried over due to management action and
35 not because the species are overfished.

36
37 We also heard support for the fixed framework approach, which is
38 Action 3, Preferred Alternative 2, to allow carryover to be
39 executed quickly, and, finally, we heard that the council should
40 follow National Standard 1 Guidelines with respect to carryover,
41 especially regarding the requirements that stocks subject to
42 carryover must be specified in advance, alongside the
43 circumstances that trigger that carryover, and that concludes my
44 report.

45
46 **CHAIRMAN DIAZ:** Thank you. Dr. Barbieri, are you prepared to
47 talk about the SSC comments?

1 **DR. LUIZ BARBIERI:** Thank you, Mr. Chairman and committee and
2 council members. Yes, I made it here, and I just got here. My
3 presentation is really just very brief, brief comments from the
4 SSC, and it's just one slide, really to summarize what we
5 discussed.

6
7 The SSC understands the purpose of the carryover, and it does
8 not disagree at all with that provision going forward, but I
9 just wanted to bring to your attention some concerns that might
10 come up into the future regarding sustainability issues that
11 have to do with potential overages.

12
13 We did look at simulations that had been conducted by the
14 Science Center at one point, and they did not show any adverse
15 effect of carryover, and, actually, they showed that the current
16 provisions are a little more conservative than perhaps they need
17 to be, because, when you actually have the production of species
18 due to growth and reproduction, they are going to be making
19 babies and growing and having interest, basically, and so there
20 is the principal that you are carrying over, but, if you don't
21 account for the interest, then actually what you are putting on
22 the carryover is less than it would be biologically at the
23 population level, and so that was fine, and we guarantee that,
24 as you approve carryover going forward from one year to the
25 other, that this would be sustainable.

26
27 Then we realized, at this last meeting, going through
28 discussion, that those simulations did not account for overages,
29 and so that became a point of discussion for the committee, and
30 we wanted to bring this to your attention, primarily because,
31 when you have overages, and you have the current one-to-one
32 payback provision that is envisioned by this amendment, it
33 doesn't really account for the loss of interest, basically, that
34 you would get, because you pay your principal, but those fish
35 would be growing and making more babies, and so you have
36 subsequent recruitment that is not really being accounted for as
37 your payback.

38
39 It's not something that the committee is sending as a negative
40 message back to you, but we would like to see, at some point, an
41 additional set of simulations and analysis by the Southeast
42 Fisheries Science Center that would actually include the
43 underages and overages of the ACL, so we could give you a
44 broader review and analysis of the potential impacts of this
45 measure, and that, Mr. Chairman, completes my report. I was
46 lying to you when I said that I had a forty-five-minute
47 presentation there.

1 **CHAIRMAN DIAZ:** I knew it was April Fools. We're glad that you
2 made it here, Dr. Barbieri. Any questions for Dr. Barbieri?
3 Dr. Crabtree.

4
5 **DR. CRABTREE:** It does look, to me, that we have an issue here
6 that we probably need to address, and it seems to have to do
7 with we have rebuilding stocks, and we're going to allow
8 carryover of underages, but we only require payback of overages
9 if the stock is overfished, and then we haven't addressed an
10 issue of, if you have an overage, what's the appropriate amount
11 of fish that you would need to pay back to stay on your
12 rebuilding schedule, and so I think the Center could probably do
13 an analysis that looks at, if you went over, how much would you
14 need to pay back to stay on track, but it does seem to me that
15 we would be wise to take a look at the issue that the SSC has
16 raised and take a look at the Center's analysis and then decide
17 whether we need to -- I guess it would be to expand the payback
18 of overages for rebuilding stocks, to make sure we adequately
19 account for that, because, as we have pointed out to us in some
20 of the public comments that we've got, we have to remain on
21 schedule with rebuilding, and the statute says to rebuild as
22 quickly as possible.

23
24 I think probably we ought to slow down a little bit on this and
25 make sure that we address all of these concerns, because this
26 isn't something that we have really done in the past, and we
27 want to make sure that we do it properly, and so that would be
28 my recommendation.

29
30 **CHAIRMAN DIAZ:** Certainly, and I don't disagree with you, Dr.
31 Crabtree. I guess this question would be for Dr. Calay. Is
32 that analysis something that you all could do and have for us,
33 where it could get to the SSC and we could see that by the June
34 meeting?

35
36 The reason I say that, and maybe I'm wrong, and correct me if I
37 am, but, as we're going through and we're doing Amendment 50, I
38 think that, at some point, we were trying to get the carryover
39 provision to kind of be in place around the time whenever
40 Amendment 50 went into place, where, if that was an option for
41 people to take advantage of, it could potentially be, but I'm
42 not suggesting that we move forward with this document and not
43 take the time to do due diligence and fully explore the question
44 that Dr. Barbieri has raised, and I'm just seeing if the
45 timeline could work where we could still consider it in June.

46
47 **DR. CALAY:** The Science Center has discussed this with SERO, and
48 I discussed this with the SSC, at their previous meeting, and we

1 are aware that this analysis has been requested, and we can work
2 with the SSC leadership and with SERO to put together at least a
3 pragmatic simulation. Whether it will be the full comprehensive
4 simulation that envisions all possible outcomes, I doubt that,
5 but we can put together something informative to bring to the
6 SSC for its next meeting.

7
8 **CHAIRMAN DIAZ:** Thank you, Dr. Calay. Mr. Sanchez.

9
10 **MR. SANCHEZ:** Assuming then that a payback, in lieu of the
11 rebuilding discussion, is going to be greater than at a one-to-
12 one ratio, I think we should also have some insight, from the
13 Center, into when we have a sub-allocation of quota and only one
14 sector in the sub-allocation is overrunning the quota and
15 subject to a payback at this new, I guess greater than one-to-
16 one, and do we exclude the other sector that is not responsible
17 for the overage?

18
19 **MR. ANSON:** I will be curious to hear a response to those
20 questions.

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

23
24 **DR. BARBIERI:** Well, I mean, this is really something for the
25 Science Center to respond to, because, obviously, the analysis
26 will be much more informative that way, but it's a simulation
27 model that will be more complex, of course, and it would involve
28 dynamics that are now between just the sectors, right, and so I
29 think it's a compromise between achieving the timelines, Mr.
30 Chairman, that you outlined and the possibilities of the Center
31 in providing those simulations. Obviously, it would be more
32 informative that way, and we could evaluate that in more detail.

33
34 **CHAIRMAN DIAZ:** Dr. Crabtree, were you wanting to respond to Mr.
35 Sanchez's question? It looked like you might have had your hand
36 up.

37
38 **DR. CRABTREE:** Well, I mean, I think a lot of that gets out of
39 the realm of things the Center is going to look at and to
40 decisions that the council would make, and so, if you have one
41 sector that goes way over, who pays it back? We have tried to
42 address that, but I don't know that we full have succeeded,
43 necessarily.

44
45 **CHAIRMAN DIAZ:** Mr. Anson.

46
47 **MR. ANSON:** Thank you. I didn't read all of the council
48 materials, Dr. Barbieri, but could you kind of characterize the

1 data that was provided to you for you to review and come up with
2 these comments here, like the number of species, whether it was
3 just the carryover and no payback and that kind of stuff?

4
5 **DR. BARBIERI:** No, we actually reviewed the whole carryover
6 amendment document. The full document was there, and Mr.
7 Rindone helped us walk through that document, and we asked to
8 see the tables, to see how many species were included, and we
9 looked at all of the components.

10
11 This was more in terms of providing to you technical review of
12 how is the process of calculation of the actual overage -- Is
13 that going to work to keep you within that standard of
14 sustainability or not, or what are the issues that are going to
15 potentially come up, given the provisions set up, and so this
16 was more us looking back at the fact that, when we reviewed the
17 original simulations, they had not accounted for the overages
18 and underages, and we felt that, well, if this is going to go
19 eventually for final rule, it's something that we can provide
20 you more detail if we have that fuller analysis.

21
22 **CHAIRMAN DIAZ:** Mr. Anson.

23
24 **MR. ANSON:** Just a point of clarification then. Did you get
25 reviews that accounted for each of the species that were
26 identified in the document, or only one or two species that were
27 then, de facto, you took those reviews and applied it to all
28 species?

29
30 I guess, not all fish are built the same. I don't know how
31 complex the Science Center is going to be able to provide, as
32 far as the details, but certainly, as you get -- Not all
33 paybacks are the same, relative to that species and time and
34 where it is on its rebuilding curve and how much of a payback,
35 and so I guess I'm just curious as to whether this was just one
36 or two species that kind of broad-stroke applied to all species
37 or if you had actually some analysis down to all the species
38 that are identified in the document.

39
40 **DR. BARBIERI:** At this last meeting that the SSC was reviewing
41 this, we just looked at the actual document, the draft document,
42 and we had not any analysis in front of us at this last meeting.
43 We were just looking at the document, and we realized there is a
44 whole number of decisions there that are at your discretion that
45 are management decisions that involve the amendment, but we were
46 trying to provide our comments more in line with the analytical
47 and technical side of things, and we felt that we were not able
48 to do that until we had a fuller picture, because of the

1 complexities that you highlighted.

2
3 **CHAIRMAN DIAZ:** Mr. Rindone.

4
5 **MR. RINDONE:** Thank you, Mr. Chair. To that point, the SSC has
6 previously seen simulations for red snapper and king mackerel,
7 and those simulations were included in the SSC's briefing
8 materials, but, again, they have already gone through and
9 reviewed those and provided comment on those, which was
10 summarized in some of Dr. Barbieri's earlier comments.

11
12 **CHAIRMAN DIAZ:** Dr. Crabtree.

13
14 **DR. CRABTREE:** As I understand it, the issue is centered on
15 rebuilding, and so we only have three stocks that are
16 rebuilding, and that's gray triggerfish, greater amberjack, and
17 red snapper, and so that's really the issue, and I think, if
18 we're going to allow carryover, then that puts more focus on
19 paybacks, and probably, if you go over by a million pounds, you
20 need to pay back more than a million pounds to stay on schedule,
21 and so I think that's the sort of thing we have to address, but
22 it's a pretty limited suite of species to look at.

23
24 **CHAIRMAN DIAZ:** Mr. Anson.

25
26 **MR. ANSON:** That's what I was going to ask, if I had one more
27 opportunity, was to see if it could be provided for those three
28 species, that analysis, for both the carryover and the payback.

29
30 **DR. CALAY:** We will certainly endeavor to do so. We will try to
31 put together some statement of work, in cooperation with the
32 SSC, that is possible to accomplish by their May deadline,
33 sometime in mid-May, and so we'll do what we can to put together
34 the work that will inform this decision.

35
36 **DR. BARBIERI:** Mr. Chairman, to that point, we can actually work
37 with the -- Some members of the SSC can work with the Science
38 Center in developing this more interactive way to achieve those
39 things, if at all possible, yes.

40
41 **CHAIRMAN DIAZ:** Okay, Mr. Rindone. I think we're ready.

42
43 **MR. RINDONE:** I think Mara had a --

44
45 **CHAIRMAN DIAZ:** I'm sorry. Ms. Levy.

46
47 **MS. LEVY:** I just -- In terms of what analysis is going to be
48 put together, I guess we're talking about carryover with

1 payback, but, right now, the way that it's set up, we only have
2 paybacks for overfished, which would be greater amberjack, and
3 so, although trigger and red snapper are rebuilding, we don't
4 have any paybacks in place for them, and so I guess I'm saying
5 consider an analysis of carryover with no payback. Otherwise,
6 we won't know what the implications are, because, right now, you
7 don't have it set up that the carryover depends on having a
8 payback as well.

10 You are considering a payback in Amendment 50 for red snapper,
11 but that's not implemented yet, and then you still have
12 triggerfish, and that doesn't have a payback when it's just
13 rebuilding, and so I guess I'm saying, if the analysis looks at
14 paybacks and carryover, but there is really no payback in place
15 for something like gray triggerfish, we don't really know what
16 the other implications are.

18 **DR. BARBIERI:** If I may, Mr. Chairman, to that point, it would
19 be still informative, I think, to the SSC and to you, that we
20 look at all of those components with that simulation, even if
21 those are not required, just to let you know of the potential
22 consequences, even though those things are not -- Right?

24 **MS. LEVY:** No, I'm not saying don't look at paybacks with
25 carryover, but, since some of them would have carryover with no
26 paybacks, with the way we have it set up now, what are the
27 implications of carryover with no payback, and I assume that
28 would be worse than carryover with payback, and I think we need
29 to know that before the council really moves forward, so that we
30 know what type of implications are from this amendment.

32 **CHAIRMAN DIAZ:** Mr. Rindone.

34 **MR. RINDONE:** Further to that point, I guess, if I'm trying to
35 forecast what sort of document development we might be looking
36 at, it would be some measure that -- If it's a stock that has a
37 rebuilding plan, if it's going to be eligible for carryover,
38 then it would also become subject to a payback provision, until
39 such a time as it's no longer in a rebuilding plan.

41 I am seeing some general head-nodding to that effect, and so I
42 think that could be done within the scope of what we have, and
43 it would be another alternative, and we would have to rely on
44 the Science Center's simulations for the analysis, and it can be
45 done.

47 **CHAIRMAN DIAZ:** If you want, you can walk us through the
48 document.

1
2 **MR. RINDONE:** Thank you, Mr. Chair. I will be somewhat brief
3 about it, since you guys have already selected preferred
4 alternatives, but just at 10,000 feet. The purpose of this is
5 to incorporate provisions to allow carryover of portions of the
6 ACLs that were uncaught, due to landings uncertainty and
7 management limitations, basically how soon can we close a
8 fishing season to make sure that it doesn't exceed its ACL, and
9 to modify the framework procedure to allow carryover and other
10 changes to operate in a timely manner, and the need is to
11 increase flexibility and quota management to promote OY for reef
12 fish and CMP stocks, as allowed under the NS 1 revisions, and to
13 streamline our framework procedures.

14
15 In Action 1, which is on page 10 of the document, you guys
16 currently have selected Alternative 2 as preferred, which would
17 establish a carryover provision for our managed reef fish and
18 CMP stocks, and it would not apply to stocks or stock complexes,
19 or it would only apply to stocks or stock complexes with sector
20 allocations, and catch share portions of managed species are
21 excluded. Carryover would not apply to the unused portion of
22 the ACL for stocks that are currently overfished or which were
23 not subject to a quota closure, which is Options 2b and 2c.

24
25 If you guys go to the next page, you will see our little box
26 there, which is our -- This is kind of like our preamble, if you
27 will, to our carryover provision, and this section would be part
28 of the codified regs, and these are our rules, if you will.
29 These aren't things that we're voting on whether or not we're
30 going to do, and this comes straight out of the National
31 Standard 1 guidance.

32
33 Essentially, you would apply the portion of the ACL to be
34 carried over to the smallest divisible managed portion, and so
35 like the individual fishing sector, component, zone, or gear,
36 from which the remaining quota went unharvested. If the sector
37 ACL, or the stock ACL, has been exceeded, then there is no
38 carryover.

39
40 The amount to be carried over, when added to the ABC, can't
41 result in an ABC which is greater than the overfishing limit,
42 and carryover is only an underage of the original ACL and not
43 the carryover-adjusted ACL, and so it's designed to prevent
44 runaway carryover.

45
46 If you go to Table 2.1.1, you can see the species for which
47 carryover would apply if it were implemented today, and so, just
48 to decipher this table more quickly, it would be recreational

1 red snapper, red grouper, and gag, recreational and commercial
2 gray triggerfish, and commercial king mackerel, because the
3 recreational side of king mackerel hasn't landed its ACL in
4 twenty years. Greater amberjack would be excluded, because it's
5 overfished. Are there any questions?

6
7 Then we'll go to Action 2. Action 2 adds an adjustment in the
8 carryover provision to account for management uncertainty, and
9 this is just because we have some pretty thin buffers between
10 the ABC and the OFL for some species, and, for most species, the
11 ACL is equal to the ABC, and, just to ensure that we don't
12 result in a situation where we have some carryover in a year and
13 then, due to just the somewhat moving target of trying to close
14 a fishery on time, before it exceeds its ACL, you guys have
15 elected to prefer Alternative 2, which would adjust the amount
16 of the ACL to be carried over into the following fishing year by
17 limiting how much the difference between the ABC and the OFL can
18 be reduced, and you guys said no more than 50 percent.

19
20 As a working example of that, red snapper has about a 2.58
21 percent buffer between the ABC and the OFL, which, at the time,
22 was 400,000 pounds, and so this would limit the total amount
23 that could be carried over for either of the recreational
24 components to 200,000 pounds. That would be done
25 proportionally, based on the amount of underage that that
26 particular component had. Are there any questions on this one?

27
28 Then, in the last action, Action 3, it's our administrative way
29 of moving through all of this, and so this modifies the
30 framework procedures for the listed FMPs, and so, for
31 Alternative 2, Alternative 2, generally speaking, automates the
32 carryover process and allows us to use provisional landings to
33 decide whether carryover is going to apply for the applicable
34 species.

35
36 Alternative 3 allows the specification of the acceptable
37 biological catch after the SSC determines what that ABC should
38 be, based on the best science. The way we've been doing it now
39 is, when we change the ACLs, we state, in the document, what the
40 SSC said the ABC should be, and so we're having to wait for that
41 document to go final for that specification of the ABC. This
42 allows it to be done a little more efficiently.

43
44 Then Alternative 4, also preferred, revises the framework
45 procedures to have consistent terminology and format, and it
46 allows for implementation of in-season and post-season
47 accountability measures for coral and coral reefs, which don't
48 have any present harvest, and spiny lobster. Are there any

1 questions on the most exciting of the three?

2
3 Then, again, we don't have the codified text for you guys to
4 review, and so, without that, it's not really appropriate for
5 you guys to talk about recommending that the council go final
6 yet, until you guys have had a chance to look at that text, and,
7 as soon as we receive that from the Southeast Regional Office,
8 we'll send it around to everybody.

9
10 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. That finishes going
11 through the document. Mr. Anson.

12
13 **MR. ANSON:** Thank you, Mr. Chair. Ryan, I know this document
14 has come to the council a couple of times now, but it just
15 struck me this time as being odd, and I wonder if you can go
16 back to the purpose and need statement.

17
18 In the first sentence there, it says carryover portions of ACLs
19 that were uncaught due to landings uncertainty, and, when we
20 normally talk about landings uncertainty, it's more on the
21 management side of things and how the landings are calculated,
22 and I don't know if that necessarily applies here, and I'm just
23 wondering if there needs to be -- Or if you could just tell me,
24 so I can better understand the landing uncertainty and kind of
25 ascribe that to this particular document, because I just see it
26 as a difference between landings, actual landings, and the ACL,
27 is what I am thinking, but, when I see landings uncertainty,
28 it's uncertainty of the landings due to just how the landings
29 were derived and those types of things.

30
31 **MR. RINDONE:** Sure, and so, when we say -- When we were saying
32 in here "landings uncertainty and management limitations", that
33 is really not two separate things, the way that we're intending
34 it to be perceived.

35
36 It's more that, when we project what the season length should
37 be, based on daily effort or whatever metric is being used, we
38 are basing that on the landings information that comes in
39 against the catch per unit effort and throwing that dart as
40 accurately as possible, and, of course, an adjustment can be
41 made if the pace of landings coming in is somewhat different
42 than what has been projected, and so saying "landings
43 uncertainty and management limitations" is kind of a cohesive
44 statement, which is one reason why we don't have a comma
45 separating those two things, and so, if there's a better way to
46 say that, we certainly can change that, if there's a way that
47 makes that more clear, but that was the intent.

1 We try to be as accurate as possible with closing things on
2 time, so that there is not some big underage, but also so that
3 there's not an overage, and sometimes are better than others.

4
5 **MR. ANSON:** All right. Thank you.

6
7 **CHAIRMAN DIAZ:** Dr. Crabtree.

8
9 **DR. CRABTREE:** Then are we in agreement that our recommendation
10 to the council is to let the Center do some more work and put it
11 before the next SSC meeting and then we take this up again in
12 June?

13
14 **CHAIRMAN DIAZ:** Ms. Bosarge.

15
16 **MS. BOSARGE:** Yes, I think that would be the prudent thing. I
17 think you should look at both directions, and then, hopefully,
18 the point at which this document is at, if we need to make
19 changes to it, it's pretty fleshed out, and we can make our
20 changes and move forward, hopefully in a timely manner.

21
22 **CHAIRMAN DIAZ:** Dr. Crabtree, I am in agreement with Ms.
23 Bosarge. I would like to get it right, more than doing it fast.

24
25 **DR. CRABTREE:** So we'll hold off on the codified text until the
26 next council meeting, when we have a better idea of where we're
27 heading, and is that all right?

28
29 **CHAIRMAN DIAZ:** Yes, and, if anybody on the committee has any
30 other thoughts, now is the time to say it. Mr. Sanchez.

31
32 **MR. SANCHEZ:** Thank you. By the next meeting, by June, will we
33 have some insight from them as well into this carryover and
34 underage and overage, that one-to-one are better?

35
36 **CHAIRMAN DIAZ:** Yes. Okay. I believe that wraps up that agenda
37 item. I am not seeing anybody asking for anything. That brings
38 us to Other Business. Does anybody have any other business to
39 come before this committee? Seeing none, that wraps us up for
40 today. We are scheduled to start again with Reef Fish at 8:30
41 in the morning. You all have a good evening. Thank you.

42
43 (Whereupon, the meeting adjourned on April 1, 2019.)

44
45 - - -