

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

REEF FISH MANAGEMENT COMMITTEE

Grand Hotel Marriott Point Clear, Alabama

JANUARY 26-27, 2015

January 26, 2015

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- John Greene.....Alabama
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- Doug Boyd.....Texas
- Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- Myron Fischer (designee for Randy Pausina).....Louisiana
- Kelly Lucas (designee for Jamie Miller).....Mississippi
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- Assane Diagne.....Economist
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- Ava Lasseter.....Anthropologist
- Mara Levy.....NOAA General Counsel
- Charlene Ponce.....Public Information Officer
- Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- Bernadine Roy.....Office Manager
- Charlotte Schiaffo.....Research & Human Resource Librarian

1 **OTHER PARTICIPANTS**

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3 Billy Archer.....Seminole Wind, Panama City, FL

4 Tom Ard.....Orange Beach, AL

5 Jeff Barger.....Ocean Conservancy, Austin, TX

6 Chris Blankenship.....AL

7 Randy Boggs.....Orange Beach, AL

8 Zack Bowen.....SAFMC

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15 Shannon Cass-Calay.....SEFSC

16 Jim Clements.....Carrabelle, FL

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 12 Wayne Werner.....Alachua, FL
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 15

16 The Reef Fish Management Committee of the Gulf of Mexico Fishery
 17 Management Council convened at the Grand Hotel Marriott, Point
 18 Clear, Alabama, Monday afternoon, January 26, 2015, and was
 19 called to order at 1:30 p.m. by Chairman Johnny Greene.

20

21

ADOPTION OF AGENDA

22

23 **CHAIRMAN JOHNNY GREENE:** We will start off with Agenda Item
 24 Number I, Adoption of the Agenda. Are there any changes or
 25 additions or deletions?

26

27 **MS. MARTHA BADEMAN:** I would like to ask if we can push the
 28 regional management discussion to tomorrow, assuming we go fast
 29 this afternoon. I think some of the states wanted to get
 30 together and chat on some things first, if that's okay.

31

32 **CHAIRMAN GREENE:** Okay and move it to tomorrow. Okay. I was
 33 thinking that it was going to be moved until after the
 34 presentation, but you're asking for it to be moved until
 35 tomorrow. Any other --

36

37 **LCDR JASON BRAND:** I just wanted to add we will be having our
 38 LEAP at the next commission meeting and so anything that you
 39 want to charge to our Law Enforcement Advisory Panel, please go
 40 ahead and let us know, maybe in Other Business or as we go.

41

42 **CHAIRMAN GREENE:** Okay. That sounds good. Anything else? Not
 43 seeing any more, we will take those two and do that as well.
 44 Lieutenant Brand had also asked that we do the presentation on
 45 red snapper poaching by Mexican lanchas tomorrow morning first
 46 thing, or as soon as we complete whatever agenda item we're on,
 47 as he's going to have some individuals here to help with that as
 48 well. Without seeing anything else, I'm looking for adoption of

1 the agenda.

2 **MR. ROY WILLIAMS:** So moved.

3
4 **CHAIRMAN GREENE:** It's moved by Roy Williams and is there a
5 second?
6

7 **MR. DOUG BOYD:** I will second.

8
9 **CHAIRMAN GREENE:** Second by Doug Boyd and thank you. Going into
10 Approval of the Minutes, any changes or additions or corrections
11 to the minutes?
12

13 **APPROVAL OF MINUTES**

14
15 **MS. MARA LEVY:** I had two things. Line 3, page 49, it says
16 "apportion" and I think it's supposed to say "apportionment of"
17 and then page 73, line 26, it says "Mr. Action" and I assume
18 that's "Anson", but I'm not entirely sure, or did we have a Mr.
19 Action? If we did, then don't change it.
20

21 **CHAIRMAN GREENE:** Those changes will be noted as well. Any
22 opposition to the changes in the minutes that she requested?
23 Seeing none, we will move on to Agenda Item III, Action Guide
24 and Next Steps, Tab B, Number 3. You guys should have that in
25 your briefing books and so, with that, we'll go on into Agenda
26 Item Number IV, Red Snapper Update Assessment, Tab B, Number 14.
27 There was an updated version of that that was emailed to you
28 guys at 8:02 A.M. this morning and so if you want to follow
29 along with that, if our presenter is here and ready, we'll go
30 ahead with that agenda item.
31

32 **RED SNAPPER UPDATE ASSESSMENT**

33
34 **DR. SHANNON CALAY:** Hi and thank you very much. My name is
35 Shannon Calay and I am from the Southeast Fisheries Science
36 Center and I will present the results of the 2014 Update of the
37 Gulf of Mexico Red Snapper Assessment.
38

39 To familiarize you with the terms of reference for this
40 assessment, the Center was directed to update the SEDAR-31 Gulf
41 of Mexico red snapper assessment using data through 2013 and to
42 document any changes or corrections that were made to the model
43 or the inputs.
44

45 We were also directed to use methods from the 2014 MRIP
46 calibration workshop, if possible, and those estimates were made
47 available to us in December and so they were incorporated in
48 this assessment. Those are the MRIP calibrations that Andy

1 Strelcheck introduced.
2
3 We were also to update estimates of stock status and management
4 benchmarks and provide the probability of overfishing occurring
5 at specified future harvest and exploitation levels and to
6 develop an update assessment report to address these terms of
7 reference.
8
9 To quickly review the model itself, it is the same model as was
10 applied during SEDAR-31, which was completed in 2012. The model
11 actually goes through 1872 to 2013 and it's divided into two
12 regions, the eastern and western Gulf of Mexico, and divided at
13 the Mississippi River.
14
15 It uses Stock Synthesis, which employs a flexible structure and
16 allows key parameters to change through time and so we were able
17 to model recruitment of young fish to the population to
18 accommodate an apparent increase in productivity after 1984.
19
20 We were able to modify selectivity, to account for the
21 implementation of IFQ programs and circle hooks, and retention,
22 to account for changes in size limits and IFQ, and time varied
23 discard mortality, to accommodate changes in venting
24 requirements.
25
26 The data is the same model structure as employed during SEDAR-
27 31. All the inputs have been updated through 2013. We had a
28 variety of fishery-dependent data, including catch, discards,
29 effort, catch per unit effort, and age and length composition
30 from commercial hand line, longline, recreational private boat,
31 charter boat, and headboat modes, as well as commercial closed
32 season discards, recreational closed season discards, and shrimp
33 bycatch.
34
35 We had also a variety of fishery-independent datasets, including
36 catch per unit effort indices and age compositions from SEAMAP
37 video, SEAMAP plankton surveys, SEAMAP summer trawl groundfish
38 surveys, and fall groundfish surveys, the NMFS bottom longline,
39 and artificial reef ROVs.
40
41 There were two key changes to this assessment. First, we did
42 use the recalibrated MRIP estimates and, second, we estimated an
43 additional selectivity block in the most recent years, 2011
44 through 2013, to accommodate recent changes in fishing behavior
45 of the recreational fleet that appear to have led to a larger
46 than average size in this sector.
47
48 In case selectivity is jargon, on the bottom I put a definition

1 that selectivity functions are used to model both the
2 vulnerability of fish to the gear as well as the availability of
3 fish and the availability can be related to the spatial
4 distribution by size or by age.

5
6 Andy did go over this in more detail. Essentially, the MRIP
7 recalibration workshop examined the effects of a change in
8 sampling design in 2013, which has led to changes in the
9 proportions of angler trips by time of day and so this example
10 is the Alabama private boat mode and you can see that in 2013,
11 which is the brown here, you have a larger than expected number
12 of trips that occurred late in the day. This required re-
13 estimation to adjust for possible under sampling previously of
14 afternoon and evening trips.

15
16 When this recalibration was done, the result has been that for
17 red snapper the landings are slightly larger now than they had
18 been estimated before and so this figure shows you the effect in
19 the western Gulf of Mexico for total recreational landings and
20 in the eastern Gulf of Mexico.

21
22 The effect on the discards, as Andy showed you, is larger than
23 this and so what has happened is it's led to an increase in the
24 total removals that are input into this model for the
25 recreational landings and discards.

26
27 The next set of slides show model results and I am going to
28 compare here the results of SEDAR-31 and the 2014 update
29 assessment on the right and so these are regional trends in
30 spawning stock biomass and, as you can see, if you compare the
31 two panels, that for both the western and eastern Gulf of Mexico
32 the trends are virtually identical.

33
34 On the left-hand side is SEDAR-31 and the right-hand side is the
35 2014 update. We get a similar result for recruitment, but there
36 is one difference that I did want to point out to you.

37
38 SEDAR-31, you may recall, estimated very low recruitments in
39 both 2010 and 2011. The 2014 update model contains more
40 information in age composition for these years and therefore, we
41 think that these estimates are slightly more reliable in 2010
42 and 2011. Those estimates are now higher and so you will see,
43 if you look carefully, that in 2010 and 2011, rather than having
44 extremely low estimates, you now have something that is lower
45 than average, but not as low as the SEDAR-31 2013 assessment
46 indicated.

47
48 These plots actually compared now overlaid, the SEDAR-31 result

1 in blue and in red, the 2014 update. You can see that if you
2 look at the trend of SSB over the minimum stock size threshold,
3 MSST, that the results are in fact virtually identical
4 throughout the time series and so on your left-hand side here,
5 you see the entire time series on the right, just the most
6 recent years, from 2001 forward. These results are very
7 consistent with the SEDAR-31 model.

8
9 This is one of the figures that we've showed the Gulf Council in
10 the past. It's the fraction of red snapper removed by fishing
11 and in this case, we have -- I am showing you by numbers removed
12 in the Gulf age three-plus and in red here is the update
13 assessment and in blue is the SEDAR-31 assessment and the
14 results are quite consistent, but I do want to point out that in
15 the years from about 2000 to 2006, we were removing about 30
16 percent of the fish age three-plus each year.

17
18 After 2007, that has declined substantially, to about 10 to 14
19 percent. That's the effect of regulations, including the IFQ.
20 Likewise, the fraction of age three-plus fish has increased
21 since then and so it averaged about 3 percent from 2000 to 2006
22 and has since increased to about 6 to 8 percent after 2007 and
23 so the stock is rebuilding, both in terms of magnitude and
24 rebuilding and age structure as well.

25
26 For projections, the projection methods to estimate OFL and ABC
27 are identical to those used during SEDAR-31, except that the SSC
28 chose to base their management advice this time on the base
29 model alone. In the past, it had been based on a joint
30 distribution of low and high mortality plus base, but then we
31 did a new set of constant catch projections, which I believe
32 only use base. In this case, what I am showing you is base
33 model alone.

34
35 We retained a catch allocation between the commercial and
36 recreational fisheries at 51 percent commercial and 49 percent
37 recreational during the projections. At the time of this update
38 assessment, 2014 directed landings were not yet available and
39 therefore, the series of projections that I will show you, we
40 assumed that the 2014 landings would be identical to 2013.

41
42 The SSC did request that updated projections be done as soon as
43 possible and I was able to do some of those and I will present
44 those to you during this presentation.

45
46 This shows you -- This is a projection of F rebuild and so in
47 this projection, we will be rebuilding to 26 percent SPR by
48 2032, which is what is currently on the books. This just shows

1 you the effect of the rebuilding program on the spawning
2 potential ratio, which is essentially the -- Well, spawning
3 potential ratio is at SPR 26, you would essentially have the
4 reproductive capability of 26 percent of the unfished population
5 and so currently, between 2000 and 2006, we were running an
6 average of about 4.5 percent, which is quite low.

7
8 Then, following 2007, with the changes in regulations, it began
9 to improve and by 2015, the estimate now is 15.8 percent. We
10 project out now the rebuild plan, it will rebuild to 26 percent,
11 by definition, in 2032.

12
13 This is a comparison of the SEDAR-31 projection results and the
14 update assessment. In this case, SEDAR-31 is in blue and the
15 dotted lines show you the realized yield to the fishery,
16 retained yield, and the solid line is the projected yield. What
17 you will notice is that this update assessment does predict
18 higher retained yields in the future and so, in this case, both
19 MSY and the retained yield are higher for this update assessment
20 and so why did this happen?

21
22 There is two reasons that we have demonstrated. One is the
23 increase in total removals due to the MRIP recalibration and so
24 recall that both landings and discard estimates increased for
25 this update assessment and that has led to a fraction of this
26 increase in yield. The other part is this new selectivity plot
27 that was estimated for the recreational fleets.

28
29 We had evidence that the recreational fleets in the most recent
30 years had shifted towards older, heavier individuals. We did
31 allow the model to estimate a new selectivity function for that
32 time period and the result is in this very back wedge of this
33 three-dimensional plot, you can see the selectivity function has
34 shifted to the right and that shift is towards the larger,
35 heavier animals and so in combination with the increase in
36 removals from MRIP, this selectivity increase has now allowed us
37 to predict both higher MSY and higher yields in the future.

38
39 The council in October requested that we provide four proxies
40 for FMSY and so we did and they were F SPR 26, which is
41 currently on the books, F SPR 24, 22, and Fmax. In this case,
42 like during SEDAR-31, Fmax is approximately equal to F SPR 20
43 and the results of that analysis are here, in a graphical form,
44 and so on the left you see the results from 1980 to 2032 and on
45 the right, just the recent, the projection period from 2014 to
46 2032.

47
48 As is not surprising, the lower your FSPR proxy, the higher the

1 projected yield. That same result appears in the tables that
2 follow and so here is your OFL at the specified F SPR reference
3 point and so on the left, F SPR 26 and then declining towards
4 Fmax. I have also provided the SEDAR-31 base case, F SPR 26.

5
6 If you look at 2015, for example, at F SPR 26, OFL is 14.73
7 million pounds. As you go to a lower F SPR proxy, that yield
8 increases. At Fmax, in 2015, it is 18.94 million pounds. On
9 the bottom of this figure, you can also see the equilibrium
10 yields that correspond to these various proxies.

11
12 Now the SSC, through their control rule, specified a P^* of .427
13 to estimate ABC and this table shows you those ABC estimates
14 and, again, you see the same behavior, where as you move to a
15 lower proxy, the yield that you can achieve does increase and so
16 at F SPR 26 in 2015, the ABC is thirteen-million pounds and at
17 Fmax, it's 17.92 million pounds.

18
19 The equilibrium values also appear on this table for ABC and now
20 the bottom row in this table is the recovery year and so there
21 was some discussion at the SSC meeting that moving to a
22 different F SPR or FMSY proxy would require reanalysis of the
23 recovery plan, because it might change the year that you would
24 have to recover to.

25
26 What I've done is I have calculated the year that the stock
27 would recover if F was zero and so that includes -- That is F
28 zero for all fleets, including discard and bycatch fleets. At F
29 equals zero, the stock would recover to F SPR 26 in 2018 and to
30 Fmax in 2017. Now, that is not actually the recovery year,
31 because you must add one generation time as well to that
32 equation, but it gives you an idea and I'm sure Roy can
33 elaborate, if needed.

34
35 At the SSC meeting, there was much interest in the effect of
36 provisional 2014 landings estimates and in particular, because
37 the recreational provisional 2014 landings are substantially
38 lower than what was estimated in 2013 and so 2014, the
39 provisional landings are 588,000 fish and in 2013, it was over
40 one-million fish.

41
42 The commercial landings in 2014 are estimated to be similar to
43 2013 and so in the sensitivity run, I did use the provisional
44 2014 landings estimate, but I did assume that discards would
45 continue at the 2013 levels, because we have no information
46 about that at this time and so I projected the F rebuild
47 scenario to achieve SPR 26 in 2032 and that is this table here.

48

1 In the center column, you see the ABC if you assume that 2014
2 will be identical to 2013, which is what was shown at the SSC
3 meeting. It goes from thirteen-million pounds to 12.33 with an
4 equilibrium value of 12.51. With the provisional 2014 landings,
5 because the recreational fishery did not catch as much in 2013
6 as had been expected, those landings do increase and so you see
7 in 2015 the provisional estimate is 13.92 million pounds. The
8 equilibrium value, however, does not change as much and so the
9 equilibrium values here increase from 12.51 million pounds to
10 12.65.

11
12 As far as the choice of the FMSY proxy, proxies are generally
13 used when FMSY cannot be estimated. If there truly is no
14 relationship between spawners and recruits, we call that
15 steepness equals one and then F_{max} equals FMSY and F_{max} is in
16 fact equivalent.

17
18 However, we believe that some stock size recruitment is likely
19 to diminish with decreasing stock size, because if there are no
20 spawners, then clearly there are no recruits and so many
21 scientists and some SSC members have proposed biologically-based
22 F SPR proxies.

23
24 In a review of the literature, the literature suggests that the
25 red snapper life history characteristics are most consistent
26 with F SPR 30 to 40 percent and F SPR 26 is essentially a
27 compromise which was adopted by the SSC.

28
29 It's important to note that lower F SPR proxies do produce
30 higher yield. However, they also lower the bar for recovery and
31 an F SPR proxy that is too low will not rebuild the stock to the
32 level that produces MSY in the long term. Also, it is important
33 to realize that changing a proxy may require a rebuilding plan
34 to be revised to compensate for that lower F SPR benchmark.

35
36 In summary, this model did use the new, improved estimates from
37 the MRIP recalibration, both landings and discards. The 2014
38 update and the SEDAR-31 base model results are very similar.
39 The main differences are due to the recreational selectivity,
40 which in recent years has shifted towards larger fish, and the
41 higher recreational removals caused by the MRIP recalibration.
42 That's basically the summary. I did want to just quickly
43 acknowledge the analytical team, which included Clay Porch, Jake
44 Tetzloff, and John Walter. Thank you very much.

45
46 **CHAIRMAN GREENE:** Thank you very much. Any questions?

47
48 **MR. PERRET:** Thank you very much, Shannon. Can you put the

1 slide up there that shows the removals prior to 2006, I think it
2 was, which was around 30 percent, and then, after that, I think
3 it's down to 12 or 14 percent?
4

5 **DR. CALAY:** Yes, but I will have to do it with this.
6

7 **MR. PERRET:** Okay and so currently, after 2007, the removal is
8 10 to 14 percent and previously, it was in the 30 percent range
9 and the numbers were going down and now it's showing some slight
10 increase. If indeed in 2032 the stock is rebuilt, what is your
11 best guesstimate or estimate or what will the directed fishery
12 and bycatch -- What range should they be removing?
13

14 **DR. CALAY:** That's a question that I don't have the answer to
15 right offhand. I could easily look at what fraction of removals
16 would result after achieving the F rebuild, but it's probably
17 going to be something less than 10 to 14 percent, because as the
18 stock continues to increase, the number of animals age three-
19 plus will increase and so although our yields will also increase
20 at the same time, the fraction should not increase, I wouldn't
21 think, but it's something I could very easily find for you.
22

23 **MR. PERRET:** If I may, it seems to me if we're going to rebuild
24 to that magic number in 2032, we ought to be able to take more
25 fish. I mean what are we trying to do if we're going to rebuild
26 and we're going to go under 10 or 14 percent, which is where we
27 are now in 2014?
28

29 **DR. CALAY:** This is just the fraction removed and so you will in
30 fact take more fish, but the population will also grow and so
31 the fraction you take may not increase, but the absolute number
32 you take will.
33

34 **MR. PERRET:** 10 percent of a million pounds versus 10 percent of
35 ten-million pounds.
36

37 **DR. CALAY:** Right.
38

39 **MR. PERRET:** Okay and I have one more, if I may. In one of your
40 ending slides, which you did not show us, you have a slide on
41 fishery-independent indices of abundance larval survey. Can you
42 get that one up, please?
43

44 Now, we all know a lot can happen between larval numbers and
45 harvestable-sized fish, but explain to me, please, how updating
46 the larval survey information, and I really like the slope of
47 the line. It looks like it's almost vertical going up and not
48 down and that's good, but why is there a difference over the

1 past years of the larval survey numbers when all you did was
2 update with more recent information between SEDAR and your --

3
4 **DR. CALAY:** This slide is confusing for a few reasons. One is
5 that these are all relativized and so they're all scaled to a
6 mean of one. If I had put the absolute values of the
7 observations, they might overlie each other, but because they
8 are scaled independently, they look like they differ and so one
9 thing to do would just be to plot the absolute values for the
10 observed and predicted.

11
12 It's going to cause another misperception though, because then
13 the lines that I'm plotting aren't directly comparable, but I
14 think that those numbers are actually not different. It's the
15 scaling. It's a feature of the way this graph has been scaled.

16
17 **MR. PERRET:** The good news is the direction that the lines are
18 going since about 2006.

19
20 **DR. CALAY:** Yes and we do re-estimate these series and so there
21 is a possibility that they are slightly different, but they
22 shouldn't be as different as they appear. That is an effect of
23 the scaling that I've done to make the trends comparable.

24
25 **MR. KEVIN ANSON:** I am not on your committee, but, Dr. Calay,
26 thank you for coming today and giving the presentation and so I
27 wonder if you could go to Slide 23 and that's the one of choice
28 of MSY proxy.

29
30 **DR. CALAY:** You will have to tell me when I get there, because I
31 can't read the number on the bottom.

32
33 **MR. ANSON:** Keep going. Right there. The fourth bulleted point
34 there, I was here during the last time we discussed SPR and
35 which SPR do we select and certainly there will probably be some
36 debate again this meeting, based on the 2014 update assessment,
37 and so you have the statement here that many scientists and some
38 SSC members have proposed a biologically-based F SPR proxy and a
39 review of the literature suggests that red snapper life history
40 characteristics are most consistent with F SPR 30 to 40 percent.

41
42 I can understand the biological reasons or rationale, looking at
43 the reproductive length of the fish or the age of the fish and
44 certain other characteristics, density-dependent and such, but I
45 guess I come back to when you try to relate that biological
46 setting, which are trying to capture all the environmental
47 characteristics of the fish in its setting, with F SPR 30 to 40
48 percent, because F SPR 30 to 40 percent is a management number

1 and it's based on fishing and it's based on activity.

2
3 I guess, looking at red snapper relative to all of the snappers,
4 which this has been lumped into, my point of view is that red
5 snapper in the Gulf of Mexico is a different animal entirely of
6 all the other red snappers, of which this might be generalized,
7 this statement, and look at the productivity of the northern
8 Gulf of Mexico, the fertile crescent, and certainly the
9 artificial reefs seem to be playing quite a significant role in
10 its rebuilding, and so I just wonder if you can provide, since
11 you're on the SSC and there was some of that discussion again at
12 this last SSC meeting, as to maybe help to clarify that for me
13 in my mind, because, again, I can certainly see the biological
14 SPR value and how it's determined, but F SPR is really taking it
15 back to a management and so it should be accounting for some of
16 the things that we know, management-wise, of a particular fish.

17
18 **DR. CALAY:** My attempt with this slide was to lay some
19 groundwork for the choice of proxy and to make sure that the
20 council understood that in addition to a higher yield that
21 you're also setting the bar lower for rebuilding the stock and
22 so you would essentially, by choosing F_{max} , be assuming that
23 FMSY occurs at about 20 percent of the unfished condition.

24
25 Now, frankly, if we had strong and conclusive evidence that that
26 was inappropriate, I would present that evidence. At this time,
27 we don't have strong, compelling evidence to inform this
28 decision and so my intention is just to lay out some of the
29 groundwork for the basis for this decision, but I think that as
30 far as what the SSC conversations were, Will Patterson, the
31 Chair of the SSC, is here.

32
33 As far as conversations within our Center, I would say that we
34 basically do feel that this decision carries a certain risk and
35 that the risk ought to be understood, but that in fact we don't,
36 at this time, possess any compelling persuasive evidence to
37 support one proxy or another.

38
39 **MR. ANSON:** Thank you and I have one more question. On Slide 4,
40 and you don't have to necessarily bring it up unless you would
41 like, but you talked about the various sources of data that were
42 used in the update and just so I understand, this is reliant
43 pretty heavily upon age information of the population and so we
44 have two different sources, fishery-dependent and fisheries-
45 independent, data sources that provide that picture.

46
47 Can you give a sense, Dr. Calay, as to how much the fishery-
48 dependent age data is playing into the model? I will just throw

1 out there that let's say if 75 percent of the age data for the
2 recreational side went away, would that have a major impact or
3 how would you resolve that, as a stock assessment scientist, to
4 try to fill in the gap?

5
6 **DR. CALAY:** Well, if it went away -- The real thing that we need
7 is representative age sampling and so if you were to reduce the
8 amount of samples that we get, but retain their representative
9 nature across the fisheries, then in fact you would not
10 anticipate a large effect on this model, but if you were to
11 reduce the number of samples you collect from certain fisheries
12 and certain areas, for example, or certain fishing modes, that
13 could have an effect on the model.

14
15 We are aware that one of the sensitive aspects of these SS
16 models tends to be the age composition information and one of
17 the things we try to carefully evaluate is how to correct that
18 data to ensure that it is as representative as possible and also
19 how to weight it within the model, so that it doesn't -- If you
20 were to use the raw sample sizes, for example, that we receive,
21 the model would fit very well to the age composition, but it
22 would not fit well to the indices of abundance and so there's a
23 careful balancing to achieve an appropriate fit to the age
24 composition, but not to allow the model to fit only the age
25 composition.

26
27 What you've asked is a complex question. We could use far less
28 age composition information if it were truly representative and
29 the best way to achieve that is through fishery-independent
30 sampling.

31
32 **MR. ANSON:** Thank you and I have one more question that the
33 Chairman has allowed me and I appreciate all of the thought into
34 the answers, Dr. Calay.

35
36 The last comment or question I have is it was briefly touched
37 upon at the SSC meeting when we were talking about the update,
38 and it had probably been talked about at previous SSC meetings,
39 as to the frequency of update assessments and red snapper, I
40 hope one day not too very far down the road, we can get to a
41 point where red snapper is an afterthought and we can kind of
42 push it to the side, but in terms of all the other species that
43 the Science Center has to create assessments for and the council
44 needs, and, Dr. Ponwith, we've talked about this too, my take-
45 away from this 2014 assessment is kind of similar to the last
46 one, but it's just a reinforcement of this trend line, where we
47 have the latest information and the model is using that
48 information and it is a positive trend and so we get positive

1 results in the yields, but looking at the resources of the
2 Science Center and how much at least a typical red snapper
3 assessment takes for resources and using those, is there any way
4 or have you all been thinking about a quick methodology or a
5 fast way that you might be able to produce a very good or a very
6 rough estimate of where the stock is without really devoting two
7 assessment scientists and such?

8
9 I don't know if it's you or Dr. Ponwith, but I still foresee us
10 having to go down the road of every couple of years at least
11 doing an update assessment, if not more, and we see some very
12 good benefits and we can realize those sooner rather than later
13 is all I'm trying to get at.

14
15 Maybe if we get with maybe eight or nine of those datasets that
16 are most important and inform the model the most, using those in
17 - Not using all the available resources each time we go through
18 an assessment.

19
20 **DR. BONNIE PONWITH:** I certainly appreciate that question,
21 because it shows some really good strategic thinking in terms of
22 priorities and I will speak in general terms and then shift back
23 to Dr. Calay, if she wishes to speak to it more specifically to
24 red snapper.

25
26 During the peer review for stock assessments that happened at
27 the Southeast Fisheries Science Center, one of the things that
28 came up over and over and over again was how the demand for
29 these assessments really outstrips the number of hands we've got
30 to do them and that begs for solutions.

31
32 One of the solutions that we talked about was, first of all, to
33 take a more methodical approach to prioritizing those stock
34 assessments in a way that looks at the volatility of the fishery
35 and the volatility of the ecosystem and the population itself
36 and some other quantitative parameters to come up with sort of a
37 modeled approach of how frequently should we be doing each of
38 these assessments and how do you set priorities, given the fact
39 that the assessment scientists are a scarce resource.

40
41 The work on that tool continues and one of the recommendations
42 that came out of the peer review was to either adapt or adopt
43 that tool when it's ready, to help the council make its
44 decisions about the frequency, the periodicity, of those
45 assessments.

46
47 That's one part of the equation and that is how do you set your
48 priorities and then the other part of it is what level of

1 sophistication is enough and it is something that we've talked
2 about, should you be going for a gold standard for all of these
3 assessments or should you try and get more assessments done and
4 be comfortable with pretty darned good?

5
6 I think that if we get to a stage where we can quantify what is
7 pretty darned good with respect to each of these stocks and
8 understand what that is statistically and describe that
9 statistically with all of its uncertainties, I think that it
10 puts us in a better position to be comfortable with making a
11 decision where we would do more assessments and do assessments
12 more frequently, but at a level that has higher uncertainty
13 associated with it.

14
15 It's all a matter of tradeoffs and so that's the general answer
16 and I will look to Dr. Calay and see if she has anything to add
17 specific to red snapper.

18
19 **DR. CALAY:** I think specific to stock assessments in the Gulf
20 and Caribbean group, it would be easy enough to triage which
21 update models you might want to do by just monitoring catch and
22 CPUE. However, that won't give you the ability to reevaluate
23 ABC or OFL.

24
25 All it would let you do is say we have evidence that this stock
26 is of concern and we're going to ask for an update or a
27 benchmark of that stock, but there are fast assessment
28 methodologies that at least allow you to prioritize which
29 assessments you think are of most importance and so that's all I
30 think I will add at this time.

31
32 **EXECUTIVE DIRECTOR DOUG GREGORY:** Thank you and we certainly
33 appreciate all that you and the Center have done for us and you
34 serving on the SSC. Following up on what Chairman Anson was
35 asking and your response, I was involved in developing SPR as a
36 management tool early on and the idea was that 26 percent SPR
37 was equivalent, in concept, to our current minimum stock size
38 threshold and 30 to 40 percent is more equivalent to MSY.

39
40 What throws me off is the estimate from the stock assessment
41 that says F at 26 percent is approximately equivalent to Fmax, I
42 guess current selectivity in the fishery. In the slide where
43 you say that an SPR proxy that's too low will not rebuild the
44 stock to MSY is a truism. It's precautionary, but does it
45 really apply here when the stock assessment shows that the
46 equilibrium yield at 20 percent is higher than the equilibrium
47 yield at any of the higher SPRs and so that seems to indicate,
48 to me, that 20 percent may be MSY and that's my confusion.

1
2 **DR. CALAY:** If you're looking for conclusive and compelling
3 biological evidence to support one of these proxies -- As I
4 said, this assessment is not capable of producing that
5 information, because with the data that we possess, over the
6 period of time where we have both indices and catch and there is
7 a brief period of time from about the 1980s forward, the stock
8 size during that time has been just a fraction of the total
9 dynamic from 1872 forward.

10
11 This model essentially, if we allow steepness to be estimated,
12 will estimate steepness near one and so it is possible that that
13 is nearly -- That that is an appropriate estimate and then, in
14 that case, Fmax would be similar to F SPR 20, but clearly at
15 some level of depletion you will have reduced recruitment as
16 well.

17
18 Fundamentally, there is a spawner/recruit relationship with red
19 snapper, but you may not see evidence of that except at very low
20 stock sizes, which we are not at currently. We are at about
21 15.8 percent SPR and so I don't want to tell you what proxy you
22 should choose and I don't particularly feel that I have ample
23 evidence to support any of these proxies in particular and so in
24 this case, I think that caution is warranted, but that the
25 discussions of the SSC and of your council -- It is essentially
26 your decision.

27
28 I just want to be sure that it is understood that you always
29 will get higher yields as you lower the bar for recovery and at
30 some level, it could become an absurdity, where you essentially
31 choose higher and higher yields and the selectivity shifts and
32 we re-estimate and that supports an even lower estimate and at
33 some point, you could get down to SPR values that clearly cannot
34 be an appropriate proxy for FMSY.

35
36 We don't know whether we're in that situation now or not and so
37 I don't have any evidence that I feel is conclusive enough to
38 bring to this committee to support any one of these proxies and
39 that's what I'm saying.

40
41 **CHAIRMAN GREENE:** Thank you. Any other questions?

42
43 **MR. WILLIAMS:** Shannon, would you say then that 20 percent, 22
44 percent, 24 percent, 26 percent are all equally likely or am I
45 putting words in your mouth?

46
47 **DR. CALAY:** What I would say is that there is only one true
48 FMSY, but we can't estimate it with the data that we have at

1 this time and these values are not all equally likely, but we
2 can't know what the true probabilities are from the output of
3 this model or any other evidence that we possess and that's what
4 I'm saying. They are not equally likely and only one of them is
5 most representative of FMSY, but we don't know at this time
6 which one that is.

7
8 **CHAIRMAN GREENE:** Okay and any other comments? Thank you, Dr.
9 Calay, for your presentation and comments. Camp, did you have
10 something?

11
12 **MR. CAMPO MATENS:** Yes and, Shannon, you know I find this
13 fascinating and do I understand, as a layman then, that all of
14 these numbers, 26, 22, 24, are possible, but the lower they go,
15 the more risk they entail? It's that simple, isn't it?

16
17 **DR. CALAY:** Yes and that's a truism, I think.

18
19 **CHAIRMAN GREENE:** Okay and last call. Anybody else? Thank you,
20 Dr. Calay. Next up on the agenda is the SSC Recommendations,
21 which is Tab B, Number 4. However, a PowerPoint was emailed to
22 you all at 1:05. Dr. Patterson.

23
24 **SSC RECOMMENDATIONS**

25
26 **DR. WILL PATTERSON:** We met in Tampa earlier this month to
27 review, among other things, the red snapper update. Shannon
28 indicated the terms of reference included some analysis or
29 consideration of new parameters, one of which was the MRIP
30 recalibration information.

31
32 We actually spent quite a bit of time talking about selectivity
33 and the new selectivity estimates, but MRIP, in particular,
34 caught our attention and these plots that you see on the screen
35 now are for the western Gulf and the eastern Gulf and so these
36 are the recreational landings estimates.

37
38 This is what Shannon had indicated just a moment ago, that when
39 you use the more recent MRIP recalibration and go back in time,
40 the correction is for higher estimates of catch historically.
41 This results in one component of the increased productivity
42 estimate combined with selectivity, but this basically indicates
43 that the stock was producing more catch back in time, based on
44 that recalibration.

45
46 **DR. PONWITH:** It looks, to me, like you have western Gulf
47 landings and eastern Gulf discards. I could be wrong, but --

48

1 **DR. PATTERSON:** Let me show you the next slide. This is the
2 discard slide and the key here is the difference -- Yes, you're
3 correct and I'm sorry, Bonnie. The bottom here is actually the
4 landings from the eastern Gulf and the top is the discards from
5 the western Gulf and so I did transpose the eastern Gulf ones
6 incorrectly, but the point to make is really this top panel
7 here, which is the correct discard panel for the western Gulf,
8 and this was the issue that really caught the SSC's attention
9 and which we spent quite a bit of time on.

10
11 If you go back to the mid-2000s, the estimated discards
12 obviously were much higher with the recalibration and then
13 farther back in time, that disappears. There was some
14 discussion about why this would occur and why you would see
15 different patterns between the landings estimates and the
16 discard estimates.

17
18 What we were told is that there were different equations used to
19 make these corrections and we didn't have any other information
20 to go on and so this is where that conversation ended, but it is
21 a source of uncertainty and one that we need to explore moving
22 forward.

23
24 Next, when examining the output from the assessment, looking at
25 F to MFMT, and, again, this is based on the council's current
26 proxy for MSY of 26 percent SPR, the more recent estimates and
27 the last fishing year in the model are that F to FMSY is below
28 MFMT and then the bottom plot shows the biomass estimates, where
29 the stock biomass has been increasing, estimated to be
30 increasing in recent years, but remains below that threshold.

31
32 After review of the assessment, the SSC passed this motion with
33 one abstention, that the red snapper update base assessment
34 model is the best scientific information available and is
35 acceptable for management purposes. The stock is estimated to
36 remain overfished, but is not undergoing overfishing. Again,
37 this passed with one abstention.

38
39 Then we moved into projections, which Shannon has just talked
40 about, and so this figure shows the projections information that
41 Shannon had just presented and we have here the different
42 proxies that the council asked the Science Center to run and the
43 current proxy, and the one that's currently on the books, is the
44 26 percent SPR and so that's where we evaluated the stock,
45 relative to that benchmark, and the FMSY based on F 26 percent
46 SPR, on that benchmark.

47
48 In examining these projections, we also used the F 26 percent

1 SPR projections in evaluating OFL and ABC and so the table that
2 you see here, this is the same information that appears in the
3 SSC's report. The caveat to this being that Shannon -- We knew
4 or we had information at the SSC meeting that perhaps the
5 provisional 2014 landings estimates would be available sometime
6 before the next fishing season and Shannon has indicated that to
7 the be case.

8
9 This OFL, again, here is based on F 26 percent SPR and the ABC
10 is based on a P* of 0.427, which, again, we used the council's
11 control rule, the ABC control rule, and we applied that to the F
12 rebuild probability density function.

13
14 We did differ in one instance, or in one regard, from what was
15 done after the last assessment, in that instead of using the
16 high and low mortality weighting to go along with a base model
17 weighting of 50 percent, in this case we just weighted the base
18 model and made the projections relative to F rebuild and using
19 this P* of 0.427 and so that was the recommendation and where it
20 came from for OFL and ABC. Johnny, that sums up this portion of
21 the SSC's report.

22
23 **CHAIRMAN GREENE:** Thank you. Any questions for Dr. Patterson?
24 Any questions? All right. I guess with that, we will move into
25 Committee Recommendations on the Red Snapper Update Assessment
26 and SSC Recommendations.

27
28 **MR. STEVEN ATRAN:** Want me to do my stuff?

29
30 **CHAIRMAN GREENE:** Sure, Mr. Atran. The next item will be the
31 ACL/ACT Control Rule Recommendations, Tab B, Number 5(a) and (b)
32 and Mr. Atran will lead us through that.

33
34 **ACL/ACT CONTROL RULE RECOMMENDATIONS**

35
36 **MR. ATRAN:** Thank you, Mr. Chairman. I am not going to be very
37 long on this. Whenever we get new ABC recommendations, I work
38 through the ACL/ACT buffer spreadsheet and this is an ACT
39 control rule that was adopted in our Generic ACL/Accountability
40 Measures Amendment in order to try to look at various sources of
41 management uncertainty and develop a recommendation. Not a
42 binding recommendation, but just some guidance as to what might
43 be an appropriate buffer to set between the ACL and the ACT or
44 between ABC and the ACT.

45
46 You already have adopted a 20 percent buffer for the
47 recreational fishery for red snapper last year and so you don't
48 need to change it if you don't want to and when I ran the

1 numbers through this spreadsheet and what it looks at is whether
2 or not you're trying to manage a single species or a
3 multispecies assemblage, the past four years' success rate in
4 maintaining catch within your ACL and if it has been exceeded,
5 what's the highest magnitude, what is the type of data
6 collection used.

7
8 A survey, such as MRIP, is less precise than an IFQ system and
9 so it gets more points and then whether or not in-season
10 accountability measures are used or just between-season
11 accountability measures, and, finally, a factor as to what the
12 status of the stock is with respect to its overfished status.

13
14 All of these get some points and there is no probability
15 associated with these. It's just the more points that are
16 accumulated, the wider the buffer should be and when I ran this
17 through for red snapper recreational, it came up with a
18 recommendation for a 19 percent buffer, which is practically the
19 same thing as the 20 percent buffer that you already recommended
20 and so basically it's suggesting no change in the buffer that
21 you previously decided upon.

22
23 On the commercial side, with an IFQ fishery, the IFQ has been
24 very successful at maintaining commercial catches within their
25 catch limits and that is reflected in the spreadsheet, which
26 recommends no buffer between ABC and ACT. If you would like, I
27 can go into more detail on these spreadsheets, but I've gone
28 over that in the past and so I will leave it up to you.

29
30 **CHAIRMAN GREENE:** Any questions for Steven? I am not seeing any
31 and now I guess we'll pick back up where I thought we were under
32 Committee Recommendations and any thoughts by you guys?

33 34 **COMMITTEE RECOMMENDATIONS**

35
36 **DR. CRABTREE:** You've got a new ABC that's quite a bit higher
37 than the current TAC and if you want to raise the TAC, you are
38 going to have to go through a framework amendment and do that
39 and so we need to talk about do you want to raise the TAC and
40 the timing of all this. It seems, to me, unless, Johnny, we're
41 going to come back to that somewhere later or what's the plan on
42 that?

43
44 **CHAIRMAN GREENE:** I don't believe so. I think now is the time.

45
46 **MS. BADEMAN:** I will just start with a question and maybe I will
47 kick it back to Roy, but what would be the timing? If we
48 started something today, when would we expect this to go into

1 place? I am guessing not before June, but -

2
3 **DR. CRABTREE:** Assuming we -- Our next meeting is in April,
4 Steve, or the end of March? If staff could put together a
5 regulatory amendment that we could vote up at the end of March,
6 we could go through a rulemaking and probably get it done in
7 July sometimes, but I think we are looking at, depending on how
8 long this year's season works out, a potential reopening and we
9 probably ought to have some discussion about if we're going to
10 reopen, what would we do?

11
12 I think we can come back, once we are working on a framework
13 action, we can come back with some estimates of season lengths
14 and how many days all of this would come to.

15
16 **MR. ANSON:** So, Roy, is there any way to speed that process up
17 to try to realize the maximum number of days starting June 1 or
18 is it July is when you would have it in place and therefore we
19 would have to look at a fall season?

20
21 **DR. CRABTREE:** We don't have another meeting until the end of
22 March and we would have to come back and get a proposed rule
23 published and that's going to put us well into April and then a
24 public comment period and then a final rule and so it's
25 difficult to see how we would get there outside of having an
26 additional council meeting or something like that. Then it's
27 going to depend on how quickly staff could pull all of this
28 together.

29
30 **MR. ANSON:** Those were going to be my comments or questions, I
31 guess, and we can have some discussion if we have a phone
32 meeting and we have done those or at least talked about having
33 them before and whether or not staff could get the documentation
34 together in order to have the phone meeting in time to put it
35 through or start the process on your end, Roy, to have it
36 available for June 1. That's one of the things I would like to
37 potentially discuss and see if that's of interest to the rest of
38 the council members.

39
40 **MR. ATRAN:** What we were originally thinking is that if you gave
41 us guidance to begin a framework action to change the ACL and
42 the ACT that we were going to come back at the March/April
43 meeting with a document you could take final action on.

44
45 As Shannon had indicated, we are expecting to get final results
46 on the 2014 catch landings estimates and I believe the numbers
47 would be rerun, since 2014 apparently is -- The landings are
48 lower than they were in 2013 and they are lower than what was

1 used in the model and we're anticipating that that would result
2 in higher ACLs and ACTs.

3
4 My thought was that if you gave us guidance now, based upon the
5 numbers you have right now, by March, when we have the final
6 numbers, we could just substitute whatever the equivalent ACLs
7 and ACTs would be with the final 2014 landings incorporated.

8
9 If you want to hold a special meeting prior to that, I am not
10 sure if we would have the 2014 numbers at that time. I'm not
11 sure how long it will take to get those numbers in place.

12
13 **CHAIRMAN GREENE:** Go ahead, Harlon.

14
15 **MR. HARLON PEARCE:** I am not on your committee, but thanks for
16 recognizing me, Mr. Chairman. I am in the same boat as Kevin.
17 I mean this is important to us to get started June 1 and I am
18 hearing Steven say that we may not have the 2014 numbers in time
19 even for a special meeting, but at some point, I think, Kevin, a
20 special meeting should be of primary importance to us to make
21 this happen and so whatever it takes to get this thing for June
22 1, I would like to see that done. If it's a special meeting or
23 whatever it is, a phone call, and I don't care what you do, but
24 I think we need to try and really push this up, so we can get
25 this finished for June 1.

26
27 **MR. WILLIAMS:** What do we need to do today, Dr. Crabtree? If we
28 just approve -- We've got an SSC recommendation for ABC and if
29 we approve that, do ACL and ACT follow right from that? Is that
30 all we really need to do?

31
32 **DR. CRABTREE:** I think that's right, that we just have to ask
33 staff to put together a framework that looks at raising the ACL
34 and the ACT based on these new ABC recommendations. We do have
35 the runs Shannon showed us with the provisional 2014 landings
36 and so I think we just need to give Steve and staff the guidance
37 to do that.

38
39 Now, in terms of getting it done by June 1, we would have to
40 have a final rule by May 1, which means we would have to have a
41 proposed rule in March sometime. It's difficult to see how you
42 would get the days to getting this done by June.

43
44 **MR. WILLIAMS:** Can I follow up? If we didn't have that done in
45 time, we still have -- We already have quotas and ACLs and ACTs
46 that exist, right, and so even if this came in late, would it be
47 -- Since we're raising the limit, it wouldn't be a problem,
48 would it?

1
2 **DR. CRABTREE:** It would mean the fishery would close and then it
3 would reopen. We have done this before when we were in a
4 similar situation and now I don't know -- We don't know what the
5 season lengths are going to be this year, but the season would
6 open and we would fish on the current eleven-million-pound
7 quotas and then once a final rule became effective and increased
8 the quotas, we would reopen the fishery for whatever number of
9 days it would take to catch the remainder of it.

10
11 I am not prepared to say there is no way in the world to get
12 this done by June 1, but staff would have to do some back
13 calculating on how long the rulemaking would take and then see
14 when would we have to vote it up by and is it possible to get a
15 document put together by that. I think it would be very
16 difficult, but I don't know that it's impossible or not.

17
18 **MR. WILLIAMS:** Johnny, just following up. Steve, if the
19 committee and then the council approve a new ABC, is that -- Do
20 you agree with Dr. Crabtree that that's essentially what you
21 would need for the ACL/ACT recommendations? I mean they would
22 just come right off of that, right?

23
24 **MR. ATRAN:** Well, that's something you might want to consider.
25 If we could put Will's presentation back up on Slide 6, I wanted
26 to point something out that may be a concern. While that's
27 coming up, the SSC made ABC recommendations for three years out,
28 2015, 2016, and 2017.

29
30 If you look at the ABC projected yields for going out even
31 further than that, while they've been going up for those three
32 years, they start going down again and that's because we've got
33 some strong year classes right now that are working their way
34 through the fishery.

35
36 In the future, we don't know if we're going to get strong year
37 classes or weak year classes and so the projections assume an
38 average year class and that's going to drive us down in the
39 future.

40
41 Now, the SSC did not recommend ABCs that far out, because there
42 is a lot of imprecision with those years as you go further out
43 and so anything could happen after that, but you might want to
44 be concerned a little bit about the prospect that in the future
45 you might have to face some declining yields again and that
46 brings up the question of do you want to try to fix it at some
47 constant catch ACL over the next few years or do you just want
48 to get the most you can out for these three years and see what

1 the next stock assessment says?
2
3 If you want to get the most out of it, then yes, ACL would be
4 equal to ABC and the ACT for the recreational side would be 20
5 percent below for their ACT buffer.
6
7 **MR. WILLIAMS:** When would the next assessment be, two years or
8 three years?
9
10 **MR. ATRAN:** I believe the SSC has recommended a new assessment
11 in 2017, but I'm not sure what, if anything, is on the schedule
12 right now.
13
14 **MS. BADEMAN:** I was just going to say if we add in this new 2014
15 data, we need to get the SSC back together before we can do
16 anything as well, so we can get a new ABC. Do we have a meeting
17 on the books at this point?
18
19 **MR. ATRAN:** The SSC is tentatively scheduled to meet three weeks
20 before each council meeting. Now, we can always convene a
21 special SSC meeting if we have to.
22
23 **MR. WILLIAMS:** Martha, I didn't understand your question. We
24 have an ABC recommendation from the SSC and what are you saying?
25
26 **MS. BADEMAN:** We do, but if this group wants to incorporate the
27 2014 landings and we want to adjust up, then we would need to
28 get a new ABC, right, or maybe Roy is going to correct me.
29
30 **DR. CRABTREE:** I am not so sure that we do. I mean I think the
31 SSC was aware that the 2014 landings were going to be lower and
32 that when it was rerun that it would follow all of the methods
33 and the way they calculated it and so I am not sure that there
34 is any reason to go back to them and ask them to look at this
35 again, but I guess I would want to hear comments from -- I
36 suppose from Will about that.
37
38 **MR. WILLIAMS:** How far under are they likely to be? I mean is
39 it likely to make a significant difference so that instead of
40 the thirteen-million-pound ABC we would have 13.5 or something
41 like that?
42
43 **DR. CRABTREE:** What Shannon showed us was 13.9 for 2015 and
44 13.77 in 2016 and 13.66 in 2017. Now, the numbers decline.
45 There is more of a decline in the yields in the reruns she did,
46 but there is a table in that presentation she showed you that
47 has the ABCs without the provisional landings and the ABCs with
48 it and it's a 900,000-pound difference for this year, but I

1 think the issue of do you want to set a constant value for the
2 catch and some of those kinds of things are things you may want
3 to look at.

4
5 **CHAIRMAN GREENE:** Okay. Dr. Patterson, would you like to
6 comment on that, please?

7
8 **DR. PATTERSON:** Certainly when we met, as I indicated earlier,
9 we knew that there was a likelihood that there would be at least
10 provisional landings for 2014 and we discussed that.
11 Historically, when the council has asked us to present a
12 constant catch type of scenario for ABC, we have gone back and
13 had to reapprove it and so I don't know about the logistics of
14 all that and what has to happen, but historically, when there's
15 been a change in the ABC, it's been kicked back to the SSC.

16
17 **MR. ATRAN:** First of all, with the information you've got right
18 now, if you wanted to set a constant catch ABC, it would
19 probably have to be at the lowest ABC level of that three-year
20 period, but I am looking at the motion that the SSC actually
21 made for recommending ABC for red snapper.

22
23 It says the SSC recommends that ABC for red snapper be set using
24 a PDF of yield applying from the base model projected at F
25 rebuild to SSB at 26 percent SPR in 2032 and applying a P* of
26 0.427 and never mind what all of that means, but they
27 recommended a formula for calculating ABC and just included what
28 those ABCs currently are and so if it was the intent of the SSC
29 to apply whatever yield comes out of that formula, then it seems
30 to me that we would be able to modify the ABC number without
31 having to go back to the SSC. If they were specifically
32 recommending the number, then we would have to go back to the
33 SSC.

34
35 **CHAIRMAN GREENE:** Okay. It got awful quiet and has anybody got
36 any comments relative to that? Okay. We are through with red
37 snapper and ready to pick up -- I hear hold on.

38
39 **MR. WILLIAMS:** I am sorry, but, Will, do you have a feeling
40 about the question Steve posed and could -- Your recommendations
41 were real specific, but --

42
43 **DR. PATTERSON:** Again, I don't know about the rules and so I
44 can't really speak to what has to happen or not happen. I told
45 you that the SSC considered in their discussion that this may
46 occur and historically, whenever there's been a change in the
47 number we gave you, it has come back to us, but we were aware of
48 this and Steve pointed out that there is a method put in place

1 and it follows the control rule.

2
3 That said, we have never been allowed to just put the rationale
4 for a decision in our motion. We then give you the numbers and
5 so I don't really know how that works, but historically, there
6 has always been numbers that went with it and I don't know if
7 you can just separate the two.

8
9 **MS. LEVY:** In looking at the SSC report, you know it has both
10 the method and the resulting numbers and it also has a
11 recommendation on the OFL, which is what the ABC is then based
12 on, and so, in my opinion, they have given you number ABC
13 recommendations and that if you want to increase them, that's
14 fine, but it should probably go back to the SSC so that they can
15 then give you the higher recommendations.

16
17 **CHAIRMAN GREENE:** Okay. I thought it was fairly specific.

18
19 **MR. DOUG BOYD:** In the presentation by Shannon, we saw a
20 variance in the different SPR numbers, from 20 all the way up to
21 26. This recommendation uses an SPR of 26 and should this
22 council consider using a different SPR at this point?

23
24 **DR. CRABTREE:** That's up to you if you want to look at that.
25 Now, that would require a plan amendment, because you're
26 changing the rebuilding plan. So if you want to do that, that's
27 going to take quite a bit more time and would be a separate
28 action than what we're talking about now, which is a regulatory
29 amendment just to address the TAC.

30
31 We would have to do a plan amendment and look at alternative
32 reference points and I have talked to Mara and the attorneys
33 about whether we would need to look at the rebuilding timeline
34 and revise that as well or can we continue to take all the way
35 out to 2032 and just say we're going to rebuild to a lower bar
36 or, if we decide we're going to rebuild to a lower bar, do we
37 then have to change the timeline of rebuilding to something
38 shorter? I don't know what the answer to that is yet, but that
39 would be a separate issue that wouldn't be finished in time for
40 this year's season. That would be down the road more.

41
42 **MR. BOYD:** To that point, could those go concurrently?

43
44 **DR. CRABTREE:** No, the framework would go much more quickly and
45 the reference points would go more slowly, because they are two
46 different processes.

47
48 **MR. BOYD:** What I mean though is they could be ongoing at the

1 same time.

2
3 **DR. CRABTREE:** You can work on them at the same time, yes, and
4 have the discussions.

5
6 **MR. ANSON:** I don't vote on the committee, but that sounds like
7 a good idea, Doug, about trying to do something about framework
8 action for changing the SPR, but going back to the issue Steven
9 said in the motion from the SSC, there wasn't -- I know Mara
10 just read some of the report, but I see the report kind of as
11 helping to explain some of the discussion, unless I am not
12 reading everything, but I see that the motion was use a certain
13 framework or a certain formula to get a number.

14
15 What you just said, Mara, was that it seems like you're linking
16 the two, but the motion, if it was in fact as Steven read it,
17 didn't have any reference to a number, but it just had a -- It
18 does? Okay. I apologize.

19
20 **DR. PATTERSON:** I am sorry to interject here, but could a way
21 forward be to do kind of like what was talked earlier about what
22 the council might do and have a phone meeting of the SSC and get
23 the new numbers from the Center and then at least convene the
24 SSC before March? That way, we could cross all the T's and dot
25 the I's the right way.

26
27 **CHAIRMAN GREENE:** It sounds plausible to me.

28
29 **MR. WILLIAMS:** That sounds good to me, too. I have another
30 question, as long as we're talking about these SPR levels.
31 Since Will is here, I want to make sure I understand. Will, you
32 have a table labeled "Red Snapper Update Assessment Projections"
33 and it shows yields at 20, 22, 24, and 26 percent.

34
35 It looks, to me, like if we say jumped or we lowered our
36 standard from 26 down to 20, it would provide us a lot more
37 yield in the next year. It looks like it would jump from maybe
38 thirteen-million up to nineteen-million, but then it goes down
39 the year after that and those projections begin to converge
40 after a few years and so it looks like we get a couple of years
41 of fun out of it and then we are back to about a million pounds
42 difference or so after four or five years. Am I reading that
43 correctly?

44
45 **DR. PATTERSON:** Those are the current projections. What we
46 have to keep in mind is that the way those are being produced is
47 taking recent recruitment, an average of recent recruitment, and
48 projecting that forward.

1
2 In the eastern Gulf, even though the recruitment from 2010 to
3 2014 is higher than that 2010 value that we estimated last time,
4 it's still much lower than what the trend had been and it
5 doesn't follow the same trend as what we see in the west, but by
6 projecting forward with those lower recruitments, that is
7 informing those equilibrium values.

8
9 To the point that Doug Gregory made earlier, at the bottom of
10 that table, you can see what the equilibrium estimates are and
11 his point was that at the F 20 percent SPR, you have a higher
12 equilibrium value than you do at the F 26 percent SPR. That was
13 the point he was making about what really is a better
14 approximation of MSY.

15
16 That is also tied into recruitment and what's going to happen
17 with recruitment and so those are difficult things when you're
18 projecting out to equilibrium. How much faith do you put in
19 those numbers, but that's where they come from.

20
21 **MR. WILLIAMS:** I am sorry and I am still correct that we would
22 get much bigger yields in the first couple of years, but we
23 would rapidly lose those or am I just reading that totally
24 wrong?

25
26 **DR. PATTERSON:** In that table, that's the way it's presented.

27
28 **MR. WILLIAMS:** It's a Figure. It's not a Table here, but it's a
29 Figure. I am talking about "Red Snapper Update Assessment
30 Projections".

31
32 **DR. PATTERSON:** Later on, there is a table that has those same
33 numbers and I'm sorry, but yes, either way, it's the same
34 information. We were asked to review this by the council and we
35 spent a bit of time talking about it.

36
37 One of the issues, and it's not straightforward how this would
38 actually work out, is something Shannon mentioned when she
39 indicated that the rebuilding schedules may change if you change
40 your proxy.

41
42 These are all based on a rebuilding to 2032 and if the
43 rebuilding schedule changes, then your idea about you can take a
44 bunch right now, but it's going to be fished down and your yield
45 becomes lower, that's going to be altered. It seems realistic
46 that you would have a higher yield under whatever scenario today
47 than if you fished at F 26 percent SPR, but these values would
48 likely change.

1
2 One, you have this landings issue to deal with, but on top of
3 that, if the rebuilding schedule changes, that's going to change
4 the time horizon and therefore change when catch can actually be
5 made over that time horizon.

6
7 **DR. CRABTREE:** Right now, Roy, we're harvesting -- The estimate
8 of MSY in the assessment is 12.9 million pounds and we have an
9 ABC of roughly thirteen and so we've had big recruitment classes
10 that are still in the fishery and that's why we're getting these
11 good yields.

12
13 If you go to the F_{max} reference point, that is a higher fishing
14 mortality rate and if you start fishing at that higher rate,
15 you're going to fish those year classes down faster than if you
16 fish at F_{26} percent, which is a lower rate, and that's why you
17 see those yields fall off more rapidly, because these
18 projections are all assuming some average level of recruitment
19 for the remainder of the projection period.

20
21 You just fish these year classes down more quickly and then at
22 the end of the day, if you rebuild to 20 percent SPR, you are
23 going to have a smaller population with fewer old, big fish out
24 there that you fish harder and so you're not going to have -- If
25 you think of the quality of the fishery, meaning catch per unit
26 effort and the size of the fish out there, you are not going to
27 have as high a quality a fishery, because you're not going to
28 have as many big fish and many old fish and the catch rates are
29 probably going to be a little lower, because you are fishing
30 harder.

31
32 Those are kind of the tradeoffs with it and bear in mind too
33 that F_{max} , F_{20} percent, only works if you really believe the
34 steepness is one and there is no relationship between spawning
35 stock biomass and recruitment.

36
37 If it turns out that's wrong and steepness is less than one,
38 then, in all likelihood, as the stock rebuilds to these higher
39 SPRs, you are going to get more recruitment in the future and
40 that means MSY is probably going to turn out to be higher than
41 we thought, but if we don't rebuild the stock to those higher
42 SPR levels, we are never going to know that, because we are
43 never going to get there to see if those recruitments are there.

44
45 It's possible that if you go to the lower SPR reference point
46 that you're giving up yields that might be attainable down the
47 road, from here forward, but the problem is we really don't know
48 if those yields would ever occur or wouldn't occur. Probably

1 the only way to know is to rebuild to the higher SPR and see
2 what the recruitments are like.

3
4 **MR. ATRAN:** A little earlier, Dr. Crabtree had mentioned that if
5 you wanted to go to a different SPR proxy that the time to
6 rebuild would have to be recalculated. I was just looking at
7 one of Shannon's slides, where she looks at what recovery would
8 be at F equals zero.

9
10 All of them have recovery within two to three years. Now, the
11 way the guidelines are set up, if recovery is possible in ten
12 years or less, then we have to recover it within ten years.
13 Otherwise, it's the formula of the time in the absence of
14 fishing plus a generation time.

15
16 I realize these are all preliminary estimates, but they are so
17 short that I think it's a safe bet that if you go to a different
18 proxy and we recalculate the time to rebuild that you're going
19 to have to rebuild in ten years or less, which means by 2026,
20 instead of 2032.

21
22 **CHAIRMAN GREENE:** Okay. Anybody else? All right. I guess we
23 will leave red snapper now and --

24
25 **MR. WILLIAMS:** May I? We need to do something with these future
26 ABCs and we have a recommendation from the SSC and we had
27 Steve's discussion that they actually had a verbal formula as to
28 how they get to those three numbers and we had the discussion
29 from Will that said maybe you could use the verbal formula and
30 then have the SSC convened by telephone to affirm them or not
31 and before we leave red snapper, I would like us to do that.

32
33 I don't have anything written down here as to how I would do
34 that in the form of a motion, but I think we should accept the
35 SSC recommendation for ABC for 2015, 2016, and 2017, but we
36 should -- Let's see. I don't know how to put this in the form
37 of a motion without -- Can we come back to it and I will try to
38 -- Unless somebody else has an idea.

39
40 What we want to do is use these 2014 landings estimates to
41 update the estimated yield, right, and so we just have to figure
42 out how to put that in words and then have a follow-up meeting
43 by the SSC to affirm or deny it.

44
45 **MS. LEVY:** Do you want by the next meeting to have the 2014
46 landings incorporated? I believe Steven said that the SSC is
47 scheduled to meet before every council meeting anyway and look
48 at that and have a document, a framework document, for you to

1 review at the next meeting or are you still looking at trying to
2 do some sort of special meeting?

3
4 **MR. WILLIAMS:** That's another aspect, yes. Probably a special
5 telephone meeting of the council too to affirm that, because if
6 we wait until the next meeting, then we don't have enough time
7 to put them in place or it's unlikely we would have enough time.

8
9 **DR. CRABTREE:** I don't think we could have a rule effective by
10 June 1 if we wait until the next council meeting. It seems to
11 me if you want to try and do that -- Steve has just back-of-the-
12 enveloped something here that we probably would have to do
13 something by around March 1.

14
15 Now, whether that gives staff time to pull all of this together
16 and get that ready or not is a whole other issue and that's
17 still pushing it.

18
19 Now, if we wait until the regular council meeting and all, then
20 we probably could have a rule finalized sometime in July and
21 then you could decide when you want the fishery to reopen and do
22 it that way, but it's really up to you how you want to try it.
23 If you want to try to do something more quickly and you're
24 willing to have an extra council meeting, we can do the best we
25 can.

26
27 **Mr. WILLIAMS:** If we did it that way, if we let the fishery go
28 ahead and close and then reopen, when we would be likely to be
29 reopening the fishery? When would we have a final rule with the
30 new ABC?

31
32 **DR. CRABTREE:** I think probably mid-July sometime. We would
33 have a better estimate of that probably at the next council
34 meeting, but I don't see why we couldn't have it by mid-July and
35 then we would have to look at how many days are we likely to get
36 when we reopen and then you would need to figure out when would
37 you want to reopen. Reopen as soon as possible when the rule
38 becomes final or do you want to give fishermen some sort of
39 notice or some people liked the fall season last year and so
40 there is just a lot of things to figure out.

41
42 **MR. WILLIAMS:** I think it's going to work better if we leave
43 this committee with some kind of a motion and then people can
44 tell us what's wrong with it or right with it and what the dates
45 are that work for them in the next two days and so I understand
46 that this is -- Is this what I was trying to say? I don't know
47 where this came from, but if that's what I -- Do I still have
48 the floor here?

1
2 This motion that was put up here says to affirm the SSC
3 recommendations that ABC for red snapper be set using a PDF of
4 yield from -- Yes, that's the SSC motion, right, but what we
5 want is to -- I guess that could be a separate motion, to
6 convene them by telephone, if necessary, and then maybe do a
7 telephone meeting of the council as well.

8
9 **DR. CRABTREE:** I don't think you need to affirm the SSC stuff.
10 You've got an ABC from them now. Now, if you want to go to
11 these new values with the presumed landings for 2014
12 incorporated into them, your attorney is advising you that needs
13 to go back to the SSC and so you need to make provisions to do
14 that.

15
16 Then you need to make a motion to ask staff to bring you a
17 framework action to raise the quotas and then you need to decide
18 how the timing of all this works, but I don't think you need to
19 affirm the SSC's recommendations. I mean those are the ABCs for
20 now.

21
22 **MR. WILLIAMS:** If one of the committee members wanted to make a
23 motion, how would we fix this motion here to do that?

24
25 **MR. CORKY PERRET:** The ABC for red snapper be such and such in
26 2015, 2016, and 2017.

27
28 **MR. WILLIAMS:** With the understanding that the -- We want to use
29 this formula for calculating yield from the unharvested --

30
31 **DR. CRABTREE:** I think you just need to ask staff to bring you a
32 framework action to reset the total allowable catch based on the
33 new ABC. Right now, you've got the TAC is set equal to the ABC,
34 right, Steve?

35
36 **MR. ATRAN:** ACL, or the equivalent of ACL, is set equal to the
37 ABC.

38
39 **DR. CRABTREE:** Right and so assuming that you want to do it like
40 you have done, you would ask them to bring you a framework
41 action back in to reset the total allowable catch, the ACL,
42 equal to the ABC and adjust the catch targets accordingly.

43
44 Then you've got these timing issues and then you need -- I
45 assume you're going to want the SSC to relook at this and give
46 you the ABC based on the actual landings and so you're going to
47 need to do that, but the motion you need to make is to ask staff
48 to bring you a framework action ready for final action for you

1 to select preferreds and take final action and tell them when
2 you want it by.

3
4 **EXECUTIVE DIRECTOR GREGORY:** All of that is based on when we can
5 get the 2014 data and I haven't heard a time. I mean March 1 is
6 only four weeks away and that's not much time to develop
7 documents, much less have two phone meetings and advertise them.
8 We've got to have three weeks to advertise the meetings in the
9 Federal Register Notice, but it all means when do we get the
10 data? That's the starting point.

11
12 **DR. CRABTREE:** That you will have to ask I guess Bonnie or
13 Shannon when they can finish these projections and have them to
14 you and then you're right that there's not much time to do all
15 of this and I don't know if it's realistic to be able to do it
16 or not. That's just something you are going to have to sit down
17 and figure out the timing of it.

18
19 I mean the real question for the council is do you want to try
20 and have an earlier meeting of some sort to make this move
21 faster and then you're going to have to ask staff to get with
22 the Center and time all of this out and tell you when is it
23 possible to do it.

24
25 **MS. BADEMAN:** That was going to be basically what I asked and
26 when are these data going to be final for 2014? That's driving
27 a big part of the decision, in my mind. Do we want the season
28 to open June 1 with this higher quota or do you want to
29 incorporate 2014? It doesn't seem like they're necessarily
30 going together, but it looks like Bonnie is going to start to
31 answer the question.

32
33 **DR. PONWITH:** The provisional data from 2014 that you saw in Dr.
34 Calay's presentation, those are the data that we have right now.
35 Those data typically don't go final until late in the spring,
36 like June or something like that. Waiting for them to go final
37 isn't going to create options for you. It's June, right, Andy?
38 March/April? Okay.

39
40 **MS. BADEMAN:** They would need to be finalized before we change
41 the ABC based on them, yes? It seems --

42
43 **DR. CRABTREE:** I would say no. We know that there are better
44 estimates of what was caught than the assumption, which was just
45 that it's the same as 2013. Generally, those landings don't
46 change that much, but, to me, those provisional landings -- I am
47 not the Center Director, but, to me, they're the best available
48 estimates we have for 2014 catches at this moment and that's

1 what we are required to use.

2
3 **CHAIRMAN GREENE:** I know in the past we've talked about a
4 constant catch as well and so I guess that will be one more
5 thing. We need to put a motion together here to try to move
6 forward.

7
8 **MR. WILLIAMS:** Would the motion be then to ask staff to bring us
9 a framework action to -- I am just asking here and let's work on
10 it a little bit before I put it up there, but ask staff to bring
11 us a framework action to increase ABC to the levels recommended
12 by the SSC and increase the TAC? Their recommendations were for
13 ABC and so I am just using those words, that acronym.

14
15 **DR. CRABTREE:** Okay, but the SSC sets the ABC and you're setting
16 the ACLs and the TAC.

17
18 **EXECUTIVE DIRECTOR GREGORY:** If I may, Mr. Chairman, the SSC
19 recommended the ABC based on the 2014 being equal to 2013. They
20 did not recommend an ABC based on provisional 2014 data and so
21 if you want to bounce that back to them, we can do an FRN this
22 week and then they would have a telephone call three weeks from
23 whenever we get it published and that's the second or third week
24 in February.

25
26 That's the way forward, but then we would have to probably
27 schedule a phone meeting for the council the day after that or -
28 - It's doable, but that puts us into the latter half of
29 February, where we have a Council Coordinating Committee meeting
30 in D.C. and we have staff going, supposedly, to a National SSC
31 Meeting the fourth week in February, but I don't think we can
32 cancel the CCC meeting.

33
34 We are kind of running it and we have to go and so I mean maybe
35 it is doable to get all of this done by phone meetings by the
36 end of February, because all we're asking is the SSC to change
37 their recommendation from the ABC to using the provisional data,
38 which is there, and it looks like projections are already in the
39 document. Is there anything else that needs to be done then
40 just them rubber stamping the provisional data as being the best
41 available?

42
43 **DR. PATTERSON:** I would just add to what Doug was saying. In
44 the past, when you've wanted a constant ABC, you have asked us
45 for that and so if we're revisiting this, you may ask us for
46 that as well.

47
48 **MR. WILLIAMS:** Can I try again?

1
2 **CHAIRMAN GREENE:** Sure, Mr. Williams, go ahead.
3
4 **MR. WILLIAMS:** If we can get something down here, then we can
5 modify it as we need to. **My motion would be to ask staff to**
6 **bring us a framework action to increase the ACL for red snapper**
7 **to the level recommended by the SSC using the 2014 revised**
8 **estimates.** Is that right?
9
10 **DR. PONWITH:** I might suggest, instead of "revised", the
11 "provisional 2014 landings estimates".
12
13 **MR. WILLIAMS:** **Using the provisional 2014 estimates.** Thank you.
14
15 **MS. LEVY:** A suggestion. The ACL for red snapper -- Based on
16 the ABC recommendations by the SSC and so it would be to
17 increase the ACL for red snapper based on the ABC
18 recommendations by the SSC using the provisional --
19
20 **CHAIRMAN GREENE:** Okay, Mr. Williams, and is that your --
21
22 **MR. WILLIAMS:** **My motion is to ask staff to bring us a framework**
23 **action to increase the ACL for red snapper based on the ABC**
24 **recommendations by the SSC using the provisional 2014 estimates.**
25
26 **DR. CRABTREE:** So then I guess, Mr. Gregory, what staff would do
27 would just be to presume that the SSC will bless these
28 provisional numbers and proceed on putting together a document.
29 Now, are we setting the TAC for three years and so we've got
30 13.9, 13.77, and 13.66 and those would be the three TACs that we
31 would be setting in this and is that kind of how you're looking
32 at it?
33
34 We would generally set it for three years. If you want to set
35 it constant, you could set it at 13.66 for all three years, but
36 otherwise, it takes a little bit more asking from the SSC or you
37 could just use the numbers that Shannon showed us in the table.
38
39 **MR. WILLIAMS:** Does that need to be in this motion, do you
40 think?
41
42 **DR. CRABTREE:** Staff is going to want to know what exactly
43 you're asking them to do, so they can write this up. We don't
44 have time for them to flounder around and argue about what we
45 meant.
46
47 **MR. WILLIAMS:** I personally prefer the constant catch, but I
48 don't know how other people feel about it.

1
2 **MR. ATRAN:** We have to put in a range of alternatives anyway and
3 so we could have an alternative for annual ACL or we could have
4 an alternative for a constant catch ACL.
5

6 **MR. DAVID WALKER:** I like the constant catch. That's what I
7 like, for three years.
8

9 **CHAIRMAN GREENE:** Okay. We've got a motion on the board we've
10 been working on and is there a second to this motion? There is
11 a second by Camp. I know we've been kind of doing this as a
12 work-in-progress thing here, but you said something about adding
13 constant catch to this and is there a change you want to make?
14

15 **MS. LEVY:** I think what Steven said is correct. We're going to
16 have to have alternatives and one alternative could be to have
17 what the ABC exact recommendations are, the ACL equal to those,
18 and another alternative could take the lowest of those three and
19 have it constant for those three years. You can have both
20 alternatives in the document.
21

22 Now, if you want the SSC to actually recommend a constant catch
23 scenario, like ABC over a number of years that would sort of
24 average that out, then that would be something you would have to
25 ask the SSC to do, but in terms of what we could put in the
26 document now, we could put both scenarios.
27

28 I also want to point out that part of this document is going to
29 then be also doing the ACTs for the recreational sector and so
30 we're going to have to adjust those the same way that we're
31 going to adjust the ACLs or the quotas.
32

33 **CHAIRMAN GREENE:** Okay. We've got a motion on the board and is
34 there any further discussion?
35

36 **MR. ATRAN:** Just for clarification, if this motion passes, I am
37 assuming we still need to have a special SSC meeting, probably
38 by conference call, to approve the provisional ABC numbers.
39

40 **CHAIRMAN GREENE:** That's a good point. Anybody else?
41

42 **DR. CRABTREE:** The other thing is if we try to do this quickly
43 and get it done, the other part of this is we're going to need
44 the states to all agree to pay attention to their CZMA programs
45 and expedite all of that, because there are more things that
46 happen to get a rule through than just what you see and
47 everybody is going to have to work ahead to grease the skids and
48 make this happen.

1
2 **CHAIRMAN GREENE:** Okay. Good point. Is everybody ready to vote
3 and you're comfortable that you know what you're voting on? All
4 right. **All those in favor raise your hand, seven; anybody**
5 **opposed raise your hand. Seeing no one opposed, the motion**
6 **passed.** There was some discussion about a motion to go to the
7 SSC and that would need to be brought forth as well.

8
9 **MR. WILLIAMS:** Under the normal course of things, the SSC always
10 reviews these things, do they not? The only thing we would be
11 asking for would be that they review it by telephone in order to
12 expedite it. I would offer a motion that the SSC review our
13 recommended ACL by a telephone conference.

14
15 **EXECUTIVE DIRECTOR GREGORY:** I don't think you have to make a
16 motion for that. If we don't do it, the consequences are going
17 to be dire for me. I get the message, but the only concern I
18 have is if you're asking the SSC to do a constant catch, that
19 means NMFS has to do more projections. If we just go with the
20 provisional numbers as they are, there is no more analysis that
21 needs to be done and so I am concerned. Can NMFS give us the
22 additional analyses quickly, say within the next two weeks?

23
24 **MS. LEVY:** I haven't heard a request to have the SSC evaluate a
25 constant catch. All I said is that you could put in different
26 alternatives where the constant catch is the lowest ABC
27 recommendation for those three years, but that's different than
28 getting a constant catch ABC recommendation and if you want to
29 do that, yes I agree that would take more work.

30
31 **EXECUTIVE DIRECTOR GREGORY:** That's what Roy was asking earlier
32 and I think Roy probably thought we were going to do that. He
33 said he preferred a constant catch and the way we did it before
34 was to have the Science Center estimate what the constant catch
35 was, rather than us just take the lowest number or the average.
36 That will take more time and how much more time, I don't know.
37 I would hate for that to be a monkey wrench.

38
39 **MR. WILLIAMS:** If that's going to be a monkey wrench and if that
40 is going to slow the process down, then I don't want a constant
41 catch and so go with the three numbers they gave us.

42
43 **CHAIRMAN GREENE:** Go ahead, Mr. Boyd.

44
45 **MR. BOYD:** My question was answered by Mr. Gregory of what
46 number -- If we went to a constant catch and didn't have to go
47 back to the SSC, what would that number be and you said it would
48 be the lowest of the ABC numbers that were given to us. Thank

1 you.

2
3 **MR. ATRAN:** I think everybody is assuming that the SSC will
4 bless these provisional ABC numbers and we never know what's
5 going to happen when the SSC convenes and so if they don't
6 approve the numbers, do you want us to come back with a
7 framework action based upon the numbers they did approve
8 already?

9
10 **DR. CRABTREE:** Yes, we want to move forward with a framework
11 action that sets the ACL equal to the ABC and we want them to
12 review the provisional catches and if they're comfortable with
13 that, then they can give us these higher estimates here, but if
14 for whatever reason that gets gummed up and they don't do it,
15 then I say we go with what we've got and sort this out after the
16 fact.

17
18 I guess what I would ask, Mr. Gregory, is if you and Mr. Atran
19 and Dr. Branstetter, between this discussion and when we get
20 back to it at full council, can think out all these pieces and
21 the timing of it all, so we have a sense of what's workable when
22 we get to full council.

23
24 **EXECUTIVE DIRECTOR GREGORY:** It seems to me that we need to get
25 our staff that's back at the office in Tampa to do a Federal
26 Register Notice tomorrow and try to have the phone conference
27 calls on February 11 and 12, which is shorter than the three-
28 week period that NMFS or NOAA wants us to submit FRNs, but the
29 Federal Register Notice requirement is fourteen days and so I
30 think we can probably speed things up a little bit there, but we
31 have to try to shoot for that week of the 11th, 12th, or 13th.

32
33 **MS. LEVY:** Then do you anticipate having a, if you're going to
34 speed up the SSC process, a special council meeting, either by
35 phone or webinar or something, to then -- Okay.

36
37 **MR. ANSON:** It sounds like we've kind of moved off of that topic
38 and just to bring it up while we're in Reef Fish and while it's
39 still in everyone's mind regarding red snapper, if there is
40 anybody that is interested in bringing forward a motion to look
41 at development of a framework amendment to change the F SPR
42 level of 26. A plan amendment. I'm sorry.

43
44 **MR. ATRAN:** Just to that point, the status determination
45 criteria amendment that's been moving at the pace of molasses
46 does have some alternatives to do that and so what you would
47 really like to do, if the committee wants to do it, is to remove
48 that from the status determination criteria amendment and do it

1 as a separate plan amendment.

2
3 **CHAIRMAN GREENE:** Okay. Any more comments before we leave red
4 snapper? Anything else? With that, we will just jump on into
5 the Reevaluation of Gag OFL and ABC for 2015 and 2016 and SSC
6 Recommendations, Tab B, Number 4, but that was the document that
7 was emailed to you earlier that you had up and he stopped me in
8 it earlier and it would start on about Slide 8. Dr. Patterson,
9 if you're ready.

10
11 **REEVALUATION OF GAG OFL AND ABC FOR 2015-2016**
12 **SSC RECOMMENDATIONS**
13

14 **DR. PATTERSON:** After the last gag SEDAR assessment, we provided
15 OFL estimates and our ABC based on some assumptions about red
16 tide. We were told during the review process that there was a
17 significant red tide event on the West Florida Shelf, but we
18 didn't have estimates of mortality or even preliminary
19 estimates, really, on what the distribution of the event was.

20
21 We got information from FWRI and their best estimates were that
22 the spatial extent of the red tide event was about 75 percent of
23 the 2005 event, which subsequently was estimated to have a
24 substantial impact on gag spawning stock biomass.

25
26 The recommendation that came out of the SSC was actually to
27 assume the 2014 event was of similar magnitude as the 2005 event
28 and when that came before the council, the council rejected our
29 conservatism and kicked it back to us to reconsider.

30
31 In the process of that reconsidering, Dave Chagaris at FWRI
32 computed an ecosystem model called Ecopath with Ecosim and his
33 objectives were to evaluate the estimated impact on gag
34 mortality for a series of years and not just 2014, but a time
35 series from the mid-2000s to 2014, relative to the 2005 event.
36 It wasn't just to look at snapshot for 2014, but also to try to
37 put 2014 into a larger context and not just relative to 2005.

38
39 His approach, again, was Ecopath with Ecosim and he looked at
40 the spatial extent of the red tide from satellite imagery and he
41 had cell counts that were provided by Dr. Alina Corcoran at FWRI
42 and he had estimates of the spatial extent of gag biomass across
43 the shelf and then he estimated mortality based on those values
44 relative to 2005.

45
46 This schematic is taken from Dave's presentation and, again, the
47 top left is just to remind me to indicate again that this is
48 Ecopath with Ecosim and so this was a much more formal analysis

1 than the preliminary analysis that we originally had from FWRI's
2 Harmful Algal Bloom, or HAB, Program when we originally made our
3 recommendation.

4
5 The take-home is when Dave examined this information in a very
6 elegant approach, mortality estimated from red tide in 2014 was
7 very low and it was a very small percentage relative to the 2005
8 event and, in fact, over the time series he looked at, a little
9 better than a decade worth of information, 2014 was actually one
10 of the lower red tide events.

11
12 The only caveat to this analysis is that, one, we don't have
13 estimates of actually numbers of animals killed through various
14 programs to intercept dead animals, nor do we have estimates of
15 what the toxicity of the cells, the dinoflagellates in the water
16 column, and just with this organism in particular, *Karenia*
17 *brevis*, you can't estimate total toxicity just from an estimate
18 of the cells.

19
20 You can have a low abundance or density of cells that can be
21 quite toxic and cause quite a bit of mortality and you can have
22 very high densities that aren't as lethal, but using cell
23 concentrations as a proxy for mortality impacts relative to
24 2005, the estimate was that the impact was minor.

25
26 When we then reassessed, based on the information from Dave
27 Chagaris, we came up with new OFL estimates, which are in the
28 document from the SEDAR report, and then also ABC and so ABC --
29 The approach taken for ABC was to use OY and OY is computed --
30 For gag, the MSY proxy was computed at Fmax and then we took the
31 OY is then 25 percent of FMSY or its proxy. That's where the
32 ABC came from here. We had quite a bit of discussion on this
33 and this was what the SSC passed. That's it, Mr. Greene.

34
35 **CHAIRMAN GREENE:** Okay. Any questions for Dr. Patterson? I
36 guess we need to talk about some type of a framework action here
37 to move forward or how do you all want to proceed? What are
38 your thoughts? Do you want to go on through the next agenda
39 item, which is the ACT/ACL Control Rule Recommendations, or do
40 you all want to pick it up here? Seeing no preference, then I
41 guess we'll just shift to Mr. Atran and let him go through the
42 ACL/ACT Control Rule Recommendations.

43
44 **ACL/ACT CONTROL RULE RECOMMENDATIONS**

45
46 **MR. ATRAN:** Thank you. The spreadsheets are Tab B, 6(a) and
47 6(b). They look very much like the red snapper ACL/ACT
48 recommendations and I won't go through all the details, but I

1 would just say that for the recreational sector, the buffer
2 recommendation that came out of the control rule was an 8
3 percent buffer. Then on the commercial side, because gag are an
4 IFQ species, there would be no buffer between ACL and ACT, but 8
5 percent for the recreational. Again, that is not a binding
6 recommendation, but that's just a suggestion from the control
7 rule for the committee to consider.

8
9 **CHAIRMAN GREENE:** Is that it for that? Okay. Any
10 recommendations to the council through the action of this
11 committee on framework for adjusting for the gag ACL/ACT?

12
13 **COMMITTEE RECOMMENDATIONS**

14
15 **MS. BADEMAN:** Before we go there, I have a question. It seems,
16 if I'm remembering this right, when we talked about this at the
17 last meeting, we decided that it would be too late to adjust the
18 2015 at least ACL. I guess we could change the ABC and is that
19 right, because shares have already been --

20
21 **DR. CRABTREE:** That was when we were concerned of going
22 downward. If we're going upward, we can do it. Now, whether
23 the commercial fishery or, for that matter, the recreational
24 will be able to actually take advantage of it and catch it or
25 not is a different issue.

26
27 **CHAIRMAN GREENE:** All right and that being said and seeing
28 nobody raise their hands, I don't assume there is going to be
29 any action on that at this particular point.

30
31 **MR. ATRAN:** If you take no action or if the council takes no
32 action, the current ABC for 2015 is 3.12 million pounds and
33 those ABC values that Will put up just a second ago, the
34 smallest number is 4.57 and so that's a substantial difference.
35 You might want to consider requesting a framework action to
36 revise the ACLs. Remember that we've got a declining ABC here
37 and so we might want to give more consideration to a constant
38 catch approach.

39
40 **MS. BADEMAN:** I think that's definitely warranted here. If
41 you're looking for a motion to start a framework amendment to
42 adjust the ACLs and ACTs for gag, I would certainly make that
43 and I am interested in having the SSC recalculate a constant
44 catch scenario with the ABCs.

45
46 **CHAIRMAN GREENE:** Okay and I am sure we can entertain a motion
47 at this point. Martha, would you restate your motion for staff
48 to get it on the board, please?

1
2 **MS. BADEMAN:** To recommend that the SSC recalculate OFL and ABC
3 under a constant catch scenario would be part of it and also
4 direct staff to begin a framework amendment to adjust ACLs and
5 ACTs for gag.
6
7 **CHAIRMAN GREENE:** Is that correct, Martha?
8
9 **MS. BADEMAN:** I think that covers it. **ACL/ACT instead of --**
10 **Delete that "OFL" right there and make that, instead of "OFL and**
11 **ABC", "ACL and ACT".**
12
13 **CHAIRMAN GREENE:** The motion is correct on the board, Martha?
14 Okay. Is there a second for this motion?
15
16 **MR. WILLIAMS:** Second.
17
18 **CHAIRMAN GREENE:** Second by Mr. Williams. Any more discussion?
19 I think it's pretty well laid out what we're trying to do.
20
21 **DR. CRABTREE:** I don't know how high you are going to want to go
22 on the catch levels for gag, but I guess with what the SSC has
23 given us, it could go up a fair amount, although I wouldn't be
24 comfortable with that, because I think there are a lot of
25 questions about where gag really is.
26
27 I think this year, and, Mr. Atran, correct me if I'm wrong, but
28 I think the fishery opened July 1, which is the opening date,
29 and closed December 3.
30
31 **MR. ATRAN:** That's correct.
32
33 **DR. CRABTREE:** If you raise the TAC much on the recreational
34 side, they're not going to be able to fish much longer and so I
35 wonder if you want to revisit the start date of July 1, because
36 depending on how much you go out, we may be beyond a six-month
37 season, which means you would need to take another look at the
38 start date to accommodate more fishing.
39
40 **MS. BADEMAN:** Yes, I think that's definitely warranted and
41 especially if we're looking beyond this year. Even if we can't
42 take advantage of it next year, that's not to say we wouldn't be
43 able to in 2016 or 2017. We would be adjusting the ACL and ACT
44 and looking at season options for gag and does that work,
45 Steven, for the motion?
46
47 **MR. ATRAN:** It can work as the motion. I would have to check
48 with some of the analytical people to see if we have information

1 to actually calculate what would be an appropriate start date,
2 but you can certainly make that motion and we'll see what we can
3 do.

4
5 **MS. BADEMAN:** Just insert, right before "for gag" "and season
6 options" or something like that.

7
8 **CHAIRMAN GREENE:** Mr. Williams, I believe you seconded it and
9 you're okay with that motion? Okay. Any other comments about
10 this?

11
12 **MR. WILLIAMS:** Directed at Dr. Crabtree, you mentioned that you
13 have some trepidation, I guess, or uncertainty about some of the
14 numbers, the 4.57 million pounds to 5.2 million pounds, for the
15 ABC recommendation from the SSC.

16
17 I guess you think these are -- You might think they're high and
18 we did hear some public testimony last time, I thought, that gag
19 is not as -- The fishermen didn't seem to be as optimistic as
20 the assessment indicates and is that what you were talking
21 about?

22
23 **DR. CRABTREE:** I have had a number of fishermen tell me that
24 they are not seeing things as good as the assessment reflects
25 and if you remember that stock assessment showed this remarkably
26 sharp rise in spawning stock biomass and maybe that's real, but
27 I would be reluctant to go that high.

28
29 I don't think they can catch all those gag. I mean they're not
30 catching them now and so we're raising -- I think some
31 adjustment and some raise might be fine, but I would not
32 probably be comfortable going on up to like five or five-and-a-
33 half million pounds. I don't think the commercial fishery would
34 even catch their share of that.

35
36 I think this is just a case where the assessment says things got
37 really good really fast and I'm having a lot of fishermen tell
38 me that they don't believe things really got that good that fast
39 and so I think that's a case where a little bit of caution would
40 be wise.

41
42 **MR. WILLIAMS:** The ABC recommendation from the SSC is 4.57 to
43 5.2 million pounds and we could choose towards the lower end of
44 that or we could choose lower than that if we want, right?

45
46 **DR. CRABTREE:** Yes, you can choose anything as long as you do
47 not exceed their ABC recommendations. You can definitely go
48 lower.

1
2 **CHAIRMAN GREENE:** Dr. Crabtree, I have a question. If the
3 fishermen aren't catching the fish now, we can do something as
4 simple as leave it where it is and just extend the season and
5 how close did the -- I don't have the numbers off the top of my
6 head and I don't know that you would know either, but how close
7 were they to catching that quota? Were they even close or in
8 the ballpark or I mean just some idea?
9

10 **DR. CRABTREE:** I am trying to pull up what the commercial
11 landings are and it's coming up slowly and so here it is. Gag,
12 I don't have the numbers for you, Johnny, but staff could look
13 and see what they caught, what the commercial fishery caught in
14 the IFQ program last year, in 2014, relative to what their quota
15 is, but I don't think they came even close to catching all of it
16 up, but I could be wrong.
17

18 **CHAIRMAN GREENE:** I don't either.
19

20 **MR. WILLIAMS:** I am starting to have some second thoughts about
21 recalculating the OFL and ABC. We have recommendations from the
22 SSC to 5.2 million pounds, but I am not comfortable with that
23 and I think we ought to -- Their lower estimate, I think we
24 ought to choose their lower estimate as the upper end of ABC
25 here and I would recommend that we set 4.57 million pounds as
26 the highest --
27

28 **DR. CRABTREE:** I think you're getting ahead of yourself now.
29 You have asked staff to do an analysis and bring you
30 alternatives and so I don't think you need to choose a preferred
31 now.
32

33 Now, I guess you could remove the part about asking the SSC to
34 calculate a constant catch scenario if you don't want to do that
35 and you're comfortable with the numbers you have, but I don't
36 think we need to decide what level we're going to set it at
37 until we have the analysis in front of us.
38

39 **EXECUTIVE DIRECTOR GREGORY:** Maybe I am confused, but I did
40 request the SSC to provide constant catch analysis or we did,
41 the staff did, before the meeting and we're doing that with all
42 assessments now, because of the council's desire, seemingly, to
43 have constant catch.
44

45 I think the response of the SSC was the council can always
46 choose the lowest of the three years and go constant catch with
47 that and given what you've just said, why go through the trouble
48 of doing the analysis to see what the constant catch would be

1 that's equivalent to those three years? You could save that
2 step by just deciding to go forward with the 2017 projection for
3 a constant three-year period and be done with it and not have to
4 go to the SSC and not have to do those other analyses and move
5 forward.

6
7 **DR. CRABTREE:** I agree with that and I think you're right.

8
9 **MR. ATRAN:** Another possibility, since you notice that the ABC
10 is in a declining mode, even though it was based on optimum
11 yield -- Right now, according to the stock assessment, biomass
12 levels are above the optimum yield level and so you would be
13 fishing it down.

14
15 One possibility would be to just set your ACL at the long-term
16 optimum yield, which is 4.46 million pounds. Theoretically, you
17 would never have to alter that again, theoretically.

18
19 **CHAIRMAN GREENE:** That's an interesting point.

20
21 **MR. WILLIAMS:** I think I would like to do that. Martha, you may
22 not be able to agree to that, but would you consider modifying
23 your motion to set 4.57 million pounds as the constant catch for
24 the next three years?

25
26 **MS. BADEMAN:** No, because we'll be looking at a range of
27 options, but if you are asking if I will take out the part about
28 asking the SSC to run the constant catch scenario, then I can do
29 that, but I mean I think, like what Roy was just saying, in the
30 framework action we're going to look at all of those options.
31 That would be an option that we look at. I am not ready to
32 commit to an option right now in terms of what the ACL or ACT
33 would be, but I am willing to start a framework.

34
35 **DR. CRABTREE:** I think what you're talking about, Roy, is all
36 you would have to do is remove that language that says "ask the
37 SSC to recalculate under a constant catch" and just direct staff
38 to being a framework amendment and then you pick where you want
39 to set it.

40
41 **MS. BADEMAN:** I'm okay with that.

42
43 **MR. WILLIAMS:** I'm okay with that.

44
45 **CHAIRMAN GREENE:** Okay. We're going to remove that language and
46 so the motion is to direct staff to begin a framework amendment
47 to adjust ACL/ACT and the season options for gag. That motion
48 is on the floor and any more discussion? **All those in favor**

1 please raise your hand; all those opposed same sign. Seeing no
2 one opposed, the motion passes. I think we're going to take a
3 break for about ten minutes here and so if you all could be back
4 about 3:25, we will get started and try to get on through the
5 rest of it as best we can.

6
7 (Whereupon, a brief recess was taken.)

8
9 **CHAIRMAN GREENE:** Let's get back to work here. Before we get
10 into amberjack, we have one thing Mr. Gregory is going to go
11 over and then we'll get back on schedule.

12
13 **EXECUTIVE DIRECTOR GREGORY:** I just wanted the council to know
14 that we have the privilege of having Mr. Sam Rauch from National
15 Marine Fisheries Service in the audience and so we have nothing
16 but kind words for National Marine Fisheries Service.

17
18 **CHAIRMAN GREENE:** Anything else? With that, we will go on into
19 Draft Framework Action for Greater Amberjack and that will be
20 Dr. Patterson and his presentation, which we had up and I guess
21 we'll pick back up on page 14 of the presentation. Dr.
22 Patterson, whenever you're ready.

23
24 **DRAFT FRAMEWORK ACTION - GREATER AMBERJACK**
25 **SSC RECOMMENDATIONS**

26
27 **DR. PATTERSON:** We were presented with some projections that
28 were conducted by Nancie Cummings from the Southeast Fisheries
29 Science Center and the scope of work was -- This component of
30 the scope was for the SSC to examine the projections and provide
31 the council feedback and so the motion that you see here
32 followed our discussion and basically we concluded that all of
33 this information is suitable for management advice and that all
34 of the projections are estimated or projected to achieve
35 recovery and so as far as building your recovery plan or your
36 rebuilding plan, all of these appear to be sufficient and the
37 rest of it is a decision that you will make. That concludes the
38 SSC comments on this, Johnny.

39
40 **CHAIRMAN GREENE:** Okay. Any questions for Will about the SSC
41 comments on the greater amberjack rebuilding?

42
43 **DR. JOHN FROESCHKE:** If you want, I can just refresh the council
44 why that came about, since it was all the way in October.

45
46 **CHAIRMAN GREENE:** Yes, please.

47
48 **DR. FROESCHKE:** At the October meeting, you all reviewed several

1 management options and one of which was the SSC recommendation
2 which essentially builds in fairly significant increases each
3 year after 2015 and so 2016 through 2018.

4
5 There was some concern about how appropriate that might be,
6 given that this stock has not been rebuilt, despite a long
7 rebuilding plan and things, and so the council requested that we
8 estimate how long it would take to rebuild under each of the
9 management options under consideration and one of the options
10 was no harvest and that was really more of a sensitivity run, to
11 see what was the fastest time that could be rebuilt for the
12 stock.

13
14 The results that Will just showed is that all of the options
15 under consideration were fairly similar and that the stock is
16 expected to rebuild fairly fast and so what we're asking now is
17 really, given the analyses that have been provided -- I guess I
18 would ask are the options that you have before you in the
19 document sufficient for us to complete it?

20 21 **COMMITTEE RECOMMENDATIONS**

22
23 **CHAIRMAN GREENE:** With that being said, then I guess it would
24 probably be a good idea, since it's been a while, just to kind
25 of look at the options in Tab B, Number 7 and make sure, because
26 it was back in October. Dr. Froeschke, would you like to lead
27 us through that quickly, Tab B, Number 7? If you could lead us
28 through it.

29
30 **DR. FROESCHKE:** Yes and so a quick update. Since you've seen
31 the document last time, it's gotten thicker and so we've
32 finished the Chapter 3, the effects, and we still have Chapter 4
33 to complete that and we will do that once we've narrowed in at
34 least to make sure we've captured the range of alternatives that
35 is appropriate.

36
37 Our plan is that we would, based on your input at this meeting,
38 finish a draft of the document and bring it back to you in April
39 and you can select preferred alternatives and we can take final
40 action as soon as that was appropriate.

41
42 The management alternatives are in Chapter 2, beginning on page
43 9 of the document. The first action is to modify the annual
44 catch limit and the reason for this, and it's one thing that we
45 should perhaps talk about, is the current ABC recommendation for
46 this stock in 2015 is 1.72 million pounds and the current ABC on
47 the book is 1.78 million pounds and so we're over a little bit
48 and so we have four options with some suboptions for the ACT.

1
2 Option 2 is the schedule recommended by the SSC and, again, this
3 has a minor decrease in 2015 and then fairly large increases
4 2016 through 2018 and then the suboptions include various
5 buffers for the ACL and the ACT that are in place for this
6 stock.

7
8 Option 3 is a constant ABC set at the 1.72 million pounds that's
9 recommended for this year and then we would just carry that
10 forward until the stock is reassessed, with the idea that our
11 past investigations in this stock have overestimated the
12 productivity of the stock and it hasn't rebuilt and so this may
13 provide some additional safeguards to ensure that the stock
14 rebuilds in a reasonably fast time.

15
16 Again, there are two suboptions for the buffer between the ACL
17 and ACT. Actually, there are three: no buffer, the control
18 rule, and then a 20 percent buffer for consideration, given that
19 the ACL has been exceeded a number of times in recent years.

20
21 Then this last Option 4 is just set the ACL at zero and, really,
22 this was an option to allow us to investigate how fast the stock
23 would rebuild in the absence of fishing and to complete the
24 range of alternatives, rather than perhaps to close the fishery.
25 I will stop there, in case there are any questions on this.

26
27 **CHAIRMAN GREENE:** Any questions for Dr. Froeschke in regards to
28 Tab B, Number 7?

29
30 **DR. FROESCHKE:** If not, I have a question for you all.

31
32 **CHAIRMAN GREENE:** Okay. Go ahead.

33
34 **DR. FROESCHKE:** My question is that, given the range of results
35 presented by Will, the differences between we're at now, 1.78
36 million pounds, and what the SSC has recommended, 1.72, given
37 the size of the fishery and things, are quite similar and given
38 that it's already 2015, if we were to choose that, could we stay
39 at 1.78 million pounds and go with no action on this, instead of
40 going through a lot of paperwork for a relatively minor
41 reduction, if that was the action that you felt was most
42 appropriate?

43
44 **CHAIRMAN GREENE:** What is the pleasure of the committee?

45
46 **MS. LEVY:** I would advise that you do need to take some action.
47 You can't have your catch limit higher than your ABC
48 recommendation and so it may not seem like that much, but it is

1 now above the ABC recommendation and also, you have the issue of
2 being past the rebuilding time and the guidelines saying fishing
3 at 75 percent of the fishing mortality rate and that would not
4 be 1.78 and so I think you do need to take some action here.

5
6 **CHAIRMAN GREENE:** Counsel has advised us we probably need to
7 take some type of action and I'm looking for somebody to help us
8 or lead us through this on amberjack. All right. I guess we're
9 going to start doing jumping-jacks or something here. Everybody
10 is asleep on me.

11
12 **MR. WILLIAMS:** Do we need to do anything different than what
13 John has in the amendment?

14
15 **DR. FROESCHKE:** At this point, I don't think any action is
16 required. Really what I'm asking is the options that we have in
17 document, is this sufficient to allow you to make a decision at
18 some point in the future or are there other options that you
19 would like us to consider? At this point, I just want to get
20 the bookends in place, such that when we finish the document and
21 complete the analysis, it's less likely that you might not be
22 satisfied with the range of options before you.

23
24 **MR. FISCHER:** I am going to slowly try to weed, but, John, is
25 there any NEPA regulation and is there any reason we need an
26 Option 4?

27
28 **DR. FROESCHKE:** I don't think that there is.

29
30 **MR. FISCHER:** Maybe you're wrong.

31
32 **MS. LEVY:** I think you do need an Option 4. It is a reasonable
33 alternative, given what the status of the stock is and what's
34 happened with the rebuilding plan.

35
36 **MR. FISCHER:** I will not weed.

37
38 **CHAIRMAN GREENE:** Okay and so I guess that's a discussion about
39 Option 4 and all right, guys, how do you all want to push on
40 through here? Do you all think this is sufficient?

41
42 **DR. FROESCHKE:** One question I had on the suboptions for the
43 reduction between ACL and ACT is one of the options is Suboption
44 a, which would be no ACL buffer. This is different than what
45 we've done in the past for amberjack and so if we were to do
46 that, I think it would require a restructuring of how we would -
47 - Have the accountability measures for this would probably
48 require an extra action in the document.

1
2 To me, it doesn't seem as reasonable perhaps as some of the
3 others, given that we have exceeded the ACL in a number of
4 years. If that's something that you're not particularly
5 interested in, perhaps we could remove that as at least a
6 suboption and save ourselves some work.

7
8 **MR. PERRET:** I am not on your committee, but you all have heard
9 me before quote purpose and need of the document we're working
10 with and the purpose and need is the amberjack stock has been
11 exceeded -- The take has been exceeded twice in the last four
12 years and therefore, we must do something to improve
13 effectiveness of the stock and benefits to the greater amberjack
14 in the Gulf.

15
16 John, are there sufficient measures in here, whichever this
17 committee and council choose, to meet that purpose and need to
18 reduce our take, so we don't exceed this take again like we've
19 done two out of the last four years?

20
21 **DR. FROESCHKE:** One way that you could reduce the probability of
22 exceeding the ACL is to create a larger buffer than you
23 currently have and so Option c would create a 20 percent buffer
24 instead of the current 15 and 13 that we have and so at least
25 that's an option.

26
27 **MR. PERRET:** So we do have suitable options that would do that.
28 Thank you.

29
30 **CHAIRMAN GREENE:** I don't see anybody raising their hands and so
31 I've got a question and I don't know who is going to answer it,
32 but as Corky led to a minute ago, we went over the quota twice
33 in four years or five years and the first time we went over, we
34 made an action changed and we went to a closed season in June
35 and July and seemed to be on track.

36
37 Then the final year, I guess when MRIP came in, it showed it
38 being over quota again and through the MRIP analysis, have the
39 years prior to the MRIP year, which I think was 2013, have those
40 numbers been calibrated as well?

41
42 **DR. FROESCHKE:** I'll take a stab at it. It's my understanding
43 that the numbers have been calibrated, such that the quotas and
44 the measurements are converted and so they are measured in
45 apples to apples, if you will.

46
47 **CHAIRMAN GREENE:** Okay.
48

1 **DR. PONWITH:** I see Andy coming up and he is sitting on the
2 committee, but my understanding is that no, the calibration
3 hasn't been kind of retrofitted into the earlier years. They
4 have created the calibration factor and the 2014 numbers have
5 been calibrated, but I will defer to him.

6
7 **MR. ANDY STRELCHECK:** Bonnie is correct and, in fact, we've been
8 monitoring greater amberjack by back calculating all the way
9 back to MRFSS up to this point and now, with the new assessment,
10 it incorporates MRIP, but not the latest calibration.

11
12 **DR. FROESCHKE:** I guess the point is though that the numbers and
13 the quotas are attempting to be made as similar as possible so
14 it's fair and that was what I was trying to say.

15
16 **CHAIRMAN GREENE:** Okay and my question was about the calibration
17 and I think you've kind of covered it. I just didn't know if
18 with MRIP being such a big change compared to what MRFSS was if
19 that calibration was consistent, I mean if you count it the same
20 way as if it had been done under an existing program like MRFSS
21 and hitting something twice in five years. That was basically
22 all I had and, Mr. Fischer, did you have a comment?

23
24 **MR. FISCHER:** Our speed is going to be that at the next meeting
25 we're going to choose these options or is that something we're
26 planning on doing at this meeting?

27
28 **CHAIRMAN GREENE:** I don't see anything here for picking
29 preferreds in my notes.

30
31 **MR. FISCHER:** If that's the case, I think the various buffers we
32 have are suitable for the document as is, unless Mara has some
33 objection, and I think we could just move on to other parts.
34 That's my recommendation.

35
36 **CHAIRMAN GREENE:** All right. John, do you want to move on?

37
38 **DR. FROESCHKE:** Sure, I'll move on. One point before we leave
39 there though. In this one, the commercial landings also have
40 exceeded in recent years, which should be unaffected by the
41 calibrations and things. It's one of the few that we've had
42 that problem with relative to other stocks.

43
44 Action 2 considers recreational management measures and Action
45 2.1 considers modifying the recreational size limit for greater
46 amberjack. If you recall, we've considered this in Amendment 35
47 and in here again and the reason is that the amberjack don't
48 achieve reproductive maturity until thirty-four inches or so and

1 so the minimum size limit is thirty inches and there is concern
2 that we're harvesting too many immature individuals.

3
4 **MS. LEANN BOSARGE:** I am not on your committee and I had my hand
5 raised before we moved on to this, but I just didn't get it
6 raised in time, I guess. One thing that staff had asked was
7 that due to where amberjack is right now if we would not
8 consider using no buffer, no ACL buffer.

9
10 If that's something that we're not going to consider, because of
11 the status of amberjack and what's happened in the past, if we
12 could remove that and not adding anything new to the document,
13 but removing something if we're not going to consider it, to
14 save them some time and effort. I didn't know -- We kind of
15 skimmed over that and I'm not on your committee and so that's up
16 to your committee, but did we want to talk about that?

17
18 **MR. WILLIAMS:** Is that the question you were asking earlier,
19 John, and which alternative is that?

20
21 **DR. FROESCHKE:** It's a suboption in Alternatives 2 and 3,
22 Suboption a.

23
24 **MR. WILLIAMS:** I think Leann is right that we're not going to
25 use that and we might as well take it out. Do you need a
26 motion? We probably ought to have a motion, I suppose, to keep
27 it --

28
29 **DR. FROESCHKE:** It would be helpful and it would save a lot of
30 work.

31
32 **MR. WILLIAMS:** Then I would offer a motion to remove the
33 suboptions -- Move to considered but rejected the suboptions
34 that specify no ACT buffer.

35
36 **CHAIRMAN GREENE:** Let's get the motion on the board. Is the
37 motion on the board correct?

38
39 **MR. WILLIAMS:** Will that do it, John?

40
41 **CHAIRMAN GREENE:** In Action 1.

42
43 **DR. FROESCHKE:** It works for me, but I'm not sure if there are
44 others at the table that have concerns.

45
46 **MS. BADEMAN:** That would be 2a and 3a? Is that right, Roy,
47 Suboptions 2a and 3a?

48

1 **DR. FROESCHKE:** Yes, that's correct.
2
3 **CHAIRMAN GREENE:** We have a motion on the board that I believe
4 is correct to remove Suboptions 2a and 3a to the considered but
5 rejected. Suboption a is no ACT buffer. Note this option would
6 require a modification of the accountability measures. Do we
7 have a second for it? Mr. Walker seconds it. **Any opposition to**
8 **this motion? Seeing no opposition, the motion carries.**
9
10 **DR. FROESCHKE:** Returning back to Action 2.1, Modifying
11 Recreational Minimum Size Limit, again this was discussed or
12 considered in recently-implemented Reef Fish Amendment 35 and
13 the council chose no action at that time.
14
15 As I indicated, there is some concern that our best estimate now
16 is females -- About half of them have achieved reproductive
17 maturity by thirty-two or thirty-three inches and so at thirty
18 inches, we are harvesting mostly immature individuals. On the
19 flip side, the concern was that discard mortality of these
20 larger animals is quite high and so we may not be achieving the
21 reductions in total removals that are desired.
22
23 The stock assessment estimates of discard mortality are quite
24 low and so perhaps that's -- Our data wouldn't indicate that
25 that's the case right now and so I wanted to see if, one, the
26 range in two-inch stepped increments between thirty, which is no
27 action, and thirty-six is an appropriate range or if there's
28 something else that you want and if there are any other
29 questions regarding this one.
30
31 **CHAIRMAN GREENE:** We have Action 2 before us and there are four
32 options, thirty to thirty-six inches in length. Mr. Fischer,
33 did you have a comment or a question?
34
35 **MR. FISCHER:** Thank you, Mr. Chairman. John, could you quantify
36 -- When you say discard mortality quite high on the large
37 animals, remember the large ones are the ones they're keeping
38 and it's the small ones they would be releasing.
39
40 **DR. FROESCHKE:** Yes and what we had heard anecdotally the last
41 time is at one time we were talking thirty-six inches, to be
42 equivalent to the commercial. We had a number of anglers report
43 that those thirty-four or thirty-five-inch animals were dead at
44 the boat.
45
46 However, as I stated, the discard mortality in the stock
47 assessment, I think it's 20 percent. It's quite low and so if
48 that number is accurate, then the effect on total removals by

1 increasing the size limit would be a pretty good bang for the
2 buck.

3
4 **CHAIRMAN GREENE:** Okay and anything else about the size limit?

5
6 **MR. WILLIAMS:** I am curious. Has there ever been any
7 misidentification study to find out whether a lot of greater
8 amberjack are actually being landed as banded rudderfish or
9 lesser amberjack?

10
11 **DR. FROESCHKE:** I don't know. There certainly is some potential
12 for misidentification, especially on the smaller ones, with the
13 lesser amberjack.

14
15 As you go back farther in the landings, I think there is
16 probably more concern for that and when we were moving back in
17 some of these amendments, when we set catch limits based on
18 landings and things, that was one of the reasons that I think
19 the SSC ultimately chose the season that they did. At this
20 point, I don't know. The other side of that is if there is
21 problems with this, I have no reason to think that that bias,
22 whatever it is, is not constant through time.

23
24 **MR. WALKER:** I was just going to mention that I was actually on
25 the Reef Fish AP last year and there was a lot of discussion
26 about size limit and a lot of people on the AP were interested
27 or favorable more to a thirty-five or a thirty-six-inch fish or
28 something to give them a longer fishing season. I think that's
29 what a lot of them were considering.

30
31 Thirty-six inches, if it was thirty-six inches, it would be
32 easier for enforcement, because they had the same size fish and
33 the sexual maturity. There was a lot of people who were
34 interested in raising the size limit for a longer season.

35
36 **CHAIRMAN GREENE:** Anybody else about the size limit?

37
38 **MR. WILLIAMS:** I would like to ask David then. What's your
39 opinion, David, of release mortality in thirty-two to thirty-
40 five-inch amberjack?

41
42 **MR. WALKER:** The bigger the fish, the less chance he has for
43 survival and a lot of the bigger fish that you turn loose when
44 it's closed just don't do as well. If you get a fish in the
45 thirty-four inches or thirty-five inches, it seems to do a
46 little bit better, but anything over thirty-six, a lot of them
47 just kind of float off and you watch them and you try to return
48 them back, but my experience is the bigger the fish, the higher

1 the mortality, as far as when you get above thirty-six.

2
3 **MR. FISCHER:** I mean I know we're not debating preferred options
4 at this time, at this meeting, but I think it's around page 15
5 of the document and there's a histogram, a bar graph, showing
6 the -- It's updated showing the current sizes and the mode today
7 is a thirty-four-inch fish and so without -- If we just change
8 the regulations just to what the mode is, it wouldn't change
9 that catch drastically.

10
11 On the earlier discussion, I wasn't advocating we go to thirty-
12 six, but I was just saying raise the size limit to mature fish.
13 I believe a thirty-four-inch is 85 percent of the population is
14 mature and is that close, John?

15
16 **DR. FROESCHKE:** Yes, that's exactly, based on the data that we
17 have right now.

18
19 **MR. FISCHER:** That is the mode. That's the fish we're catching
20 the largest size of and so it's something we could think about
21 for the next meeting.

22
23 **CHAIRMAN GREENE:** Okay and I guess that's it on the size limit
24 and any other discussion about it before we move on?

25
26 **DR. FROESCHKE:** Yes and the discard mortality and things, there
27 are some researchers at UF that are working on this and so it
28 may be possible that we could reach out to them and ask for a
29 presentation or something at some point, if that was of
30 interest. I know it's an ongoing research interest.

31
32 Action 2.2 is another one that you all considered in Reef Fish
33 Amendment 35 and it's to modify the recreational closed season
34 for amberjack. We currently have a June 1 to July 31 closed
35 season. At the time, I think the rationale was based on the red
36 snapper season, when this was implemented. It gave a longer
37 season where either red snapper or amberjack was open. This
38 also coincides with the period of the year where the rate of
39 removals is highest and so by this closed season, you extend the
40 fishing season into longer parts of the year.

41
42 We have three other options. Option 2 would just eliminate the
43 closed season and open January 1 and leave it open until the ACT
44 is harvested and Option 3 is the March 1 through May 31 closure,
45 which coincides with the commercial closure, and Option 4 would
46 be a January 1 to May 31 and November 1 to December 31 closure.
47 The idea is to extend the season for the remainder of the year.

1 While I have the mic, I will just remind you that there are a
2 couple of tables or there is Table 2.2.2, which is based on work
3 from the Regional Office and the decision tools that I think
4 they're going to update with the most recent data, but, anyway,
5 it puts together the various management options and so the ACT,
6 the closed season, and the size limits. In the boxes, it gives
7 you an estimate of how long the season is projected to be open.

8
9 The green number is obviously the longer season and it's a
10 relative tool. The numbers may not be exact and they may change
11 as we get more recent landings data, but certainly the
12 comparative value should be there to guide your decisions if you
13 choose to use it.

14
15 **CHAIRMAN GREENE:** Any changes we want to make here?

16
17 **MR. FISCHER:** On Action 2.2, I highly agree with Option 3, which
18 is to match the closure with the commercial season, because
19 that's the spawning season, but on the chart below on page 20, I
20 would like to see some other alternatives around specifying this
21 March 1 to May 31 closure and then whatever it takes to satisfy
22 the needs of the recreational component to extend the amount of
23 days that they feel are satisfactory.

24
25 It might take a little more figuring, but I will argue the
26 closure being the spawning season, but that may not get us
27 enough days and so we might be looking at additional days and
28 what they are, I don't know until we deliberate it.

29
30 **CHAIRMAN GREENE:** Fair enough. Dr. Froeschke, I guess you got
31 that and are you ready to move on?

32
33 **DR. FROESCHKE:** Yes, I am happy to move on and we certainly
34 could work those numbers out. It's a little bit tricky, in that
35 you have to know what your ACT value is that you're wanting and
36 if you want to do any of the size limit and those kinds of
37 things, but the nice thing about the decision tools that the
38 Regional Office has prepared is that those sorts of questions
39 can be investigated on the fly right at your fingertips and so
40 those are very handy tools.

41
42 Action 3 is the commercial management measures and if you recall
43 in Amendment 35, we implemented a 2,000-pound whole weight trip
44 limit for amberjack and the reason was to, one, reduce the rate
45 of harvest to extend the season, but also there were -- A few
46 vessels were harvesting large proportions of the total quota per
47 trip and then if they're not reported timely, it leads to
48 overruns.

1
2 The 2,000-pound trip limit was implemented. It only affected a
3 small proportion of the total trips, but we think it had a
4 meaningful reduction in eliminating those very large trips that
5 can lead to rapid overruns and so the question before you in the
6 options is would you consider further reducing the trip limit to
7 -- We have Options 2 through 5 in 500-pound stepped increments,
8 ranging from 2,000 to 500 pounds. If this is something you feel
9 is necessary or if you're satisfied with where we're at.

10
11 **CHAIRMAN GREENE:** Okay and a question by staff in regards to the
12 commercial season and the trip limits. Does anybody want to
13 weigh in on that? Are you comfortable with it?

14
15 **MR. WALKER:** You heard a lot of discussion and fishermen want
16 anywhere from 1,500 to 1,000-pound trip limits and one thing we
17 -- It was during the Reef Fish AP meeting last year and a lot of
18 people were landing their fish in gutted weight and then we came
19 to the conclusion that it was whole weight and so I think most
20 every fish that we catch commercially is gutted weight, except
21 for maybe triggerfish. I think some consideration of changing
22 that to gutted weight and most all of the landings, historically
23 for years, have been gutted weight and so I would like to see
24 some consideration of changing these whole weights to gutted
25 weight.

26
27 **CHAIRMAN GREENE:** I see on the graph here where it talks about
28 whole weight.

29
30 **DR. FROESCHKE:** Thank you for that comment and it actually came
31 up, as he identified, in the Reef Fish AP and I think there was
32 a bulletin to clarify that and it turns out for a 2,000-pound
33 that the gutted weight equivalent I think is about 1,920 pounds
34 or something.

35
36 We talked about that at the IPT and we could get those numbers
37 and if it is helpful, we could try to cross-translate those. We
38 put them in whole weight because everything else is in whole
39 weights and they're convertible, but if it's helpful, we can try
40 to put those in parentheses or something so everyone is clear
41 what we're talking about.

42
43 **MR. WILLIAMS:** I am confused. Does the present regulation
44 actually specify a 2,000-pound whole weight trip limit?

45
46 **DR. FROESCHKE:** I think that it does. I am not a reg writer,
47 but when we had the meeting and there was actually a blue paper
48 or something that -- I can try and track that down, but I think

1 that's what it is and it's converted, which is not ideal.

2
3 **MR. WILLIAMS:** Don't we need to fix that then somehow? I mean
4 if the fishermen land them as gutted weight, why would we
5 specify in the regulations, or in our plan and in the
6 regulations, in whole weight? We need to fix that at some
7 point.

8
9 **DR. STEVE BRANSTETTER:** The assessment is done in whole weights
10 and so our ABCs come out in whole weights and so our ACLs are in
11 whole weights. Now, we can set your trip limits at whatever you
12 want them to be at and, in fact, we did put out a Fishery
13 Bulletin last year describing what that was. It's about a 7
14 percent difference.

15
16 **MR. WILLIAMS:** But fish are routinely landed and then they are
17 later converted for the assessment to whole weight and I know
18 that, but it just seems to me that we've got to do something
19 different here and that we ought to change every one of these
20 whole weights to gutted weights. If that's the way the fishery
21 operates, then let's conform to the way it operates. They are
22 not going to bring those fish in whole, right?

23
24 **DR. FROESCHKE:** We can try to add some more clarity in the
25 documents. I guess one thing is we change that, what could
26 happen, if you look at the allocation, the commercial allocation
27 would be in a different unit and it's going to be in a reduced
28 poundage and the 73/27 wouldn't match up exactly, unless you
29 back-calculated those. The potential for confusion, however we
30 do it, is there.

31
32 I think what I was thinking is just to put the gutted weight
33 equivalent in parentheses in the appropriate tables and so
34 people could easily identify whatever metric they wanted.

35
36 **MR. WILLIAMS:** I guess maybe it's not my problem what is
37 specified in the regulations, but eventually it needs to be
38 specified in the regulations. If we have a 2,000-pound whole
39 weight trip limit, then the regulations might need to specify
40 1,850 or something like that, but my impression is that's
41 probably not the way it's done right now.

42
43 I understand your problem and it's always easy to -- It's not
44 difficult to convert gutted weight to whole weight for analysis,
45 whether comparing recreational to commercial or doing a stock
46 assessment. That's easy, but it is -- It seems to me that it
47 would be confusing, at the very least, for commercial fishermen
48 and fish houses to have to be dealing in whole weight if no one

1 lands the fish that way.

2

3 **DR. FROESCHKE:** Agreed.

4

5 **MR. WALKER:** I was just going -- Like I said, triggerfish is the
6 only fish that I know of that's not gutted. All the reef fish
7 species are we bring them in gutted, gutted weight.

8

9 **MR. FISCHER:** I am certain we have conversions from whole weight
10 to gutted weight and they are through time, because those
11 conversions could have changed somewhat, but would it help in
12 the document if staff indicates the whole weight and then
13 indicates what the gutted weight would be, to make it more
14 recognizable to the commercial fishery, just to show them, but
15 the assessments will be done in whole weight, but at least it
16 will give in people's minds what the gutted weight per trip is,
17 if that's what you were asking.

18

19 **MR. WILLIAMS:** If I may, but it just seems to me, Myron, that
20 the fishermen in the fish house need to know what the trip
21 limits are in gutted weight. If that's 1,850, then let's put
22 1,850 in these or 1,350 or whatever they are, because it's just
23 too confusing otherwise.

24

25 **MR. FISCHER:** I understand, but I know we do need whole weight
26 when it comes to the assessments and they have to convert. I am
27 asking, but they may have to convert it back to whole weight.

28

29 **MR. WILLIAMS:** They always convert that stuff. I mean they
30 convert king mackerel and they convert all the groupers. With
31 stone crab, we used to multiply by two, as I recall. I mean
32 it's always been done.

33

34 **I think I am going to make a motion and maybe I won't get a**
35 **second for it, but I would move that all of these whole weights**
36 **be specified as gutted weights.**

37

38 **CHAIRMAN GREENE:** We have a motion on the board and does it read
39 as you wish?

40

41 **DR. CRABTREE:** You're just talking about the trip limits,
42 correct?

43

44 **MR. WILLIAMS:** I'm sorry. Yes. Trip limits in Action 3.

45

46 **DR. CRABTREE:** I can see how changing the ACLs and all of those
47 have issues in terms of the allocation and everything, but in
48 terms of the trip limit, it seems to me you can put that in

1 gutted weight and I don't see why that's a problem.
2
3 **MR. WILLIAMS:** All the whole weights in Action 3, trip limits in
4 Action 3, be specified as gutted weight.
5
6 **DR. BRANSTETTER:** Just for the IPT's clarification, do you want
7 those rounded numbers in gutted weight or do you want -- Instead
8 of 2,000 pounds, do you want 1,923? It seems, to me, that we
9 ought to have a rounded number.
10
11 **MR. WILLIAMS:** Rounded.
12
13 **DR. BRANSTETTER:** Then we'll convert that back to whole weights
14 to track the ACLs.
15
16 **MR. WILLIAMS:** Yes, a rounded number that people can remember.
17
18 **CHAIRMAN GREENE:** Mr. Walker, I believe you seconded the motion?
19
20 **MR. WALKER:** Yes, I second it.
21
22 **CHAIRMAN GREENE:** We have a motion on the board and is there any
23 more discussion? Anybody have any opposition to this motion?
24 All right. Do you want to vote on it? **All those in favor raise**
25 **your hand.**
26
27 **MR. ATRAN:** Seven.
28
29 **CHAIRMAN GREENE:** Those opposed raised your hand.
30
31 **MR. ATRAN:** We've only been getting seven votes all along and so
32 somebody --
33
34 **MR. FISCHER:** Would putting both weights would have been that
35 difficult?
36
37 **MS. LEVY:** You can decide the trip limits in rounded gutted
38 weights and when we do the regulations, we can put both weights
39 in the regulations, so that you have the rounded whatever gutted
40 weight trip limit you want and we could put the equivalent whole
41 in there, just so everyone knows what it equals. You can have
42 both, but if you want to make your decision on the trip limit as
43 a round gutted weight, then that's what this would do.
44
45 **MR. WILLIAMS:** I wish you had said that earlier and maybe I
46 would have had a different perspective on this. I mean my
47 impression is it's very confusing for the fishermen and the fish
48 house to have it specified one way that's different than the way

1 they actually conduct their fishing. Are there precedents for
2 this as specifying both gutted weight and whole weight in the
3 regulations?
4

5 **MS. LEVY:** From what I understand, the South Atlantic
6 regulations have, at least some of them, both. I can double
7 check real quick, but both gutted and the whole weight
8 equivalency. Either you don't change it as it is the document
9 and when you pick one, the regulations tell you what both are,
10 but then your gutted weight isn't going to be an even number,
11 right, because you're going to pick a 1,500-pound trip limit and
12 we're going to covert that to gutted weight and so it's going to
13 be some odd number or you choose the trip limit in the gutted
14 weight and so it's 1,500 pounds gutted weight and we just say
15 whatever that whole weight equivalency is.
16

17 I think that it's probably right that it's easier to have the
18 trip limit in the gutted weight, how they're going to land it,
19 as a round number and so that motion will do that.
20

21 **MR. PERRET:** I am not on your committee, but I can assure you
22 that if you don't put both weights in -- Because instead of it
23 being 2,000, it's going to be 2,000 minus whatever, 1,923
24 pounds, and we're going to catch all sorts of hell for reducing
25 the trip limit and so we need to make sure both weights are
26 given and that we're not changing anything, but we're only
27 putting gutted as well as whole weight.
28

29 **MR. WILLIAMS:** Honest to God, I am really trying to simplify
30 this and I know it seems like I'm not. **I am going to move to**
31 **reconsider. Given what Mara said, I am going to move to**
32 **reconsider the motion that I made.**
33

34 **MR. FISCHER:** I second that.
35

36 **CHAIRMAN GREENE:** We need to vote on it. **All those in favor of**
37 **the motion to reconsider the prior motion please raise your**
38 **hand, seven; any opposition please raise your hand. Seeing no**
39 **opposition, the motion carried.** Now the motion is being
40 reconsidered.
41

42 **MR. FISCHER:** So this motion is off the board?
43

44 **MR. WILLIAMS:** Can he make a substitute motion at this point?
45

46 **MR. FISCHER:** I will make a substitute motion that we leave the
47 pounds in whole weight, as written, and in parentheses, right
48 after the weight, we indicate what the gutted weight would be

1 per option.

2
3 **CHAIRMAN GREENE:** Mr. Williams seconded.

4
5 **MS. BOSARGE:** I am not on your committee, but sometimes I would
6 rather get it done in committee than have to do it again in full
7 council. Based on the conversation that I just heard, I like
8 this motion, except I would switch it around. For the
9 fishermen's sake, have this document and our decision made on
10 gutted weight, which is what they are landed in and what they
11 are used to.

12
13 For the sake of Corky's argument though, in each of the options,
14 put in parentheses -- Convert up and put in parentheses the
15 whole weight, so that now everything is based on gutted weight
16 and when a fisherman looks at it, he knows, okay, they decided
17 to do this and that in whole weight is this, but gutted weight
18 is what they use and put the whole weight in parentheses.

19
20 **MR. WALKER:** I like what Leann had to say. That was the problem
21 and there was a bulletin sent out after the Reef Fish AP that
22 converted it to the gutted weight, but I think it's better
23 served and I think a lot of fishermen are going to want the --
24 They would be interested in the 1,500-pound trip limit anyway
25 and so when you correct it, the 1,500 pounds is going to give
26 them a longer season and it's going to address some of the
27 bycatch issues on mortality and so I like that. I like what
28 Leann added.

29
30 **MR. FISCHER:** This is something David could answer. Is there
31 any situation, any condition, from I'm sure rough weather to
32 injury on the boat, that these fish just don't get gutted on the
33 occasional trip? If that's the case, maybe we have to have that
34 in whole weight.

35
36 **MR. WALKER:** From what I know of, it's a gutted weight fishery.
37 I mean there may be some people out there that go out for the
38 day and keep some fish that aren't gutted, but we have never
39 brought them in whole weight like that and it's always been
40 gutted, every fish, snapper and grouper and everything except
41 for triggerfish.

42
43 **CHAIRMAN GREENE:** Roy Williams I believe seconded the motion,
44 and is that correct, that's on the board?

45
46 **MR. WILLIAMS:** I seconded Myron's motion, which is above this
47 one, I think.

1 **MR. FISCHER:** I said I would take Leann's as a friendly and that
2 we wouldn't have to vote on it. I didn't care what the order
3 was and I agree with what Corky said. It would look as though
4 we took away 7 percent or whatever it is from the commercial
5 fishery and they're going to wonder where their percent went,
6 but that way is good enough to --
7
8 **MR. WILLIAMS:** The second motion is your motion then, the second
9 one down there, to reverse the --
10
11 **MR. PERRET:** That was Leann's modification.
12
13 **MR. WILLIAMS:** I am all right with that.
14
15 **CHAIRMAN GREENE:** The motion on the board is to reverse the
16 order of weights and put the gutted weight and convert to whole
17 weight in parentheses.
18
19 **MR. ATRAN:** If that was a friendly amendment, then you need to
20 get the exact wording of the motion you're voting on, because
21 this doesn't make sense by itself. It doesn't refer to what
22 you're talking about and so let's get the actual wording of the
23 motion and the intent that you're voting on.
24
25 **MR. WILLIAMS:** Would you consider putting -- In Action 3,
26 specify the trip limit pounds in gutted weight and add the whole
27 weight in parentheses?
28
29 **MR. FISCHER:** Yes, Mau.
30
31 **MR. WILLIAMS:** Cite the trip limit in pounds.
32
33 **MR. ATRAN:** How about if you said in Action 3 to -- It says cite
34 and specify, because I don't know what the word "cite" means in
35 here, the trip limit in pounds gutted weight and include whole
36 weight in parentheses.
37
38 **EXECUTIVE DIRECTOR GREGORY:** Now take the parentheses away from
39 gutted weight, because that's confusing.
40
41 **CHAIRMAN GREENE:** Mr. Fischer, is that your motion on the board?
42 The substitute motion is in Action 3 to specify trip limit in
43 pounds gutted weight and include whole weight in parentheses for
44 each option. Mr. Fischer, is that your motion and does the
45 seconder agree? Okay.
46
47 All right. A show of hands. **All those in favor of this please**
48 **raise your hand; all those opposed same sign. No opposition.**

1 Moving on. Dr. Froeschke, does that complete your --
2
3 **DR. FROESCHKE:** Not quite. I guess my question was now, since
4 we've got that currency issue addressed, do you actually want to
5 talk about the options? Do you want to change the trip limit or
6 are you satisfied with what you have, minus all the conversion
7 stuff?
8
9 **MS. BADEMAN:** I definitely want to hear from the public about
10 this before I go and change anything, but that's just me and if
11 other people have ideas, throw them out there.
12
13 **CHAIRMAN GREENE:** Anybody else have any thoughts?
14
15 **MR. WALKER:** I agree with Martha and I would like to hear from
16 the public, too.
17
18 **DR. FROESCHKE:** One other thing for your consideration, again,
19 just like for the recreational, the Regional Office did make a
20 decision tool and some results are based in 2.3.2, that table.
21 It essentially gives you a number of days for the various trips
22 limits under consideration and the ACT options in Action 1 and
23 so it's a relative scale. The darker the green, the longer the
24 season, but it may help inform your and the public's decision.
25
26 **CHAIRMAN GREENE:** Okay. Anything else? Does that wrap up this
27 portion of the --
28
29 **DR. FROESCHKE:** One last thing and maybe the Regional Office,
30 Steve Branstetter or someone, can weigh in on the timing of
31 this. I guess my vision was that we would take -- Select
32 preferred alternatives at the next meeting and take final action
33 in June and I don't know if that works with the powers that be
34 though and so I would like to get some feedback on that.
35
36 **DR. BRANSTETTER:** If you take final action in June, you would be
37 submitting a document to us in July and we would be putting that
38 regulation into effect somewhere in October and, at least based
39 on recent history, both the recreational and commercial sectors
40 will already be closed.
41
42 **CHAIRMAN GREENE:** Okay.
43
44 **DR. FROESCHKE:** I guess let's go full circle now and the
45 earliest we could say, if we took final action in April, maybe
46 the earliest it could be implemented or something is August and
47 one of the things that we talked about in Action 1 was if this
48 1.78 million pounds could be adequate.

1
2 If we can't get it implemented in 2015 anyways, the ABC in 2016
3 and beyond is above that and so I guess if we don't have
4 anything implemented in 2015, could we just not stay with the
5 1.78 and save ourselves some trouble? I mean it's basically
6 statistical noise at that point.

7
8 **CHAIRMAN GREENE:** Okay. Interesting comment and anybody,
9 committee members, want to weigh in on that as far as moving
10 forward on the document? I know we have a stock assessment
11 coming up sometime soon, but --

12
13 **MS. LEVY:** Are you saying that if that were possible that you
14 wouldn't want to do anything else with this document, meaning
15 you wouldn't be considering revising or taking any of the other
16 actions into consideration here or would you still be planning
17 on moving forward with the other actions?

18
19 **DR. FROESCHKE:** I guess my vision would be that if we were to do
20 that, Action 1 could go to -- Just select the no action and the
21 recreational management measures would still be on the table as
22 well as the commercial and I don't have any idea what you all
23 will select in those.

24
25 **MS. LEVY:** I don't really know why you need to decide what you
26 want to do with Action 1 right now and so my suggestion is to
27 keep it as is and move forward with it to get it implemented as
28 soon as we can decide what you want to do in terms of the ACLs
29 and ACTs in this document.

30
31 I mean you don't have to pick Option 1. There are other
32 reasonable alternatives in there and so I wouldn't want to be
33 like take it out at this point.

34
35 **DR. FROESCHKE:** My reason for doing this is if -- That's why I
36 wanted to get some feedback on the timeline. If we knew there
37 was no way to implement this in 2015, I mean it's a lot of work
38 on a number of people's part to produce a whole chapter and the
39 related analyses and so if that doesn't matter, then we could
40 reduce the document and perhaps save ourselves some work, at no
41 cost, ultimately, to the fishery.

42
43 **MR. WILLIAMS:** John, are you asking should we just -- We have to
44 take some action here. I mean we could strike 2015, I guess,
45 out of these if we don't think it's possible to implement it,
46 but we've still got to have the specifications for future years,
47 right, and there's a chance we may choose 1.72 across the board,
48 too.

1
2 **DR. FROESCHKE:** Yes and I was just asking for the timeline and I
3 wasn't recommending any course of action or deleting it, but I
4 was just trying to work backwards from when we hoped to get this
5 done and just to try to see if we needed to take final action in
6 April or June. That was really my only issue and at least to
7 give the IPT guidance.
8
9 If we were to take final action at April, then we would have to
10 bring a document and select preferred alternatives and take
11 final action and so I wasn't sure if you were comfortable with
12 doing something like that.
13
14 **MR. WILLIAMS:** Are you just saying that this isn't necessarily a
15 big rush and if we move it back another meeting that it will be
16 inconsequential and is that --
17
18 **DR. FROESCHKE:** I don't know and that's what I am trying to
19 figure out.
20
21 **MR. WILLIAMS:** It does seem to me like it's inconsequential.
22 It's not much of a change.
23
24 **CHAIRMAN GREENE:** I think the point was made that if, under the
25 normal process, that if they don't take final action until June,
26 it's going to not be available for the fishery to be used this
27 year and it would already be after the season had closed. At
28 least that was my understanding of it. I don't know which way
29 to lead you here, guys. I am trying to come up with something,
30 but I don't know what to tell you. I think John is asking for
31 us to consider for 2015 the 1.72 and am I correct?
32
33 **DR. FROESCHKE:** I really wasn't -- I was just trying to get the
34 discussion out and I don't know what the best thing to do and I
35 don't even know if it matters and I was unsure on the process,
36 if we were going to take an action to change the ABC for 2015 on
37 December 20th or something, which wouldn't make a lot of sense.
38 I was just trying to streamline the work flow.
39
40 **CHAIRMAN GREENE:** I understand and I don't know which way to
41 lead us through here and so --
42
43 **MR. WILLIAMS:** We don't know which one of these options we're
44 going to choose. I mean if we choose 1.72 for 2015, it's pretty
45 much inconsequential, but what if we choose something else?
46 What if we choose Option 4, set the ACL at zero? It's still not
47 going to have any effect on 2015, but it's going to have an
48 effect on 2016, 2017, and 2018.

1
2 **MR. FISCHER:** Are we restricted from choosing alternatives today
3 to accelerate the process?

4
5 **DR. FROESCHKE:** I can't answer that. Someone else.

6
7 **MR. ATRAN:** You can't take final action today, but you can do
8 almost anything else. If you feel you have enough information
9 to select preferred alternatives, you could select preferred
10 alternatives at this time. You can always change that later.

11
12 **MR. FISCHER:** So we're at the state where we could choose
13 preferred alternatives and this is going out to the public
14 after?

15
16 **DR. FROESCHKE:** It's a framework action and I don't know that we
17 were anticipating going to public hearings.

18
19 **MR. FISCHER:** It's either we accelerate it and we keep in
20 everything in Action 1 or we realize that we will be out of time
21 and we can't do Action 1 and we delete Action 1.

22
23 **MS. LEVY:** You don't want to delete Action 1. What may happen
24 is that whatever action that you take regarding Action 1 may not
25 be implemented in time to affect the 2015 season and so right
26 now, the issue is that we have an ACL that's greater than the
27 current ABC, albeit by not that much, and so for purposes of
28 actually projecting when a closure should happen, the difference
29 probably really is inconsequential, but we still need to move
30 forward and address that issue, as well as the long-term catch
31 levels.

32
33 We don't want to get rid of Action 1 and from what I understand,
34 the seasons, based on history, could possibly be ready to close
35 in August, before we could even implement something if we took
36 final action in April.

37
38 NMFS is going to have to make a conservative judgment on when to
39 close the season, based on the current catch limits, and we are
40 going to have to implement this as soon as we can if as soon as
41 we can means taking final action in June, fine. If we can take
42 it sooner, but I think that schedule is up to you all and staff
43 as to what you can accommodate and get done in the amount of
44 time you have.

45
46 **DR. FROESCHKE:** The only question I have about that is if we
47 don't get it in time for 2015 and the rationale is that the ACL
48 is above our current ABC, in 2016 that won't be the case,

1 because there is a large increase in any of the options that
2 we're considering are all well below the 2016 through 2018 ABC.

3
4 **MS. LEVY:** I understand that, but there are still reasonable
5 alternatives in there to either have it at a constant 1.72 or a
6 zero and so I think you have to make the decision about where
7 you want the catch level to be after 2015, even if we can't act
8 in enough time to affect 2015.

9
10 **DR. FROESCHKE:** If we did nothing, it would be a constant 1.78
11 beyond and if we did Option 2, for example, it would be 1.72.

12
13 **CHAIRMAN GREENE:** Okay. I don't know and you guys have got me
14 lost on this thing and what you all are talking about right now.
15 I believe it's my understanding that we are ahead of schedule
16 and is that correct right now? Okay.

17
18 I think at this point Mr. Fischer had made a comment a minute
19 ago about to try to run through these items and pick preferreds,
20 if you're comfortable with doing so, understanding it may change
21 after public testimony and during full council. I guess my
22 question to the committee is do you want to go through these
23 items and try to make an attempt to pick a preferred, in the
24 essence of speeding up this deal, as Ms. Bosarge said, to try to
25 get this done in committee and not have to deal with it at
26 council? Does the committee have any preference one way or the
27 other?

28
29 **MR. FISCHER:** I have a feeling, sitting in Alabama, we'll hear a
30 lot of comments at public on amberjack and I think they could
31 steer us in a proper direction. We only have three action
32 items, if I'm not mistaken. It's not a very burdensome
33 document.

34
35 **MR. WILLIAMS:** Were you speaking for preferreds or against
36 preferreds?

37
38 **MR. FISCHER:** I was speaking that we let public testimony happen
39 and see. I would sit down and do it tonight. I mean we can
40 work through it tonight, establishing preferreds, but I am sure
41 people will come to the podium and talk about amberjack.

42
43 **MR. WILLIAMS:** So you would like to hear what the public says
44 and then the council do preferreds?

45
46 **MR. FISCHER:** If we could get something done at this meeting and
47 move forward and actually get something before the end of this
48 season, it might give some relief, once again, to the fishermen.

1
2 **CHAIRMAN GREENE:** Okay and so I interpret it as the committee
3 doesn't want to take any action right now in selecting
4 preferreds, until after public testimony. Unless I am mistaken,
5 I guess that will wrap up amberjack at this particular point.

6
7 Looking at our agenda, we were going to move Amendment 39 until
8 tomorrow and Public Hearing Draft Amendment 28, we can't do that
9 either and so I guess the next thing would be -- We can't do the
10 report on Ad Hoc For-Hire Red Snapper and so I guess it would be
11 the Final Action on Framework Action to Adjust Recreational For-
12 Hire Red Snapper Management Measures and Mr. Atran. We will
13 skip ahead to Item X on the agenda.

14
15 **MS. BADEMAN:** I think it would be helpful to hear Item IX before
16 jumping into X, because they kind of go together. One is the
17 report from the AP and then Item X is taking some action on the
18 for-hire management measures. Would we want to try the options
19 paper to update minimum stock size threshold, maybe?

20
21 **CHAIRMAN GREENE:** I believe you're correct on that. I was just
22 trying to, off-the-cuff, skip ahead here and I didn't catch
23 that. My apologies. I guess Agenda Item XI, Options Paper,
24 and, Mr. Atran, are you prepared to lead us through that? That
25 will be Tab B, Number 13.

26
27 **OPTIONS PAPER - UPDATE MINIMUM STOCK SIZE THRESHOLD FOR REEF**
28 **FISH STOCKS WITH LOW NATURAL MORTALITY**

29
30 **MR. ATRAN:** By the way, just to let everyone know, we are way
31 ahead of what we estimated our schedule would be and so we will
32 almost definitely not need all day tomorrow and we may not even
33 need half a day tomorrow, just to let you know in advance.

34
35 Minimum Stock Size Threshold is an options paper, Tab B, Number
36 13, and this came about because we were requested to consider
37 changing our current method of determining the minimum stock
38 size threshold, which is the formula one minus the natural
39 mortality rate times whatever the biomass at MSY is.

40
41 With the natural mortality rate, or M, when that is a very low
42 number, when we have long-lived species, then that creates a
43 very small buffer between the maximum sustainable yield level
44 and the minimum stock size threshold and sometimes so small
45 that, given natural fluctuations, it may not really be
46 meaningful.

47
48 I understand the South Atlantic Council recently completed a

1 regulatory amendment to redefine their minimum stock size
2 thresholds for stocks with low mortality. Staff was instructed
3 to use that as a template to help put together this document.

4
5 We had to do things a little bit differently, because the South
6 Atlantic Council already had a minimum stock size threshold for
7 every one of the species that it was covering under its
8 regulatory amendment, whereas on the reef fish fishery, we only
9 have minimum stock size thresholds currently for about a half-
10 dozen species, but we tried to stay as close as possible to what
11 the South Atlantic Council did and also add an action to set a
12 default MSST for those other stocks as well, if you want to
13 consider that.

14
15 Action 1 begins on page 9 of the document and Action 1 is to
16 define or, in some cases, redefine the minimum stock size
17 threshold for species in the Reef Fish Fishery Management Unit
18 with low natural mortality rates and one of the things you would
19 have to do is define exactly what you mean by a low natural
20 mortality rate.

21
22 The alternatives would be the no action alternative and don't
23 make any change and all species would continue to be governed by
24 that one minus M times BMSY formula, unless the formula is
25 modified in Action 2.

26
27 Alternative 2 would define or redefine the minimum stock size
28 threshold for selected species in the Reef Fish Management Unit
29 that have a low mortality rate and so they would be at a fixed
30 75 percent of BMSY or the BMSY proxy.

31
32 The threshold for adopting this MSST is if the natural mortality
33 rate is -- Then you have three choices: an M of 0.15 or lower,
34 an M of 0.20 or lower, or an M of 0.25 or lower. Incidentally,
35 if you select 0.25 or lower, one minus 0.25 is 75 percent anyway
36 and so you might want to consider mainly Options a or b.

37
38 Alternative 3 would redefine MSST to be, instead of 75 percent
39 of BMSY, 50 percent of BMSY, which is the lowest you can go in
40 defining minimum stock size threshold. Again, the same three
41 thresholds to consider, either an M of 0.15 for Option a, an M
42 of 0.20 for Option b, or an M of 0.25 for Option c.

43
44 To give you a better idea of how this would affect the species
45 that we have under management, on page 11, beginning on page 11,
46 are a series of tables that indicate species that would be
47 affected by these alternatives.

1 We are only using species where we have a natural mortality rate
2 that's been defined either in a NMFS or Florida FWC stock
3 assessment or where we found fairly reliable estimates of M in
4 the published literature.

5
6 If you were to select an M of 0.15 or lower under either
7 Alternative 2 or Alternative 3, the species that would be
8 covered by that would be mutton snapper, red snapper, yellowedge
9 grouper, goliath grouper, red grouper, black grouper, or gag.
10 Those would all become either 75 percent of BMSY or 50 percent
11 of BMSY, instead of the formula. If you went with the option to
12 use an M of -- We have a question.

13
14 **MR. WILLIAMS:** Steve, what is red snapper now, the minimum stock
15 size threshold?

16
17 **MR. ATRAN:** Red snapper, the current estimate of M I believe is
18 0.09 or --

19
20 **MR. PERRET:** 0.094277. That's how good we are.

21
22 **MR. ATRAN:** Right and so the stock size threshold is more than
23 99 percent of BMSY. You have less than a 1 percent differential
24 between BMSY and the minimum stock size threshold.

25
26 If you were to go with species that have natural mortality rates
27 of 0.20 or lower, it would be all the species in Table 2.1, plus
28 yellowtail snapper, yellowedge grouper, tilefish, and hogfish.
29 Then if you were to go with the natural mortality rate of 0.25
30 or lower, it would be all of the species in the previous two
31 alternatives and we would add lane snapper, although there is
32 two different estimates in the published literature of natural
33 mortality rate for lane snapper.

34
35 Ault et al. based the natural mortality rate on fish from the
36 Florida Keys and came up with 0.30 and so that would not meet
37 this threshold and Johnson et al. was looking at fish from I
38 believe the northern Gulf of Mexico and he came up with a range
39 of 0.11 to 0.24, which would meet this threshold. We would have
40 to decide which of those references we would want to go to or
41 just make a decision whether to include lane snapper in this or
42 not. Then I believe that's the only one that would be added to
43 the list.

44
45 Then the species that we have natural mortality estimates above
46 0.25 that wouldn't be affected at all by any of the alternatives
47 are greater amberjack and gray triggerfish. Both of those would
48 remain using the one minus M formula and you can see in the

1 table they have natural mortality estimates currently of 0.28
2 for greater amberjack and 0.27 for gray triggerfish and so did
3 you want to discuss this or should I go on and just review
4 Action 2?

5
6 **CHAIRMAN GREENE:** Any discussion by the committee? I don't see
7 any hands and go ahead, Steven.

8
9 **MR. ATRAN:** As I said, we have not defined minimum stock size
10 threshold for all of our species. We were going to do this in
11 the status determination criteria amendment, but that's been
12 moving slow and as long as we are going to determine a minimum
13 stock size threshold for several species with low natural
14 mortality rates, I thought that it might be worth considering in
15 this document going ahead and setting some default minimum stock
16 size threshold for anything that is not included in Action 1.
17 That way, we would get that requirement out of the way and we
18 would have a minimum stock size threshold specified.

19
20 The alternatives would be no action for Alternative 1. Except
21 as specified in Action 1, MSST for species that have a defined
22 specification will not be changed. If it's undefined, they will
23 not have a definition specified and that will have to be handled
24 on a case-by-case basis.

25
26 Alternative 2 would define MSST as our current formula, one
27 minus M times BMSY or its proxy, or 0.5, 50 percent of BMSY,
28 whichever is greater. In other words, it can't go below 50
29 percent of BMSY. For all reef fish in the Reef Fish Management
30 Unit, except where otherwise specified in this amendment or
31 other subsequent management action and I kept that in there
32 because you might have particular stocks that you, in the
33 future, may want to go with a different MSST.

34
35 Alternative 3 would set the default at 75 percent of BMSY and
36 Alternative 4 would set it at 50 percent of BMSY for all stocks
37 that are not otherwise defined in Action 1 or specified in
38 another subsequent amendment and there was something else I
39 wanted to say, but I can't think of what it was and so I will
40 stop at that point.

41
42 Basically, the action alternatives are either to use our current
43 definition of one minus M times BMSY for all stocks other than
44 the low mortality ones specified in Action 1 and Alternative 3
45 would be to use a fixed MSST of 75 percent of BMSY and
46 Alternative 4 is a fixed estimate of BMSY and it's possible that
47 if you select Alternative 3 or 4 that whatever you select in
48 Action 1 could become moot.

1
2 I don't think you would want to select a minimum stock size
3 threshold that's lower for the high natural mortality stocks
4 than for the low natural mortality stocks, if I'm getting that
5 right. I may have that backwards.

6
7 **MR. WILLIAMS:** Steven, if we chose let's say Alternative 3,
8 minimum stock size threshold at 75 percent of BMSY, how many of
9 these species back in Table 2.2 or 2.3 are going to be below the
10 minimum stock size threshold or maybe you don't know.

11
12 **MR. ATRAN:** The ones that are currently declared overfished,
13 because those have been assessed and already determined to be
14 overfished and I believe we have four stocks that are in that
15 situation and if we went with 50 percent, I am not sure if red
16 snapper would continue to be declared overfished. It wouldn't
17 be rebuilt and so we would still be in a rebuilding plan.

18
19 Greater amberjack, I know we're fairly close to rebuilding it
20 and so I believe either of these alternatives would probably
21 result in it no longer being overfished. The other stocks that
22 we have declared overfished, I just don't know, off the top of
23 my head.

24
25 **DR. CRABTREE:** Just looking at one of the tables in Shannon's
26 presentation, red snapper is at -- I guess if you went with 50
27 percent, that would be a 13 percent SPR and we're at 15.8 and so
28 if you went with 50 percent, red snapper is no longer overfished
29 and if you went with 75 percent, I think that's a little higher
30 than 15.8 and so I think then it would be overfished.

31
32 Steve, if we decided we wanted to treat red snapper differently,
33 because we know a lot more about it and we've observed it at
34 very low stock sizes and things like that, structurally is there
35 a way in the document or -- It seems like the way it's
36 structured, it would be difficult to split out a single species
37 and treat it as an exception.

38
39 **MR. ATRAN:** We could add a list of exceptions to any of these
40 alternatives. Remember this is just an options paper at this
41 point and the other thing to be concerned about or to take into
42 consideration is we're not specifying what the proxy for BMSY
43 would be.

44
45 That will still be done in the status determination criteria or
46 in a separate action and so unless it's modified, the proxy for
47 red snapper would continue to be F 26 percent SPR and the proxy
48 for most of the other reef fish would continue to be F 30

1 percent SPR and for gag, it would continue to be Fmax.
2
3 **MR. WILLIAMS:** Dr. Crabtree, would you be comfortable with
4 Alternative 3, a minimum stock size threshold of 75 percent of
5 BMSY?
6
7 **DR. CRABTREE:** Probably so. That's what we did ultimately in
8 the South Atlantic when we went through it. I think what I am
9 not comfortable with is no action and leaving it where it is.
10 It seems to me that all these minimum stock size thresholds are
11 set much too close to the rebuilding target and so I do think
12 that we need to adjust them and lower them down. I don't think
13 we need to choose a preferred alternative right now until there
14 is some more analysis in it, but I think we do need to make a
15 change to it.
16
17 **MR. WILLIAMS:** Don't or do need to --
18
19 **DR. CRABTREE:** This is just an options paper, right, Steve, and
20 so we're not at that stage, I don't think.
21
22 **MR. WILLIAMS:** Are we looking for preferreds here?
23
24 **MR. ATRAN:** No.
25
26 **CHAIRMAN GREENE:** Okay, Steve, carry on, please.
27
28 **MR. ATRAN:** What I'm hearing -- As I said, this is just an
29 options paper and we'll develop it into a draft framework
30 action. Did you want, in Action 2, to provide for a list of
31 exceptions to some of those thresholds? If so, I would like
32 some guidance on what to include in that list.
33
34 **CHAIRMAN GREENE:** Looking around the table, I know there was a
35 comment about lane snapper earlier, but, Mr. Williams, do you
36 have a comment?
37
38 **MR. WILLIAMS:** On the one hand, you're not ready for us choosing
39 preferreds, but if we chose one, then you could tell us what the
40 impact would be. Say if we specified MSST at 75 percent BMSY,
41 you could tell us then what species would be affected by our
42 action. I suppose you could do that for any of them though.
43
44 I mean I am not looking to create more trouble for red snapper
45 or anything else that we've got good stock assessments on and so
46 whatever we do here, I wouldn't want it to affect red snapper,
47 gag grouper, red grouper, or anything where we've got a good
48 stock assessment.

1
2 **DR. CRABTREE:** It will affect all of those, because you will be
3 changing the formula that we use for the minimum stock size
4 threshold. As I said, I think you need to change that. I think
5 that red snapper is a classic example. We've got the minimum
6 stock size threshold set at 96 percent of BMSY. In my judgment,
7 that is not nearly enough spread.

8
9 What's going to happen in the future is you're just going to
10 have, because of natural variations in recruitment, you're going
11 to have things become overfished because you've set the minimum
12 stock size threshold so close to it.

13
14 Originally, the thinking behind setting these minimum stock size
15 thresholds was that it was some critical stock size and if you
16 drop below it, it impairs recruitment and things like that. We
17 know that -- Because we have observed red snapper well below
18 even 50 percent BMSY and we haven't seen any evidence that it
19 has impaired recruitment and so there is lots of rationale for
20 bringing them down.

21
22 Now, whether you want to bring them down to 75 percent or
23 exactly where, that's something you can have a lot of discussion
24 about, but if you make this change, it will change the minimum
25 stock size thresholds for red snapper and gag and some of these
26 stocks, depending on where you put it, that are now considered
27 overfished may not be overfished, but you're still in the
28 rebuilding plan and it's not going to affect the amount of yield
29 you're getting and it's not going to affect the fishing
30 mortality rate you're fishing at.

31
32 Remember in our accountability measures, we at times had
33 different accountability measures for overfished stocks versus
34 not overfished stocks and oftentimes we required paybacks for
35 things that are overfished and not for things that are not
36 overfished and so it does have a practical significance in terms
37 of that and it also has significance in the future for when
38 we're required to put rebuilding plans in place.

39
40 I don't think we want to put a rebuilding plan in place if a
41 stock is so close to the target level that we virtually can't
42 distinguish the difference between them and I think that's where
43 we find ourselves with the current way we've done this.

44
45 **MR. ATRAN:** Another consideration is if you go to one of the
46 more lenient MSSTs, we also have an overfishing definition which
47 is more restrictive. Whereas MSST gives you some leeway for the
48 biomass to drop below BMSY, our maximum fishing mortality

1 threshold we generally set right at FMSY and so if the fishery
2 is being fished at a rate that would cause it to decline below
3 MSST, presumably we would catch that and the current
4 regulations, the current guidelines, require that overfishing be
5 ended immediately and so, in theory, we would catch that in time
6 and the stock would not go below MSST.

7
8 **MS. LEVY:** I just have a question. We have Action 1, which is
9 just for the picking those low mortality rate stocks, and then
10 is what happens is depending on what eventually gets picked in
11 Action 1, we'll sort of decide what's covered in Action 2,
12 meaning things that end up falling outside of whatever the
13 preferred is in Action 1 will automatically flow into Action 2?
14 Is that how it's set up?

15
16 **MR. ATRAN:** It was set up to first select where you want to set
17 the minimum stock size threshold for the low mortality stocks
18 and then for everything else, have some sort of a default and
19 bring all the stocks that don't currently have a minimum stock
20 size threshold identified to a point where we have met that
21 requirement for all of the stocks.

22
23 Now, there could be some complications if, for the low mortality
24 stocks -- I am trying to think how this would work. If you were
25 to select Option c, which is the estimation is it's 0.25 or
26 lower, and then you set it all to 75 percent of BMSY, and then
27 for Action 2, you would be setting Alternative 3, MSST equals 75
28 percent of BMSY for everything else, and it's kind of
29 meaningless to have two actions, because you're going to
30 effectively set all stocks to that MSST value. I guess that's
31 what I was trying to point out a little bit earlier.

32
33 **MS. LEVY:** Right and all I was trying to clarify was that
34 whatever stocks, and I just want to make sure I'm right, get
35 excluded because of what M is picked in Action 1 would then
36 automatically fall into whatever gets picked in Action 2.

37
38 **MR. ATRAN:** Correct.

39
40 **CHAIRMAN GREENE:** Okay. Anybody else have anything on that?
41 Steven, are you --

42
43 **MR. ATRAN:** As I said, unless we receive any specific guidance
44 from the council, our plans are to develop this further into a
45 draft framework action and bring that back to the council at a
46 subsequent meeting to select preferred alternatives and then
47 later go on and take final action.

48

1 **CHAIRMAN GREENE:** Okay. Looking around the table, I don't see
2 anything else there that would prevent you from doing that. I
3 guess I'm trying to figure out where we should go next.

4
5 **EXECUTIVE DIRECTOR GREGORY:** It is five o'clock and since we're
6 so far ahead, we could just recess until tomorrow morning.

7
8 **CHAIRMAN GREENE:** Excellent idea.

9
10 **MR. ANSON:** Johnny, is that the general consensus of your
11 committee, is to recess until tomorrow?

12
13 **CHAIRMAN GREENE:** No, I think they want to go back through it.
14 No, I'm just kidding and we'll recess until tomorrow morning.

15
16 **MR. ANSON:** Thank you. So we will see everybody tomorrow at
17 8:30 in the morning to reconvene Reef Fish.

18
19 (Whereupon, the meeting recessed at 5:00 p.m., January 26,
20 2015.)

21
22 - - -

23
24 January 27, 2015

25
26 TUESDAY MORNING SESSION

27
28 - - -

29
30 The Reef Fish Management Committee of the Gulf of Mexico Fishery
31 Management Council reconvened at the Grand Hotel Marriott, Point
32 Clear, Alabama, Tuesday morning, January 27, 2015, and was
33 called to order at 8:30 a.m. by Chairman Johnny Greene.

34
35 **CHAIRMAN GREENE:** Right off the bat, I know that we have a
36 couple of things going on and so I'm going to turn it over to
37 Doug Gregory for just a minute on a couple of housekeeping items
38 that he has and then I will get to you in just a second, Mr.
39 Pearce.

40
41 **EXECUTIVE DIRECTOR GREGORY:** Good morning. Yesterday, you all
42 decided that you wanted to have a phone meeting to discuss the
43 red snapper ABC with the provisional data. We are trying to
44 schedule the SSC to meet the week of the 16th of February and so
45 we're going to do a doodle poll with the council and I just want
46 to give you heads-up so you can be thinking about it, because we
47 will send it out this afternoon to you and we would like to get
48 answers by the end of the week.

1
2 For the last three days of the month, this would be February 25,
3 26, and 27 and then the first three days of March, which would
4 be March 2, March 3, and March 4. Wednesday through Friday of
5 the last week of February and Monday through Wednesday of the
6 first week in March and we will give you alternatives of morning
7 through afternoon. We are thinking a three-hour conference call
8 from nine to twelve or from one to three and so that's what we
9 will do with the doodle poll and so if you could check your
10 calendars and we could get this done pretty quickly.

11
12 Steve Branstetter has a -- They have analyzed the timeline and
13 they think that's an ideal way to do it and we can have
14 substantial analyses of the alternatives to you by the end of
15 the month. It may not be complete, but it will be enough for
16 you to see what their impacts are. Any questions? Thank you,
17 Mr. Greene.

18
19 **CHAIRMAN GREENE:** With that, Harlon was waving his hand at me
20 pretty erratically and so I will see what he is --

21
22 **MR. PEARCE:** I just want to challenge the rest of the group.
23 Yesterday was a pretty quiet day and I think we've got a lot of
24 important decisions to make here today and even if you're not on
25 this committee -- Including myself. I should have said some
26 things I didn't say yesterday.

27
28 We've got to make some solid decisions and we've got to make
29 some moves here and so let's be more vocal today and let's get
30 more on the record today, so that we can let our staff and let
31 the rest of the world know what we really want to do and I think
32 that's very important.

33
34 **CHAIRMAN GREENE:** All right. A little encouragement from the
35 team cheerleader this morning. Yesterday afternoon, we finished
36 up with the options paper on minimum stock size threshold and I
37 just wanted to throw that out there in case anybody had thought
38 of anything else that they wanted to bring forward.

39
40 I am not seeing anybody and so with that, we will pick up where
41 we had scheduled yesterday morning, to move the presentation on
42 red snapper poaching by Mexican lanchas by Jason Brand. With
43 that, I will turn it over to Jason and we will get into that
44 scenario now.

45
46 **RED SNAPPER POACHING BY MEXICAN LANCHAS**

47
48 **LCDR BRAND:** Thank you, Mr. Chair. Before we start the

1 presentation, Captain Joe Hester, who is our Chief of Response
2 for the Coast Guard District 8, the Admiral's Chief of Response
3 in Charge of Maritime Response for All Search and Rescue, Law
4 Enforcement, and Pollution is here to support this. He's been a
5 staunch advocate of this problem set and would like to kick off
6 this presentation and then I will follow up with the slides.

7
8 **CAPTAIN JOE HESTER:** Good morning, Mr. Chairman and Gulf Council
9 and ladies and gentlemen. Thank you so very much for the hard
10 work that you're doing to make sure that the Gulf Coast remains
11 as vibrant and active a source of fish, jobs, and work for our
12 country.

13
14 I come from a place where the Great South Bay went dead about
15 ten years ago, because of overfishing. The work you do,
16 although it may be difficult and hard and sometimes dry, thank
17 you for the important work you do and, sir, you had asked us to
18 be a little more lively today and I will do my part to see that
19 the Coast Guard gives you a lively discussion about a topic that
20 we take very much to heart.

21
22 With that said, I bring you greetings from Admiral Cook, who
23 commands Coast Guard forces from the border with Mexico all the
24 way to the Panhandle of Florida, up 10,000 miles of rivers and
25 off to the outer continental shelf.

26
27 I come to you as the grandson of baymen and of fishermen. My
28 grandmother was serving out in a lobster boat as a child. She
29 was one of a bunch of daughters and she lost the draw and had to
30 go out with great-grandpa to haul lobsters out of Point Judith
31 and her cousins, the Dykstra's, became the beginners of the
32 original co-op in that part of the world.

33
34 I understand this part of the business I think a little bit from
35 the fishing side. My grandfather had polio and so he couldn't
36 go out on the water and he began an insurance company that
37 served the baymen, to make sure that their lost gear could be
38 brought back together by the rest of the community, so that no
39 family would starve during the Depression.

40
41 That's the background I brought to the Coast Guard when I joined
42 the service and my career has been spent in law enforcement,
43 primarily at sea. I have chased illegal migrants and illegal
44 drug smugglers and all kinds of craziness out on the open
45 waters.

46
47 I have done fisheries law enforcement from the U.S. Virgin
48 Islands when I commanded a small patrol boat and thankfully I

1 was given a much bigger boat to take up to the Bering Sea and it
2 was up there that I got the phone call saying, congratulations,
3 you've been assigned to New Orleans.

4
5 For those of you familiar with Coast Guard operations and as
6 Jason said, my job includes oil spill response and New Orleans
7 is the hub of oil spill response for the Coast Guard and this is
8 the pinnacle job for somebody with a very different career than
9 my own and so on day one, it was only appropriate that I sit
10 down in the briefing room and we look up at the slides and a
11 10,000 gallon spill had begun on the river because a large barge
12 had cracked in half and sunk with a crane on it.

13
14 I thought, oh my heavens, am I over my head. As soon as the
15 brief was over, I followed the Admiral into his office and I
16 said, Admiral Cook, sir, I am embarrassed to tell you that oil
17 spills are not my forte and I will do everything I can to see
18 that I don't embarrass you as your Chief of Response. His reply
19 to me was, Joe, I can teach you everything you need to know
20 about oil spill response and don't you worry about that one bit.
21 I brought you here for a different problem. I brought you here
22 because I need you to help me with Mexico and I need you to help
23 me with law enforcement and I need you to help me run my fleet
24 of small law enforcement cutters that work across the entire
25 Gulf Coast and that's what you're here for.

26
27 To that end, I have a career serving, like I said, in law
28 enforcement and also overseas. I served in Columbia for two
29 years and Mexico for one as the Coast Guard's attaché and so I
30 think I understand this problem from both sides of the national
31 angle as well, at least a little better than many of my peers.

32
33 What we're bringing to you today is not just something that's
34 important to Jason and not just something that's important to
35 the fine team of Coast Guard officers that I have here, but
36 something that is deeply personal to me and to the Admiral who
37 selected me at risk for a job where he understood that yes, I'm
38 going to put aside my oil spill response concerns for a little
39 bit and I am picking you to help me go after this Mexican
40 problem.

41
42 That's probably all the introduction this needs and, Jason, I
43 would like you to tell folks what we're dealing with here. The
44 reason the Admiral is not here in person is he is making final
45 preparations in his office and as soon as we're done today, I
46 will be driving back to New Orleans and we're on a plane before
47 dawn tomorrow morning to make a very similar presentation to the
48 Mexican Navy, SEMAR, and so this is important to us and I

1 believe this is very important to you and this is important to
2 our nation. Thank you very much and I am happy to introduce the
3 man you well know and I respect as Law Enforcement Fisheries
4 Expert Jason Brand.

5
6 **LCDR BRAND:** Thank you very much, Captain. Before I get
7 started, I just want to introduce the team here with us today,
8 because they have all been very intimately involved in this
9 problem. We have my supervisor, Commander Rich Sundland, who is
10 the Chief of Enforcement from New Orleans, and Commander Dan
11 Deptula, who is basically our Field Operations Officer for this
12 problem. He covers all of south Texas and is in charge of all
13 the tactics involved in catching these guys.

14
15 We also have Lieutenant Commander Emily Gibbons from our legal
16 office here to keep us all out of trouble and we have Commander
17 James Herlong from our Atlantic Area Command in Portsmouth,
18 Virginia, along with Lieutenant Beth Denicola, who will briefing
19 with me today. They were tasked and completed an academic
20 study, a two-year study, to help us understand the true
21 magnitude of this problem and that's why we're ready to brief
22 you on the results today.

23
24 We can take questions during the brief or hold them to the end,
25 as I might be able to answer the questions as I go through the
26 presentation.

27
28 This problem set is at least a twenty-five-year problem set to
29 us. What I plan to do today is walk you through this problem
30 set, the threat that these lanchas impose on our waters and our
31 resources, the results of the model and the magnitude to our
32 resources, and what we're doing to mitigate this illegal
33 poaching activity and how you can help us.

34
35 The pictures on the right are examples of photos taken from a
36 Coast Guard aircraft of Mexican lanchas in U.S. waters. They
37 are home ported out of a stretch of beach ten miles south of the
38 border. Historically, the name is this stretch of beach has
39 been Playa Baghdad. They recently renamed this stretch of beach
40 the Playa Costa Azul. It sounds a little bit better, I guess,
41 for tourism.

42
43 These vessels home ported out of Playa Baghdad routinely operate
44 out of the red box, as you see in the bottom left picture. This
45 red box stretches fifty miles offshore from Texas and seventy
46 miles north of the U.S./Mexican maritime boundary line and this
47 square encompasses 3,500 square miles. For comparison, the
48 State of Rhode Island a little over 1,000 square miles and so

1 you could fit the State of Rhode Island three times in that box
2 and we're patrolling that with what limited resources we have.

3
4 An overview of the lanchas themselves, the top right picture is
5 a typical lancha that has been seized and is sitting in the
6 Coast Guard Station at South Padre Island Boneyard, awaiting
7 destruction. These vessels are twenty to thirty feet long and
8 they are powered by seventy-five to 200 horsepower outboard
9 gasoline tiller-driven engines. Typically they are fiberglass
10 constructed and they are crewed by two to four crewmen.

11
12 Their gear setups are usually longline or gillnet. However,
13 recently we've been catching them with basically hand line gear,
14 as they venture further north and fish off the rigs.

15
16 The picture to the bottom left is a seizure from a Coast Guard
17 cutter. As you can see, this one is set up for longline gear
18 and below the Coast Guardsman is a bait box with all the hooks
19 and we also have that picture blown up over here for you to see
20 closer, on my right-hand side here.

21
22 This is a -- He is looking at the fish box full of very healthy,
23 huge red snapper and as we know from yesterday's reports, our
24 rebuilding plan is built on the success of getting these larger,
25 older red snapper and so by them taking these larger snapper --
26 As we know, the females in this box that are twenty-four inches
27 long produce as many eggs as 212 of the smaller two-year-old
28 females seventeen inches long and so this goes against our
29 rebuilding plan and it's very destructive to the stock.

30
31 The bottom right picture is a typical gillnet that has been
32 abandoned and our Coast Guard assets located it during routine
33 patrols. This is a very common occurrence, a picture like this,
34 and as a matter of a fact, we have seized 214 miles of this
35 illegal gear in the last three years. This would be enough gear
36 to stretch from New Orleans to Pensacola, Florida and we find
37 this very often.

38
39 The targeted species from these lanchas are shark and red
40 snapper. These boats, you may have heard them be referred to as
41 shark boats in the past and you can see why here in this
42 picture.

43
44 Although we do not manage HMS, this council, I do believe this
45 is very important and very destructive to the health of our
46 ecosystem, which affects the stocks that we do manage. As we
47 know, this picture here to the right was from an abandoned
48 gillnet that was about five to seven miles long and just

1 continued to ghost fish until it was completely full of sharks
2 entangled in the mesh.

3
4 These sharks, as we know, and the red snapper have been fished
5 out of Mexican waters and so the risk continues to be worth the
6 -- The benefits outweigh the risk. The market for red snapper
7 meat and shark meat and the black market for shark fins continue
8 to keep these folks coming into our waters, as these species
9 have been fished out in Mexican waters.

10
11 I did my research on sharks and so I know how destructive a
12 picture like this is, due to the very slow productivity, the
13 slow, low fecundity. They are slow growing and long lived and
14 they produce very few juveniles and so this can wipe out a
15 population of sharks in just a couple of trips.

16
17 This bar graph depicts lancha sightings in blue and lancha
18 interdictions in red. These sightings include numbers from the
19 Coast Guard, federal, local, and state law enforcement agencies,
20 as well as good Samaritans. Good Samaritans have reported these
21 lanchas to us over the past few years and they have resulted in
22 a handful of seizures from these reports. All of these numbers
23 are lanchas sighted in U.S. waters.

24
25 At first glance, your impression may be that this is a growing
26 problem. However, all of us believe that it's been a steady-
27 state problem over the years and the justification or the
28 explanation for the increase in numbers over the last three
29 years have been simply because this team here has made it a
30 priority to locate these vessels and send additional resources
31 and improve our tactics, our capabilities, our strategy, to find
32 and interdict these boats.

33
34 The reason of the difference between the red and the blue is
35 simply a time, distance, speed problem. The background behind
36 one of the numbers in this chart would be a Coast Guard aircraft
37 is flying a patrol in the red box that you saw earlier and they
38 locate a lancha and they report the finding to Commander Deptula
39 and they try to attempt to vector in the closest surface asset
40 for an interdiction.

41
42 Due to the proximity of the border, we just run into the time,
43 distance, speed problems, which accounts for not being able to
44 seize all the ones that are sighted.

45
46 This graph shows you what we in fact do know, what we see, what
47 we get eyes on. What I'm so excited to be able to brief you on
48 today is that we've undergone a two-year academic study and

1 we've asked Commander James Herlong and Lieutenant Beth Denicola
2 for their help, to tell us what we're not seeing. We can't be
3 patrolling in every part of that box 24/7, but we were able to
4 feed all the raw data to Lieutenant Beth Denicola and ask if she
5 can develop a model to tell us, based on best science available,
6 what the true impact is to our resources and the magnitude of
7 these incursions. This is where Lieutenant Denicola will come
8 in to explain the model and so I would like to introduce her.

9
10 **LIEUTENANT BETH DENICOLA:** Good morning. Like Lieutenant
11 Commander Brand said, my name is Lieutenant Beth Denicola and
12 I'm here from Portsmouth, Virginia, representing the Atlantic
13 Area. We are a team of operations research analysts and we do
14 work like this for the districts whenever they request our
15 assistance.

16
17 The information that you see here on Mexican lancha incursions
18 is based on the model that we created and the study that we've
19 done over the past two years. We are excited about this. It's
20 the first time that we've been able to estimate the true impact
21 that we're not able to see with the resources available.

22
23 We have an estimated average incursion per year of 1,138 lancha
24 incursions and that's based on information from Calendar Year
25 2013 and 2014. The typical catch per trip that we're using
26 within the model is 800 to 1,500 pounds and something that I'm
27 going to touch on a little bit further is that that's something
28 that we're estimating a minimum catch per trip. We have seen
29 examples of larger lanchas carrying catch upward of 3,000 pounds
30 per trip.

31
32 Over the past two years, our estimated number, based on the
33 model, was 1,525,715 pounds of red snapper poached and that's
34 the amount for a two-year period. Demonstrating the higher end
35 of the catch per lancha, we actually observed on March 30 and 31
36 -- We cited a group of seven lanchas, five of which were seized.
37 These contained 2,589 red snapper and so if you think at about
38 eight pound a fish, that's over 4,000 pounds of snapper per
39 lancha and that's something that we saw in March of 2014.

40
41 We have never had the ability to estimate the incursion rate
42 before because we see so little of their activity and we're
43 unable to maintain 100 percent coverage of that area that
44 Lieutenant Commander Brand showed you and so we built a
45 simulation model, which is the study that I reference, to shed
46 some light on what we don't see with this problem.

47
48 This shows the model and the methodology that we used for the

1 simulation. The inputs to the model, we took data about our
2 asset presence, and so our air assets and our surface assets,
3 and where they were patrolling over the year period. We looked
4 at lancha location preference, the spots of the Gulf where they
5 like to fish, areas with artificial reefs where the snapper may
6 be gathering more, proximity to the border, places where they
7 think they can evade law enforcement more easily.

8
9 All of that played into lancha preference, the location where
10 they like to be, and then lancha behavior we also modeled based
11 on what we've observed, their transit speed and the way that
12 they execute their fishing trips, making multiple stops
13 throughout the duration of the trip.

14
15 We used a probability distribution to model the arrival rate,
16 which is the piece of this that we really don't have visibility
17 on. We don't know how frequently they're crossing our border
18 and we don't know how often and so that's something that -- We
19 seem to be having technical difficulties.

20
21 I will keep talking about the model. The arrival rate is
22 something that we estimated. We used a probability distribution
23 to determine the arrival rate for the model and so with those
24 inputs and then the arrival rate that we used, the model is able
25 to output a likelihood of discovery of Coast Guard assets and so
26 the number of times lanchas were sighted in the model divided by
27 the total number of incursions and so basically how likely are
28 we to detect these lanchas, based on our asset locations?

29
30 The total number of incursions, which is something we haven't
31 had visibility on, the impact to the biomass in pounds and so
32 that's not just the red snapper that is poached by the lanchas,
33 but that's also the red snapper that law enforcement seizes and
34 confiscates from those lanchas. That goes into the biomass
35 impact and then the illicit economic gains as a result of
36 fishing in our waters.

37
38 This shows the outputs of the model itself and all of these are
39 model outputs and so these are our estimates for Calendar Year
40 2013 and 2014 and then the average over the two years.

41
42 This is an effort, like we said, that just began about two years
43 ago and we are continually working to improve this model. It
44 represents a lower bound on the issue and it makes conservative
45 assumptions. For example, it doesn't account for drifting nets
46 like the net that Lieutenant Commander Brand showed you earlier
47 in this presentation, the nets that just drift and kill marine
48 life as they float.

1
2 It doesn't account for those larger lanchas and so the lanchas
3 that are simulated in this model only take 800 to 1,500 pounds
4 of catch, but we have shown that we've seen lanchas that have
5 seized upwards of 3,000 or 4,000 pounds in one trip and so this
6 model doesn't account for those extreme cases that we have
7 observed.

8
9 The model itself, just to kind of briefly walk you through the
10 way it works, it actually simulates lancha crossings of the
11 border and so you have a lancha in the model and it steps
12 through that area that Lieutenant Commander Brand showed you,
13 that red box in the Gulf, and it simulates a lancha moving from
14 area to area and fishing and then it simulates the probability
15 that law enforcement will detect that lancha in different areas,
16 based on where our assets actually were over that year period.

17
18 It steps through an entire year in thirty-minute intervals and
19 then it tallies everything of interest to us and so it tallies
20 the number of incursions and it tallies the number of detections
21 and it tallies sightings, seizures, and it records everything.
22 We run that model multiple times and we take an average over
23 those model replications to come up with these estimates here.

24
25 Like I said, this is a newer effort and we're continuing to
26 refine this model and I wanted to open it up now if there are
27 any questions about the model or the methodology at this time.

28
29 **CHAIRMAN GREENE:** Any questions?

30
31 **MR. PERRET:** I have a question, but it's not about the model.

32
33 **LIEUTENANT DENICOLA:** Yes, sir.

34
35 **MR. PERRET:** I am just curious as to the procedure the Coast
36 Guard uses when they confiscate illegal fish. At the state
37 level, we have to get bids and all that sort of thing and how do
38 you guys handle thousands of pounds of illegal take?

39
40 **LIEUTENANT DENICOLA:** I am sorry and I will turn this over to
41 Lieutenant Commander Brand.

42
43 **LCDR BRAND:** Thank you, Mr. Perret. We'll get that on the next
44 slide. Any other questions?

45
46 **MR. CAMPO MATENS:** Jason, you may be already covering this a
47 little later and if so, that's fine, but where do these fish go,
48 the illegal fish? Where do they go and not just the snapper,

1 but the sharks and the finning or there was a mahi-mahi in
2 there.

3
4 **LCDR BRAND:** Let me get to that. Just to reiterate the model
5 there, we are looking at 1,100 incursions a year and about
6 780,000 to 800,000 pounds of red snapper is what the model is
7 telling us.

8
9 Once we do catch these lanchas, as you can see in the top right-
10 hand picture, we seize them and store them at our Coast Guard
11 Station at South Padre Island. This is an example of about
12 twenty-five or thirty lanchas being stored.

13
14 We seize the gear and we seize the fish. They take it back to
15 the station, as you can see in the bottom right. That's the
16 Coast Guard Station. They actually organize and lay them out
17 and take a picture and they actually weigh the fish now. They
18 have an industrial-sized scale.

19
20 Then they reload the fish back on the boat and take it back out
21 at sea and abandon the fish and so that's what happens. That's
22 the disposition of the illegally-seized fish. Now, the fish
23 that is brought back to Mexico, there is different markets that
24 I assume that they're selling them to, but we don't know the
25 details of what happens to that illegal fish once it gets back
26 to Playa Baghdad.

27
28 **MR. MATENS:** Those fish that are going back to Mexico, I'm like
29 Corky and I'm curious. Do you think they're staying in Mexico
30 or are they finding their way back to the land of the round
31 doorknobs here?

32
33 **LCDR BRAND:** That's a very good question, Mr. Matens. We can't
34 be positive. We can't be for certain to track the red snapper
35 once they hit the markets in the U.S. or the restaurants. That
36 would be great to be able to do, to apply additional violations
37 of Lacey Act. At this time, we don't know for certain where the
38 tracking of the fish goes.

39
40 **MR. MATENS:** This may be obvious or redundant, but the first
41 slide there was -- Where I go to Mexico, they call those pangas,
42 was Number 5, something Number 5. I am assuming that these
43 fishermen are operating as independent contractors, but there
44 are organizations in Mexico that are running all of this and is
45 that a correct statement or not?

46
47 **LCDR BRAND:** There is different fish camps down there that are
48 organized in an organized manner and as Captain Hester has been

1 more involved in the Mexico side, he may want to address that
2 with you when we're complete. Once I finish this slide, I will
3 bring Captain Hester up and we can talk about the Mexico
4 organization with these camps.

5
6 Turning back to this slide, as I mentioned, this is the lancha
7 graveyard up in the right-hand picture. What we do is we just
8 periodically destroy all of these lanchas and then fill it back
9 up again. We have repeat offenders and we have one guy that we
10 know pretty well. We have actually caught him fifteen times and
11 so that's a common occurrence. You get so you know these guys
12 pretty well.

13
14 As I mentioned, we seize the lancha and the gear and the fish
15 and then we return the fish to sea, but during the disposition
16 of this case, we work closely with NOAA and we talk to Cindy and
17 we talk to General Counsel and NOAA OLE to make sure we're all
18 straight on the procedures of the disposition. We turn the crew
19 over to CBP, who then deports them back to Mexico.

20
21 The picture on the left is an example of a large gillnet that
22 has been abandoned and it just kind of shows the sheer
23 magnitude, the sheer size, of these gillnets. It requires a
24 forklift and a dually truck and it fills it completely up. I
25 have another blown-up picture of that over here to the right.

26
27 The picture on the bottom right is something that Lieutenant
28 Denicola mentioned in her brief. In one day, we seized five
29 lanchas and there was an additional three or four that we didn't
30 catch and from those five lanchas, there was 2,589 red snapper
31 seized from those boats and so this is a huge problem and I'm
32 glad that we can share these results with you today and,
33 finally, we would like to ask you for your help.

34
35 We have a blown-up wanted poster up here that Commander Deptula
36 developed with his local partners and we really need your help
37 to have eyes on the water for us and report this activity to us.

38
39 As a member of this council for the last two-and-a-half years, I
40 have witnessed the sacrifices and the commitment to rebuilding
41 the red snapper and making it a sustainable fishery for future
42 generations to fish and so it really bothers me when I see this
43 kind of activity going on when we can fish seven days or ten
44 days a year and catch two fish a day and we have guys that have
45 been caught fifteen times with upwards of 500 or 600 red snapper
46 per boat.

47
48 As you continue to manage this fishery, they continue to

1 freeload off of your sacrifices. It's not right and so we want
2 to ask your help and we can meet with the Law Enforcement AP at
3 the next session to continue our efforts in combating this
4 poaching activity and so that's all of our slides today and now
5 we would be open for questions from anybody in the team here.
6 We have subject matter experts locally. Captain Hester has
7 knowledge of Mexico and Commander Sundland on the enforcement
8 activity as well as the legal side.

9
10 **MR. PEARCE:** First off, thanks for all your hard work and from
11 the time I've been on this council, through all the events that
12 we've had, from the BP event to Katrina, you guys have done a
13 good job in working with the council and with NOAA to make sure
14 things are done correctly.

15
16 One thing I want to assure you is I don't think we have any drug
17 smugglers in this room, but I think some of us are on drugs from
18 time to time and so I think you're safe here and, again, your
19 last comments were right on. We work very hard to make sure we
20 have fish for everyone in this country and things like that
21 probably go back to Mexico, but come back to this country affect
22 us in many, many, many different ways.

23
24 We have got to figure out how to do a better job to do it and if
25 you look at the fish that you had in those pictures, those were
26 all large adult, big fish and that's what we have done at this
27 council, is to bring that to fruition, to get these fish to the
28 age that we need them to grow and all and so your job is a tough
29 one and it's an area that it's tough to cover and it affects us
30 and I'm just so glad that Roy hasn't tried to take it out of our
31 allocation yet, that million-and-a-half. So far we're safe with
32 that, but I mean at least today.

33
34 **MR. MATENS:** They're thinking about it.

35
36 **MR. PEARCE:** They're thinking, yes. My brother Camp over here
37 has got me nervous, but he wants to take it out of the
38 commercial allocation knowing him, but I appreciate all you're
39 doing and whatever we can do to help you.

40
41 The IUU stuff is just very important to this country and not
42 just to this council, but there is so many other things, when
43 you look at the unregulated fisheries and the child labor in the
44 different countries around this world that are affecting
45 everything we do in this country and how do we control that and
46 this is a big part of the problem, but it's a much bigger
47 picture that we have to worry about with IUU stuff and at some
48 point, we've got to try to get a better handle on how to do that

1 and, personally, anything I can do to help you guys, you know
2 I'm here to try to help and I appreciate all you do and
3 everything you've done so far for this council and so keep up
4 the good work.

5
6 **CHAIRMAN GREENE:** Thank you, Harlon. Jason, you guys did a
7 fabulous job with the presentation and I certainly appreciate
8 that. Next up is Robin.

9
10 **MR. ROBIN RIECHERS:** Jason, certainly thank you and on behalf of
11 Texas Parks and Wildlife and our law enforcement folks -- If
12 they were here, I know they would say thank you as well for the
13 cooperation that you all have down there in trying to deal with
14 this issue.

15
16 I've got a couple of questions. I want to explore the numbers
17 just a little bit, if I may. In the presentation, you basically
18 suggested that based on your sightings you really believe that
19 even though in the last couple of years you've had an increased
20 sighting rate, you really believe that goes back in time and do
21 you care to elaborate on that a little bit, about why and the
22 justification of that? Then I want to explore the actual catch
23 numbers a little bit.

24
25 **LCDR BRAND:** Sure. The reason we believe it's been a steady-
26 state problem is just due to the fact that the increase in hours
27 have resulted in an increase in sightings and interdictions and
28 so we have put more effort down there and we've seen success and
29 results and so it's just kind of with less hours you see less
30 and so just basically that's kind of the formula of why we
31 believe it's steady-state.

32
33 Since my time here, we have taken nearly a hundred boats off the
34 water. However, we still see continued increase in lanchas and
35 so it hasn't had an effect yet. We haven't hit that tipping
36 point that prevents them from coming back.

37
38 **MR. RIECHERS:** I definitely appreciate that and so that means
39 really what we're seeing here is that while you're estimating
40 this for 2013 and 2014, we might even be able to apply it
41 backward in time, based on your kind of expert opinion about
42 that.

43
44 The other part to the question, I think, has to do with the
45 averages and the actual catch rates and I think it was the other
46 presenter there who spoke to the fact that you were seeing --
47 You kind of based it on these what we'll call median kind of
48 trips, where the poundage was lower. What is the observation

1 rate of those, in kind of a percentage fashion, if you have it,
2 of those trips where you see those catches up in the 3,000-pound
3 trip limit?

4
5 Do you all have enough there to know whether we're really
6 working with kind of an average between 800 and 1,500 pounds or
7 whether we have enough belief that there's a proportionality of
8 enough of those larger trips that that average could even be up
9 in that scale more?

10
11 **LIEUTENANT DENICOLA:** Part of the challenge with this issue is
12 that we have such low visibility on what we believe is actually
13 happening and so if you looked at the likelihood of discovery,
14 you are looking at percentages from 12 to 18 percent over the
15 past two years and so of what we see -- I mean we'll see
16 everything from empty lanchas that we seize to those couple of
17 cases where we have more than 4,000 pounds.

18
19 Off the top of my head, I don't know those exact percentages,
20 but the reason we chose to model it the way that we did was
21 because we thought it would be more valuable to provide what we
22 can justify as the lower bound to the problem instead of trying
23 to guess, based on such limited information, what we're actually
24 seeing. Does that answer your question, sir?

25
26 **MR. RIECHERS:** Yes, I think it does and now that I look back,
27 you really had thirty-three intercepts there in the last year
28 and so you're probably talking maybe one or two observations at
29 that higher level and so I understand why you did it the way you
30 did it, yes. Johnny, I have another question, but it's probably
31 for the Center and I can either defer it or however you would
32 like.

33
34 **CHAIRMAN GREENE:** No, if you would like to go ahead.

35
36 **MR. RIECHERS:** Roy, as you see these numbers and these
37 estimations, is there going to be a way we can consider these in
38 regards to the stock assessment at some point in time, because
39 obviously this poundage of removal is not insignificant.

40
41 **DR. PONWITH:** The answer is yes, we've been keeping an eye and
42 the Coast Guard has been very good about keeping the Center in
43 touch with the data that they've been collecting and they've
44 collected not only the counts and the weights of the fishes that
45 they've gotten, but they've also gotten some individual weights
46 and have talked to us about it.

47
48 When we originally heard about it, the numbers were small, but I

1 think as we see the results from the model and as we see the
2 results that the fact that there's a correlation between
3 increased amount of effort in observing this and increased
4 numbers of incursions, I think that it's certainly something
5 that we'll take a good long look at and figure how we should
6 deal with that in the next assessment.

7
8 **MR. PERRET:** Thank you very much and, Jason, Commander,
9 Lieutenant Commander, Captain, Lieutenant, I hope I didn't miss
10 anybody, thank you very much. All of us in this room have been
11 impacted by storms and I am thinking of Katrina and the oil
12 spill recently and all and you guys, your agency, does a
13 tremendous job, an absolutely tremendous job.

14
15 I had the opportunity once to sit on your annual or semi-annual
16 -- It was in Providence, Rhode Island and it had to do with
17 budget for the Coast Guard and I was absolutely amazed at the
18 amount of money your agency has dedicated for fisheries law
19 enforcement, with all the other responsibilities and so on you
20 have, and so thank you very much for the excellent job all of
21 you do.

22
23 I have a suggestion and I'm sure the attorney can tell me right
24 off why it can't be done that way, but it seems to me that
25 confiscated product could be donated to charity or something
26 like that.

27
28 I know in the states that I've worked in that we have to get
29 bids and we sell it and then we keep the evidence and all that
30 and the money is turned over and so on or we can bring it to
31 charity.

32
33 Now, one of the problems I ran into is we bring it to the
34 charities, but then they wanted the fish filleted and all that
35 stuff and we're not in that business, but I am sure your mandate
36 prevents you from donating to charity, but if at all possible, I
37 think that would probably be beneficial to a lot of poor people
38 if it could be done that way. That's number one.

39
40 Now, my question is for Robin. Robin, with the model showing
41 1.5 million pounds taken in the last year, can you give us any
42 idea what Parks and Wildlife law enforcement people have done
43 insofar as --

44
45 **LCDR BRAND:** Just one correction, Corky. That's the last two
46 years. The 1.5 million pounds was in the last two years.

47
48 **MR. PERRET:** Anyway, Robin, has Parks and Wildlife -- I'm sure

1 they've had similar experiences, your JEA guys and all that, and
2 do you all have any kind of estimate on what your people have
3 done or was all of this JEA work?
4

5 **MR. RIECHERS:** I will ask the Lieutenant here whether or not
6 they've included the Parks and Wildlife in here. I was under
7 the assumption that this was all law enforcement activities, but
8 I don't know that for a fact.
9

10 **LCDR BRAND:** That is correct. The sightings and the
11 interdictions are from all government agencies as well as good
12 Samaritans that have called us.
13

14 **MR. PERRET:** One more. Texas is a very big state and I don't
15 assume you all had this problem in any parts of the Gulf off of
16 some of the other states and it was only in that basically south
17 Texas area.
18

19 **LCDR BRAND:** That's correct and we have seen them venture
20 further north. The rigs are upward of seventy miles and as
21 we've heard from public testimony from Captain Hickman's folks
22 in the Association, they are seeing them up near Corpus Christi
23 and so they're getting further and further north.
24

25 **MR. PERRET:** Again, thank you all very much for your work.
26

27 **LCDR BRAND:** I would like to just let Captain Hester address the
28 donation question, the charity question, and the question about
29 the organization of the Mexican camps down there.
30

31 **CAPTAIN HESTER:** About the donation of the fish, that is
32 something we're interested in doing if we possibly can. We do
33 have some concerns about the catch and one of the reasons we
34 don't sell it is because it's not, as you can see in the
35 pictures here, maintained to proper standards.
36

37 It's not kept on adequate ice and it's not properly preserved
38 and so there is some health concern for us and whether it's
39 refit for sale, rather for man or beast, and so that's one of
40 those concerns that our legal folks have. Rather than throw the
41 good Lieutenant Commander under the bus, I will just say we are
42 working on it and we would like to do it if we can.
43

44 Then to the question about the lancha camp owners, because we
45 cannot prosecute these people and incarcerate them, I am allowed
46 to talk to them and so we have our intelligence people that have
47 carried out hundreds of custodial interviews with these Mexican
48 lanchamen.

1
2 Of course, you're mixing fact with fiction, but that's our job,
3 is to figure out that, okay, here is the vein of truth running
4 through that. We know, as a result of those interviews and a
5 lot of other work that we are doing, a great deal about the
6 lancha camps that are operating the lanchas out there.

7
8 The Mexican lanchamen report approximately eight major camps
9 that are operating with over 100 lanchas that get underway every
10 day, only some of which cross the border, but they cross our
11 border every day, to the tune of 1,100 per year. That's a
12 pretty great rate. Does that answer your questions about the
13 lancha camps and about what we do with the catch?

14
15 **MR. MATENS:** Thank you for your comments and you guys have heard
16 a whole lot about how great a job we think you guys are doing
17 and I've been on the water in the Gulf all my life and your
18 organization has a wonderful reputation here in the Gulf and
19 certainly in Louisiana.

20
21 However, speaking about the business model of these guys, you're
22 really just dealing with the sharecroppers. You're dealing with
23 employees and I know how that works and I am curious and if you
24 can't speak to this, please don't, but I am curious whether your
25 organization might be moving forward to see if something else
26 can be done maybe with other enforcement agencies in the United
27 States. I am assuming you can't chase them across the border
28 and is that correct?

29
30 **CAPTAIN HESTER:** Actually, sir, that's one of the paradigms
31 we've been able to change. We've been able to document and
32 establish, for the Coast Guard purposes, hot pursuit and so the
33 classic chase them across the county line with the lollipops
34 going, the same thing.

35
36 As long as they stay outside of Mexican waters, I will chase
37 them and so just this past weekend, we seized two of them and we
38 had chased three. The third one, we chased for thirty-five
39 miles into the Mexican EEZ, the exclusive economic zone, but
40 they remained outside of Mexican territorial waters and so I
41 could maintain a hot pursuit of them all the way down the coast
42 and we did.

43
44 **MR. MATENS:** That's great, Captain. That's wonderful. Now, you
45 know nothing much changes until the risk/reward changes. These
46 guys have a lot of reward and the only risk is losing the boat
47 and it just seems to me that this is going to go on for a while
48 and this is not going to stop tomorrow.

1
2 **CAPTAIN HESTER:** Sir, when you talk about the reward, monetarily
3 alone, and we were advised to remove it from our slides, because
4 those numbers are subject to interpretation and interpretation
5 can be wild, but we estimate the value of the fish removed from
6 those waters to be between -- Jason, correct me if I get these
7 figures wrong, but between \$3.8 and eleven-and-a-half million
8 dollars, depending on whether you're talking retail or wholesale
9 value on those fish. That's not chump change and where I'm
10 from, that will keep your lancha camps running.

11
12 **MR. MATENS:** Where I'm from in south Louisiana, that will pay
13 the light bill. Based on those numbers, it would be difficult
14 for me to believe that those fish aren't entering the United
15 States.

16
17 **CAPTAIN HESTER:** Those numbers are based on the figures of the
18 value for sale here. I would -- We do see spikes in their
19 activity during Semana Santa, Holy Week, that leads us to also
20 believe in a large Catholic nation that a number of that is
21 probably for internal sale, but whether -- You asked earlier if
22 I could answer much more about engagement with law enforcement,
23 other law enforcement entities, and what I am comfortable
24 telling you, sir, is that we have a very tight cooperation
25 happening with our RECOM team, with our Regional Coordination
26 Mechanism, which is our law enforcement partners, state, local
27 and federal, in Texas and on a national level.

28
29 As I said, as soon as we're done here, I will be driving back to
30 Louisiana and changing out my bag for the one going down to
31 Mexico and we'll be working international as well with SEMAR.

32
33 **MR. MATENS:** Thank you again and I'm taking too much of your
34 time and I wanted to leave with one thought. What little I can
35 do, and I'm sure everyone on this council can do, to make this
36 better for you, we will do. We have a pretty good relationship
37 with your Lieutenant Commander Brand.

38
39 **CAPTAIN HESTER:** You have our best and brightest there, sir, and
40 thank you so much.

41
42 **CHAIRMAN GREENE:** We have a few more questions from Mr. Atran,
43 Sanchez, Roy, and then Harlon. That's what I have on the list
44 for now.

45
46 **MR. ATRAN:** I had two questions and one of them Robin already
47 asked, about providing the catch estimates to the Science Center
48 to incorporate into stock assessments. My other question is

1 what is the reason why these vessels are coming into U.S. waters
2 when they could legally fish in their own waters? If we could
3 address the reason why, maybe we could reduce the amount of
4 incursions. Is it because the resource is overfished in their
5 waters or it's too difficult to comply with the regulations in
6 Mexico? Can you answer that question of why they're doing it?

7
8 **LCDR BRAND:** Yes, Steve. Those resources are fished out of
9 Mexican waters, due to poor regulation. As the Captain
10 mentioned, sometimes they discuss in the interviews about why
11 they do it and they tell us that they can catch upwards of three
12 time as much by coming into the U.S. as by fishing in Mexican
13 waters.

14
15 **CAPTAIN HESTER:** We should talk about the average weights in
16 south Texas and the weights of the fish we're seeing further
17 north.

18
19 **LCDR BRAND:** The average weight that they're catching is -- You
20 know they're catching the big, healthy red snapper, as you can
21 tell, and as they start to fish out even the U.S. waters, they
22 continue to fish further north and so, as we mentioned before,
23 they can catch 800 to 1,500 pounds a trip when they come to U.S.
24 waters and they can't get anywhere near that when fishing in
25 Mexican waters.

26
27 **MR. JOHN SANCHEZ:** I just wanted to ask, is there something that
28 can be done where you can keep a guy from coming back fifteen
29 times after you've caught him fifteen times? It seems kind of
30 absurd that you can't get that guy off the water. I understand
31 and I'm sure there's a million legal reasons why you can't do
32 it, but there has got to be something that can be done to
33 address that.

34
35 **LCDR BRAND:** International law prevents incarceration for
36 fishery violations from foreign fishing vessels. In the
37 Magnuson-Stevens Act, it specifies that as well and so that's
38 kind of what we're up against of trying to incarcerate foreign
39 fishing vessels for fishing in our waters and so that's the law
40 and that's what we follow. We have to follow that.

41
42 **MR. WILLIAMS:** Thank you, Jason. You said there were about
43 eight camps, or perhaps it was Captain Hester that said eight
44 camps, but those are the financiers of this operation, I guess,
45 right? Those are the central business operations and they
46 provide the guy who has been captured fifteen times with a new
47 boat the next time he comes back and is that how it works?

48

1 **LCDR BRAND:** That's correct.
2
3 **MR. WILLIAMS:** Are these fish houses, standard fish houses, in
4 Mexico? I mean I guess they have a legal side as well as an
5 illegal side and this isn't the only thing they are doing and
6 they are probably legally fishing Mexican waters as well?
7
8 **LCDR BRAND:** I will let Captain Hester add to that again. He is
9 more familiar with that area.
10
11 **CAPTAIN HESTER:** Legal in Mexico and regulation in Mexico is
12 pretty much what you see in the press. They have their hands
13 full with a lot of major, major problems, people skinning each
14 other and terrible violence. That said, so a fish house in
15 Mexico is not going to look like a fish house down here in Bayou
16 LaBatre or something. It's a different place with lesser
17 regulation.
18
19 Sort of throwing salt in the wound, we did have a recent press
20 release sent to us from the newspaper in Tamaulipas, the state
21 abutting Texas there, and right at Playa Baghdad, the CONAPESCA
22 fishing organization is donating new engines and a new boat to
23 the fishermen working in Playa Costa Azul.
24
25 This was in their press and they are proud of giving them some
26 new four-stroke engines that are more efficient and better to
27 operate and so we do have a problem with sort of mismatched
28 messages there.
29
30 We are checking against the photos that were available attached
31 to that press release to see if any of the gentlemen that we
32 catch are in those press releases, because that's something we
33 would like to be able to tell Mexico about.
34
35 **MR. WILLIAMS:** One follow-up. You said you destroyed the boats,
36 the lanchas themselves are destroyed. Do you destroy the
37 engines too or are those sold? Can you sell those?
38
39 **CAPTAIN HESTER:** They are all destroyed, sir.
40
41 **MR. WILLIAMS:** Everything is destroyed? Does international law
42 require that?
43
44 **CAPTAIN HESTER:** Coast Guard regulations, sir, our Coast Guard
45 policies. We are not in the resale business. We don't do that
46 and the vessels are not particularly safe. Several of them have
47 sunk out from underneath us when they get to chasing them. They
48 beat them up pretty hard. We've got videos that go on too long

1 and we decided not to show them to you, because they are mostly
2 rather boring, but in the exciting parts, you can see the
3 Mexican lanchas leaping right out of the water and they are just
4 not well built and so we have had several of them crack and sink
5 and that's why we catch them.

6
7 We have also had several sink or take water over the side and
8 roll over and so we would not consider these vessels safe for
9 operating, as you've seen, up to seventy miles north of the
10 border and we have seen them many, many miles out to sea, fifty
11 or sixty miles out to sea. They are not great boats and the
12 engines aren't much better.

13
14 **MR. BOYD:** Jason, a quick question for you. Is there any way to
15 mark certain fish so that they can be identified later in the
16 chain of distribution?

17
18 **LCDR BRAND:** Not to my knowledge, Mr. Boyd. If you have any
19 recommendations or any ways to show us how to do that, that
20 would be great, to be able to track the fish.

21
22 **MR. BOYD:** I am not a scientist. I would think that there is
23 bound to be some way, either genetically or fin clipping or some
24 kind of a tracking device, that maybe later we could find one
25 someplace to get some leads, but that would be a big operation,
26 I would think.

27
28 **LCDR BRAND:** Some kind of tag and release, I guess.

29
30 **MR. WALKER:** Thank you, Jason. I'm grateful for all you and the
31 Coast Guard can do for us. The thing I would like to ask about
32 is the gear. Are they using a hand line or a longline or what
33 kind of gear are they mainly using?

34
35 **LCDR BRAND:** They use three different types of gear and let me
36 go back here. That's an example of the gillnet that they use.
37 They just let it set and soak for five to seven hours and then
38 retrieve it. They also use longline gear and you can see that
39 in the bottom left picture. That's a bait box below the Coast
40 Guardsman there, full of the hooks and the bait. Then they also
41 use hand line gear when they work the rigs further north,
42 because they are not able to lay the longline around the rigs.

43
44 **MR. WALKER:** I figured the nets were probably for the sharks and
45 so forth. As far as the -- That was one thing you were asking,
46 the platforms. I was wondering if they fished natural bottom or
47 if they fished the platforms or do they have GPS? What kind of
48 equipment is on them?

1
2 **LCDR BRAND:** They typically have GPS. I think they probably all
3 have their favorite fish spots that they plug in and they fish -
4 - I think they have different favored areas. Different camps
5 have different places they like to go within that red box that I
6 showed you earlier.

7
8 **MR. WALKER:** Then they mainly target -- I guess they're
9 longlining and they're going to be targeting the larger fish and
10 I noticed that there was very little ice on the fish, but I
11 would assume that they're targeting the larger fish that would
12 probably hold up better with less ice.

13
14 **LCDR BRAND:** That is true and what you can't see is once they
15 fill the fish box, there is probably about a hundred fish that
16 are just lying in the bottom of that boat with all the gas cans
17 and the oily water and so that's part of the reason it's hard to
18 do much with the fish. It's in pretty bad shape once we come
19 across it.

20
21 I wanted to also make sure that -- These wanted posters, we're
22 going to leave a big stack of them in the back and so we would
23 like you guys to all take these and make copies and take the
24 numbers down and put them in your phones and pass them out to
25 your associations. Get the word out as much as you can for us
26 to -- Anybody that sees these boats can either tell us, if they
27 can, on the radio when they're out underway or when they get
28 back where they were located, to help us try to find these guys.

29
30 **CHAIRMAN GREENE:** All right. Sounds good.

31
32 **MR. PEARCE:** A quick comment. Because of the hard work of this
33 council, the harvesting component of the snapper fishery is
34 doing a lot better than it has done in the past and make no
35 mistake that these fish are not staying in Mexico.

36
37 They are undermining the markets that are developed by our hard-
38 working fishermen and dealers in this country. A lot of this
39 fish is in New York and a lot of this fish is in Panama City and
40 so all the work of this council is clearly being undermined by
41 these type of fisheries and so I want to make that very, very
42 clear, that this is affecting all of us in this room.

43
44 **LCDR BRAND:** Yes, sir.

45
46 **CHAIRMAN GREENE:** Okay. Any more questions? I don't see any
47 more.

48

1 **LCDR BRAND:** For everyone in the audience that may have
2 questions, we would be more than happy to meet you all in the
3 lobby to answer those questions after this presentation or at
4 the next break. I know there's probably a lot more questions
5 and the team here can't stay for the entire council meeting and
6 so they will be departing later today and so please take the
7 opportunity to talk with them before they have to head out.

8
9 **CHAIRMAN GREENE:** Okay. Thank you, Lieutenant Commander Brand.
10 That was a very good presentation and good dialogue and I
11 appreciate all of the hard work and effort that you guys have
12 put into it and I thought it was very enlightening. I have
13 never been around that and had no idea that that was going on,
14 but thank you very much for your presentation.

15
16 **LCDR BRAND:** Thank you, Mr. Chair.

17
18 **CHAIRMAN GREENE:** With that, we will try and move on back to our
19 agenda. We're going to pick back up on Item Number VII, which
20 is Draft Amendment 39. At this point, I am going to ask Dr.
21 Lasseter to go over just a couple of little brief things to get
22 us ready for the presentation, which will very shortly ensue.

23
24 **DRAFT AMENDMENT 39 - RED SNAPPER REGIONAL MANAGEMENT**

25
26 **DR. LASSETER:** Yes and I would like to help you understand how
27 staff has laid out the action and then we're going to ask Kiley
28 Dancy from the Mid-Atlantic Council to come up and speak about
29 the summer flounder management. This is in your briefing book
30 and it's Tab B, Number 8, Regional Management of Recreational
31 Red Snapper, and if we could go to page 8. That is where Action
32 1 begins.

33
34 The IPT has restructured the document and in this first action
35 for the type of regional management, the regional management
36 approach alternatives available to you, Preferred Alternative 2
37 remains the delegation option that is currently selected as
38 preferred and you still have the Preferred Option c of allowing
39 it to sunset after three calendar years of the program.

40
41 We replaced the previous Alternative 3, which was a council-
42 implemented, council-directed, type of regional management plan,
43 which is essentially the same as no action. At any time, the
44 council can decide to assign different regulations to the
45 different regions.

46
47 What we have replaced that with is an Alternative 3 and 4 and 3
48 and 4 are both structured based on the summer flounder model of

1 management in the Mid-Atlantic region and one of them we are
2 regarding as the fast track and the other as a slow track and
3 the difference between the two is that under Alternative 3,
4 there would only be one stage of the review process and in
5 Alternative 4, there would be two.

6
7 For both of these alternatives, they are based on the regions
8 developing conservation equivalent measures for how they will
9 manage their portion of the quota and in Alternative 3, those
10 conservation equivalency measures would be written up in a
11 proposal that the regions would submit to NMFS for review.

12
13 In Alternative 4, the regions would still develop those
14 proposals, but they would be submitted first to a technical
15 review committee for review, for suggestions of modifications,
16 and then final proposals would be sent on for NMFS for the
17 review.

18
19 We call this the slow track, because currently we do not have
20 this type of a review body and Ms. Dancy will go into more
21 detail as to what their type of review committee consists of,
22 but I wanted to present this to you first, so you kind of get a
23 sense of, one we're providing an alternative where we would need
24 to create an additional review body and then it goes to NMFS
25 review and then the other, Alternative 3, does not use that
26 additional review body.

27
28 With that, I am going to ask Ms. Dancy from the Mid-Atlantic
29 Council, and she is the plan coordinator for the summer flounder
30 fishery, to speak to us a little bit.

31
32 **MAFMC PRESENTATION ON SUMMER FLOUNDER MANAGEMENT**

33
34 **MS. KILEY DANCY:** Good morning, everyone, and thank you. Thank
35 you for having me here and I'm very happy to be here where it's
36 warm and sunny, as opposed to where it's snowing up north. My
37 name is Kiley Dancy and I am the staff at the Mid-Atlantic
38 Council with the lead for the summer flounder plan and I have a
39 presentation about summer flounder management and specifically,
40 conservation equivalency in the Mid-Atlantic and how that works.

41
42 Summer flounder are cooperatively managed through the states by
43 the Atlantic States Marine Fisheries Commission and the Mid-
44 Atlantic Fishery Management Council. The commission and the
45 council have complementary fishery management plans for summer
46 flounder and they make joint decisions on annual quotas and
47 management measures, as well as any modifications to the plans.

1 The recreational fishery for summer flounder is allocated 40
2 percent of the total allowable landings and each year, the
3 council and the commission's Summer Flounder Management Board
4 decide whether to manage the fishery for the upcoming year using
5 either coast-wide measures or conservation equivalency, which I
6 will describe in the next slide. Each year since 2001, the
7 council and the commission have chosen conservation equivalency.

8
9 For summer flounder, conservation equivalency means that each
10 state or region is allowed to establish its own set of
11 recreational measures, including possession limit, size limit,
12 and season, as long as the combined effect of the measures is
13 equivalent to that of the specified set of federal coast-wide
14 measures that would achieve the same level of conservation.

15
16 Under conservation equivalency, the council and the commission
17 do choose a set of non-preferred coast-wide measures that are
18 expected to constrain landings to the harvest limit and the
19 combination of state or regional measures is supposed to be
20 equivalent to that set of non-preferred coast-wide measures in
21 terms of ability to constrain landings.

22
23 Under conservation equivalency, the federal waters measures are
24 put in the federal regulations, but they are waived and then
25 anglers are subject to the regulations of the state in which
26 they land.

27
28 I will describe a little bit of the history of how conservation
29 equivalency has evolved. From 1993 to 1998, coast-wide measures
30 were in place, consisting of the same bag, size, and season for
31 all the states in the management unit. The problem with coast-
32 wide measures was that, due to seasonal migrations of summer
33 flounder, the summer flounder are available to different states
34 at different times of the year and so coast-wide measures were
35 having different impacts by state and tending to
36 disproportionately negatively affect some states, most often the
37 southern states.

38
39 In 1999 and 2000, interim conservation equivalency measures were
40 used which allowed each state at the time to decide between
41 implementing either a specified set of coast-wide measures or
42 choosing an equivalent modified set of measures that were
43 theoretically conservationally equivalent, but the results of
44 leaving this choice to each state without having appropriate
45 guidelines in place was that the necessary coast-wide reductions
46 were not being met and so states were sometimes selecting the
47 coast-wide measures because they impacted that state's fishery
48 less than the amount that was required for the coast-wide

1 reduction and so it ended up resulting in coast-wide reductions
2 that were not being met and the fishery was exceeding its
3 landings limit.

4
5 In 2001, the plan was modified to put the system permanently in
6 place, but also to modify the way that it worked to ensure that
7 the system was likely to constrain landings to the harvest limit
8 and so this modification specified that the system would consist
9 of an annual decision by the council and the commission between
10 coast-wide measures or state-by-state conservation equivalency.

11
12 The system was set up to be all or nothing and so that is the
13 individual states could no longer choose between the coast-wide
14 measures or the modified state measures and it was either all
15 states were under coast-wide measures or all states were under
16 conservation equivalency.

17
18 Then in 2006, the council and the commission added the option to
19 form voluntary regions of adjacent states that had identical
20 measures and although that's been in the plan for several years,
21 regional conservation equivalency was only implemented for the
22 first time in 2014.

23
24 I am going to describe now the annual process that we go through
25 for setting recreational measures. The recreational fishery is
26 managed through an annual evaluation process and first, in
27 August of each year, the recreational harvest limit is set
28 jointly by the council and the commission.

29
30 Next, in November, the Monitoring Committee reviews fishery
31 performance and recommends measures that constrain the landings
32 to the harvest limit and so the monitoring committee is a joint
33 committee of the council and the commission that consists of
34 council staff, commission staff, state biologists from each
35 state, NMFS Regional Office staff, and the species scientists
36 from the Northeast Fisheries Science Center.

37
38 The Monitoring Committee's responsibility is to review the
39 fishery performance and make a set of recommendations that
40 includes a recommendation for either coast-wide measures or
41 conservation equivalency and those recommendations are provided
42 to the council and the commission.

43
44 Also in November, we have an advisory panel meeting to get
45 recommendations and comments from our Summer Flounder Advisory
46 Panel. Then in December, the council and the commission review
47 those recommendations and makes recommendations for coast-wide
48 or conservation equivalency recreational measures.

1
2 If they were to choose coast-wide, they would specify what those
3 measures would be and the council staff would package and submit
4 those to NMFS for rulemaking, but if they choose conservation
5 equivalency, as they typically have, there is a little bit more
6 to the process and the first step of that process involves the
7 commission's Technical Committee, which is actually composed
8 mostly of the same people that are on the Monitoring Committee,
9 meaning primarily the state biologists, and they do most of the
10 technical work for this part of the process.

11
12 That group meets to evaluate state proposals for management
13 measures and those proposals originate from the state fisheries
14 divisions and are evaluated by the Technical Committee for
15 technical merit and the proposals are based on regional or state
16 data and they include modifications for any reductions or
17 liberalizations that are needed and they often include multiple
18 options for combinations of measures in each state.

19
20 Then in February, the commission's board meets without the
21 council and reviews and approves a set of options for state or
22 regional measures and so after the board approves those options,
23 the states are responsible for implementing those measures and
24 often states will choose from a set of measures, from a few
25 different options, after taking them out for public comment, if
26 multiple options have been approved by the board.

27
28 In the background of this process, the council staff is
29 preparing and submitting a specifications package to the agency
30 that contains conservation equivalency as the preferred
31 alternative and then, finally, sometime after all the state
32 measures have been decided on, the commission will send a letter
33 to the NMFS Regional Office that certifies that the combination
34 of state and regional management measures meets the requirements
35 for constraining landings to the harvest limit and so the
36 ultimate authority for implementing either coast-wide measures
37 or conservation equivalency lies with the agency and so they
38 have to have some communication from the commission that the
39 combination of measures is expected to be sufficient.

40
41 A few quick notes on compliance. Under conservation
42 equivalency, if a state either does not submit a proposal or
43 submits a proposal that's inconsistent with the conservation
44 equivalency guidelines, that state would be assigned the
45 precautionary default measures and these are a set of measures
46 that are voted on by the council and the commission when they
47 choose conservation equivalency.

48

1 That's a set of measures that would achieve at least the
2 necessary coast-wide percent reduction in each state and they
3 are intended to be generally unappealing. I don't believe they
4 have ever been implemented in a particular state, but if a state
5 is assigned those precautionary default measures, they do have
6 an additional opportunity to submit revised proposals.

7
8 Another quick note on compliance is that the states do have to
9 comply with the elements of the commission's FMP. For example,
10 they can't just refuse to implement the precautionary default
11 measures if they are assigned that, because if states are deemed
12 out of compliance with the FMP, they can have their fishery shut
13 down by the Secretary of Commerce and that is under the
14 authority of the Atlantic Coastal Fisheries Cooperative
15 Management Act and that provides some regulatory teeth to the
16 Atlantic States' actions, although this consequence has actually
17 never happened. It is worth noting, as you probably are aware,
18 the Gulf States Commission does not have this similar authority.

19
20 How is the harvest limit allocated by state or by region?
21 Summer flounder have been managed on a state-by-state
22 conservation equivalency basis until last year, in 2014, and so
23 the state-by-state allocations are -- They come in the form of
24 harvest targets for each state that are derived by taking the
25 coast-wide harvest limit and then applying the proportion of
26 landings by state from 1998 and so this base year was used
27 essentially because it was the last year that coast-wide
28 measures were in place.

29
30 Later years would be confounded by the effects of different
31 regulations by states and it has been argued that earlier years
32 reflected totally different fishery conditions and so the base
33 year was reconsidered early on in the process and it was
34 ultimately written into the plan in 2003 and the technical
35 committee did consider some other options, but they decided that
36 1998 was the best option.

37
38 There has been a lot of debate and criticism of the state-
39 specific measures and the 1998 base year as the years have gone
40 by, especially in recent years. These frustrations have been
41 exacerbated by apparent shifts in availability for summer
42 flounder, which are thought to be due to climate change or
43 population expansion as the result of rebuilding or some
44 combination.

45
46 This is a big factor in the recent decision to shift toward
47 regional management. Some states have been continually
48 exceeding their harvest target and other states have been

1 underperforming under this system and so the states that have
2 regularly exceeded their targets have had their management
3 measures increasingly tightened and they have argued that the
4 1998 base year is outdated and should be reconsidered, in light
5 of recent information.

6
7 Then that tightening of the regulations in those states has also
8 led to states -- To increasing discrepancies in regulations
9 between neighboring states, which has led to some confusion and
10 conflict in shared waters and some states basically think that
11 the 1998 base year either was originally unfair or is no longer
12 appropriate and other states are arguing that abundance is
13 increasing over the entire management unit and the allocation
14 shouldn't be changed.

15
16 With increasing tension over this issue and pressure to
17 reevaluate, the coast-wide measures were more seriously
18 considered last year, in 2014, but ultimately not chosen and the
19 commission did decide to attempt to smooth out some of this
20 disparity in performance by shifting to regional measures.

21
22 In 2014, there were five regions that were ultimately selected
23 and implemented through an addendum to the commission's plan and
24 there has been a lot of debate about where these regions should
25 be and if you can see the table here, you can see that some of
26 the regions are actually individual states, including
27 Massachusetts, Rhode Island, and North Carolina have individual
28 state regions, and others are combinations of states.

29
30 The details of the regional system are frankly still being
31 worked out a little bit. 2014 was envisioned as sort of a test
32 year for regional management and the targets assigned to each
33 region were kind of loose targets based on 2013 performance and
34 so how the performance is going to be evaluated by region is
35 still being worked out. The commission does plan to continue
36 this approach in 2015, but perhaps with some modifications to
37 the regional boundaries.

38
39 Some of the overall benefits of the conservation equivalency
40 system and regional management, the major benefit is flexibility
41 and the ability to customize state measures and meet the needs
42 of each state and so that state is going to attempt to maintain
43 some of their traditional fisheries and so this is really the
44 key benefit and something that's been really important to the
45 council and the commission and our stakeholders.

46
47 Another issue that's not so much a benefit of conservation
48 equivalency as it is a drawback to coast-wide measures is that

1 it's become very difficult to analyze and predict the effects of
2 coast-wide measures and so it's difficult to recommend coast-
3 wide measures because states have had complex and varying state
4 regulations for so long and it's hard to recommend measures that
5 won't disproportionately affect some of the states.

6
7 Another benefit is that some of our advisors have noted that
8 conservation equivalency allows for a little bit of increased
9 stakeholder involvement at the state level and they have more of
10 an ability to impact the measures that are chosen in working
11 with their states.

12
13 Some of the challenges, first and foremost, would probably be
14 the allocation issues we have been discussing in recent years
15 and especially in the face of the shifting populations due to
16 climate change or rebuilding.

17
18 There is a lot of complex questions being raised about how to
19 allocate this fishery fairly, either, for example, using current
20 availability or using historical fisheries or both, and it's
21 difficult or impossible to come up with a new baseline for these
22 allocations without going to coast-wide measures for at least a
23 year.

24
25 Another big problem is different regulations in shared waters
26 and this an often raised problem that did exist under state-by-
27 state conservation equivalency and it continues to exist under
28 regional conservation equivalency and so it's a big problem
29 under state-by-state conservation equivalency. Specifically,
30 it's been a problem for New York, which shares water bodies with
31 Connecticut and New Jersey and has often had much more
32 restrictive measures.

33
34 Then under conservation equivalency, the problem was sort of
35 shifted to the Delaware Bay and so given that a regional
36 delineation was drawn between Delaware and New Jersey, there is
37 a line drawn right down the middle of Delaware Bay, where there
38 is kind of drastically different measures. That's always going
39 to be kind of a problem wherever you draw the boundaries and so
40 there is a lot of questions and disagreements about where to
41 draw these regional boundaries that are still being discussed.

42
43 Some additional challenges include the fact that our
44 recreational estimates under MRIP are less precise at smaller
45 spatial scales and some of the state measures have been trending
46 toward what one of our Monitoring Committee members referred to
47 as hyper customization. You get even less precise estimates
48 when you break down different estimates by wave or by mode and

1 these complex measures have also led to some confusion and just
2 general complexity in the system.

3
4 Finally, one of the administrative drawbacks is that
5 conservation equivalency just involves a longer process overall.
6 It involves more meetings and staff time and more analysis and
7 so that has drawbacks in terms of getting things implemented in
8 a timely manner, but we usually manage to make it happen.

9
10 In general, the majority of our stakeholders, the council
11 members, and the commission members, have seen the flexibility
12 of conservation equivalency as outweighing these drawbacks and
13 so that's all the slides that I have to describe the process,
14 but I am happy to take any questions. Thank you.

15
16 **CHAIRMAN GREENE:** Thank you for a good presentation and before
17 we get into some questions, I want to send it to Mr. Pausina for
18 just a second and let him recognize an individual and then we'll
19 get to some questions.

20
21 **MR. MYRON FISCHER:** Randy doesn't have a microphone and so
22 passed the baton to me, but we wanted to introduce our Secretary
23 of Louisiana Wildlife and Fisheries who just showed up, Robert
24 Barham. Thank you, Mr. Chairman, for allowing that.

25
26 **CHAIRMAN GREENE:** Absolutely and thank you for being here.

27
28 **MR. PERRET:** Thank you very much for that presentation. I have
29 got three or four questions for you, if you don't mind and if
30 the members don't mind. We, the Gulf Council, are seventeen
31 voting members and Mr. Donaldson's commission is fifteen
32 commissioners and that's thirty-two members and we've got a
33 tough enough time at seventeen members trying to agree on
34 anything and so if we put thirty-two of us together, we would
35 probably have a little bit more difficult time.

36
37 I assume one of the major reasons for the joint complementary
38 plan is because of the legislative authority the Atlantic States
39 Commission has, that they have some enforcement powers? Okay.
40 The Gulf Commission does not have that authority.

41
42 We are talking regional management as a possibility for
43 management in some of our fisheries and you mentioned one thing
44 about problems with lines and you mentioned something about a
45 line right through Delaware Bay. With the flounder plan, for
46 the most part, are the lines the boundaries between each state?
47 That's one question.

48

1 **MS. DANCY:** Under state-by-state management, state-by-state
2 conservation equivalency, the lines were drawn between each
3 individual state. Last year, when we moved to regional
4 management, they were drawn -- I think I had a slide, but
5 there's between -- I can't remember which states, but Delaware
6 and New Jersey was one of the states that the line has to be
7 drawn somewhere and there are a lot of arguments about what you
8 should take into account when drawing those lines. Is it a
9 biological basis or political or based on the fisheries? The
10 lines are drawn wherever the state water boundaries end.

11
12 **MR. PERRET:** Okay and I think you mentioned that if a fisherman
13 follows the rules of the state where they land the fish, what's
14 the enforcement complications with that type of system? Has the
15 Coast Guard or state law enforcement people had real problems or
16 do they seem to be able to enforce that kind of management
17 situation?

18
19 **MS. DANCY:** I am not really sure what the enforcement issues
20 have been. I haven't heard that there's a lot of problems with
21 enforcement. I have heard the question raised of what happens
22 when you're out fishing in federal waters and you can claim
23 you're landing in a certain state, but what if you're not. That
24 may be an issue in terms of enforcement, but I haven't heard
25 that there has been a lot of problems and the system has been in
26 place for a couple of years and so I'm sure.

27
28 **MR. PERRET:** I have one last one. Has there been examples of
29 non-compliance by states and, if so, what regulatory action was
30 taken? You say the authority is to shut a state down and has
31 that happened?

32
33 **MS. DANCY:** I do not believe that that has ever happened. I
34 think that it's been threatened. I guess the first step in the
35 compliance is that if a state doesn't submit a consistency
36 proposal, they are assigned the precautionary default set of
37 measures and if they don't go along with that, then they would
38 be out of compliance with the FMP entirely and then that
39 ultimate authority that the Atlantic States Commission has to
40 threaten to shut down the fishery would come into place and I
41 think that's been threatened once for another species, but it's
42 never actually happened.

43
44 **MR. PERRET:** So the state the second year came into compliance?

45
46 **MS. DANCY:** I think any time that that is threatened, that
47 they're going to have precautionary default measures put in
48 place or -- You never it gets to the point of having the threat

1 of having their fishery shut down and the states have been, in
2 general, very good about submitting proposals that are
3 consistent with the guidelines.

4
5 **MR. RIECHERS:** I thought Mr. Perret was going to get my
6 question, but he didn't quite get there. When you talked about
7 states managing waters jointly or having waters that were joint
8 in that respect, how do those states with differential
9 regulations handle that? Is it by where the fish is landed or
10 is the line drawn and people with certain licenses are supposed
11 to be staying in one line or the other? I am just curious how
12 that is and how the states or regions are working that out.

13
14 **MS. DANCY:** It is based on the state in which you land the fish
15 what regulations you're subject to and under regional
16 management, all the states within a region have to have
17 identical measures, except there is some leeway for season. You
18 have to have the same number of days per wave open, but you can
19 adjust them slightly. Based on the exact days, you can shift
20 that a little bit.

21
22 **MR. RIECHERS:** One more. Obviously you all have been in a
23 regional management plan for a while and you have now -- Well,
24 you were in more of a state-based regional management plan and
25 now you've moved to larger regions.

26
27 When that decision was being made, and for the reasons you
28 suggested, it's harder to go back to coast-wide measures or to
29 understand what they would mean, because you've been more in a
30 localized or broken-up fashion with regulations in some respect,
31 but the overall benefit of your benefits slide, basically -- I
32 mean obviously you all have been having a lot of talk about
33 that, but you all maintained some sort of regional management
34 approach and so I am assuming folks, as you suggested in your
35 conclusion, still believe even though it has its certain
36 complications, it's better than the alternative of one-size-
37 fits-all.

38
39 **MS. DANCY:** Yes, I think that's the general consensus for most
40 of the council and commission members. I think it got to a
41 point where some of the states, under state-by-state
42 conservation equivalency, were pushing for coast-wide measures,
43 specifically New York, because they were continually exceeding
44 their target and had very, very restrictive measures that were
45 drastically more restrictive than their neighboring states.

46
47 There was some push for coast-wide measures, but, overall, it
48 was sort of politically unworkable and most of the council and

1 commissioners see the conservation equivalency as being much
2 better for the management of the species.

3
4 **MR. WILLIAMS:** I missed the very first part of your presentation
5 and so maybe you answered this, but is the TAC static? The 40
6 percent of it, in your presentation, is allocated to the
7 recreational fishery and is it the same year after year after
8 year or is there variability in the TAC?

9
10 **MS. DANCY:** No, it's not static. It changes pretty much every
11 year based on our assessments and assessment updates and what
12 we're projecting the biomass to be. We have an ABC control rule
13 and the quota does change year to year and so we do have to
14 account for that when we're setting measures for the next year.
15 We have to adjust measures to achieve the target for the next
16 year.

17
18 **MR. WILLIAMS:** So if the TAC is changing annually, do the
19 regulations change annually, too? So you get this board
20 together and the states propose -- Each state proposes a new set
21 of regulations every year and is that how it works?

22
23 **MS. DANCY:** Generally, yes. Everything is evaluated annually
24 and when the council and board make the decision to go to
25 conservation equivalency, the states get together and look at
26 their measures and see if they need to reduce or if they're
27 allowed to liberalize. In some cases, they do stay status quo,
28 but in most cases there is adjustments in each state to account
29 for both the new quota and whatever overage or underage they had
30 from the previous year.

31
32 **MR. WILLIAMS:** That was my next question. Are things static, do
33 they tend to be static, within a state and they're not? They do
34 tend to change year after year.

35
36 **MS. DANCY:** They tend to stay in the general ballpark of similar
37 regulations for each state, but they do change year to year.

38
39 **MR. WILLIAMS:** Do these varying regulations make the assessment
40 itself fairly difficult and lacking uniformity from state to
41 state and within Delaware Bay and within Chesapeake Bay and does
42 that create a real problem for the assessment people or do you
43 know?

44
45 **MS. DANCY:** I am not sure. I don't think it causes a big
46 problem for the assessment. The assessment does take into
47 account the MRIP estimates and, perhaps, as far as the MRIP
48 estimates, if that makes them a little bit more unstable, it

1 might affect the assessment, but it does have effects, or we've
2 heard from advisors and council and commission members, in terms
3 of compliance if the regulations are shifting around a lot and
4 if the regulations are very different in neighboring waters. If
5 you're fishing in Long Island Sound and the regulations are
6 different a hundred yards away, it becomes very difficult for
7 some people to stick to the more restrictive regulations, or so
8 we've heard from our advisors.

9
10 **MR. WILLIAMS:** One final question. How big is the board that
11 determines conservation equivalency? You said it contained
12 members from the states and from I guess ASMFC and the Mid-
13 Atlantic Council and how many -- They are mostly technical
14 people, I would guess, quantitative scientists, that are on the
15 board?

16
17 **MS. DANCY:** The board consists of Atlantic States Commission
18 members from North Carolina through Massachusetts and so there
19 are three members for each state and each state gets one vote
20 and so I don't know off the top of my head exactly how many,
21 twelve or fifteen, members or votes, I guess you would say.

22
23 **MR. WILLIAMS:** So the board itself doesn't meet separately and
24 they just meet as part of an ASMFC meeting, I guess?

25
26 **MS. DANCY:** Yes, it's similar to a committee of the council.
27 It's a Summer Flounder Management Board that meets as part of a
28 commission meeting.

29
30 **MR. ANSON:** Thank you for coming to give the presentation and I
31 have several questions myself and the first one might have
32 already been addressed and I was distracted and so I might be
33 repeating someone else's question, but relative to the timeline,
34 I guess, you had laid out the months and so it was my
35 understanding -- I don't have the presentation in front of me,
36 but it starts in August and it ends in spring sometime as far as
37 when it's at least sent to NMFS. You are looking at nearly a
38 year, a ten-month or nine-month, process and is that correct?

39
40 **MS. DANCY:** Yes, it's a long process and so I guess we have two
41 joint meetings per year with the council and the commission and
42 one is in August and that sets the annual quotas and the
43 resulting landings limits for the recreational and commercial
44 fisheries. Then we delay the recreational decision making until
45 December, when we have as much recreational estimates as we can
46 get for that year.

47
48 It is a long process and in the spring, we are also submitting a

1 specifications package for the recreational fishery on the
2 council side and the agency doesn't usually publish a proposed
3 rule until around April and then a final rule around June and so
4 it does kind of publish right before the fishery kind of really
5 gets going.

6
7 **MR. ANSON:** At this August meeting, you said you kind of make
8 adjustments based on landings and so this is outside of an
9 actual assessment and you just take recreational data and maybe
10 some other pieces of the commercial landings data and kind of
11 use that as a guide to kind of make some adjustments, if you
12 will, or is there a formal assessment that's conducted on a
13 regular basis and if there is, what's the timeline for that?

14
15 **MS. DANCY:** We typically get for summer flounder -- Summer
16 flounder is one of our most assessed species and so we just had
17 a benchmark assessment in 2013 and we typically get updates
18 fairly regularly for that assessment and that occurs in the
19 summer and then it's fed into the August meeting for the council
20 and commission and that's when they decide on what the overall
21 ABC and the recreational harvest limit and the commercial quotas
22 are going to be. Once we have that decision already made in
23 August, then we know what our recreational harvest limit is for
24 the upcoming year and then we use that to make our recreational
25 recommendations.

26
27 **MR. ANSON:** My last question is I think you had a bullet on one
28 of your slides regarding federal waters and that the federal
29 waters remain open and so, again, it's a landings issue as far
30 as whether or not the angler is in compliance at that state and
31 so they could be fishing in federal waters anytime throughout
32 the year. The waters are open and then they just -- When that
33 angler transits back into that state to land, they need to be in
34 compliance for that particular state or region, correct?

35
36 **MS. DANCY:** Yes, that's correct. The federal regulations, we
37 actually put in the regulations that set of non-preferred coast-
38 wide measures, but those are waived and so the anglers are
39 subject to the regulations of the state where they land.

40
41 **MS. BADEMAN:** Thank you for your presentation and I have a
42 couple of questions. First, what is the status of this fishery?
43 I thought you mentioned it was in a rebuilding plan and has that
44 been true from the beginning when this started, this state-by-
45 state management and then into regional management?

46
47 **MS. DANCY:** It was declared rebuilt in 2010 or 2011 and so it
48 was under a rebuilding plan I think for a lot of the time when

1 this system was put in place, but it is rebuilt now and we are
2 not under a rebuilding plan currently.

3
4 **MS. BADEMAN:** Then my other question is the fishing year I am
5 assuming starts January 1, but the work starts -- To start
6 putting together regulations starts in August and I am trying to
7 figure out how that fits into the timeline.

8
9 **MS. DANCY:** The recreational fishery, because of the seasonal
10 migrations, the recreational fishery doesn't really get started
11 until the spring. Conservation equivalency expires at the end
12 of each year and so I guess it defaults to whatever the --
13 Technically, it defaults to whatever the non-preferred set of
14 measures are, but then once the rule publishes in the spring,
15 it's kind of right before the fishery really gets started for
16 the recreational sector.

17
18 **MS. BOSARGE:** I was wondering, can you give us a little more
19 detail on the nuts and bolts of the conservation equivalency?
20 In other words, how do you determine that a state's plan or
21 proposal is conservationally equivalent to what the federal or
22 coast-wide measures would have been? Not technical in that who
23 decides this and that, but are there formulas for this or what
24 are the actual nuts and bolts that go into this?

25
26 **MS. DANCY:** There are some methods that the -- The commission's
27 Technical Committee does most of this very technical work and
28 usually evaluates what the landings were in numbers of fish and
29 what the target for the upcoming year is in numbers of fish and
30 where each state stands relative to their performance and how
31 the specific set of measures performed.

32
33 There are some details that I am not really that familiar with,
34 because I do listen in on the Technical Committee meetings, but
35 they do have some sets of data and methods that they use and
36 some formulas, in some cases, to account for adjustments, for
37 example, interactions between if you adjust both the bag limit
38 and the size limit and what kind of reduction does that get you.

39
40 In a lot of cases, I think it's based on state-specific data.
41 Some states use volunteer angler surveys and other states don't
42 have that available and some states have better MRIP estimates
43 than others and each state uses basically the information that
44 they have in order to calculate the effects of given changes in
45 measures and then the rest of the Technical Committee evaluates
46 that proposal and will critique it.

47
48 **MS. BOSARGE:** My second question is kind of a follow-up to that.

1 If the states are doing most of the grunt work for this
2 essentially, the collection of the data and this and that and
3 they come up with the plan, and then those states -- It's their
4 Department of Marine Resources for each individual state.

5
6 Then that plan is kicked up to a commission that each one of
7 those Department of Marine Resources heads sits on to be blessed
8 and I guess -- Maybe this is my accounting background in
9 auditing, but the internal control there, that seems a little
10 off.

11
12 I mean is there ever an independent body that evaluates those
13 plans to make sure they are conservationally equivalent, whether
14 that be at a federal level or something, rather than having a
15 state plan that is then blessed by a body that's made up of
16 those state directors?

17
18 **MS. DANCY:** I think that the Technical Committee actually is
19 very critical of the proposals and they come up with some
20 options based on what might work for their state, but they do
21 analyze everything very quantitatively and are very quick to
22 point out flaws in each other's logic in terms of the reductions
23 or liberalizations that are needed.

24
25 They are fairly good about doing that and, additionally, at the
26 commission level, you don't just have the state department heads
27 there. You have governors' appointees and other members that
28 are kind of keeping things in check as well.

29
30 **DR. CRABTREE:** Thanks, Kiley, for being down here. Summer
31 flounder right now is not overfished or undergoing overfishing
32 and is that correct?

33
34 **MS. DANCY:** Correct.

35
36 **DR. CRABTREE:** What is the approximate mix in the recreational
37 fishery of how much is caught in state waters versus federal
38 waters?

39
40 **MS. DANCY:** The vast majority is caught in state waters in the
41 recreational fishery, but I don't know the numbers off the top
42 of my head.

43
44 **DR. CRABTREE:** That's good enough. Among the measures that the
45 states adjust for their conservation equivalency, it is just
46 adjusting the bag limit, the season, and the size limit? Are
47 they limited to those three things?

48

1 **MS. DANCY:** Yes and some of the states do have special programs,
2 for example, of shore-based sites, where they have a separate
3 set of measures, a smaller size limit, but yes, they are
4 focusing on bag, size, and season.

5
6 **DR. CRABTREE:** If a state goes over for whatever reason, do they
7 have to pay the overrun back the next year or how does that
8 work?

9
10 **MS. DANCY:** Under state-by-state conservation equivalency, they
11 would have to adjust their measures to account for whatever
12 overage they had and so they would have to -- Assuming that the
13 quota is not raised enough so that it's not an issue, but if
14 they go over and the quota is relatively the same, they do need
15 to account for that in their adjustments for measures.

16
17 Under this regional management addendum that the commission
18 passed last year, it is a little bit different. There is some
19 kind of what they describe as fish sharing going on. For a lot
20 of the states that have been underperforming for many years and
21 a lot of the states have been overharvesting and there is a
22 little bit more flexibility with this regional approach and the
23 details of that are still kind of being worked out, what the
24 consequences are going to be for regions that overharvest, and I
25 think a lot of it was going to hinge on whether the total coast-
26 wide recreational harvest limit was exceeded.

27
28 If the recreational harvest limit wasn't exceeded, I think it
29 was kind of seen as not as much of a problem, but if it was
30 exceeded, then there would have to be some more discussions at
31 the board level about what the consequences were going to be for
32 each region.

33
34 **DR. CRABTREE:** I think all of these states are in the MRIP
35 program, but you mentioned something about other surveys could
36 be used and how does that work?

37
38 **MS. DANCY:** Some of the states have additional data from either
39 logbook programs or they have volunteer angler surveys and
40 sometimes they use that data to supplement the MRIP data. It's
41 primarily MRIP-based, the analysis, but sometimes if they feel
42 the MRIP data is lacking in a certain area and they have
43 information to supplement that and they can estimate a better
44 idea of what the effects of the changes are going to be, they
45 will use supplementary information.

46
47 **MR. RIECHERS:** I want to follow up on Roy's -- The preceding
48 question to his last one and that was regarding the overages and

1 the payback. As I understood your answer, it's not a payback,
2 but it's they adjust to make sure that in the next year they
3 stay within the -- They basically try to make an adjustment to
4 make sure they stay within the appropriate TAC that they're
5 allowed or catch limit that they're allowed and is that correct
6 or is it an actual payback? I just want to make sure we're not
7 talking past one another as you answered that.

8
9 **MS. DANCY:** Yes, that's correct. There is not a strict pound-
10 for-pound or fish-for-fish overage payback, but they do have to
11 account for it in their measure setting for the next year.

12
13 **MS. BADEMAN:** Going back to -- I am trying to think through the
14 timeline again. For the regulations that are going to come out
15 this spring, you guys set the ABCs back in August, which means
16 that the data that you used for the ABCs is probably from two
17 years ago and is that right?

18
19 **MS. DANCY:** Actually, for the quota setting side of the process,
20 we have started to move toward multiyear quotas and I didn't
21 mention that in my presentation, but we actually set the quotas
22 for several years based on the 2013 assessment and so the data
23 for the quota, the basis for that quota in 2015, is that 2013
24 assessment and so we set multiyear quotas. We reviewed them in
25 August and the council and commission decided not to change them
26 and so that's what that is based on.

27
28 **MS. BADEMAN:** But you would, for the 2013 assessment, I'm
29 assuming your last year of MRIP is 2012 or maybe even 2011?

30
31 **MS. DANCY:** 2012, yes.

32
33 **MR. PERRET:** Back to paybacks. If any segment of the fishery,
34 for whatever reason, goes over, there is no payback the
35 following year, but there is a reduction in their allocation for
36 that state or that region? In other words, you said on the
37 recreational there is no payback and what about on the
38 commercial guys?

39
40 **MS. DANCY:** The adjustments under conservation equivalency are
41 kind of separate from our accountability measures that we have
42 on the federal side for the council. We have the accountability
43 measures in place as well and so for the commercial side, if
44 there is an overage, the commercial side has to do a pound-for-
45 pound payback in the subsequent year.

46
47 For the recreational fishery, the council recently modified the
48 recreational accountability measures in 2013 to do away with

1 pound-for-pound paybacks and the consequence for exceeding the
2 annual catch limit in the recreational fishery is tied to stock
3 status.

4
5 If the stock is not overfished or overfishing is not occurring,
6 then basically, under most circumstances, the accountability
7 measure would be adjustments to bag, size, and season. If the
8 total catch is over the annual catch limit, then that needs to
9 be taken into account somehow by adjusting bag, size, and season
10 and accounting for our predictions for how well the measures
11 were going to work not being accurate.

12
13 **MR. PERRET:** Why wouldn't you do it and be fair and equitable to
14 all?

15
16 **MS. DANCY:** That's what a lot of our council members have said
17 as well. It was something that it -- It used to be we used to
18 have in-season closure authority for the recreational fishery
19 and pound-for-pound paybacks and that was modified by the
20 council a couple of years ago.

21
22 **MR. WALKER:** I noticed in your presentation you had one of the
23 problems was migration and I was wondering -- Here in the Gulf,
24 we have storms and episodic events and red tide and different
25 things that affect species and there were species after the oil
26 spill that got dislocated and we couldn't catch them in certain
27 areas that we used to and in other areas, they started catching
28 fish, like vermilion and different species. I was just
29 wondering if these type of events, storms and so forth, have an
30 effect on your area.

31
32 **MS. DANCY:** I am not sure what effect they have on the
33 distribution or the migration patterns of summer flounder. I
34 know that, for example, Super Storm Sandy in 2012 had a large
35 effect on the fishery itself and a lot of the recreational
36 capacity in New York and New Jersey was -- Effort was down,
37 according to as a result of that storm. I mean it does affect
38 the fisheries, but I am not sure what effect it has on the
39 migrations or the movement patterns of the species.

40
41 **MR. WALKER:** There is times like in even Alabama, with the
42 hurricanes, where you don't catch a lot of red grouper and then
43 a storm will come through and move red grouper up in our area or
44 gag grouper and then I've seen times in history where we weren't
45 catching fish and a storm would come through Mexico and it would
46 push fish into Texas and Louisiana. I mean it affects a lot of
47 our species like that and I was just wondering what your
48 experience was. Thank you.

1
2 **MS. LEVY:** Just a question about the EEZ and I understand that
3 it remains open as long as everyone actually is determined to
4 have a conservation equivalency plan. I think you said this
5 hasn't happened, but what if a particular state or region
6 submitted a plan or didn't submit a plan and so there was no
7 conservation equivalency and those non-preferred measures kick
8 in for the EEZ?

9
10 I assume through the commission they also kick in for the state
11 and so then what I guess I'm getting at is there would be a
12 time, if that would happen, when the EEZ would actually be
13 closed off a particular area or that would never happen?

14
15 **MS. DANCY:** That wouldn't happen, according to my understanding.
16 The precautionary default measures would be put into place for
17 any state that doesn't submit a proposal or that submits a
18 proposal that basically doesn't achieve the goals of the
19 conservation equivalency for that year and so the precautionary
20 default measures are voted on by the council and commission each
21 year and those would be put in place for the states and then the
22 EEZ would remain open.

23
24 **MS. LEVY:** So it would then just be sort of whatever the season
25 would be would be the state season and the EEZ would still be
26 open and it would still be based on landing in that state and is
27 that what --

28
29 **MS. DANCY:** Yes, it's still based on wherever the angler is
30 landing.

31
32 **CHAIRMAN GREENE:** Okay. Any other questions? With that, we're
33 going to go ahead and take about a fifteen-minute break and
34 we'll start back up about 10:45.

35
36 (Whereupon, a brief recess was taken.)

37
38 **CHAIRMAN GREENE:** I think the next item we had the presentation
39 we just went through and so, with this, I'm going to send it to
40 Dr. Lasseter and let her pick up on the red snapper regional
41 management.

42 43 **COMMITTEE RECOMMENDATIONS**

44
45 **DR. LASSETER:** Thank you, Mr. Chairman. We are back in the
46 document again, Tab B, Number 8, and we have stopped in the
47 table of contents here for a moment just so you can see an
48 overview of the actions.

1
2 Again, the IPT has restructured the document and renumbered a
3 lot of the alternatives as well and so Action 1, as I just
4 briefly showed you before Kiley's talk, concerns the form, the
5 type, the structure, of regional management you may wish to
6 pursue.

7
8 The second action addresses how the charter for-hire component
9 fits in with regional management and this gets to our timeline
10 of this document and this is how the IPT figured out how to work
11 this in and structure it and provide you alternatives with how
12 you see the components underneath regional management.

13
14 Action 3 is selecting the regions for management and 4 is
15 apportioning the quota among the regions and Action 5 are the
16 post-season accountability measures and so we will go through
17 each one of these.

18
19 Action 1, again, begins on page 8 and, again, the Preferred
20 Alternative 2 is the delegation alternative and it's currently
21 your preferred alternative with a sunset provision of three
22 years after the program.

23
24 Alternative 3, again, is what we're terming the fast-track
25 approach to the conservation equivalency form of management,
26 modeled after summer flounder, and, again, this has -- It's fast
27 tracked because it would only have one stage of a review
28 process.

29
30 The regions would put together their proposals that explain the
31 conservation equivalency measures and then those proposals would
32 be reviewed by NMFS.

33
34 Alternative 4 is more similar to what the Mid-Atlantic does. It
35 would include an additional stage of the review and we have
36 termed it here a technical review committee and in the Mid-
37 Atlantic, it's the Summer Flounder Board. As Ms. Dancy noted,
38 it consists of the Atlantic States Commission, representatives
39 from each state, and so you have the greater stakeholder
40 involvement in not just composing the proposals, but in
41 reviewing them as well before they go to NMFS.

42
43 However, it would be a longer process once implemented, because
44 it's an additional stage, and also going this route, we would
45 probably need more time in fully implementing this amendment,
46 because we would have to compose this group, populate this
47 group. There might be a few more steps involved and so there's
48 tradeoffs with each of these and I will pause here for a

1 question.

2

3 **MR. WILLIAMS:** Ava, under Alternative 3, I presume you've had a
4 discussion with NMFS at some point on this and they are willing
5 to accept this responsibility to evaluate the conservation
6 equivalency.

7

8 **DR. LASSETER:** That is correct. We have a couple of NMFS staff
9 on the IPT, including Mara, our legal counsel, who have stated
10 that a NMFS part of the review would be required. They would
11 have to review it and they are willing to do so.

12

13 **MS. BADEMAN:** Ava, help me understand differences in the process
14 with 2 and 3. With Alternative 2, and correct me if I'm
15 understanding this incorrectly, but as long as a state stays
16 within the bounds, if they can stay within the bounds of the
17 size limits and bag limits and yada, yada, yada, they don't have
18 to get a plan approved and is that right, versus 3, where you
19 have to go through the process and get the plan approved by
20 NMFS? Mara, is nodding her head no and Ava is --

21

22 **DR. LASSETER:** Actually, even in the delegation, NMFS will still
23 be reviewing what you put in place, because if it's determined -
24 - Whatever management measures that region wishes to propose,
25 authority would be delegated to a state to adopt those
26 management measures and they would still have to be consistent
27 with the FMP and the rebuilding plan and so in all of them,
28 there is still a NMFS review component, approval component.

29

30 **MR. PEARCE:** I am not on your committee, but Preferred
31 Alternative 2 basically delegates, which means it's a super
32 majority vote in order to have that happen. Alternatives 3 and
33 4 is not a super majority vote and it's just a regular 51
34 percent and we win, correct? I just want to clarify that. If
35 we do 3 and 4, we don't have to worry about a three-quarter
36 vote, right?

37

38 **DR. LASSETER:** That is correct.

39

40 **MR. FISCHER:** I would just ask what is going to be our procedure
41 through this? Are we going to possibly make changes or
42 alternations or change our preferred as we go or are we letting
43 Ava go through the document and then we come back? It's your
44 call.

45

46 **CHAIRMAN GREENE:** I don't know. It would be up to whatever you
47 guys feel is best at this point. I mean we can certainly go
48 through it each item and deal with it as we get to it and that

1 may be the best way.

2

3 **MR. FISCHER:** Before we get off of Action 1, I am looking to
4 change this.

5

6 **MR. RIECHERS:** Ava, in the previous document, we had a preferred
7 option that listed management measures that the state could
8 undertake and it seems now, to me -- First, I don't see that in
9 the document anymore and I am wondering about the removal of
10 that.

11

12 Two, and I'm going to guess what your answer is, that it's
13 probably included as Alternative 3 in conservation equivalency,
14 but we seem to be much more limited in those options there and
15 so could you explain how we went from that previous document to
16 this document, because I am not remember us removing that as a
17 council.

18

19 **DR. LASSETER:** I had a big star there and I neglected it. In
20 restructuring the document, we did remove the Action 4. At the
21 IPT level, we've had several issues with that. One, having
22 every alternative selected as preferred was an issue and so we
23 had the structural issue with the document.

24

25 Then also, when we went towards the summer flounder model, as we
26 were instructed to, the only measures that are modified under
27 the summer flounder model are bag limits, season structure, and
28 the size limit.

29

30 In these alternatives in Action 1, they actually do specify that
31 the regions would establish those three management measures.
32 The size limit one is still a sticky issue and while each region
33 could propose, or adopt in their regulations if it's delegation,
34 the size limit that they prefer, NMFS will have to determine
35 whether or not it is workable.

36

37 As for the other alternatives that were originally in Action 4,
38 I thought we had talked at the last meeting and definitely the
39 sub-allocations part would have to go through the full council
40 process, because we're going to have to address issues with
41 fairness and equity. It's going to require a whole NEPA
42 analysis.

43

44 If you did want to do that at just a state-by-state level, I
45 would have to check with Mara, but we could possibly have that.
46 It would have to be a whole separate action. It would have to
47 be a whole separate component of the document to analyze and
48 consider that.

1
2 Then the other alternative on there was the closed area one and
3 the more we get into summer flounder, we just -- It's just
4 unworkable. We don't know how to do that. It seems like if
5 your state waters are open and you just want to close the EEZ,
6 then you would be fishing essentially under the coast-wide,
7 Gulf-wide restrictions or the default regulations, as we've laid
8 out in the introduction chapter. Does that help?

9
10 **MR. RIECHERS:** It helps explain how we got to this document, but
11 I don't know if it helps explain that that's not exactly the
12 action that I think was asked for. I think the action that was
13 asked for at the last meeting was to put a summer flounder
14 alternative in or put that model in here, but we didn't ask for
15 deletion of that other action and at least consideration of
16 those.

17
18 I understand we've had discussions about the legal workings of
19 those and the difficulty of various aspects of it and some of
20 the size limit issues and how that might affect the stock
21 assessment and the modeling, but it certainly, I think, was a
22 council level decision to put those in and if I -- Since we
23 haven't had a council level decision to take those out, I think
24 they should be included in here still.

25
26 **MS. LEVY:** One of the issues, as Ava pointed out, with that
27 particular action was that it had all of these alternatives for
28 what the states could manage and then they were all selected as
29 preferred.

30
31 What we did was incorporate them into Action 1 and say what you
32 could do under each of these alternatives and we did take out
33 those ones that seemed to complicate the situation, knowing that
34 you all wanted to move forward with this.

35
36 If you want to have them in the document, then there are a
37 couple of ways to do that. One is to add them back into these
38 alternatives in Action 1 and so instead of saying that each
39 region would establish season, structure, bag limit, and minimum
40 and maximum size limit, add in there "and closed areas".

41
42 You can fit them in that way. The thing with the allocation,
43 and I think Ava is probably right about that, is if we really
44 want to have separate allocations or sector separation under
45 regional management, it's kind of addressed in the next action
46 and it doesn't contemplate right now state-by-state decisions on
47 that. It's sort of an overall thing and either it's included or
48 it's not, but we could potentially modify that action to allow a

1 state-by-state choice.

2
3 The issue is you have to make the choice here, so that it can be
4 analyzed, and then run with it until you come back and modify
5 the plan to change that, but we can fit those things in. We
6 just didn't do it right now, because we wanted to make it as
7 simple as we could.

8
9 **MR. RIECHERS:** I appreciate the notion of restructuring the
10 document from a structural standpoint so that it makes more
11 sense. I would just hope that we're not losing things that the
12 council has voted on as we restructure that and that the IPT
13 team does not make those decisions on behalf of the council.

14
15 I would suggest that, and if I need to make it in the form of a
16 motion, I certainly will, but I would move that we alter --
17 **Really, in my mind, it's not an alteration, but it's revise**
18 **Action 1 to reflect the preferred alternatives that we had in**
19 **the previous Action 4.** Is that right?

20
21 **DR. LASSETER:** Charlotte, may I help you? It's to revise Action
22 1 to reflect the previous preferred alternatives in Action 4, if
23 that's okay.

24
25 **CHAIRMAN GREENE:** Mr. Riechers, is that your motion?

26
27 **MR. RIECHERS:** Yes.

28
29 **MS. BADEMAN:** I will second that.

30
31 **MR. FISCHER:** Could we list what they are, just so that -- The
32 previous Action 4 isn't in this document.

33
34 **MS. LEVY:** What you might say -- I would suggest putting "to
35 revise Action 1 and 2", because I think that the closed areas
36 fit under Action 1, but the sub-allocations, which relate to
37 sector separation, fit under Action 2, which actually deals with
38 that question.

39
40 **Maybe you can say to revise Actions 1 and 2 to reflect the**
41 **preferred alternatives of closed seasons and sub-allocations in**
42 **previous Action 4.** Those are the only two things that are not
43 currently reflected in Action 1.

44
45 **CHAIRMAN GREENE:** Okay. We have a motion on the board to revise
46 Actions 1 and 2 to reflect the preferred alternatives of closed
47 seasons and sub-allocations in previous Action 4. It was
48 seconded by Martha and is there any discussion?

1
2 **MR. FISCHER:** Was it closed seasons or closed areas?

3
4 **MS. LEVY:** **Closed areas.** That was my mistake.

5
6 **DR. CRABTREE:** Mara, maybe you can help me. I can see how under
7 Alternatives 3 and 4 a state will come in with its conservation
8 equivalent measures and its bag limits and size limits and a
9 season and those things are pretty standard and we analyze them
10 all the time and so we don't have NEPA issues, but what I'm
11 having a hard time understanding is the closed area end of it,
12 because we can put this in here, but then we have not analyzed
13 any particular closed area and so wouldn't we then have to go
14 through the whole NEPA process?

15
16 I think we can do closed areas through the framework, but
17 essentially if a state came in asking for that, it would then go
18 before the council and we would have to go through a framework
19 action and put that closed area in place and analyze the whole
20 reasonable range of alternatives and then go through a proposed
21 rule and final rule and put the closed season in place and then
22 it would stay in place until the council changed it and is that
23 how it would have to work?

24
25 **MS. LEVY:** I don't know what the exact process would be for a
26 closed area in the EEZ, because we have to have some sort of
27 federal regulation that actually closed that area and so without
28 knowing in advance what it is, I think that's right that we
29 would have to evaluate the proposal and there would have to be
30 some sort of federal action that actually closes it.

31
32 It's not as simple as us just waving a bag, size, and season as
33 long as the states set it consistent with the FMP, because the
34 federal EEZ is open and so we would actually have to establish
35 the closed area. If you knew what you wanted it to be and we
36 set it up in this document, then we could do that.

37
38 **DR. CRABTREE:** At this point, haven't heard or seen anything
39 that indicates what it would be and so it seems to me that it's
40 a significant complication of the whole process and it would
41 really slow things down.

42
43 Now, on the sub-allocations, we have approved Amendment 40,
44 which analyzed a range of alternatives for establishing sub-
45 allocations and the council has a preferred that it selected and
46 would it be possible to set this up in a way, rather than
47 allowing states to just come up with any sub-allocation, could
48 we set it up so a state could decide either to have a sub-

1 allocation or not to have a sub-allocation and if they decide
2 they want the sub-allocation, it would be the preferred
3 alternative that's already been analyzed and was approved in
4 Amendment 40 and then applied to that state.

5
6 It seems to me if we did that that might enable us to kind of
7 move that without having to go through a whole lot more
8 analysis, because it's already been looked at and we've already
9 done it through an EIS. Of course, that presumes that Amendment
10 40 would be approved or not, but does that seem like a viable
11 way to deal with sub-allocations, if it was an opt in or opt out
12 of the allocations established in Amendment 40?

13
14 **MS. LEVY:** I think when we get to Action 2, you will see that
15 there are alternatives for how regional management and sector
16 separation interact and one of those would be for regional
17 management to extend the separate management of federal for-hire
18 and private angling components of the recreational sector.

19
20 We could modify this to sort of allow the states to choose if
21 they want to do that in their particular regions and using the
22 allocation that is selected in Amendment 40 and analyze it in
23 this document. I think that we could set it up that way, but we
24 would just have to modify how Action 2 looks.

25
26 **DR. CRABTREE:** Otherwise, we can't do -- We can't do allocations
27 through our framework and so otherwise, if a state wanted to
28 establish a sub-allocation, we would have to go through the full
29 plan amendment process with the council voting it and going
30 through what we all know is a more than a year-long process and
31 is generally very controversial, as we've all seen. That seems,
32 to me, to be really cumbersome.

33
34 **MR. PEARCE:** I am not on the committee, but I just think this
35 warrants a lot of discussion and following up on what Roy just
36 said, I think this is very important and that all the tedious
37 and tough work we did the last council about Amendment 40 needs
38 to follow this document and that the charter vessels that I'm
39 talking to in the hall today need the protection of 40, whether
40 it's federal or state-managed at all. It's got to be part of
41 the process and it's got to be the same guidelines of Amendment
42 40, so the charter guys are protected.

43
44 **MR. FISCHER:** Mr. Chair, this would be directed either to
45 yourself or Mara. Looking at this motion, the closed area could
46 be one of the region's measures where the sub-allocation is
47 definitely in Action 2 and am I correct and shouldn't we just
48 split this motion and vote on the one that pertains to Action 1

1 now and then worry about sub-allocation in ten minutes, when we
2 get to that?

3
4 **MR. RIECHERS:** I am not even trying to talk about the merits of
5 either one of these. The fact is they shouldn't have been
6 dropped from the document in the first place. The IPT team
7 should not be making a decision to remove preferred alternatives
8 that we've had in the document before and so let's get them back
9 in here and then we can have a discussion about the merits and
10 about whether we want to keep them as preferred and whether or
11 not we think it's a workable solution or whether it's a NEPA --
12 If it's going to take NEPA analysis.

13
14 The simple fact is we left a meeting and they were in there and
15 we come back and they're not and so we need to get them back in
16 here and then we can have the broader discussion, but we just
17 need to make sure we keep the things in our documents as they
18 move from one meeting to the next.

19
20 **CHAIRMAN GREENE:** Any other discussion relative to the motion?

21
22 **MR. FISCHER:** I wanted my question answered about should we
23 split the motion, because then I might move to split the motion,
24 so we could move forward.

25
26 **DR. CRABTREE:** Make a substitute motion.

27
28 **MR. FISCHER:** My question was does the first portion of closed
29 areas relate to Action 1 and the sub-allocation -- Okay and so
30 let's split the motion so we can get through Action 1 and then
31 move forward. **I move that we split the motion.**

32
33 **CHAIRMAN GREENE:** Okay, Mr. Fischer, and so your substitute
34 motion is to split the above motion and you are meaning to
35 basically take out the language in the motion above that says
36 "and 2", correct?

37
38 **MR. FISCHER:** The sub-allocation and then we'll deal with that
39 when we get to Action 1.

40
41 **CHAIRMAN GREENE:** Okay. Help us get the motion on the board,
42 the substitute motion, correct as you wish. I would prefer you
43 just take the above motion and copy and paste and remove the
44 items that you have rather than me trying to go here and do it
45 for you.

46
47 **DR. CRABTREE:** Maybe they're going to do it, but, Myron, your
48 substitute motion needs to say what you want the motion to be

1 and not just to split it. I think you need to --

2
3 **MR. FISCHER:** Substitute motion to revise Action 1 to reflect
4 the preferred alternatives of closed areas. We will deal with
5 the other half of the motion in a few minutes, when we get to
6 Action 2.

7
8 **CHAIRMAN GREENE:** Mr. Fischer, is that your motion?

9
10 **MR. FISCHER:** Yes, it is.

11
12 **CHAIRMAN GREENE:** Is there a second to the motion?

13
14 **MR. RIECHERS:** Second.

15
16 **CHAIRMAN GREENE:** Second by Mr. Riechers. Any further
17 discussion about this motion?

18
19 **MR. WILLIAMS:** What are you trying to do with this? I mean in
20 practical terms, what closed areas are you thinking about? I
21 would like to know the consequences of what I'm going to be
22 prepared to vote for.

23
24 **MS. BADEMAN:** From Florida's perspective, I could see if we end
25 up in a regional management scenario where we end up splitting
26 our state -- We have an extensive coastline and very different
27 fishing seasons and availability of tourists and so I would like
28 to see that option, to be able to have the Panhandle and
29 adjacent EEZ waters open at one time and then further south open
30 at a separate time and that would require some kind of closed
31 areas thing.

32
33 I mean we could do that potentially in the scenario that Roy is
34 laying out, but I mean I think that option needs to be in here
35 somehow to have the closed areas.

36
37 **DR. CRABTREE:** I don't see that as a closed area. That, to me,
38 would be in your conservation equivalent plan you would just
39 establish one season in this part of the state and another
40 season in another part of the state and provided you could
41 provide an analysis that shows it's going to adequately
42 constrain catches, I don't see why you couldn't do that, but I
43 don't see that as a closed area.

44
45 What I see, in my read of what this means, is leave state waters
46 open year-round and close the EEZ and I think that's contrary to
47 what we're trying to do here, which is why I'm probably not
48 going to support this, but I think what you're talking about

1 doing is included within the description of seasons.

2
3 **MR. RIECHERS:** Roy, you said that's what you were afraid of and
4 what would it -- At that point, the state has a TAC or an annual
5 catch limit and as long as the state keeps their conservation
6 equivalency within that state limit, does it matter where those
7 fish are caught?

8
9 **MR. WILLIAMS:** Robin, if I may --

10
11 **MR. RIECHERS:** Let me finish and I will give you an example and
12 she laid out one example. We have got a big state too and we
13 may choose to do zones or something. We have to enforce those
14 and we understand that, but either way, those fish are going to
15 be landed in Texas. Maybe a few may leak over to Louisiana and
16 some may go to Mexico, but, for the most part, anything that
17 comes into Texas -- Anything that comes into Texas, we're going
18 to be accounting for those.

19
20 The other thing we could do in our state is, for instance, right
21 now we have an EEZ season of, predictably in the next season,
22 one day for a recreational season. We've got state waters open,
23 as we've had them, and some other states are going to have
24 different state water seasons and federal waters seasons and you
25 may choose to have a mixture of those things.

26
27 All we've tried to do, as we've talked about this document from
28 the very beginning, is give the states the tools, with as many
29 of those tools as we can.

30
31 We still have to come before some body and some decision-making
32 group and suggest to them how it's all going to fit together and
33 work. We are just trying to keep all the tools in the toolbox
34 as we go forward.

35
36 **MR. WILLIAMS:** May I respond? What area are you considering
37 closing?

38
39 **MR. RIECHERS:** We may close the EEZ for certain periods of time.

40
41 **MR. WILLIAMS:** For private boats only or are you going to
42 include the charter boats in that?

43
44 **MR. RIECHERS:** I don't know the answer to that. It could be
45 both or it could -- I mean right now they're closed for periods
46 of time.

47
48 **MR. WILLIAMS:** I am going to have to know before I am prepared

1 to vote for this.

2
3 **MR. RIECHERS:** Well, I mean we can get into this again, but
4 this, frankly, is in the document today and I can call a point
5 of order and suggest that we shouldn't even be discussing this,
6 because, frankly, it was in the document when we left it.

7
8 Staff should not be making decisions to pull preferred
9 alternatives out of the document and that's all I'm trying to do
10 right now, is get them back in there.

11
12 **MR. PERRET:** I am not on your committee, but everybody is
13 telling me what Myron's motion means and, Myron, what do you
14 mean by "closed areas"? Are you referencing something like your
15 shrimp zones and you could have Zone 1, 2, and 3 and open one
16 area versus the other and that sort of thing? What do you mean
17 by your closed area?

18
19 **MR. FISCHER:** Presently, we have no interest in zones and so it
20 could work like the shrimp zones. All I was trying to do was
21 split the motion, because the germane part of the sentence, one
22 applies to one part of the document and one applies to the other
23 part and we don't want to take up the whole document at one
24 setting and so split it and just move forward.

25
26 **DR. CRABTREE:** I guess, Robin, I understand what you're saying
27 and I guess I don't fundamentally necessarily have an objection
28 to what you're talking about doing there. My problem is more
29 having it included in this document, because, as you see here,
30 we don't know what the closed area is or who it applies to and
31 so we can't analyze it in the context of this document and so if
32 you decide to do that, you're going to have to come back to the
33 council and say we would like to have this closed area and we're
34 going to have to go through the whole process and vote and do a
35 NEPA analysis and conduct public hearings and then go through a
36 rulemaking and approve it.

37
38 I just don't see how this is workable in the context of what
39 we're laying out here, where we come in with a conservation
40 equivalency and we go through NMFS looks at it and makes a
41 determination on it, because I don't think NMFS is going to look
42 at a closed area and be able to make that determination on it.
43 I think that's going to have to come back before the council and
44 go through a whole rulemaking in it, because there is no NEPA
45 analysis to support any of it.

46
47 I think we could do what you want to do, but I just don't see
48 that it can be part of this conservation equivalency process

1 that we're laying out. I just don't see how the NEPA side of it
2 and the rulemaking would work that way.

3
4 **CHAIRMAN GREENE:** Thank you, Dr. Crabtree. We have a motion on
5 the board, a substitute motion, to revise Action 1 to reflect
6 preferred alternatives of closed areas in Previous Action 4. **By**
7 **a show of hands, all those in favor please raise your hand, two**
8 **people in support of the substitute motion; those opposed please**
9 **raise your hand. The substitute motion fails and so I guess we**
10 **go back to the original motion, which is to revise Actions 1 and**
11 **2 to reflect the preferred alternatives of closed areas and sub-**
12 **allocations in previous Action 4.** Is everybody comfortable with
13 where we are?

14
15 **MR. WILLIAMS:** These sub-allocations refer to sub-allocations
16 within the recreational fishery, I guess? I am trying to figure
17 out how this overlays with Amendment 40, where we have already
18 proposed sub-allocations within the recreational fishery.

19
20 What specifically do these sub-allocations refer to? Are they
21 by area or are they within the charter fishery or headboat
22 fishery or are they between private and recreational, I mean
23 between private and for-hire? I don't understand what they
24 mean.

25
26 **CHAIRMAN GREENE:** Mr. Anson, I had your name down and was it to
27 this?

28
29 **MR. ANSON:** No, it wasn't and it might come up at full council.
30 It was relative to the previous motion. I wanted some
31 clarification and so maybe at full council.

32
33 **MR. RIECHERS:** Roy, I think the sub-allocations, and we can turn
34 to our IPT team, but I believe what they were suggesting is that
35 from the previous motions, where we basically were going to
36 allow a state to consider sub-allocations between the two
37 recreational sectors, charter for-hire and private rec, and
38 possibly even party boats, if you want to make that distinction,
39 different from charter for-hire. The state would have that
40 ability. When that Action 4 was dropped out of this, they
41 believe it will fit under Action 2 more appropriately.

42
43 **MR. WILLIAMS:** Robin, how does that overlay with Amendment 40,
44 if it's approved?

45
46 **MR. RIECHERS:** I think what they're trying to do here is still -
47 - If you look at Action 2, right now Action 2 basically suggests
48 you take Amendment 40 as it is or you're out of Amendment 40. I

1 think Dr. Crabtree was suggesting some sort of opt-in or opt-out
2 option and so I assume that's what you would be looking to do,
3 is change Action 2, where there might be an opt-in/opt-out
4 strategy.

5
6 **MR. PEARCE:** I'm not on your committee, but if this comes up in
7 full council, I will definitely vote against this, because I
8 don't want any opt-in or opt-out of Amendment 40. We've got to
9 protect the charter vessels and if this gives the opt-out, I am
10 not interested.

11
12 **MR. RIECHERS:** A point of order, Mr. Chairman, or chairman of
13 the committee. These actions were taken by full council and put
14 into the document that we had before and now they are removed.
15 My viewpoint is we're taking and we're spending a lot of time --
16 We talk about complicating things and we're spending a lot of
17 time on actions the full body has already taken and we're
18 arguing over them again.

19
20 We can certainly argue to pull them out again, which, Harlon,
21 you certainly have the right to do that or anyone else does, but
22 it seems to me we're arguing over things that should have been
23 in the document and so I am going to suggest we get some sort of
24 discussion about that, because they really should have never
25 been removed.

26
27 **MR. ANSON:** Robin, you've got a point. Certainly I think staff
28 used a little bit too much license to modify the document so
29 that that action, Action 1 or 2, did not include any of those
30 preferreds that were identified in the previous document.

31
32 At this point, we are in the middle of the discussion of how to
33 remedy that, outside of trying to get a motion to put them back
34 in. I certainly want as much discussion to be had to try to
35 keep moving the ball to regional management, if at all possible,
36 and so I am just thinking out of the box here right now and
37 certainly we can talk about things, but maybe focus most of our
38 conversation on the action items that are now included in this
39 current edition that we can discuss and maybe come back at a
40 future council meeting with all of the original preferreds in
41 the previous action that was removed put back into this
42 document. I am just making that as a suggestion.

43
44 Certainly there is some comments that were made from Dr.
45 Crabtree that I would like to try to follow up on. Again, I was
46 going to defer to full council, but that's my only comment and
47 so if that's amenable to the Reef Fish Committee and that's
48 something that you all want to do, but I certainly agree that we

1 would like to have the documents to remain intact as we select
2 each meeting.

3
4 If, under review from the IPT and such, there is some other
5 information that would cause some modifications to the
6 documentation, maybe a version that comes back to the council
7 would have a substitute or some discussion relative to another
8 option or another draft that would be modified at that point and
9 certainly hopefully staff can work towards that end for next
10 time, is to come back with a document that might have some
11 additional language that could be modified at that meeting, but
12 yet maintaining the integrity, as much as possible, of the
13 previous document.

14
15 **EXECUTIVE DIRECTOR GREGORY:** I hope I am not stepping in it.
16 Well, the old Action 4 has everything except the closed area and
17 I haven't followed this amendment closely between October and
18 now and everything else is in there and it looks like what the
19 states would do instead of -- They would say go to NMFS and say
20 this is our plan and this is what we want to do.

21
22 Why is closed areas, from NMFS's standpoint, different than
23 changing a bag limit or a size limit or a season? Why was the
24 areas concept pulled out of that? That's the only thing that's
25 different.

26
27 **DR. CRABTREE:** Because we can pre-do the NEPA analysis on bag
28 limits and seasons and things like that, but we don't have any
29 analysis of these closed areas, because we don't know what the
30 closed areas are. That's why it's fundamentally different.

31
32 **EXECUTIVE DIRECTOR GREGORY:** But you don't know what bag limit
33 is going to be proposed. The constraints we had in the old
34 Action 4 of like fourteen to eighteen inches and zero to four
35 red snapper, are those constraints in the document today? If
36 they're not, then you don't know what is going to be presented
37 by the states.

38
39 **DR. CRABTREE:** I think that might be a problem if there aren't
40 any limits put on it. We did have limits put on bag limits
41 between this and size limits between this and so we could
42 analyze all of that kind of thing. I don't even know how you
43 put constraints on closed areas. It is so open-ended, but I
44 think it does need to have some constraints, probably, on bag
45 limits in here, so that we're able to analyze it.

46
47 **MR. ANSON:** If we were to come back with some language on closed
48 areas, just for discussion here, for NEPA analysis, how much

1 direction for -- I mean for size limits, it's fourteen to
2 eighteen and so you could come back with a finite number of
3 options that a state or states may feel like they're looking at
4 for future management.

5
6 Robin, I'm sure you've got some ideas where your breaks would
7 be, right, and what potentially that could set up as far as a
8 Corpus Christi or -- I don't know your geography and so you
9 might have some two or three combinations and, again, it's
10 additional analysis, but that would have some implications or be
11 helpful in regards to answering the NEPA question and would that
12 be correct?

13
14 **DR. CRABTREE:** I think if we had something like that that we
15 could analyze, then we could look at it.

16
17 **CHAIRMAN GREENE:** Okay, Mr. Anson, and so we have a point of
18 order and I am not real sure which way to lead us from here.

19
20 **MR. ANSON:** Regarding the motion? I thought it was a point of
21 order for the agenda or the topic.

22
23 **MR. RIECHERS:** Either we're sitting here working with motions
24 that frankly we're discussing the same items we discussed when
25 we first put them in as preferred and while I'm not opposed to
26 doing that, we should be dealing with them as preferred options
27 still, as they were in the previous document. I thought it
28 would be easy to get us back to where we were in the previous
29 document by making a motion and obviously it's not going to be
30 that easy.

31
32 **MR. ANSON:** John, where are we on the two motions that are on
33 the board? The substitute motion was dispensed, was killed, and
34 so we're still at the top motion. I don't know -- In light of
35 the discussion that we've had and the importance of including
36 the preferreds in the document to maintain, again, the
37 structural integrity, maybe it could be readdressed or someone
38 could bring up that motion, to try to move that along.

39
40 These are two -- I still see the importance of separating the
41 two, the subsector allocations, and moving it into Action 2 of
42 the current document, for continuity, and leaving the rest of
43 the preferreds in Action 1. This motion does not do that and so
44 that's why I'm saying this motion may not be appropriate or may
45 not --

46
47 **MR. RIECHERS:** I would suggest that in the structural revision
48 of the document, which is what has occurred, that nothing should

1 be dropped out. As you follow it from one document to the next,
2 regardless of the thoughts about the feasibility of those or
3 not, that they should be reflected here and so we need to
4 basically revise Action 1 and 2. We need to advise staff to
5 revise Action 1 and 2 back to where they reflect what was in the
6 previous document.

7
8 **MR. ANSON:** I think that would be appropriate. Now, I guess the
9 next question would be whether or not we want to discuss
10 something that isn't in front of us and that's why I went back
11 to my previous statement about possibly just having discussion
12 on the other action items which have not been modified, as that
13 course. I don't know and, Mara, do you have any -- I mean that
14 probably would not be the best thing to do, is to discuss a
15 document that isn't fully prepared.

16
17 **MS. LEVY:** In trying to attempt to give you the options between
18 a delegation and a conservation equivalency model, the IPT did,
19 in some respects, fundamentally rearrange and change the way the
20 document is presented.

21
22 Another example of that would be you had an action in the
23 previous document that addressed default regulations, which was,
24 again, really a non-action. You had to establish them, but it
25 was in there and we incorporated that into Action 1 and
26 basically said if you fall outside the delegation or the
27 conservation equivalency, then the default regulations apply.
28 That's just a part of the process of doing the delegation or the
29 conservation equivalency.

30
31 We did and staff did rearrange this to try and fit both the
32 delegation and the conservation equivalency into the framework
33 of the decisions you need to make and in doing that, did remove
34 the closed areas and the sub-allocations, because it was very
35 difficult to figure out how to do that in the conservation
36 equivalency piece of it and make everything consistent and fit
37 together.

38
39 That's the only comment I'm going to make, is that the document
40 as a whole was fundamentally reorganized, in order to accomplish
41 that conservation equivalency and make it a more sort of step-
42 wise kind of process and include sector separation and things
43 like that.

44
45 It's not just those two pieces that changed and so I understand
46 what you're saying about having preferreds that got taken out,
47 but that was essentially a result of the reorganization of the
48 whole thing.

1
2 **MR. ANSON:** Right and so I understand that and so Robin brought
3 up the motion or made his comments relative to the preferreds
4 that were in the previous document that were identified and his
5 observation here is in Alternative 3 there isn't any mention of
6 closed areas and so perhaps maybe, because this would be a more
7 appropriate format, is maybe the motion needs to come forward
8 with just including closed areas in here, which, again, the
9 motion that's on the board does not do cleanly.

10
11 I go back to a comment that Doug was making, and I don't know if
12 there's an answer, but for NEPA analysis, Alternative 3 is very
13 wide open and so there are no finite bounds, like there were in
14 the previous document that had the preferreds, and so does that
15 mean that we don't need to have that description or that range
16 within each of the bag limits and minimum and maximum size
17 limits, in this document now?

18
19 **MS. LEVY:** I think that's something that I am going to need to
20 think about, but I think the reason for that was that if you're
21 developing a conservation equivalency plan, then you're
22 constrained by the fact that it has to be the conservation
23 equivalent of whatever the coast-wide type measures would
24 provide and so you've got to -- There is only a certain bag
25 limit that you could possibly actually implement, but I think
26 that it might be wise to -- If the council wants to do that, in
27 my mind the wisest thing would be to have those same constraints
28 and to specify the limits of what should be in that plan, but
29 maybe it's not as necessary for the conservation equivalency as
30 it is for the delegation, because for the delegation, you're
31 saying we're delegating this to the states and this is the
32 constraint we want you to abide by and there is no more action
33 on the part of the federal side unless for some reason whatever
34 the state does is inconsistent with the FMP.

35
36 On the conservation equivalency side, all of those plans have to
37 be submitted by one process or another and NMFS has to make an
38 affirmative determination that it is a conservation equivalency
39 before the states actually go ahead with it and so there's a
40 burden difference there and so that might be a justification for
41 having the specified limits for the delegation, but not for the
42 other one, but we could certainly talk about adding those
43 specified limits back in there for all of them.

44
45 **MR. PERRET:** All this discussion is well and good, but we have a
46 motion that was made and seconded and we had a substitute motion
47 made and seconded that failed and it seems like we're in a
48 parliamentary situation where we either vote -- The committee

1 votes this motion up or down or, Robin, did you make the
2 original motion? Whoever made the motion, the motion needs to
3 be withdrawn or vote it up or down. That's, to me, where we are
4 now.

5
6 **MR. RIECHERS:** The reason why I raised the point of order was
7 certainly, in my mind, I can withdraw the motion, but I want to
8 ensure that we're going to go back to the original document.
9 Not only have we lost some issues regarding seasons here, but
10 you have lost also the size limit issues and other things.

11
12 Staff was asked to draft an alternative that would basically
13 present that conservation equivalent measure model in here and
14 what we've done is we've drafted that alternative and we have
15 also structurally changed the document that we had before and I
16 am just trying to get at the root of that, if I can.

17
18 **MR. ANSON:** If you would like, I will certainly let staff
19 explain more in more detail as to why they did. There has been
20 some discussion on that already. I guess my question, again,
21 goes back to Mara and whether or not -- Can we discuss or is it
22 wise to discuss Action 1 with possibly the understanding of the
23 delegation now including some of the ranges that were originally
24 identified in the preferreds or do we not talk about Action 1?
25 I am just trying to move us along as much as possible, but not
26 get in any hot water out of procedural or legal aspects relative
27 to discussion in this document.

28
29 **MS. LEVY:** I think it would be helpful for you to discuss Action
30 1 in terms of the broad ideas that are presented to you. Is the
31 council still interested in moving forward with delegation or is
32 that just off the table now? If it's off the table, do you want
33 to move that alternative to considered but rejected and just
34 deal with the conservation equivalency?

35
36 Talk about the broad issues that each action and alternative
37 represents and then we can go back and flesh out the other
38 things to present to you the next time around.

39
40 That would be my suggestion and if that means adding the closed
41 areas back in, but noting that this is still a relevant
42 discussion point, or something like that, then that's what we'll
43 do, but I would focus on the broad management scheme that you
44 actually want to pursue in this document and what to do with
45 sector separation and the regions and all those others things
46 that are relevant to that broader decision.

47
48 **CHAIRMAN GREENE:** Okay and so based on what Ms. Levy has just

1 said, I guess we need to pick back up the current motion as it
2 is on the board.

3
4 **MR. WILLIAMS:** Following up on what she said, could we table
5 this and then go ahead and work our way through these and then -
6 - Maybe we just reject it now. I mean that's what I'm going to
7 do, but --

8
9 **MR. RIECHERS:** I will withdraw the motion.

10
11 **CHAIRMAN GREENE:** The motion has been withdrawn and I guess we
12 pick back up with where we were. Does the seconder agree to
13 withdraw the motion?

14
15 **MS. BADEMAN:** I think it was me and if it was, then yes.

16
17 **MR. ANSON:** As Mara just described, I think in broad terms we
18 can talk about it and yes, I think staff has got note and I have
19 made comment that it would be best that there is some continuity
20 between the previous document and this document.

21
22 We might have to come back and deal with that and just say all
23 of those are moot or don't apply anymore and we can make a
24 motion to that effect, but I think they've gotten -- Is that
25 correct, Dr. Lasseter, that you will go ahead and include the
26 Action 4 language into this document for the next version?

27
28 **DR. LASSETER:** Yes, I will work with the IPT and we will figure
29 that out. I should also note that yes, we cut out that Action
30 4, Action 5, and Action 7 and so we really did completely
31 restructure this and simplified it down and then brought it to
32 you, but yes, we will bring those back in.

33
34 **MR. ANSON:** Is that sufficient, Robin?

35
36 **MR. RIECHERS:** Yes.

37
38 **CHAIRMAN GREENE:** With that, I guess we move to Dr. Lasseter to
39 carry on and is that correct?

40
41 **MR. ANSON:** Only in as much as Ms. Levy had described, that we
42 can talk in broad context of the current alternatives that are
43 under Action 1 and if you feel like you've had that discussion,
44 then we can move on, but I would leave it up to the committee.

45
46 **CHAIRMAN GREENE:** Okay and I had a couple of people on the list
47 to speak before that motion was made, Mr. Fischer and Ms.
48 Bademan. Would you like to pick back up where we were before

1 that motion, Mr. Fischer?

2
3 **MR. FISCHER:** Thank you, Mr. Chairman. Getting back on track, I
4 think it would be prudent to make a motion so we could have
5 something on the table to discuss and keep us focused on one
6 topic. **That Alternative 3 be the preferred alternative.**

7
8 In the discussion, I am sure we will talk about bag limits and
9 if we want to include a size range, for analysis reasons, and
10 minimum and maximum size limits, like we did have in the
11 original document, but Alternative 3 would be the conservation
12 equivalent measures, where the states create their own measures
13 and whatever date certain it has to be in by, submit it to
14 National Marine Fisheries for approval.

15
16 **MR. WILLIAMS:** Second.

17
18 **CHAIRMAN GREENE:** The motion is made by Mr. Fischer and seconded
19 by Mr. Williams. Any discussion about making Alternative 3 your
20 new preferred?

21
22 **MR. FISCHER:** Some of the reason about Alternative 3 versus
23 Alternative 4, while it's fresh in our minds, is from the
24 presentation we saw, there is a lot of words that came out, like
25 Alternative 4 or what the Mid-Atlantic could do.

26
27 It was slow and as far as the technical review committee, it's
28 not created yet and parts of it are complicated and it adds
29 another layer of complication to the process, but yet, it
30 doesn't make anyone more accountable and in the end, Roy's
31 office has to analyze it and look at it and approve it either
32 way and so this more streamlined method, the quicker method,
33 would be states create their plan and submit them by, like I
34 said, whatever dates, if we back the calendar up -- It may have
35 to be, Roy, the fall, sometime in the fall, to your office for
36 submittal.

37
38 **MR. ANSON:** I just wanted to follow up with Myron's comments
39 from what Mara just said, that at least for Alternative 3 that
40 we probably won't need to include, and I am just talking to Dr.
41 Lasseter, that you don't need to include the fourteen to
42 eighteen inches and all that stuff, since that would be included
43 in the process of equivalency. I just want to make sure. Thank
44 you.

45
46 **MR. FISCHER:** Then to finish up, the alternative had various
47 options for sunset and we used the preferred three-year and we
48 also used three years for sector separation and so to keep it

1 consistent, we could stay with three years, because we may be
2 merging these documents either in this document or down the
3 road. I could see them marrying together.

4
5 **CHAIRMAN GREENE:** Okay and so you're wanting to modify -- It
6 would be Preferred Alternative 3, Option c, and the seconder is
7 fine with that? Okay.

8
9 **DR. CRABTREE:** I am okay with Alternative 3 if that's the way
10 you want to go. I mean you are as a council essentially
11 abdicating a lot of control over this, because the technical
12 review committee would serve at your pleasure and you would
13 appoint them. That's up to you.

14
15 I don't know why you want to sunset this. Why do we keep
16 sunsetting things? We are going to have spent five years
17 getting this put in and then it's going to go away in three
18 years and we're going to have to go through this whole process
19 to stop it. If after three years you don't like it and it's not
20 working, you can get rid of it, but I don't really know why you
21 want to put a sunset in there. I think they are just generally
22 bad ideas.

23
24 **MR. RIECHERS:** I will turn to NMFS. As we heard this morning in
25 the presentation on the model in the Mid-Atlantic and the
26 difference in the way they are approaching this regional
27 management approach as opposed to delegation, after we've gotten
28 past -- Well, I guess two things.

29
30 Describe to me the difference between getting this passed using
31 Preferred Alternative 2 or Preferred Alternative 3 and then also
32 our steps to get rules passed each year subsequent to that. It
33 seems to me that the second phase is very similar, but the first
34 phase may be different and I am just trying to understand the
35 differences between Alternative 2 and Alternative 3 in regards
36 to what it means from a timeline and what it means from a NEPA
37 analysis and what it means from that kind of perspective.

38
39 **MS. LEVY:** The delegation option requires the three-quarter
40 majority vote to submit it and implement it, but once that's
41 done, there is no annual rulemaking and so NMFS would review
42 what the states propose to do under the delegation and make a
43 determination about whether that's consistent with the FMP and
44 the rebuilding plan and all that. Essentially, is what you're
45 proposing going to constrain the harvest sufficiently to your
46 allocation?

47
48 As long as there is no determination that it's not consistent,

1 then you have your state regulations that you implement. If
2 there's a determination that it's not consistent, then the
3 delegation essentially gets revoked until there is something put
4 forward that NMFS can say is consistent with the FMP.

5
6 The burden there is initially on the council establishing the
7 delegation and then that delegation is effective unless it gets
8 suspended.

9
10 The Option 3 and 4, which are the conservation equivalency,
11 require this initial plan to set it up by majority vote. It's
12 not a delegation, but then the states have the burden of
13 submitting their plans for review through some type of process
14 and NMFS has to make an affirmative determination every year
15 that those plans meet the conservation equivalency and publish a
16 rule to that effect.

17
18 The main difference between these are the burden shifting and
19 then the regulatory process that has to happen after the fact
20 for the conservation equivalency part that doesn't happen for
21 the delegation.

22
23 **MS. BADEMAN:** I think I'm okay. My question was long the same
24 lines as Robin and just maybe I will ask Myron why you're
25 advocating for 3 versus 2. I think I know the answer, but --

26
27 **MR. FISCHER:** Actually, I thought it would appease the crowd,
28 because that's what we did in the last document and it's what we
29 did for sector separation. I am not on to any firm sunset and I
30 agree with Roy that we could do away with the sunset, because
31 all it takes is a stroke of votes to do away with any plan we
32 have, but Alternative 3 I am fixed on. I am not fixed on a
33 sunset.

34
35 **MS. BADEMAN:** Why?

36
37 **MR. FISCHER:** For the reasons Roy stated. We could vote it down
38 at any time and I was hoping -- It gives stability and gives
39 time for the program to march forward and see the merits of it,
40 but yes, we could always vote it out and so maybe it's just a
41 drill that we state a three-year sunset and then in reality, we
42 could vote it out in a year.

43
44 I would not -- I would encourage anyone who would think a two or
45 a five-year sunset. I would like to talk about it and I would
46 like them to agree with me on Alternative 3, much more so than
47 the years in the sunset.

48

1 **MS. BADEMAN:** I am not worried about the sunset. Whatever.
2
3 **DR. CRABTREE:** My inclination is to prefer Alternative 4. I
4 think I would prefer to have a technical review panel appointed
5 by the council, because I can see a lot of states looking at
6 what other states are doing and having a lot of questions about
7 this and that and I think that a technical review panel that has
8 people from each of the states might be a pretty good way for
9 the states to know what's going on and to kind of keep an eye on
10 all of this.
11
12 I know it takes a little longer, but I just have a feeling that
13 if it's just up to NMFS to look at this that we're just going to
14 get inundated with all sorts of dissatisfaction and questions
15 and this and that and I'm not sure it wouldn't be better just
16 right off the bat to have some other eyes than the Fisheries
17 Service involved in looking at this stuff.
18
19 **MR. WILLIAMS:** To Martha's question about the two years, Martha,
20 if we do two years --
21
22 **MS. BADEMAN:** I am not asking about years. My question was not
23 about years and the sunset. My question was why was Myron
24 advocating for Alternative 3, the conservation equivalency
25 option, as opposed to the delegation option. That was my
26 question.
27
28 **MR. FISCHER:** I answered the wrong question, Martha, and I'm
29 sorry. Because this looks like a very doable option. It still
30 needs the approval of the council and needs the approval of
31 Roy's office and so it's got criteria it has to maintain for any
32 state, including your state, to submit a plan and it's got
33 flexibility and it's doable.
34
35 **MR. MATENS:** I hope I am not picking a nit here, but I wonder if
36 Mr. Fischer and Mr. Williams would agree to remove the language
37 about the sunset or would you entertain a substitute motion?
38
39 **MR. FISCHER:** Yes, we did.
40
41 **MR. MATENS:** So you've eliminated that language?
42
43 **MR. FISCHER:** We eliminated it.
44
45 **MR. ANSON:** Dr. Crabtree, I guess there is some benefits and
46 some drawbacks to the technical committee, review committee, but
47 relative to the statement that you wouldn't want necessarily
48 your staff to be doing the analysis on whatever a state -- I

1 mean your staff does analysis all the time.

2
3 I can understand that it might be a little bit more lengthy with
4 having potentially five plans being submitted, but you're going
5 to be doing analysis if one state selects fourteen on one end
6 and eighteen in another state and you will still be reviewing
7 whatever is provided by the states and am I correct?

8
9 **DR. CRABTREE:** Right and I don't have a problem with the work
10 and doing the analysis. We will do that anyway. My problem is
11 having just the burden put on us. I know some states have been
12 particularly critical of the Fisheries Service and their
13 management, in some cases. It seems to me that you might want
14 to have some other folks involved in this so that we don't get
15 in a situation where the Fisheries Service is making this
16 decision alone.

17
18 I think there is some benefits to having a technical review
19 committee. I am not over one way or the other, but given some
20 of the issues that we've had and some of the statements that
21 have been made, it seems to me that you guys would probably want
22 some additional review outside of the Fisheries Service over
23 this.

24
25 **CHAIRMAN GREENE:** Any further discussion on the motion on the
26 board to select Alternative 3 in Action 1 to be the preferred?
27 **Seeing no more hands, all those in favor of the motion on the**
28 **board please raise your hand; all those opposed please raise**
29 **your hand. The motion passes.** That moves us on to -- Dr.
30 Crabtree.

31
32 **DR. CRABTREE:** Before we go, one of the issues that I think Mara
33 raised was is delegation still an alternative you want to
34 consider or is it essentially off the table and something that
35 could be removed from the document, to help streamline it? I
36 would pose that question to you.

37
38 **MR. RIECHERS:** This is just one member of the committee
39 speaking, but I think we very much want to leave delegation in
40 the document at this point. I think we are getting our arms
41 around conservation equivalency and had a presentation this
42 morning and Myron -- I know he has looked at this a little
43 closer than maybe some of us have and certainly it offers what
44 seems like maybe some benefits, but delegation also offers some
45 other benefits and at this point, I don't think we would want to
46 remove it from the document.

47
48 I think we would want to leave it there, realizing that yes, it

1 requires more analysis if we leave it in there through the whole
2 timeframe, but obviously we're not here to vote this up or down
3 today, or at least I'm not anticipating that we are, and so I
4 would certainly want to leave it in until we have another chance
5 to look at pros and cons and to further analyze where we may be,
6 from a delegation perspective or a conservation equivalency
7 perspective and once we see the full range of options as well,
8 which we don't have in the document right now.

9
10 **CHAIRMAN GREENE:** Okay. Any further comments?

11
12 **MS. BADEMAN:** Just to say that I agree with that and it seems to
13 me there are some potential benefits to delegation. It seems
14 like that's the faster faster option, since you're not having to
15 do annual rulemaking. If states get in a place where they're
16 happy with the rules that they have and they want to carry them
17 over a couple of years in a row, it seems like delegation would
18 be one way to do that and so I think keeping it in is the way to
19 go for now.

20
21 **MS. LEVY:** I just wanted to mention that we had the brief
22 discussion about the ranges of like size limit and bag limit not
23 being in there anymore and I briefly stated why that might not
24 be necessary for the conservation equivalency piece and also the
25 fact that with the conservation equivalency, there is a
26 rulemaking each year that happens and so NMFS would do a NEPA
27 analysis on whatever plans the states submit.

28
29 That is not the same for the delegation and so I would just
30 suggest, when we go back and modify this document, that we add
31 the ranges back at least to the delegation alternative and I
32 just wanted to bring that up now, so that when we go back and do
33 that that you're not sort of surprised that the ranges are back
34 in the delegation section, but maybe not in the conservation
35 equivalency pieces. If anyone objects to that, let us know now.

36
37 **CHAIRMAN GREENE:** Okay. I think what we're going to do now is
38 it's a few minutes after twelve o'clock and it's probably as
39 good a time as any to stop right now for lunch and pick back up
40 at 1:30. We will resume Reef Fish at 1:30 and we stand
41 adjourned until then.

42
43 (Whereupon, the meeting recessed at 12:05 p.m., January 27,
44 2015.)

45
46 - - -

47
48 January 27, 2015

1
2 TUESDAY AFTERNOON SESSION
3
4

5 - - -

6 The Reef Fish Management Committee of the Gulf of Mexico Fishery
7 Management Council reconvened at the Grand Hotel Marriott, Point
8 Clear, Alabama, Tuesday afternoon, January 27, 2015, and was
9 called to order at 1:30 p.m. by Chairman Johnny Greene.

10
11 **CHAIRMAN GREENE:** We are going to go ahead and call the Reef
12 Fish Committee back together here. We are going to pick back up
13 under regional management, under Action 2, and with that, I will
14 turn it over to Dr. Lasseter.

15
16 **DR. LASSETER:** Thank you, Mr. Chairman. Actually, Charlotte,
17 can we go back to where we were? I would like to request a
18 point of clarification for staff. A committee motion was passed
19 to change the preferred alternative to Alternative 3 and then
20 there was discussion about the sunset options. Did we finish
21 that discussion and are you leaving the preferred alternative
22 underneath Alternative 2 or did you want to change it or are we
23 taking this up later? I didn't quite catch the end of the
24 discussion.

25
26 **CHAIRMAN GREENE:** I guess I would go back to our last motion
27 that was passed and that was from Mr. Fischer.

28
29 **MR. FISCHER:** Yes and it was to use Alternative 3 as the
30 preferred alternative with no sunset clause. We had a friendly
31 between myself and Roy to remove the sunset clause.

32
33 **DR. LASSETER:** Okay. Wonderful. So then it will no longer be
34 preferred under Alternative 2 as well and I just wanted to
35 confirm. Thank you. Let's move on to Action 2, which begins on
36 page 13 of the document.

37
38 This action would only be applicable if sector separation is
39 implemented and in place that the time that this document goes
40 final and will be implemented and so the Alternative 1, no
41 action, specifies that sector separation would be in effect for
42 the years 2015 to 2017.

43
44 If it is adopted and implemented, Amendment 40, that is how
45 Alternative 1 is written, that those three years we would have
46 separate management of the quotas. Uncertain of when this
47 amendment, Amendment 39, regional management, will go forward,
48 some of this may need modification.

1
2 Alternative 2 proposes that for regional management to extend
3 the separate management of the federal for-hire and private
4 angling components and that this amendment would then apply to
5 the private angling component only. Alternative 3 proposes to
6 end the separate management of the for-hire and private angling
7 components, should this amendment be put in place before 2017,
8 and the action of this amendment then apply to both the federal
9 for-hire and private angling components of the recreational
10 sector.

11
12 **MR. FISCHER:** At times, I get confused on this. I will tell you
13 what I would like to see and, of course, I would need support
14 from the committee and I would need a majority of support, would
15 be an alternative that specifies that each region can adjust
16 separately their private angling fleet and their charter angling
17 fleet.

18
19 Now, the charter percentage would be dictated by Amendment 40.
20 It would have to be incorporated in and each state's percentage
21 may be different, because historically they didn't all catch
22 that static 42.7 or whatever the percent was. It may be one of
23 these three options, but I am not reading it specifically.

24
25 **DR. LASSETER:** I think what I'm understanding, and I just got
26 affirmation of this from Mara, this sounds like the way we would
27 work back in that sub-allocation alternative from the previous
28 Action 4 in the previous document. We could work that in as an
29 Alternative 4 and I believe reflect what you're getting at,
30 Myron. One question though. How are you envisioning allocation
31 under that?

32
33 **MR. FISCHER:** The allocation would be -- The council would
34 allocate to the region, but the sub-allocations would be
35 dictated, again, through council action at this past meeting
36 through Amendment 40.

37
38 It may take some work on Roy's office to say, Louisiana, you are
39 going to get this many pounds total and this much will be for
40 private and this much will be for charter, but we could let our
41 people decide what dates and what bag limits and what they want
42 that suits our region.

43
44 **MS. BADEMAN:** Ava is looking really confused and I was just
45 going to say basically I think what Myron is saying is you would
46 apply the formula that was approved in Amendment 40 to that
47 state, to their charter for-hire and then their private anglers.
48 The percentages would be different, but you would be using the

1 same method to get your breakdown. Does that make sense? Is
2 that right, Myron?

3
4 **MR. FISCHER:** Yes.

5
6 **DR. LASSETER:** I think what we will need to do is add an
7 alternative in this action and then we'll also modification the
8 allocation alternatives in what is new Action 4.

9
10 **MR. FISCHER:** In essence, the document would be creating not
11 five allocations, one for each region, but it would actually be
12 creating ten allocations, one for each region's private anglers
13 and one for each region's charter fleet. That would be living
14 up to what we passed in Amendment 40.

15
16 **MR. RIECHERS:** Myron, I thought it -- I started out thinking you
17 were suggesting Alternative 4 that was an opt-in or opt-out
18 notion. I thought when you first said you were going to include
19 the Action 4 that that's what you were attempting to do, because
20 we had it as a choice in the previous document.

21
22 Obviously Amendment 40 has passed and so you're suggesting there
23 may be a way -- If you want it built in, it's Alternative 2, as
24 I understand it. Then you also brought in bag limits that could
25 be differential, which I think really fits under the other
26 Action 1 that we -- I mean there is nothing ever saying that bag
27 limits possibly cannot be differential, because in fact bag
28 limits aboard charter vessels are handled differently where
29 charter captains and so forth can't have bag limits now. In
30 some respects, there's a subtle difference there now.

31
32 **MR. FISCHER:** I don't want to get in the weeds on the verbiage,
33 but the last sentence of Alternative 2 is the actions of this
34 amendment would apply to the private angling component only,
35 which then would lead me to believe it doesn't include the
36 charter vessels, but as long as it arrives in the next document
37 where we could work with it and it's understandable.

38
39 **CHAIRMAN GREENE:** Just to make sure that I understand what
40 you're getting at, if your state had a hundred charter boats in
41 it and they were awarded a specific number of pounds, you're
42 asking for it to be included within that state's sub-allocation?

43
44 **MR. FISCHER:** Correct and if our boats want a pure summer
45 fishery with two fish and Alabama boats want a one fish bag
46 limit starting in March, both regions could have their wish.

47
48 **CHAIRMAN GREENE:** Okay and I think I saw a hand over here

1 somewhere. Mr. Williams.

2

3 **MR. WILLIAMS:** What if an Alabama boat wanted to fish off of
4 Louisiana, which a lot of that goes on now?

5

6 **MR. FISCHER:** We have a lot of fine Alabama boats come and they
7 could go to his office and buy the license and show up and fish.

8

9 **MR. WILLIAMS:** They wouldn't be landing though. I am trying to
10 figure this out and I'm sorry that I'm a little slow here, but
11 so a boat from Alabama or from Destin fishes off of Louisiana
12 and they would have to land the fish there, too. If Florida
13 were closed or Alabama were closed, they would have to land the
14 fish --

15

16 **MR. FISCHER:** If they are leaving Alabama and coming back to
17 Alabama, their fish would be counted as Alabama fish.

18

19 **MR. WILLIAMS:** As long as the Alabama season is open.
20 Otherwise, there's a violation.

21

22 **CHAIRMAN GREENE:** I understand what you're getting at and if you
23 have a specific number of vessels in your state that got an
24 allocation and you have boats from another region coming and
25 fishing against the Louisiana allocation, that may be rather
26 sticky, but that's your prognosis.

27

28 **MR. FISCHER:** You mean if they come and stay, as we have a lot
29 of Alabama boats come? Unless something changes in today's
30 regulations, I would feel that they could come and fish and
31 offload their fish. They would have to buy the out-of-state
32 captain's license.

33

34 **CHAIRMAN GREENE:** It was just a point to make sure that
35 everybody was clear on that. Do you want to make a motion to
36 reflect the new alternative or how do you wish to proceed here,
37 Mr. Fischer?

38

39 **MS. LEVY:** I don't think that you need a motion. I think what
40 we're going to do is go back and look at the best place to do
41 it, whether it's here or in the action that decides allocation.
42 From what I hear, this essentially has to do with the states
43 being able to either opt in or opt out of doing sub-allocations
44 for the private angling versus their charter vessels, which is
45 kind of what we had in that old Action 4, which is what we
46 talked about adding back in. Where we add it, we'll figure out
47 where it best fits, but if that's the intent, then we were going
48 to do that anyway.

1
2 **CHAIRMAN GREENE:** Okay. I thought that's where we were going,
3 but I just wanted to make sure with that. Any more discussion
4 on this before I turn it back to Dr. Lasseter?

5
6 **MR. MATENS:** A point of clarification. In full council, will
7 this item be on the table in full council tomorrow or the next
8 day?

9
10 **DR. LASSETER:** This will be in the report that staff will be
11 adding these alternatives. If you're not passing it as a
12 motion, it won't be something for the full council to vote on
13 again, but staff is just understanding this as instructions on
14 how to modify the document for the next iteration.

15
16 **MR. MATENS:** Okay and if I may go further, I would like to be
17 sure that I understand this. I think that if I get in my little
18 boat and go to off of Sarasota, Florida in the EEZ and catch a
19 snapper legally and bring it back and land it in Louisiana, it's
20 a Louisiana fish. I see a bunch of pigeons nodding their heads
21 and okay.

22
23 I also believe that if Alabama, for example, and I am not
24 picking on Alabama, comes, as they do, and harbors a bunch of
25 their boats at Venice for the winter and go out and catch
26 anything and land it in Louisiana, that's a Louisiana fish,
27 whatever species it is, and they have to be licensed properly in
28 Louisiana and is that a correct statement? Thank you.

29
30 **CHAIRMAN GREENE:** Thank you. Go ahead, Dr. Lasseter.

31
32 **DR. LASSETER:** Thank you, Mr. Chairman. I want to point out one
33 more thing before you move on from Action 2. In the
34 restructuring --

35
36 **CHAIRMAN GREENE:** Hang on one second.

37
38 **MR. WILLIAMS:** I am not going to pose that and put it on in
39 here, but as a practical matter, that's just not how the fishery
40 operates. I mean there are a lot of boats that come -- If we
41 end up with different seasons in Louisiana, Alabama, and
42 Florida, that's going to -- What you're talking about is going
43 to have a huge impact, because there are Alabama boats that come
44 fish off of Florida and they go back to Alabama and vice versa.

45
46 There is a lot of boats that fish off of Louisiana from at least
47 Destin westward and that's going to have a big impact on the way
48 the fishery operates and I think it's going to be real hard to

1 estimate the impacts of some of it and I suspect we're going to
2 hear that. During public testimony, we're going to hear
3 something about this.

4
5 **MR. FISCHER:** Roy, you could make a motion, because we're going
6 to have to take comment. You could make a motion that if a boat
7 travels to another state they could only land fish if their
8 state is open or something to that effect, and give it as an
9 option for the public to look at, because I think that's what
10 you're getting to.

11
12 **MR. WILLIAMS:** That's going to be the impact and I'm saying I
13 think that's not going to be palatable to -- That's not the way
14 the fishery operates now and so I think we'll hear a lot about
15 that.

16
17 **MR. WALKER:** That was a question. In Louisiana, when you buy a
18 fishing license there commercially, you buy a vessel license and
19 a captain's license and I guess my question was how would the
20 license work for a recreational fisherman that came to Louisiana
21 to fish?

22
23 **MR. FISCHER:** If they're a recreational angler, they would have
24 to buy an out-of-state recreational license if they're from out
25 of state. If they're from Louisiana, they buy a resident
26 license. It's simple.

27
28 **MR. WALKER:** We have a non-resident, but, commercially, you have
29 to have a vessel license and then you also have to have a
30 captain's license, two licenses.

31
32 **MR. PERRET:** Let me see if I can confuse things even more. If a
33 region is closed, and we seem to be using Louisiana now as an
34 example, since it's the central part of the Gulf and we've got
35 fishermen from other states, from east as well as west, but
36 we've got state waters and we've got the EEZ.

37
38 If Louisiana's state waters are closed, Louisiana fishermen
39 would still be able to fish the EEZ off of Louisiana as long as
40 they land in Texas and are properly licensed and land in
41 Mississippi if they are properly licensed. I assume other
42 state's fishermen could still fish off the EEZ of Louisiana as
43 long as they're landing in their state, but they could not fish
44 state waters and I used Louisiana, but that would be true for
45 any state and so we're all on the same playing field then?
46 Okay. Thank you.

47
48 **CHAIRMAN GREENE:** With that, I will go back to Dr. Lasseter at

1 this point.

2
3 **DR. LASSETER:** Thank you, Mr. Chairman. Before we move on from
4 Action 2, I wanted to raise one more point. When we
5 restructured the document, we also removed what was previously
6 Action 5 and that addressed the for-hire permit, known as
7 provision 30B, and because we had this action that addressed
8 sector separation, we had removed that one, but since you had a
9 preferred alternative in that, I did want to bring up the action
10 again and see if you are comfortable with us removing it or
11 would you like us to insert it?

12
13 Again, it was a two-alternative action. You had no action,
14 which required the federally-permitted for-hire vessels to fish
15 under the more restrictive federal regulations, if state
16 regulations are less restrictive, and then the Preferred
17 Alternative 2 you had selected would be to remove that
18 provision.

19
20 In the IPT discussions, that action did not seem applicable any
21 more in the situation that we were going forward in, but since
22 we had removed it, I wanted to bring it back up and see what you
23 would like us to do with it.

24
25 **CHAIRMAN GREENE:** Any comments relative to that, Mr. Riechers?

26
27 **MR. RIECHERS:** If it was applicable in the previous document, I
28 guess I am struggling to see why it isn't applicable now.

29
30 **DR. LASSETER:** Even at the time, it was not really applicable
31 and the discussion laid that out, because if you were -- At the
32 time, it was delegation or the state implemented and your
33 regulations would apply into the EEZ and basically you are
34 covering both your for-hire and your private angling vessels.

35
36 With this Action 2 here, the decision is are each of the regions
37 going to apply the regional management regulations to just the
38 private angling component or to both the for-hire and private
39 angling component and therefore, it overlaps with what the issue
40 was in the other document, where you were handling just what to
41 do with the for-hire sector, the for-hire component.

42
43 **MR. RIECHERS:** Maybe I am confused and maybe I am the only one,
44 but it seems to me that if you are managing your state and your
45 federal waters and you have a charter vessel and each state is
46 managing that, then 30B still applies here if you wanted to
47 remove it.

48

1 Obviously I think our notion here was to remove it, because you
2 didn't want people under different regulatory patterns who were
3 moving back and forth between federal and state or not
4 necessarily have them in different regulatory patterns.

5
6 I think, while I heard the explanation, I think it may still
7 apply here. I am at least in favor of making sure we pull it
8 back into this document and let us see that discussion again and
9 decide then whether or not it should be removed. At least that
10 would be my preference.

11
12 **CHAIRMAN GREENE:** Any further discussion?

13
14 **DR. CRABTREE:** There are some scenarios in here where you can't
15 remove it. If we're going to manage the -- If sector separation
16 is going to continue, then you have to have the 30B provision to
17 make it work and so I agree with the decision to take it out of
18 here.

19
20 The other problem you've got is if a state opts out of this and
21 opens up their state waters year-round or something, do you want
22 the whole for-hire fleet to be able to go fish there, because
23 that's going to spill over and have effects on the other states
24 that are participating in it and so I think staff made the right
25 decision.

26
27 **MR. RIECHERS:** If I may, status quo of that alternative is no
28 action and so while you -- I agree, Roy, there are some places
29 where it may not work here and there are some places where it
30 may work here to have it removed. I am not certain where we end
31 up, but, again, even within the context of having the
32 alternative in the document, you had the no action alternative,
33 which was 30B in place.

34
35 **DR. CRABTREE:** My argument would be there is no circumstance in
36 the amendment where removing the requirement is necessary. If
37 the states all go to regional management and if it applies to
38 for-hire and other vessels, then the 30B requirement is moot and
39 so I just don't think that's an action that needs to be in here.
40 You don't need to get rid of it. It won't affect, because there
41 is no conflict between the state and federal regulations.

42
43 **MR. RIECHERS:** I understand that aspect, but there is still
44 people who are going to be federally permitted and those who are
45 not federally permitted and I am a little bit worried about us
46 tangling ourselves up without some ability to talk to that in
47 this document.

1 **CHAIRMAN GREENE:** Any further discussion?

2
3 **DR. LASSETER:** We will carry on with the next action, Action 3,
4 which begins on page 14. This is the action where you establish
5 the regions for management and we have reordered these.
6 Initially, one had been removed and sent to considered but
7 rejected and then brought in again and then there were some
8 other changes and so we have now reordered them so that the
9 alternatives with two regions are together and your five regions
10 come after.

11
12 Alternative 1 would be no action, retaining the current federal
13 regulations for management of recreational red snapper in the
14 Gulf. Alternative 2 would be to establish an east and west
15 region. Alternative 3 also is an east and west region.
16 However, Alternative 2, Mississippi is in the east and in
17 Alternative 3, Mississippi is in the western region with
18 Louisiana and Texas.

19
20 Preferred Alternative 4 is to establish five regions
21 representing each Gulf state, your current preferred, and then
22 also we modified the Alternative 5 somewhat. Previously, it
23 spoke to the individual Gulf states could get together and
24 submit a proposal and we modified the wording a little bit and
25 it's now establish five regions representing each Gulf state and
26 those regions may voluntarily form larger, multistate regions
27 with adjacent states. Is there any further discussion on this
28 action? This one has probably changed the least out of all of
29 the actions.

30
31 **CHAIRMAN GREENE:** Any discussion on Action 3, establish regions
32 for management? We currently have a preferred to establish five
33 regions representing each Gulf state. Any discussion? I am not
34 seeing any and go ahead, Dr. Lasseter.

35
36 **DR. LASSETER:** Thank you, Mr. Chairman. Moving on to Action 4,
37 it begins on page 18 and this is apportioning the recreational
38 quota among regions.

39
40 **CHAIRMAN GREENE:** Hold on, Mr. Fischer is waving.

41
42 **MR. FISCHER:** Sorry for being late and it has nothing to do with
43 the alternatives in the action, but it has to do with the
44 descriptions. I think we've stated many times that the harvest
45 would be counted in the port they landed in or the region, the
46 state, they landed in, but yet we continue to talk about the
47 lines and the lines aren't necessary.

1 I just wanted to have a quick discussion on the necessity of
2 continuing to have the lines in the document, because it does
3 confuse people. It's based on where the fish are landed and we
4 just talked about the examples. An Alabama boat comes off of
5 Louisiana and catches fish and goes back to Alabama, it's an
6 Alabama fish and it doesn't matter where he caught it. It's
7 where he landed it and that's the way MRIP and all of the state
8 systems operate.

9
10 I don't know if we're the only people who see it that way, but I
11 think it's a subject to confuse the public when they think
12 they're fishing within the boundary.

13
14 **DR. CRABTREE:** So what happens if one state opts out or their
15 equivalency plan is rejected? Then we're going to have to put
16 some regulations in place in the EEZ off of that state and how
17 do we do that without delineating that state?

18
19 **MR. FISCHER:** Roy, that's a real good point and I guess I don't
20 look at people being guilty upfront, but you're right. I don't
21 know if there's another alternative, another method, of doing
22 it, but --

23
24 **DR. CRABTREE:** There might be another method and I am not
25 prejudging if anyone is guilty upfront, but we need to think
26 about what happens if a state just opts out right off the bat
27 and doesn't want to do this. Then how are we going to handle
28 the season off of that state? It's hard for me to see how that
29 works without the ability to draw some lines and then we
30 presumably put up some sort of opening and closure on the EEZ
31 off of that state, but I am open to your suggestions as to other
32 ways to handle it.

33
34 **CHAIRMAN GREENE:** I certainly agree. I know within seventy
35 miles of Orange Beach I can be off the coast of four states
36 legally and so it's certainly something that has to be
37 considered.

38
39 **MR. FISCHER:** Roy, after your explanation, I understand.

40
41 **MR. MATENS:** I hate to be a contrarian, but I just don't see any
42 reason for these lines. I am viewing the EEZ as sort of a free
43 zone and anybody can fish it. You can only fish state waters if
44 you are licensed within that state. If you fish in the EEZ and
45 Johnny comes over and fishes in Louisiana, and I am all for
46 that, and Alabama is closed and he lands in Venice and he buys
47 the necessary licenses to land in Venice, I think that's the way
48 it ought to be.

1
2 I think that we need to view the states having primacy in state
3 waters and whatever landings are landed in that state from
4 federal waters. I just don't see any conflict in that or any
5 confusion and if Johnny wants to fish in Louisiana and wants to
6 buy the licenses, we are happy with that.

7
8 **DR. CRABTREE:** What happens, Camp, if a state says we're not
9 going to play and we're opening up year-round, opens their state
10 waters up year-round and so they're now going to catch far more
11 than their allocation and do you want us just to leave the EEZ
12 open and not do anything about that?

13
14 **MR. MATENS:** To that point, Roy, if they catch their entire
15 allocation in state waters, then they've caught their entire
16 allocation. How that is enforced is not up to me. That is
17 somebody else.

18
19 **DR. CRABTREE:** Well, it is up to us. It's our plan and we have
20 to put it in place, but if we don't have the ability to close
21 federal waters off of that state, we have no way to constrain
22 the catches.

23
24 **MR. MATENS:** You can catch them at the dock. If State A has
25 closed their state waters and caused them to be closed for
26 whatever reason and I leave Cameron, Louisiana and fish, if
27 State A is Texas, forty or fifty miles into Texas in the EEZ,
28 what am I doing to the resource? The resource is just as
29 protected, because we're all constrained to the amount of fish
30 we can catch.

31
32 **DR. CRABTREE:** But you're not constrained if you don't choose to
33 participate is my point. A state could say they could submit a
34 conservation equivalency plan that's rejected and the state
35 could say, okay, we're going to open up year-round. We need to
36 then do something to constrain the catches, but without the
37 lines, how do we then do that?

38
39 **MR. MATENS:** If that's the way it went down, if I understand the
40 way this is going, then the Department of Commerce would close
41 that state and is that correct?

42
43 **DR. CRABTREE:** No, we can't close state waters.

44
45 **MR. MATENS:** They close the fishery, yes.

46
47 **DR. CRABTREE:** We can only close the EEZ.

48

1 **MR. MATENS:** If the Department of Commerce says State A has
2 exceeded their quota in state waters and they can't catch any
3 more fish, that's what you've said. That's what you've said.
4 If you're telling me that a Louisiana charter boat can't go into
5 the EEZ off of that particular state and land in Louisiana, I
6 don't see that. I don't see that being a problem. How does
7 that affect the resource?

8
9 **DR. CRABTREE:** We can talk about it, but I don't think this is
10 workable without the lines and I've said that and I don't want
11 to belabor the discussion.

12
13 **MR. MATENS:** Notwithstanding the point that Louisiana right now
14 is in different two lines, but not going there.

15
16 **CHAIRMAN GREENE:** Any more discussion? Go ahead, Dr. Lasseter.

17
18 **DR. LASSETER:** Thank you, Mr. Chairman. Let's go back to Action
19 4, beginning on page 18, apportioning the recreational quota.
20 We have made some modifications to this action. First of all,
21 we have updated the time series to include 2013 and so
22 Alternative 2 now would be to apportion the recreational quota
23 among the regions based on landings for the years 1986 to 2013.
24 That is our longest time series.

25
26 Alternative 3 is a shorter time period, 1996 to 2013, and
27 Alternative 4 is even shorter, 2006 to 2013, and this Preferred
28 Alternative 5, your previous preferred alternative you selected
29 this 50/50, the council Boyle Law. For the years 1986 to 2013,
30 50 percent and 50 from 2006 to -- I believe at the time it was
31 through 2012. However, now we have updated all of our landings
32 through 2013.

33
34 Also, in Preferred Alternative 6, you have options to remove two
35 years from the time series and you have previously selected to
36 remove both 2006 and 2010 from the time series in determining
37 the averages and before I go to the last alternative, in the
38 subsequent pages, the Table 2.4.1 has been updated with the
39 calibrated MRIP numbers, as have the following tables, 2.4.2
40 through 2.4.5.

41
42 These provide the resulting allocations based on the
43 Alternatives 2 through 5 with and without Preferred Option a and
44 Preferred Option b of Alternative 6.

45
46 Then, real quick, on Alternative 7 is the biological option for
47 apportioning the quota and it would be to establish eastern and
48 western recreational red snapper quotas, divided at the

1 Mississippi, based on the regional biogeographical differences
2 in the stock used in the stock assessments.

3
4 Those are our alternatives and so currently you do have selected
5 as preferred Alternative 5 and 6, with both Option a and Option
6 b. I wanted to point out that in the regional management
7 document you only removed the year 2010 of landings and so
8 that's a little bit different. Otherwise, you did select the
9 same times for an allocation for that document and so I will
10 turn this over for any discussion.

11
12 **MR. RIECHERS:** Ava, I am sure some other folks have maybe gone
13 back and by adding 2013, what percentages changed in the
14 preferred? Obviously the 2013 percentage changed and what
15 percentage has changed? I mean I can't imagine it being but a
16 fraction for each state, if it changed at all, given that long
17 time series, but --

18
19 **DR. LASSETER:** If you give me just one moment, I have the last
20 iteration right here. For the current Preferred Alternative 6,
21 in the last iteration you had Alabama would have been 26.6,
22 Florida 41.5, Louisiana 14.2, Mississippi 2.9, and Texas 14.8.
23 Now that same alternative results in Alabama 31.5 and so that's
24 an increase in five points; Florida at 37.9 and so that's a
25 decrease by three points, Louisiana at 15.5 and so that's about
26 1 percent greater, Mississippi is 3.1 and so 0.2 percent
27 greater, and Texas is 12.0 percent and so it's minus 2.8
28 percent.

29
30 **MR. FISCHER:** I would like to ask Roy if he sees any problem in
31 regional management omitting the two years, but sector
32 separation just omitting one year and if he felt it would be a
33 smoother document if it matched the exact time series of sector
34 separation.

35
36 **MS. LEVY:** I will answer that. You could potentially have
37 different exclusions for the years, but there needs to be an
38 explanation as to why you're doing it here and you didn't do it
39 in Amendment 40 and if there's not a good reason, then my
40 suggestion would be to keep them the same.

41
42 **CHAIRMAN GREENE:** Any further discussion?

43
44 **MS. BADEMAN:** Just some questions maybe about things that we
45 could update in the next round that we see here. I am looking
46 at the tables that go along with this action, with the
47 percentages for each state.

1 We've got some options in here where we're just talking private
2 anglers and some we're talking the entire recreational fishery
3 and can get both of those in there? Then I think at some point
4 we're going to have to get in here some analysis of some apples-
5 to-apples comparison of what this looks like in days or
6 whatever, assuming everyone has the same regulations and starts
7 their season at the same time. Like what does this actually
8 mean?

9
10 I have some reservations about the current preferred
11 alternative. I kind of think that an alternative that better
12 captures what is actually happening in the fishery now would be
13 appropriate. I understand that some people want to just stick
14 and do the same thing we did with sector separation, but I think
15 these are things we need to look at. Thanks.

16
17 **MR. RIECHERS:** Martha, I appreciate those comments, because
18 obviously percentages changed as we added 2013 and changed
19 dramatically, obviously, as we all discussed this allocation
20 being one of the more difficult aspects of this whole amendment.

21
22 I think obviously we want to look at that again and staff was
23 just trying to update it with the last year's worth of data and
24 certainly everyone understands that, but we probably need to
25 look back at those percentages and have that conversation again.

26
27 **MR. BOYD:** I just wanted to ask Ava, if she would, since you
28 read those quickly, could you email us those numbers, those
29 percentage changes, and the actual?

30
31 **DR. LASSETER:** Absolutely. Will do and then just to let Martha
32 know, all of those tables are for the entire recreational sector
33 and it does not split out the for-hire and private.

34
35 **MS. LEVY:** Just to clarify that the change was partly adding
36 2013, but probably, I suspect, mostly due to the calibration
37 that went back all the way and I just want to make clear,
38 Martha, that what you were asking for in the next iteration is
39 when we put in those alternatives about potentially keeping the
40 sectors separate under regional management, how those
41 percentages would fall out for each of those sectors and is that
42 right?

43
44 **MS. BADEMAN:** Yes and so I mean if we're going to only do this
45 for the private recreational fishery, it would make sense to
46 only consider private landings, for example, if we're going to
47 do an allocation based on landings history, for one.

48

1 Then also, when we're putting together these tables, putting the
2 additional information, number of days, what this is actually
3 going to mean for each state, potentially, if we all had
4 consistent regulations. We could do the two fish bag limit at
5 sixteen inches starting on June 1 or whatever, something that
6 you could compare. Do you see what I'm saying, Mara?

7
8 **MS. LEVY:** You would have to assume the current federal
9 regulations and how much percentage, knowing that if this were
10 to get implemented, the states could modify it however they want
11 to get the season they want.

12
13 **MS. BADEMAN:** Yes.

14
15 **DR. CRABTREE:** I agree with Martha that that all needs to be in
16 here and I also agree that we ought to go through here and look
17 at if we had a two fish bag limit and a sixteen-inch size limit,
18 here's how this would -- Given the catch rates we've seen in
19 recent years, here's what this would translate into days,
20 because I have had someone suggest to me why isn't it a
21 reasonable alternative to set the allocations up in a way that
22 would give every state the same number of days and I don't think
23 we have that in there and I don't think we've ever calculated
24 what that would be and I don't have a reason in my mind why that
25 wouldn't be reasonable. Maybe it comes out exactly the same as
26 this, but I suspect it will be somewhat different and I don't
27 know.

28
29 **MS. BADEMAN:** I think that's a reasonable alternative as well.

30
31 **CHAIRMAN GREENE:** Okay. Anybody else? Okay, Dr. Lasseter.

32
33 **DR. LASSETER:** Thank you, Mr. Chairman. If we're finished with
34 discussing Action 4, we will move on to the last action, Action
35 5, which begins on page 23, and this action addresses post-
36 season accountability measures.

37
38 Since the last version of this document that you saw, you did
39 pass a framework action adopting an overage adjustment for the
40 recreational sector and so your previous -- One of the previous
41 alternatives has now become the no action alternative and so
42 under no action, retain current federal regulations for managing
43 overages of the recreational red snapper quota in the Gulf EEZ.
44 While red snapper are overfished, based on the most recent
45 Status of U.S. Fisheries Report to Congress, if the recreational
46 red snapper quota is exceeded, reduce the recreational sector
47 quota in the following year by the full amount of the overage,
48 unless the best scientific information available determines that

1 a greater, lesser, or no overage adjustment is necessary.

2
3 Then this also has added on that the recreational ACT will be
4 adjusted to reflect the previously established percent buffer,
5 which is currently 20 percent. I want to point out two features
6 of all of these alternatives.

7
8 One, none of these post-season AMs would be triggered unless the
9 entire recreational sector quota is exceeded and so if the quota
10 is not met, there is no payback and, two, these are applicable
11 while red snapper are classified as overfished, based on the
12 most recent Status of U.S. Fisheries Report to Congress.

13
14 Also, while red snapper is considered overfished and is
15 undergoing a rebuilding plan, the payback would be effective and
16 that's per the National Standard Guidelines. That is
17 Alternative 1.

18
19 Moving on to Alternative 2, this is your preferred alternative
20 that you have previously selected and this one would specify
21 that the overage adjustment would be applied to the region which
22 exceeded its regional quota and it would be by the full amount
23 of the region's quota overage in the prior fishing year. Again,
24 the ACT is then applied after the quota is determined.

25
26 Alternative 3 would apply the overage adjustment to the
27 component of the recreational sector, either the for-hire fleet
28 or the private angling component, by the full amount of the
29 overage. Again, only if the whole recreational quota is
30 exceeded.

31
32 Then Alternative 4 combines both of those and so in the event of
33 an overage, a quota overage, the following year reduce the for-
34 hire component's quota by the full amount of the component's
35 overage and for the private angling component's quota, reduce
36 the quota by any region which exceeded its regional quota by the
37 amount of the region's quota overage in the prior fishing year.

38
39 This is set up a little differently and I am imagining a
40 tweaking, given what Martha just said, that we need to provide
41 the different tables with the allocations for both private only
42 and for-hire only, because this Alternative 4 does retain those
43 separate at this time, because we don't have the allocations
44 broken out by sectors in this document. I am going to turn it
45 back over for questions and discussion.

46
47 **CHAIRMAN GREENE:** Any discussion?
48

1 **MR. ATRAN:** Given a comment that came up yesterday regarding
2 stocks that are no longer overfished because they have gone back
3 up above their minimum stock size threshold but are still in a
4 rebuilding plan, I am wondering if maybe the wording on these
5 alternatives, which currently says while red snapper are
6 overfished, should be changed to while red snapper are in a
7 rebuilding plan. The current wording says that when they get
8 back above MSST that this parameter would no longer be in
9 effect.

10
11 **DR. CRABTREE:** I think the overfished is consistent with how
12 we've handled it in most cases and I think that was how we
13 intended it to be handled.

14
15 **MR. ANSON:** I am just curious and I don't recall seeing it in
16 the previous version and I haven't looked it up, but, Ava, while
17 red snapper are overfished, based on the most recent Status of
18 U.S. Fisheries Report to Congress, can you explain that? It
19 just seems like there's a long delay from when the SSC
20 determines it not to be overfished and the report.

21
22 **DR. LASSETER:** This wording was actually proposed to reflect the
23 wording that was put in the accountability measures and Andy
24 Strelcheck is actually going to come up and speak to it. He
25 provided this language and he said it was consistent with the
26 language that is in the accountability measure framework action.

27
28 **MR. STRELCHECK:** Kevin, just for your benefit, although there is
29 an annual report to Congress, we actually do quarterly updates
30 and post those updates on our website and so at the most, there
31 would be a three-month lag time between the final decision by
32 the SSC and when the status is updated. Previously, it was
33 worded as if it was under a rebuilding plan and obviously that
34 can be very different than if it's overfished.

35
36 **CHAIRMAN GREENE:** Any more discussion?

37
38 **MR. RIECHERS:** Ava, given the discussion we had this morning, it
39 seems like Alternative 1 is closest to the way that fishery was
40 handled and am I --

41
42 **DR. LASSETER:** I believe your preferred alternative was to make
43 a region-specific payback. You had another alternative that was
44 a different overage adjustment.

45
46 **MR. RIECHERS:** Yes and I am not -- I think our preferred was the
47 by region, but I think the way the discussion this morning -- I
48 am just reflecting back on the presentation and they, I think,

1 were lumping the entire sector together and did I remember
2 correctly from this morning, just as an alternative way to do
3 it? I think it's more closely aligned to our Alternative 1.

4
5 **CHAIRMAN GREENE:** Any further discussion?

6
7 **MS. LEVY:** I thought, from what I understood this morning, are
8 you talking about for the summer flounder?

9
10 **MR. RIECHERS:** Yes.

11
12 **MS. LEVY:** They don't have a payback provision for the
13 recreational sector and it's not overfished and it's not in a
14 rebuilding plan and so it doesn't really apply to what we're
15 doing. What she was saying is if they go over, they have to
16 account for that in what they set for next year.

17
18 **MR. RIECHERS:** Correct and I agree that it doesn't really apply,
19 but I think as we talked about it, our discussion mostly
20 centered between Alternative 1 and Alternative 2 and do you do
21 the payback by region or do you look at it overall by the whole
22 recreational sector and, for instance, if Texas were to go over
23 by a small amount, but Louisiana was under by a large amount, or
24 enough to make up for that difference, do you penalize that
25 state or region, if it were, or do you really look at it or are
26 we still meeting our rebuilding goals? Again, like I said, I
27 understand where we ended up as preferred, but I am just
28 throwing that out for discussion.

29
30 **MS. LEVY:** That's what this does and so none of this kicks in
31 unless the entire recreational quota is exceeded and so if Texas
32 went over, but Louisiana was under and so the recreational quota
33 itself was not exceeded, then no payback would kick in. It only
34 kicks in when there is a total exceedance, and then your
35 decision is do you apply it to the whole thing or do you apply
36 it to each region or do you divide it into the component that
37 went over, if you keep sector separation in there.

38
39 **MR. RIECHERS:** I am sorry, Ava, and I think you did say that
40 right at the beginning, that you were applying it to all -- It
41 applies to all four of the alternatives.

42
43 **DR. LASSETER:** And only if the entire quota is exceeded.

44
45 **DR. CRABTREE:** If I could, but in the situation you described,
46 in that case, if Texas went over, then they would be expected to
47 take some corrective action the following year, but no payback.

1 **CHAIRMAN GREENE:** Anything else, Dr. Lasseter?
2
3 **DR. LASSETER:** That's all and if there's any further discussion
4 on this action, but I have one more thing to address.
5
6 **CHAIRMAN GREENE:** Any further discussion on this action? Seeing
7 no hands --
8
9 **DR. LASSETER:** There was, finally, one more action that we did
10 remove and it was formerly Action 7, which concerned the default
11 regulations. Mara briefly touched on this. We have rolled that
12 into the introductory chapter. You had selected -- The
13 preferred alternatives you had selected really wasn't too much
14 of a decision. It's what is going to happen is what you
15 selected and so that is written up as part of the process in
16 Chapter 1, that default regulations will have to be in place,
17 and so we did remove that action, if it's okay.
18
19 **CHAIRMAN GREENE:** Okay and any comments on what Dr. Lasseter
20 just described? Seeing none, I guess that wraps up that portion
21 of it and on the agenda, there is Committee Recommendations, but
22 I think we've taken care of that as we've gone through, unless
23 anyone else wants to weigh in on anything.
24
25 **MR. FISCHER:** We will have it all rewritten and ready for
26 council?
27
28 **CHAIRMAN GREENE:** I hope so, but I have no idea.
29
30 **MR. FISCHER:** I take that as an affirmative, a yes?
31
32 **DR. LASSETER:** The next council meeting, yes.
33
34 **CHAIRMAN GREENE:** With that, that will carry us to our next
35 agenda item, which will be Item VIII, Revised Public Hearing
36 Draft of Amendment 28, Red Snapper Allocation, Tab B, Number 10,
37 and Dr. Diagne.
38
39 **REVISED PUBLIC HEARING DRAFT AMENDMENT 28**
40
41 **DR. ASSANE DIAGNE:** Thank you, Mr. Chair, and good afternoon.
42 What I will try to do today is to quickly summarize the document
43 as it stands to date and spend most of the time discussing a
44 potential timeline for taking final action.
45
46 Amendment 28 is a single-action amendment and it considers the
47 reallocation of red snapper within the commercial and
48 recreational sectors.

1
2 On page 6 of the document, you have the single action, Action 1,
3 allocation of red snapper. We have a status quo alternative,
4 Alternative 1, and as structured, we have two sets of
5 alternatives.

6
7 The first set, Alternatives 2 to 4, would reallocate a fixed
8 percentage of the total quota. Those percentages considered
9 here are 3, 5, and 10 percent for Alternatives 2, 3, and 4,
10 respectively.

11
12 The second set of alternatives includes three alternatives,
13 including your preferred alternative, which is Alternative 5,
14 and it reads that if the quota, red snapper quota that is, is
15 less or equal to 9.12 million pounds, maintain the status quo
16 allocation at 51 percent commercial and 49 recreational.

17
18 If the quota exceeds 9.12, allocate 75 percent of the amount in
19 excess of the 9.12 to the recreational sector and 25 percent to
20 the commercial sector. Based on our current quota of eleven-
21 million pounds, the resulting allocation would be 5.12 to the
22 commercial and 5.87 million pounds to the recreational sector.

23
24 We have two additional alternatives that are built on the same
25 premise, meaning with a threshold and then an allocation of the
26 excess amount above the threshold. Alternative 6 would give the
27 entirety of the excess above 9.12 to the recreational sector
28 and, finally, Alternative 7 chooses a different threshold, which
29 is ten-million pounds. Above ten-million pounds, anything in
30 excess would be allocated 75 percent to the recreational and 25
31 to the commercial.

32
33 There is a table in the document on page 10 and it is Table 2.13
34 and it essentially summarizes the alternatives, including
35 Preferred Alternative 5, and gives us, in million pounds and
36 percentage of the quota, the respective allocations for each one
37 of the sectors.

38
39 To summarize the document at this point, that is all I have and
40 so I will spend the remainder of the time discussing what we see
41 going forward.

42
43 The first thing is that based on the recent red snapper stock
44 assessment, we fully expect that the quota is going to change.
45 As soon as we have the number that would reflect your decision,
46 we would turn around and update the document and update the
47 respective percentages and quotas allocated to each one of the
48 sectors. That is one thing.

1
2 The timeline that we have discussed at the IPT level could
3 possibly provide you the opportunity of taking final action
4 let's say in June, because we are going to update the document
5 and make them reflect the new red snapper quota, for one thing,
6 and NMFS would have the opportunity to publish the DEIS and the
7 comment period would have ended by then and you would be
8 presumably in a position of taking final action at the June
9 meeting. At this point, that's all I have and I will try to
10 answer questions if you have any. Thank you.

11
12 **CHAIRMAN GREENE:** Okay. Any discussion relative to Dr. Diagne's
13 document?

14
15 **DR. CRABTREE:** Assane, it also seems to me that Amendment 40
16 will need to be taken account of in here, because it would seem
17 to me that will change the potential relative impacts on the
18 private sector and the for-hire sector vessels.

19
20 **DR. DIAGNE:** Dr. Crabtree, if you could be a little more
21 specific. I am not sure that I follow, because in Amendment 40,
22 what we have done is determined some type of percentage between
23 the two subcomponents, if you would, of the recreational sector
24 and that is a separate issue from the allocation of the entire
25 quota.

26
27 **DR. CRABTREE:** Except if you change the allocation in a way so
28 that more fish go to the recreational sector, which is the
29 current preferred. A bigger slice of that is going to go to the
30 for-hire sector if Amendment 40 is in place than would have gone
31 were Amendment 40 not in place and so the impact on the
32 economics of the for-hire would seem to be different of doing
33 this, to me, with Amendment 40 in place than it would have been
34 without it.

35
36 Without it, they were catching on the order of 20 percent, I
37 think less than 20 percent, of the recreational quota, but if I
38 recall correctly, with Amendment 40 in place, their allocation
39 is around 42 percent of it and so it seems to me the impact on
40 trips and things would be different.

41
42 **DR. DIAGNE:** Yes, absolutely.

43
44 **DR. CRABTREE:** I will leave that to the economists to figure
45 out, but one other thing I would come back to is the purpose and
46 need of the amendment. I think that one of the things you need
47 to think about are some of the implications that come out of the
48 new stock assessment.

1
2 It does seem to me that at least arguably there are some
3 allocation implications out of this assessment. For one thing,
4 what we've seen in the presentation is that part of the reason
5 the quota is increasing is because of the recalibration of the
6 recreational time series.

7
8 Our allocations have historically been based on a perception of
9 what the historical mix in the fishery is and that has changed.
10 In other cases, in a couple of instances in the South Atlantic,
11 when we recalibrated the catches, we also recalibrated the
12 allocations when we did that.

13
14 That is more complicated here, because the timeline we used to
15 establish the red snapper allocation started in 1979 and I think
16 went through 1986 or 1987. 1979 and 1980 aren't supported by
17 MRIP anymore and so there is no way to calibrate the catches
18 back that far.

19
20 I also think that there are problems. As you go further back in
21 time, the calibration probably becomes less meaningful and so
22 it's not as straightforward to do it as if we had an allocation
23 that was based on more recent years. What you're going to do
24 with that I don't know, but you do have some changes to the
25 historical time series and that clearly seems, to me, to have
26 allocation implications that need to be addressed within the
27 document.

28
29 The other thing that happened in the new assessments are some
30 change in the recreational selectivities that resulted in
31 increased quotas. Some are probably to argue that may have some
32 allocation implications.

33
34 That is more debatable, to me, because I can't recall of a case
35 where we shifted allocations based on changes in selectivities,
36 but I also don't recall a case where we've had a change in
37 selectivity laid out so clearly to us and it made a big
38 difference in the cases, but I think in this document that
39 you're going to need to deal with all of these and make a
40 decision as to how that plays into that and how you're going to
41 handle it.

42
43 I think you need to have some discussion and think about that,
44 because I think we need to complete our work on this document
45 and come to a conclusion and get this done, rather than having
46 this hanging over our heads for a whole lot longer. That's
47 something I think you need to think about.

48

1 **MS. BADEMAN:** I agree with what Roy said and I've been thinking
2 about this document and I think one of the things that I would
3 be interested to see added to this -- Let me back up. We hear
4 all the time that the recreational fishery is all about the
5 opportunity to catch a fish and I am talking a fish and not
6 necessarily pounds of fish.

7
8 The commercial sector, clearly you get more pounds, you get more
9 money and that's a straightforward relationship. I think it
10 would be beneficial to add to this document an analysis of how
11 the quota increases in each sector express those in numbers of
12 fish and also the harvest over the years in numbers of fish.

13
14 Because we've had these weight changes and these changes in
15 selectivities, I think it's a little more obvious if you set it
16 up that way and look at it that way. As the recreational quota
17 in pounds has gone up, the quota in number of fish has not
18 necessarily done the same and a lot of times, it has dropped
19 with this quota increase.

20
21 I think it makes -- The benefits, I guess, to those quota
22 increases, you can make the case that the benefits have not been
23 as great for recreational as they have been for the commercial
24 and I think if you look at it in numbers of fish, that case is a
25 lot more clear and so that's something I would like to see added
26 to this as well. Am I making sense and do you understand what
27 I'm asking for, Assane?

28
29 **DR. DIAGNE:** Yes and if you would like for us, for the
30 statistics, to reflect essentially the number of fish instead of
31 pounds, we would just get the average weight per fish as it
32 changes over time and then essentially show those numbers.

33
34 **MS. BADEMAN:** Yes, because we have the weights for the fish for
35 every year. We know how many were brought in and we know what
36 the quota was and to express those in numbers of fish, I think
37 that would be helpful as well.

38
39 **DR. DIAGNE:** Yes and we could do this Gulf-wide or should we
40 perhaps also provide some information on the region-specific, as
41 much as we can?

42
43 **MS. BADEMAN:** I was just thinking Gulf-wide, but if people want
44 to do regions, I am cool with that too.

45
46 **DR. DIAGNE:** We will start with the Gulf-wide information.

47
48 **CHAIRMAN GREENE:** Okay. Any further discussion?

1
2 **MR. WALKER:** All right. Amendment 28, best I can remember,
3 started back in 2010 and it was a red grouper reallocation
4 amendment and then it changed to red snapper, to look at
5 reallocation. That was in 2010 and that was five years ago.

6
7 I think, at the time, Bob Gill was the Chairman and then we had
8 Bob Shipp was the Chairman and then Doug Boyd was the Chairman
9 and now Kevin Anson is the Chairman and you know we've been
10 looking at this for five years and I don't know how long
11 National Marine Fisheries Service wants us to -- The policy
12 requires us to continue looking at this, but I agree with Roy
13 that I think it's time to make a decision with this.

14
15 Right now, I see that it's no action and I don't see any
16 justification for reallocation. The commercial industry has --
17 We came to the table years ago and we knew we had a problem and
18 we needed a better plan than what we had and so we came together
19 and we developed a plan and it's been a successful plan.

20
21 Then you sent this to the SESSC and it's been sent there several
22 times and I think the last one they had the discussion was that
23 before you look at any allocation plans, you need to look at
24 fixing your fishery management plan. You need a plan that gives
25 you what you're looking for.

26
27 We have heard testimony from Randy Boggs and he has come up here
28 and I think Randy told me he had a ten-month season last year.
29 I mean he has better data and there's more access and I mean
30 you've got to take and look at things that is going to help you.

31
32 It has not benefitted -- These increases have not benefitted the
33 recreational fishery and that's true and that's because the plan
34 -- If you don't have a fishery management plan, it doesn't
35 matter how many fish you reallocate into that. Until you get a
36 plan, you are just spinning the bottle and you just keep on
37 spinning the bottle and this has been going on for five years
38 and I think it's time to get to work on a plan, just like the
39 best science recommended.

40
41 **CHAIRMAN GREENE:** Okay. Any further comments?

42
43 **DR. CRABTREE:** There is just a lot of silence and I have raised
44 some issues now that I think you need to think about in terms of
45 dealing with it, but no one has given any guidance to staff. We
46 do have a catch share policy that indicates we need to review
47 these allocations, but, to me, reviewing allocation implies
48 reaching some sort of a conclusion.

1
2 If you look at this amendment, at least your preliminary
3 conclusion appears to be that some reallocation is in order, but
4 we have never gotten to the final step, but without some
5 guidance to your staff in terms of what do you want to do about
6 the calibration and what do you want to do about some of these
7 issues, I don't know how they can be expected to finish this
8 document and get you to a point where you can take action on it.

9
10 You guys need to give some rationale to support whatever
11 decision you're going to make, but if we just sit here and say
12 nothing, I don't know how we're going to ever get this done.

13
14 **MR. ANSON:** I was going to reiterate what Dr. Crabtree had
15 stated as far as some of the other issues that we might want to
16 address in this document and encourage the committee to have
17 some discussion about that.

18
19 Certainly he brought up a clearer purpose and need and perhaps a
20 more detailed purpose and need and so that might be something
21 else that could come forward from the committee to full council
22 to give a good clear indication as to why the council is looking
23 at this issue and looking at this issue for as long as it has.

24
25 Lots of council members have come and gone too, David, and I am
26 certainly with you that we need to come to some resolution and
27 perhaps the resolution might be different. We have different
28 opinions on it, but certainly we need to try to make a good push
29 here, a final push, to try to do something, because it's just
30 dragging on and on and certainly the folks out there in the
31 audience, they are waiting for some sort of answer so they can
32 kind of get on with their business and such.

33
34 I think we ought to really try to wrap this up one way or the
35 other and it's just something that we need to do. Yes, we're
36 required to review and we're not required to do anything, but
37 obviously there was a need for us to bring this document
38 forward, at least at the time, and it has languished for quite
39 some time and I certainly would like to try to get it off the
40 council's docket myself.

41
42 **CHAIRMAN GREENE:** Anybody got any ideas?

43
44 **MR. RIECHERS:** Just very briefly, because it's already been
45 said, but, Roy, I thought -- I mean don't take silence as a lack
46 of concurrence with what you suggested in adding to the document
47 or also in what Martha suggested as adding to the document. I
48 think those both help build the rationale and help describe some

1 of the reasons why we're looking at reallocation from a purpose
2 and need standpoint, as well as give us some more information to
3 base those judgments on as we move forward.

4
5 I think there certainly is a reason to look at that and to have
6 staff do that work and for us to come back and look again at our
7 alternatives in light of that information that you may be
8 bringing forward that's a little bit different in the way it
9 couches this in regards to opportunity as opposed to pounds and
10 so forth.

11
12 Again, certainly I believe that we should move forward, but I
13 don't know that I have a lot more to add in what should be added
14 to the document or in rationale at this point.

15
16 **DR. DIAGNE:** Based on the comments that Dr. Crabtree offered,
17 what we need would be, if possible, from the committee very
18 specific guidance. At this point, the alternatives that we have
19 before you are structured in the way in which basically you
20 selected, fixed percentages of 3, 5, and 10 percent, and then
21 having a threshold and allocating in some kind of way above that
22 threshold.

23
24 Now, if as a committee you have some specific alternatives that
25 you would like to offer for us to add to this document, I think
26 today is a great opportunity for you to offer those, something
27 to the effect of based on the calibration results, et cetera, we
28 would consider a reallocation of X percent, whatever X may be,
29 but for us to move forward, move this document forward, we would
30 need very specific guidance from the committee, if not from the
31 council, by the time we get there before, the end of this
32 meeting.

33
34 **CHAIRMAN GREENE:** Okay and so I know Martha had laid out some
35 stuff as well, but with that, I see Mr. Perret has his hand up
36 and so I will go to him.

37
38 **MR. PERRET:** Thank you, Mr. Chairman. This will probably be a
39 half-a-dozen meetings in a row, but I am still waiting for staff
40 and council members and anybody and if they can put it in the
41 document, I would love to see it, but the document doesn't
42 relate to the purpose and need.

43
44 We want to be fair and equitable to reallocate and okay, but
45 what's fair and equitable when you've got a fishery that has
46 gone over its quota by millions of pounds all but two of the
47 last twenty-something years, but we're going to be fair and
48 equitable and we're going to reallocate and fine.

1
2 I have yet to hear how we're going to maintain or how we're
3 going to improve stability in the recreational fishery by just a
4 handful of more days and if anybody can provide that rationale
5 to staff to do that, I think we need to add that to this
6 document. Stability, how are we going to improve stability by
7 doing this reallocation? I think that needs some justification.
8
9 **CHAIRMAN GREENE:** Anything else? Has somebody got more
10 discussion or more specifics?
11
12 **MS. BADEMAN:** Not that I really want to open this can of worms
13 right now, but I mean if we've been operating under the wrong
14 allocation all along, based on this MRIP calibration, I mean I
15 think we need to understand that and correct that through this
16 document.
17
18 I mean changing the allocation, if that's what we need to do to
19 reflect really what has happened in this fishery and what's
20 going on in this fishery, then let's do it and let's move on,
21 but I will stop there.
22
23 **CHAIRMAN GREENE:** I understand where you're coming from and I
24 certainly understand your point and I really don't know where to
25 lead you from here.
26
27 **MR. WILLIAMS:** Both David and Corky have made good points. If
28 we go forward with this allocation, our plan for the
29 recreational fishery is just to give them these pounds and
30 they're going to fish a couple more days and then it's over.
31
32 The benefits are small. They're very small from this and until
33 we have some sort of real way to control the recreational
34 harvest or to control recreational effort in this fishery, I
35 don't think we're going to get much out of it. I am going to
36 defer to the people that are really in favor of this document to
37 help provide the rationale as to why they want it, but it looks
38 to me like the benefits are very small.
39
40 **CHAIRMAN GREENE:** I certainly understand.
41
42 **MR. ANSON:** Roy, that may be true, as you define what small is,
43 but when we're talking about days for the currency and a few
44 more days could represent a fairly significant increase and, for
45 that matter, I hate for us to be thinking in those types of
46 terms, small and large benefits.
47
48 I mean we'll be looking potentially at mackerel and adjusting

1 the allocation in mackerel and there are some problems in the
2 commercial mackerel fishery and certainly some pounds going to
3 mackerel, commercial mackerel, would be helpful to those guys
4 and when you do the analysis, there might be very negligible
5 benefits there, but it would be an improvement to their
6 situation. That's all and I just want to keep things in context
7 that benefits are benefits.

8

9 **CHAIRMAN GREENE:** Any more comments or discussion?

10

11 **DR. CRABTREE:** Just a couple of things. Recall though that we
12 have changed the accountability measures in the recreational
13 sector now and it appears to work and they have stayed within
14 their quota. I also think with Amendment 40 that I wouldn't be
15 so quick to say what the benefits are going to be.

16

17 I suspect that for the for-hire sector there would be a
18 significant change in the number of days of fishing they would
19 have with Amendment 40 in place and with the higher quota if you
20 stayed with your current preferred alternative.

21

22 Now, whether that's right or not or fair or what you want to do,
23 I leave it to you to decide, but I wouldn't assume that the
24 changes in season lengths are very small, because we have
25 changed the way this fishery is managed now and I think those
26 changes will change the distributions and the impacts.

27

28 **MR. PERRET:** Roy, would you explain how those accountability
29 measures are working? I mean we can shut the EEZ down, but
30 states are keeping their waters open.

31

32 **DR. CRABTREE:** We put in place the 20 percent buffer and that
33 has been sufficient to take into account those types of
34 uncertainties and we seem to have, based on all the data we have
35 right now, we have stayed well within the quota this year.

36

37 I have no reason not to think we will continue to stay within
38 it. Now, if we get some really unexpected actions by the
39 states, maybe that changes, but at least for right now, it seems
40 to be working. My point is just that we have changed the status
41 quo now.

42

43 **MR. PERRET:** Yes and you're right, but hopefully they will
44 continue to work.

45

46 **MR. RIECHERS:** I mean I think, as others discussed it and I will
47 try to shed a little bit of extra light on it maybe, is that the
48 recalibration of the time series associated with the

1 recreational fishery, and what looks like the increase in
2 poundage is going to be in the neighborhood of two-million
3 pounds from where we are now to the next assessment, give or
4 take some pounds, appears to have been largely due to that
5 recalibration of the MRIP landings.

6
7 One could argue that all of that two-million pounds should in
8 fact be added to the recreational side and the series should be
9 recalibrated and that should be the percentage that we're
10 starting with. That would be similar to Alternative 6 in the
11 document now.

12
13 What we've done is Alternative 5, which is instead of taking 100
14 percent of that allocation and pushing it to one location, we
15 basically would -- We have an argument in there now for 75
16 percent of that allocation and you could make the argument that
17 in fact this last increase might should all go in that direction
18 and so there is a way that we could look at that in here if we
19 wanted to change those percentages or come up with that sort of
20 allocation.

21
22 Dr. Crabtree mentioned the recreational selectivity and the
23 change and Martha's suggestion about trying to look at that by
24 fish is a way we are going to know a little bit more about that
25 as well. As far as the benefit we receive, I think when you're
26 talking about benefit, you are talking about negligible days,
27 but I don't think, as Kevin suggests, that negligible days
28 necessarily means negligible economic value or economic impact
29 and so I think we have to keep that in mind as well.

30
31 I think there is a lot of rationale that we've talked about in
32 the past and there's a lot in the document and, of course, we
33 are going to see some new things brought to bear in the document
34 as well and so, again, I think we have a range of alternatives
35 in here that ranges from 3 percent to 100 percent of that in
36 excess of 9.12 million pounds and so we've got a pretty wide
37 range of alternatives that we can choose between in here now.

38
39 **MR. WILLIAMS:** Going back to Roy's point, Roy, it is easy to see
40 how the charter boats would benefit from this. They are under a
41 permit moratorium, which is a limited entry program. It might
42 go on forever or we might turn it into a formal limited entry
43 program at some point.

44
45 It is easy to see how they would benefit from it, but what --
46 They're not in the position though where another 10 percent more
47 boats are going to be fishing next year or 20 percent more
48 boats. The other side of this fishery, the recreational

1 fishery, isn't in that position and it kind of begs the question
2 then as to if we're going to allocate between commercial and
3 recreational, do we need to be looking at commercial charter
4 boat and private boat?

5
6 It's easy to see the benefits to the charter boats, to me, and
7 it's not so easy for me to see the private boats, because there
8 is just going to be more boats next year. If there is more
9 fish, there is going to be more boats that jump into it and it's
10 hard for me to see -- As David said and Corky said, we don't
11 have a real way to control recreational fishing effort other
12 than fix the number of days, fix the season at some quota.

13
14 It just ends up with more and more boats catching the same thing
15 or catching whatever more we give them. It's difficult for me
16 to assess what the benefits to them are and whether it is a true
17 benefit taken away from the commercial sector to give to those
18 private boats and I don't know if it's a benefit or not. I can
19 see it with the charter boats, but I don't know that I can see
20 it with the other side.

21
22 **MS. BOSARGE:** Two things. First, to Robin's point about the
23 recalibration and the increase in that two-million is due to the
24 recalibration of recreational landings and I am just a
25 commonsense kind of girl and I would not -- It doesn't make
26 sense, to me, to reward for overshooting quota.

27
28 If we recalibrated and the quota was exceeded by that much more
29 and we said that was due to the recreational sector and our
30 response to that is we should reward them by giving them more
31 allocation, that doesn't make sense to me.

32
33 I don't think that's the direction we should be going and if
34 that's the case, then, if I was a commercial person, I would say
35 I need to go exceed my quota by two-million, because then they
36 will give me more allocation. That's not the path we need to go
37 down.

38
39 On a more positive note, and I'm not on your committee, but I
40 would like to bring it up now for thought, for later. Obviously
41 I support no action on this and in a lot of people's minds, this
42 and recalibration, it's all -- It all, in their mind, is
43 reallocation and in my mind, it's not.

44
45 This was an amendment that the purpose and need talked about
46 stabilizing the recreational fishery and to do that, we were
47 looking at reallocation. To me, that does not stabilize the
48 recreational fishery. What we're doing in some of our other

1 amendments may. In 40, it may and in 39, depending on what we
2 do there, it may.

3
4 Now, I know that around this table though you want to get to
5 reallocation. In a separate amendment looking at those
6 recalibrations of the landings, in a separate amendment, I don't
7 know how I am going to vote on it, because it depends on how far
8 you go back and how you apply things and this and that, but in
9 my mind, I can justify that.

10
11 I can understand that if your landings changed and if you have
12 changed your methodology and you see that you were not
13 accounting for all the recreational landings and we based the
14 allocation originally on landings, then I can understand how
15 that would affect your allocation. That, in my mind, is moral.

16
17 This reallocation, supposedly to stabilize the recreational
18 sector, that, in my mind, that doesn't fly. That doesn't hold
19 water. Now, if you vote no action on this and get rid of this,
20 then we could look at a new amendment that will address
21 reallocation, but it will address it for solid principles that
22 somebody could stand for and justify with the appropriate
23 purpose and need.

24
25 Now, how that would fall out in the numbers, I don't know. It
26 depends on how we apply all these recalibrations and when we
27 look at it, we would get into it, but that's something I think
28 we could realistically look at and this is not.

29
30 **MR. PERRET:** Robin, you can talk about recalibration and you can
31 talk about better data and we can talk about this on and on and
32 on and on. B-8, Regional Management of Red Snapper, Updated
33 Draft, January 16, 2015, here are the facts.

34
35 You mentioned two-million pounds and yes, two-million pounds,
36 that's great, but the recreational sector went over by over
37 four-million pounds in 2013 and by over two-million pounds in
38 2012 and so we're going to give them more fish and that's great.
39 That's good, but how is that going to stabilize the fishery that
40 has continued to go over, other than last year, like Dr.
41 Crabtree said.

42
43 We put measures in and I hope they work and I hope we're able to
44 do that and I hope the states will be in a better situation, if
45 we ever get to this regional management, and looking at the way
46 things have happened today and the complexities of it, it's
47 going to probably be a while before we're ever able to implement
48 something like that, but hopefully for the future we'll have

1 that and the states will have better flexibility, but I have a
2 lot of problems with the document.

3
4 The purpose and need, I have repeatedly said, doesn't address
5 what we're trying to do, in my mind, but hopefully I am wrong
6 and this will help to stabilize this fishery and that's all I
7 can say. I have my doubts.

8
9 **MR. FISCHER:** Assane was asking for advice of items to enter
10 into the document and one thing I would like him to look into is
11 overall angler trips. Angler trips are not escalating. They
12 are not going through the roof. Angler trips are actually very
13 stable.

14
15 It's a flat line and you take out the exception of 2010 and
16 2011, with the repercussions of the spill, and angler trips are
17 very flat. That's something we have to think about. I mean we
18 were just talking about all the people getting involved in the
19 recreational fishery and the millions of extra boats and the
20 data doesn't show it.

21
22 It's like we've become selective on what data we want to use and
23 what data we don't use and I am not referring to the Service,
24 but I mean in our deliberations. If you're going to try to look
25 at -- Get real fine on angler trips just on one species, it's
26 very difficult on a nine-day season, or any day season, but when
27 you look at recreational anglers, they will fish for what's
28 open.

29
30 When amberjack is open, they will fish for it and when gag is
31 open, they fish for it and when snapper is open, they fish for
32 it. Angler trips by the recreational component is not
33 escalating and MRIP data will back that up.

34
35 **MS. LEVY:** I have heard a lot of discussion about the purpose
36 and need in the document and the idea that part of the purpose
37 for this amendment is to stabilize the fishery or the sector and
38 maybe when we first started talking about this some years ago
39 that might have been a purpose or an appropriate purpose.

40
41 Maybe recent events have changed the council's thinking as to
42 the purpose with that regard, but, to me, the remedy then is to
43 reevaluate your purpose and need. It's your document and if the
44 purpose is no longer to have this stability, then, at the very
45 least, the purpose is to look at the allocations and make a
46 determination about whether they are fair and equitable and to
47 do that evaluation every number of years, to come back and
48 revisit your allocation decisions, that's still a valid purpose

1 here and then you make a decision, after looking at all of that,
2 whether there is a basis to reallocate or not.

3
4 I encourage you to, if you don't think that there are things
5 that are appropriate in the purpose and need at this point, to
6 change the purpose and need of what you're doing. You don't
7 have to keep saying it doesn't do this and it doesn't do this.
8 It's your document and what do you want it to do? What's the
9 purpose?

10
11 Is it to look to act consistently with the catch share policy
12 and just reevaluate these, because it's been so long, or is
13 there some other reason?

14
15 **CHAIRMAN GREENE:** Any further discussion? Dr. Diagne, have you
16 got the information you need?

17
18 **DR. DIAGNE:** I am hoping that during full council we will get a
19 more specific direction, if you would, from the council, because
20 as it is, we cannot add alternatives to this document and we
21 cannot modify the purpose and need as written, because that is
22 the one that is reflective of your previous discussions. I am
23 hoping that during full council that additional discussion will
24 give us more specific guidance. Thank you.

25
26 **CHAIRMAN GREENE:** With that, I guess we'll move into Item Number
27 IX, Report of Ad Hoc For-Hire Red Snapper AP, Tab B, Number 11,
28 and Dr. Diagne.

29
30 **REPORT OF THE AD HOC FOR-HIRE RED SNAPPER AP**

31
32 **DR. DIAGNE:** Thank you again, Mr. Chair. I will try to quickly
33 summarize the meeting, the first meeting, of the Red Snapper
34 For-Hire Advisory Panel. It was a meeting held in Tampa,
35 Florida in early December.

36
37 At this point, I will just go ahead and read the motions and,
38 Charlotte and Karen, if you could help us out and maybe put them
39 on the board, so that if I miss something, people will be able
40 to follow.

41
42 The meeting started with a review of the charge and they had an
43 election and selected a Chair and a Vice Chair. We talked about
44 the charge and I will just go over the recommendations made to
45 the council.

46
47 First, the panel recommended to the council that it accelerates
48 the development of an electronic logbook, including some type of

1 validation tools. A quick question, Mr. Chair. Should I just
2 keep going and if I see a hand, I will stop or should I stop
3 after each motion?
4

5 **CHAIRMAN GREENE:** Just keep going and if they have a question,
6 they can certainly raise their hands and we will address it at
7 that point.
8

9 **DR. DIAGNE:** Thank you. The second recommendation made would be
10 to consider separating the for-hire component into a headboat
11 and a charter component, separate components. Another
12 recommendation, motion, is to adopt a one fish bag limit for
13 2015 for the charter for-hire component.
14

15 The following motion recommends to the council to establish a
16 split season with 66 percent of the quota allocated for the
17 first portion of the season and following a determination of the
18 landings, open a second season in the fall for the remainder of
19 the quota for 2015, or until an electronic reporting method is
20 implemented.
21

22 The next motion recommends that the council begins the
23 development of a charter for-hire management plan. Along the
24 same lines, it is recommended that the council consider
25 management options such as AMOs, angler management
26 organizations, made up of for-hire vessels, one part of which
27 could feature dividing the for-hire into regional groups, a
28 catch share program, a tag system, and a days at sea program.
29

30 A recommendation was made to the council to consider how the
31 cost of any new program will be shared between the charter for-
32 hire industry and the agencies charged with management of the
33 program.
34

35 The panel also expressed the desire to meet and recommended that
36 the council convene an ad hoc headboat red snapper and grouper
37 AP. They recommended to the council to establish then a
38 separate AP specific to the headboat sector, to look at red
39 snapper and grouper.
40

41 Also, it is recommended that the council reconvene this panel as
42 soon as possible after the January council, preferably by the
43 end of February, to continue discussions on the charter for-hire
44 program development.
45

46 The next recommendation is to explore ways to identify latent
47 effort in the charter for-hire industry and if I didn't miss any
48 motions, I believe that was the last motion made by the panel.

1 It was a very productive meeting and, in summary, these are the
2 recommendations that they offered. Thank you.

3
4 **CHAIRMAN GREENE:** Okay. Does anybody want to have any
5 discussion about the report that Dr. Diagne has provided to you
6 about the for-hire AP?

7
8 **MR. BOYD:** I would just like to comment on the motion that was
9 passed that cost sharing be looked at. Andy also, in his
10 presentation the other day, mentioned cost sharing and I would
11 just wonder why we would want to share any costs at all when
12 this is a program that was pushed and desired by the industry
13 and why wouldn't they fully accept the cost of the program?

14
15 **CHAIRMAN GREENE:** Okay. Mr. Walker, did you have a --

16
17 **MR. WALKER:** Can I add a motion?

18
19 **CHAIRMAN GREENE:** Certainly.

20
21 **MR. WALKER:** Karen has it and she can get it up. **This is that**
22 **the Reef Fish Committee and direct staff to expand the for-hire**
23 **management scoping document initiated at the April 2014 Gulf**
24 **Council meeting to include additional long-term management**
25 **strategies for the for-hire fishery, following the**
26 **recommendations of the Ad Hoc Red Snapper For-Hire Advisory**
27 **Panel, and bring that scoping document back to the April 2015**
28 **Gulf Council meeting.**

29
30 **CHAIRMAN GREENE:** Mr. Walker has made a motion and it is before
31 you on the board and is there a second to this motion? Mr.
32 Williams seconds. Any further discussion?

33
34 **MR. RIECHERS:** Could you refresh us a little bit on what some of
35 the strategies were within that document?

36
37 **MR. WALKER:** What they're hoping for is to increase the
38 accountability of the sector, maximizing fishing opportunities,
39 and it gives individual operators increased flexibility to
40 decide when and how to fish.

41
42 **MR. BOYD:** I think I would like to see that document again
43 before I could vote for this motion. I don't know what's in it.
44 I don't remember what's in it and it hasn't been in front of the
45 council in a pretty good while.

46
47 **CHAIRMAN GREENE:** You have a motion on the board and it's been
48 seconded. Any more discussion? **All those in favor of the**

1 motion on the board please raise your hand; all those opposed
2 raise your hand.
3
4 **MR. ATRAN:** I have the motion failing by a vote of three to
5 five.
6
7 **MS. BADEMAN:** Can we, just to follow up, can we see what's in
8 that document and then revisit this? I would kind of like to
9 know that before I vote one way or the other, at full council or
10 whenever?
11
12 **EXECUTIVE DIRECTOR GREGORY:** Yes, we can distribute it
13 electronically to you before the council meeting.
14
15 **MR. PERRET:** Assane, I see one of the motions that was approved
16 fifteen to five was that the council adopt a one fish bag limit
17 for charter guys for 2015 and can -- Out of curiosity, were the
18 five against that from a particular geographic area of the Gulf
19 or were those five from throughout -- Do you recall where the
20 geography of those five that were against, where they were from?
21
22 **DR. DIAGNE:** Mr. Perret, no, I don't recall.
23
24 **MR. FISCHER:** Assane, was this relayed as one of the only
25 framework actions that could be accomplished for the 2015
26 season?
27
28 **DR. DIAGNE:** In terms of the motions, essentially --
29
30 **MR. FISCHER:** In terms of extending the for-hire season.
31
32 **DR. DIAGNE:** You had the motion looking at the one fish bag
33 limit and the subsequent motion discussed or considered a split
34 season. I believe that motion said to use 66 percent of the
35 quota in the first part and after looking at the landings,
36 establish a second season.
37
38 If I may add, Mr. Chair, I think I see the Chair of the AP in
39 the audience and so if the Chair wishes to, he may add some
40 comments to some of these, if need be.
41
42 **CHAIRMAN GREENE:** I certainly have no problem with that, if
43 there's any committee members that desire to do so.
44
45 **MS. BADEMAN:** I am good with that, but I went to that meeting
46 and if I remember correctly, the one fish bag limit was a
47 decision point that they made a point to talk about, since that
48 was something that we had discussed in October, and then they

1 had also brought up this idea of a split season, a split quota
2 thing, and I think the discussion was about that was something
3 that they wanted, but we weren't sure if that was something that
4 the council could accomplish before June of this year, but I
5 will let Jim fill in the details there.

6
7 **MR. JIM GREEN:** The one fish bag limit, it was -- I am going
8 back a little bit, but the one fish bag limit geographically was
9 Louisiana and Texas. The gentlemen that were from that region
10 were the ones that were the dissenting votes and I think it had
11 to do with the amount of distance they had to travel to access
12 that fishery. That was one of their main reasons why they
13 wanted to stay at two. It didn't make sense to run that far and
14 catch one fish.

15
16 The other question is on the split season and the split season
17 wasn't really a business decision and it was more of ensuring
18 the accountability of the fishery that we're now getting to kind
19 of critique ourselves in.

20
21 The 66 percent season, the first season in June, was really to
22 give us a decent season, which would have been over double what
23 last year's season was for us, and it would also, by opening
24 back in October, it would give staff time to make sure that we
25 knew exactly how much we had left so we could set a proper
26 season and maintain accountability in our subsector. Was there
27 another question? I will be right here if you all have anything
28 else. I will be sitting here.

29
30 **CHAIRMAN GREENE:** Okay. Mr. Riechers has a question for you.

31
32 **MR. RIECHERS:** In the discussion regarding the 66 percent of the
33 season upfront, did you all discuss 407(d) and how that could
34 impact that season?

35
36 **MR. GREEN:** Thank you for the question. Yes, sir, we did and
37 with Florida being the heaviest hitter on the actual catch, the
38 yearly catch, we decided that opening up in that general
39 vicinity of Florida that we would be able to maximize our
40 fishing opportunity and that way, they would kind of start
41 together and we would be able to kind of all have a level
42 playing field, if you will.

43
44 Charter boats wouldn't be out there earlier than private recs
45 trying to catch fish close by and everybody would kind of start
46 on an equal slate and so the reason 407(d) was kind of squashed
47 in that discussion is that we were all starting within the same
48 week, or the majority of the harvesters were.

1
2 **MR. RIECHERS:** I understand the start date, but I guess my
3 concern is if you -- Within the notion of the split season and
4 the way 407(d) will play out, you could set yourselves up for
5 setting aside a season in the fall and then not have the
6 poundage under the recreational quota to do it.

7
8 **MR. GREEN:** Yes, sir, that's true. That's very true and if that
9 did happen and we didn't have those fish, it wouldn't be because
10 the for-hire sector overfished their allotment. It would be
11 because of some other external reason besides our actions and so
12 it was brought up and it was discussed heavily.

13
14 **MR. WILLIAMS:** Thank you, Captain Green, but Robin's point is
15 you might not get that fall season. I think that's his point,
16 is you might not get that fall season at all. If Florida keeps
17 fishing and if they run an extended season in Florida state
18 waters, you might not get any fall season and did you discuss --
19 I presume you discussed that.

20
21 **MR. GREEN:** Yes, sir, and thank you, Mr. Williams. We did
22 discuss that, but, like I said, if we get a twenty-one-day
23 season, that's double what we had last year and it would also
24 put us in an accountable state.

25
26 The only guarantee for 2016 is that I'm going to get a bill from
27 the IRS and so there are no guarantees and if we can start on
28 the same date and we have double the season the first year into
29 Amendment 40, then we're going to have a lot more industry
30 support showing that we're accountable and that we got more
31 access from the previous year and we hope to continue that
32 trend.

33
34 407(d), with the election year and that, that's kind of on the
35 table right now and so we're kind of waiting to see how that
36 happens, but it had a lot to do with starting in that same week
37 as Florida and Alabama, who catch a lot, and really keeping it
38 even, because that's what the for-hire sector's mantra is. We
39 don't want more than we deserve, but we just want a fair shot at
40 what we've historically caught.

41
42 **MS. BOSARGE:** I just wanted to commend you for having that
43 discussion, because it sounds like you had the discussion and it
44 was on the table and everybody understood that if you had a
45 split season that it's a possibility that some other sector,
46 subsector, may overshoot the quota and you wouldn't get your
47 fall season, but that you cared enough about being accountable
48 that you still wanted that split season, to make sure that you

1 did your part to not overfish that red snapper fishery.

2
3 I just have to commend that. If that's the way that discussion
4 went and you wanted to be accountable and do it that way, take
5 that risk to make sure you were accountable, that you didn't
6 overfish it, that's very commendable.

7
8 **MR. GREEN:** I certainly appreciate it and we run into that in
9 the disposition we're in with 30B and everything. We're running
10 into that already. I mean triggerfish closing February 7, that
11 was totally out of our hands and that had a lot to do with state
12 noncompliance.

13
14 We are kind of getting accustomed to this, this external force
15 working against us a lot, but if what we give -- If what you
16 give us we're good stewards of, then we believe that you will
17 give us more in the future and so that's kind of the mantra that
18 we're toting right now.

19
20 **DR. LUCAS:** The State of Mississippi doesn't have anybody on the
21 committee and so we make it a point to call around and ask our
22 charter for-hire folks how they feel. They too are against the
23 one fish bag limit, because of the distance they have to run,
24 which I think you've also seen in Louisiana and Texas. I am
25 just going to offer that to you.

26
27 **MR. GREEN:** I know this has become more of a contentious talk as
28 one and two fish. Me personally, one fish works for me. I am
29 not going to -- I think a lot of people agree with you that --
30 We're not going to have an internal civil war on one fish or two
31 fish.

32
33 If those guys down there need two fish and that keeps the
34 industry in a cohesive unit on moving forward, then that's what
35 a lot of us are prepared to do. We've lived on two fish and one
36 fish would be nice. I would love to have a fifty-day or a
37 forty-day season compared to a thirty or twenty-five, but in
38 order for us to stay united and to move forward with this and
39 stay strong, that's the concession that most of us are willing
40 to make, the majority of us.

41
42 **MS. LEVY:** Related to that, I am just curious. Did you have the
43 discussion about the one fish bag limit before you discussed the
44 split season? Do you think if the decision was to keep it at
45 two fish that -- I guess I will just throw this out there, that
46 you all would then, and I am not expecting you to answer for
47 your group, but the possibility is that there would be a
48 preference to actually set the season based on the whole ACT

1 rather than a portion of it, so that you get -- You are assured,
2 I guess, the longest season that you can get and I don't know if
3 you talked about the possibility of sticking with the two fish
4 and how that would affect your split season decision.
5

6 **MR. GREEN:** We kind of took one motion at a time and when it
7 comes down to it, accountability, to us, is a more important
8 goal than accessibility at this point. Getting something off
9 the ground and getting it to where it's got scientific approval
10 and it's got community approval and it's got your approval,
11 accountability, to us, is more important than losing a third of
12 our season.
13

14 In the last seven years, we've lost way more than a third of a
15 season and we're actually getting on this threshold where we
16 actually have a really big say in it and our say doesn't affect
17 other subsectors and so in order to prove accountability, we are
18 willing to make -- What I would say is the majority of us are
19 willing to make sacrifices to ensure that we don't
20 scientifically blow it, I guess.
21

22 **MS. LEVY:** I understand that and I guess I just want to make
23 clear, and I'm sure everybody knows this, that we now have the
24 accountability measures that include an ACT and so the season is
25 set on a number that's 20 percent below, or will be, the
26 component quota and so there is that accountability built into
27 both the recreational sector as a whole and the sector
28 separation document and so I understand what you're saying about
29 accountable and I just want the council members to understand
30 that we have an accountability measure in season built in by
31 using the ACT as well.
32

33 **MR. GREEN:** If I could follow up on that, I think -- We know and
34 I think really what the advisory panel was looking at was the
35 fact that hopefully we have electronic logbooks soon, which
36 would remove a lot of the buffers and the uncertainty to it, and
37 that would allow us for a greater opportunity than just an
38 assumption or a very educated guess, Andy.
39

40 **CHAIRMAN GREENE:** Okay. Any more questions for Captain Green?
41 Thank you, Captain.
42

43 **MR. GREEN:** Can I have one minute, Mr. Chairman? Mr. Boyd, your
44 question about the cost, the motion for cost sharing and stuff?
45

46 **MR. BOYD:** Yes, sir, and it wasn't a question, but it was a
47 statement.
48

1 **MR. GREEN:** Could I hear it again? I couldn't quite -- There
2 was people talking behind me.

3
4 **MR. BOYD:** My comment was that I am having a hard time getting
5 my arms around -- That's not the words I used, but I am having a
6 hard time getting my arms around the fact that Andy mentioned a
7 cost sharing possibility and we talked about a cost sharing
8 possibility in that document and the charter for-hire fleet and
9 the headboat fleet have come to this council and asked for
10 sector separation and they have asked to be accountable and they
11 have asked to have their own quotas and I am not sure that I
12 would want to have somebody else pay for that when it's their
13 desire to have it in their business operation.

14
15 **MR. GREEN:** Mr. Boyd, I just want to comment on that and I know
16 you were there and I appreciate your time at that AP also.
17 Everybody's guidance really helped us move that along. My
18 opinion and how that should be perceived is not so much that we
19 want you all to pay for it, but whatever money has been
20 dedicated to the charter for-hire in that management, whatever
21 costs exceed that, is what we were saying that we were willing
22 to foot the bill for. That's how I viewed the motion and I
23 wanted to make sure there wasn't a mess-up in what you or
24 anybody else thought of it.

25
26 When we said cost, when we were talking about that motion with
27 cost, we were talking about if a VMS or electronic logbooks go
28 above what you have allocated in the budget for us, that's what
29 we're willing to help pick up on, if that makes sense. Thank
30 you all, everybody, for your time and thank you for putting
31 together that AP.

32
33 It was contentious on the membership and how it was going to go,
34 but, man, everybody really put aside their quarrels and worked
35 together well and thank you again for that opportunity.

36
37 **CHAIRMAN GREENE:** Thank you and with that, I am looking at a
38 couple more agenda items and it's 3:30 and I think we will be
39 able to get through the rest of this today and so with that, I'm
40 going to go with about a fifteen-minute break at this point, if
41 that's okay with the council Chair. Thirty minutes is good for
42 me, but --

43
44 **MR. ANSON:** We're talking if possibly we might want to squeeze
45 in one or two topics from the Mackerel Committee this afternoon
46 and so how about ten minutes?

47
48 **CHAIRMAN GREENE:** We can work right on through if you want to.

1 That's up to you and I don't care.

2

3 **MR. ANSON:** I think everyone would like a break, but ten
4 minutes.

5

6 **CHAIRMAN GREENE:** Ten minutes.

7

8 (Whereupon, a brief recess was taken.)

9

10 **CHAIRMAN GREENE:** We are going to pick up where we left off.
11 We're going to start on Final Action Framework Action to Adjust
12 Recreational For-Hire Red Snapper Management Measures and Mr.
13 Atran.

14

15 **FINAL ACTION - FRAMEWORK ACTION TO ADJUST RECREATIONAL FOR-HIRE**
16 **RED SNAPPER MANAGEMENT MEASURES**

17

18 **MR. ATRAN:** Thank you, Mr. Chairman. This is actually two
19 documents, Tab B-12(a) and Tab B-12(b). The first document is
20 most of the framework action and it includes actions for
21 modifying the bag limit for the charter for-hire sector and then
22 12(b) contains options to establish a split season.

23

24 When we heard that recommendation come from the Ad Hoc
25 Recreational For-Hire AP, we realized that it might be possible
26 to do this if the council wants to have a split season, but it
27 would have to take final action right now and so since the
28 council didn't actually request it and it was a request for the
29 AP, we decided to present the options as a separate document and
30 if the council wants to proceed with a split season, we can
31 incorporate that into the framework action once the council
32 makes its final decisions.

33

34 As I said, Action 1 would begin on page 16 and this was
35 requested by the council at the last council meeting, right
36 after Amendment 40 was approved, to allow separate management
37 measures to be established for the for-hire component and the
38 private recreational component of the recreational sector.

39

40 One thing that wasn't absolutely clear is whether passage of
41 this action was contingent upon Amendment 40 being approved. It
42 is still going through the review process right now and if it
43 is, since Amendment 40 has a three-year sunset clause in it,
44 whether it was the intent that if Amendment 40 is allowed to
45 sunset, should these actions also be allowed to sunset.

46

47 If you look on page 17, there's a note and this also appears in
48 the supplemental action. It says: Implementation of this action

1 is contingent upon implementation of the sector separation
2 provision in Amendment 40. If sector separation terminates,
3 then the bag limit adopted in this action will also end. The
4 red snapper bag limit for charter for-hire vessels will be the
5 same as for private vessels, unless modified in a subsequent
6 regulatory action. Like I said, similar language also is in the
7 action regarding a split season and so if that is not the intent
8 of the committee or the council, we would like to make it known.

9
10 The analysis in the NEPA portion of this document covers both
11 these actions being implemented with or without sector
12 separation. It sounded like this was to be contingent on sector
13 separation being in place, but we would like to confirm that
14 with the committee.

15
16 Having said that, we have three alternatives for bag limit
17 changes. Alternative 1 is no action and, by the way, the intent
18 of going to a smaller bag limit was to try to provide more
19 fishing days for the charter for-hire season, on the basis that
20 these vessels can advertise a red snapper fishing trip as long
21 as they can catch some red snapper and they would have to go
22 after other species anyway in order to put together a full-day
23 trip or a half-day trip or whatever. At least from the
24 perspective of some of the charter boat operators, a one fish
25 bag limit was just as good to them as a two fish bag limit and
26 may provide additional fishing days for them.

27
28 Alternative 1 is no action, don't change the bag limit from the
29 current two fish bag limit. Alternative 2 would set the bag
30 limit for the charter vessels and headboats at one fish per
31 person per day and, by the way, that would also allow the
32 provision that we have in place right now that on certain
33 qualified charter vessels that are out over twenty-four hours
34 that a two fish bag limit can be retained. That would still be
35 in place and so vessels that are out over twenty-four hours and
36 meet those conditions would still have their two fish bag limit.

37
38 Then, because we wanted to provide a broad range of alternatives
39 and going above the current two fish bag limit was not
40 considered to be within the scope of what we're looking at.

41
42 We did add a third alternative for what has come to be known as
43 fractional bag limits, set the red snapper bag limit for charter
44 vessels and headboats at one fish for every two anglers and this
45 is based upon a similar alternative that was considered several
46 years ago for greater amberjack and that was ultimately rejected
47 by the council, but since it had been considered at one point,
48 it seemed reasonable to at least include it for consideration in

1 this action in order to provide a broad range of alternatives.
2 Mr. Chairman, do you want me to also go over the supplemental
3 action on split seasons at this time or do you want to discuss
4 bag limits?

5
6 **CHAIRMAN GREENE:** We just heard the report come out about the AP
7 and there was some discussion about that. This was something I
8 had asked for at full council and so if you want to just go
9 through this and then we'll take the split season as a separate
10 issue, I think that would be the way to go.

11
12 **MR. ATRAN:** That concludes my summary at this point.

13
14 **MR. WILLIAMS:** Steve, if we implemented this as a framework
15 action regulatory amendment, can we have it in place by the time
16 -- Assuming Amendment 40 is approved, could we have it in place
17 by the time the season opens?

18
19 **MR. ATRAN:** That's our intent. We were looking at what the
20 timeframe is for processing a framework action and we believe it
21 could be in place for a June 1 opening if final action is taken
22 at this meeting.

23
24 **MR. WILLIAMS:** We could take final action that quickly?

25
26 **MR. ATRAN:** We have noticed this for final action and so final
27 action can be taken at this meeting.

28
29 **CHAIRMAN GREENE:** Mr. Atran, Table 2.1(a), it shows a two bag
30 limit, a one-and-a-half fish bag limit, one fish, and a half-
31 fish, which is what you call fractional bag limit. One-and-a-
32 half is a 22 percent increase of the number of days and is that
33 correct?

34
35 **MR. ATRAN:** Correct. I am not sure how the one-and-a-half and
36 one-half limits work in here. The idea is that the way it's
37 currently structured, there would have to be at least two
38 passengers onboard the vessel to catch one fish, one red
39 snapper. If you only had one fisherman onboard, you could not
40 catch a red snapper and then you would have to have at least
41 four fishermen onboard in order to catch two and so I am not
42 really sure where those one-and-a-half and one-half bag limits
43 fit in, but they do give you some indication of where the
44 fractional impacts would occur.

45
46 **CHAIRMAN GREENE:** I understand where you're coming from in
47 trying to give as many options as possible, but I think
48 fractional bag limits may create a lot of confusion. I could

1 certainly see how that would happen.

2
3 **MR. WILLIAMS:** Mr. Chairman, I would like to make a motion. Are
4 you ready for a motion? **I would like to move Alternative 2,**
5 **that we set the red snapper bag limit for charter vessels and**
6 **headboats at one fish per person per day, and make it contingent**
7 **upon the approval and implementation of Amendment 40.** That's
8 understood this is the for-hire fishery. That's the context.

9
10 **CHAIRMAN GREENE:** We will give her just a second to make sure we
11 get the wording correct.

12
13 **MS. LEVY:** It's to move that Alternative 2 be the preferred
14 alternative?

15
16 **MR. WILLIAMS:** Yes. **That Alternative 2 be the preferred**
17 **alternative.**

18
19 **MS. LEVY:** In Action 1. Well, I guess there's only one action
20 and so we can --

21
22 **CHAIRMAN GREENE:** We have a motion on the board before you and I
23 believe it's correct. Is there a second to this motion?

24
25 **EXECUTIVE DIRECTOR GREGORY:** We need further clarification.
26 After the word "set", use "the red snapper bag limit".

27
28 **CHAIRMAN GREENE:** Okay. You're good with that? Okay. I heard
29 a second from down the table somewhere and I'm not sure who it
30 was. Roy? Okay. We have a motion and a second and is there
31 any more discussion?

32
33 **MR. WILLIAMS:** Mr. Chairman, I think the reason for it is fairly
34 obvious. It's going to lengthen the for-hire season by 39 to
35 sixty-some percent and it's going to give them a lot more days
36 at sea, in terms of being able to target red snapper. I realize
37 that in some areas it's going to be a little harder for them,
38 but Bob Zales told the old Florida Marine Fisheries Commission a
39 long time ago that he can't sell a zero trip, but he can sell a
40 one king mackerel limit and we had set a zero limit at one point
41 and he made it real clear that a zero limit, there was no chance
42 and you can't sell that trip, but he can sell a trip for one
43 king mackerel. He didn't like it, but he could sell it and the
44 commission did that.

45
46 I think one fish is going to almost double the charter for-hire
47 season and I think we ought to -- They have gotten together at
48 our behest and they've come up with this recommendation and we

1 have enough time to implement it and I think we ought to do it.

2
3 **MS. BADEMAN:** I was all set to agree with this alternative, but
4 since the AP meeting, I have heard some changing opinions, I
5 think, about this alternative, some people that were even at the
6 AP meeting and supported the one fish.

7
8 They may be starting to think that maybe they actually really
9 want two and maybe I can get onboard with this in the end, but I
10 really want to hear from the public about this, I think, because
11 I think some of the opinions have changed out there now that
12 they've thought about it a little bit more, but maybe I will be
13 corrected.

14
15 **MR. FISCHER:** I was going to ask Roy if the purpose was to
16 extend the season, why didn't he choose Alternative 3? I
17 believe that would extend the season quite a bit further.

18
19 **MR. WILLIAMS:** Or I could have made up a fourth alternative for
20 one fish for every four anglers, too. I just didn't think it
21 was very practical and so I rejected it and I heard Corky and
22 Camp talking about going out together and Corky said he got the
23 head and he got the tail and I didn't want to -- It just didn't
24 seem fair to me and so I wasn't going to --

25
26 **MR. FISCHER:** I am not commenting on either portion.

27
28 **MR. BOYD:** I was at the AP meeting also and one of the things,
29 if I remembering correctly, and, Martha, you can help me, but
30 when they voted almost unanimously to go to a one fish bag
31 limit, I think that was the only alternative they were presented
32 with and they didn't have any other alternatives and so it was a
33 fairly heavily-weighted vote, but I don't think everybody there
34 really wanted to do that and what Martha is hearing, I think, is
35 probably indicative of that. I would like to also hear what the
36 public has to say about this.

37
38 **MR. PERRET:** This is a good example of why regional management
39 may be a good tool to have, that region that would want one fish
40 versus the region that would not want the one fish. There is
41 rationale for and against and I happen to be on the side that's
42 against at this time, but, again, a good reason for regional
43 management. Thank you.

44
45 **MR. RIECHERS:** Could I ask staff -- What kind of notice has been
46 out and to the public in this regard? I mean I realize we can
47 notice it and this can be the hearing and I understand that
48 we've had the AP meet and discuss it, but can you elaborate on

1 that, when it got up on our website and those kinds of things,
2 please?

3
4 **MS. CHARLENE PONCE:** We did a video presentation and it was
5 posted about a week-and-a-half ago. As of Friday, it had over
6 600 views and we have received a handful of comments and I can
7 tell you that there was no support for changing the bag limit.

8
9 **DR. CRABTREE:** Were the people commenting for-hire vessel
10 operators or are they private boaters or do you know?

11
12 **MS. PONCE:** It was a mix.

13
14 **MR. WALKER:** I was just going to say that for about four years I
15 had a charter boat and we ran some charters and I kind of agree,
16 too. If you've got one fish, you can sell a trip with one fish.
17 You can't sell zero and the longer you can extend the season,
18 you can address things like discards and mortality and things
19 like that, but I would like to see -- I think that would work
20 and I like the motion. I have heard Johnny speak in favor of
21 one fish before and I know a lot of these Alabama fishermen --
22 I've heard a lot of testimony from the charter fishermen in this
23 community.

24
25 **CHAIRMAN GREENE:** We have a motion on the board for you. Any
26 further comments or discussion? I guess we will pull it to a
27 vote. **All those in favor that Alternative 2 be the preferred
28 alternative, set the red snapper bag limit at one fish per
29 person per day in the for-hire fishery and make it contingent
30 upon approval and implementation of Amendment 40, all those in
31 favor please raise your hand; all those opposed please raise
32 your hand.**

33
34 **MR. ATRAN:** I have the vote failing three to six.

35
36 **CHAIRMAN GREENE:** With that, I guess we will move on into the
37 red snapper split season, Mr. Atran.

38
39 **MR. ATRAN:** Thank you, Mr. Chairman, and this is in Tab B,
40 Number 12(b). Again, this was trying to be responsive to the
41 recommendation from the AP to consider having a split season and
42 they were talking about trying to have it for the 2015 season.

43
44 The only way we could get this in place would be to add this as
45 an action to the framework action that we're currently
46 considering, but we didn't know if the council would want to
47 consider this or not and so we did this as a separate
48 supplemental document and if the council wants to add it in, we

1 can add it in under final action.

2
3 We have three alternatives again. We were trying to keep this
4 fairly simple. Alternative 1 would be not to have a split
5 season and continue the way we are. Alternative 2 is the exact
6 recommendation from the AP. Effective beginning in 2015, the
7 red snapper season for the federally-permitted charter vessels
8 and headboats will open on June 1 and will close on the date
9 when 66 percent of the for-hire ACT is projected to be reached.
10 The season will reopen on October 1 and will close on the date
11 when the for-hire ACT is projected to be reached or when the
12 total recreational ACT, for-hire and private angling combined,
13 is projected to be reached, whichever occurs sooner.

14
15 As was discussed a little bit earlier, depending upon what
16 happens between when that first season closes and when the total
17 catch is estimated, there is a possibility that that second
18 season might be more than a third or less than a third of the
19 allocation or no season at all, if the entire recreational quota
20 has been met before October 1.

21
22 Then Alternative 3 is several years ago, when Dr. Bob Shipp was
23 a council member, he had suggested considering moving the
24 starting date for the red snapper recreational season up to an
25 earlier period and so we decided to continue with the split
26 season alternative, but move the first season to sometime in the
27 spring.

28
29 We selected March for the opening date and then the second date
30 -- Again with 66 percent of the for-hire ACT and then October 1
31 would remain for the second season for any remaining for-hire
32 ACT.

33
34 I had selected March for this because that seemed to be a
35 reasonable month. That's spring break and it's also a period
36 when shallow-water grouper is closed in waters deeper than
37 twenty-fathoms and so it would allow an alternative species
38 where the red snapper are available, but after I wrote this and
39 it was a little too late to change the alternatives, I started
40 looking a little bit more closely at the public testimony from
41 back in 2010 and 2011 when this was discussed and most of the
42 testimony that was in support of an earlier season was talking
43 more in terms of maybe an April to May closure.

44
45 If the council is interested in this, you might want to find out
46 what the preferred spring season would be and, again, the spring
47 season cannot be implemented in time for the 2015 season and so
48 we said that effective beginning in 2016, if you wanted, this

1 spring season, split season, could be implemented.
2
3 If you wanted, you could adopt both Alternatives 2 and 3. You
4 could have a split season this year with a June and October
5 opening and then in 2016, switch to a March or a springtime
6 opening and an October opening. Again, this is mostly based
7 upon the recommendation from the AP and the comments that I was
8 able to find from those old council minutes where there was some
9 public testimony on this type of action.
10
11 **CHAIRMAN GREENE:** Okay. Is there committee discussion? We have
12 a couple or three alternatives in front of you and does anybody
13 care to make comment?
14
15 **MS. BADEMAN:** Just a question, first. Procedurally, do we need
16 to add this to the document or is it already included? I see
17 it's a separate attachment and I am just kind of confused if we
18 need to add this action or what.
19
20 **MR. ATRAN:** What I would suggest is if you want to make a motion
21 to adopt one of these alternatives is that the motion be to add
22 this as an action with a preferred alternative of whichever you
23 select.
24
25 **CHAIRMAN GREENE:** Any further comments?
26
27 **MR. RIECHERS:** Can you report on any comments regarding this
28 alternative that were received at this point?
29
30 **MS. PONCE:** This alternative was included in that same video
31 presentation and we got comments both in favor of and opposed to
32 the split season. The reasons were because it would be a great
33 benefit to the charter for-hire because of the fall customer
34 base and then the reasons for opposition were because private
35 anglers and charter for-hire should have the same season and
36 people felt that nothing should be done until electronic
37 monitoring is implemented.
38
39 **MS. BADEMAN:** Just what I've been hearing so far, I have heard
40 some support for Alternative 2 in Florida. June is a pretty
41 important season and October is a good opening time as well.
42 When we've had some of those fall supplemental seasons in the
43 past on the council, the ones that have fallen in October have
44 been received pretty favorably and so that would be the
45 direction I'm leaning at this point.
46
47 **MR. PERRET:** Steve, why do we have an alternative for 2016 in
48 this document?

1
2 **MR. ATRAN:** In trying to provide a range of alternatives, we
3 wanted to give you the opportunity, if you go with a split
4 season, of having the first season opening earlier than June, in
5 the springtime if you wanted, but we can't do that for 2015. We
6 don't have enough time to get it implemented.

7
8 **MR. PERRET:** I understand that, but why not -- If we want a
9 March 1, 2016, we've got a year to get that in place, if we want
10 to go in that direction, with a different document.

11
12 **MR. ATRAN:** That's true. If you don't want to consider a split
13 season this year, but you do want to consider something for next
14 year, we have plenty of time to implement that, but we wanted to
15 include a range of alternatives in this document for you to
16 consider.

17
18 **MR. PERRET:** I am not necessarily against a split season for
19 this year, but I just don't understand why we're a year ahead.
20 I mean if we want options for 2016, it seems like we ought to
21 have more than one date, March 1, June 1, whatever.

22
23 **DR. LUCAS:** As part of Mississippi's red snapper summit that we
24 held in May of last year, there was overwhelming support from
25 both charter for-hire and from the private recreational to try
26 to get a season that was established in the fall and so our
27 charter for-hire fisheries are for the split season. They do
28 understand that they will be impacted if we are over.

29
30 **CHAIRMAN GREENE:** Thank you. Anybody else have a comment?

31
32 **DR. CRABTREE:** Steve, I am looking at this and I guess we're
33 talking about voting this up at this meeting, but based on my
34 look at it, this is a four-page document and I don't see any
35 economic analysis or much of anything and I am really reluctant
36 to make a decision on this at this point.

37
38 I will say that Alternative 3, opening March 1, that would
39 interject a whole lot of uncertainty in terms of estimating how
40 many days they ought to get, because we haven't had the fishery
41 open before June in many, many years and so it would be kind of
42 a problem doing it, but I am a little concerned of do we have
43 enough analysis here to really take final action on this. Is
44 there any economic analysis, Steve, in how this might affect
45 trips and redistribute things and how it might affect different
46 communities in different areas differently?

47
48 **MR. ATRAN:** We didn't have any analysis in time for this

1 document, unless the economists on the IPT were able to put
2 something together since this was published. I don't think they
3 were. We were advised, during the IPT meetings, that we could
4 bring this for final action in the current format, but I
5 understand your concerns and if legal counsel has a different
6 opinion at this time, we would go with whatever that opinion is.

7
8 **MS. LEVY:** I mean I will just say that this was thrown together
9 very quickly, because it, like we've said, wasn't something that
10 the council asked for and it came up at the AP meeting and I
11 tend to agree with Roy that it lacks the analysis that I would
12 think you would all want to see before you make a decision about
13 the split season. I would caution that there is a risk in
14 deciding to do this without actually looking at any of the
15 effects analysis.

16
17 **DR. CRABTREE:** My guess is, like all things red snapper, there
18 will be people on both sides of this and I would be reluctant to
19 try and rush this through. Maybe this is a good thing to do,
20 but it seems more reasonable, to me, to spend more time on this
21 and flesh it out and focus on this as something maybe we do
22 starting in 2016, rather than making a hasty decision on it and
23 coming to regret it when, at our next meeting, a roomful of
24 fishermen show up who are opposed to this.

25
26 **CHAIRMAN GREENE:** Okay. Any further comments?

27
28 **MS. BADEMAN:** Just that I think it would be helpful if the
29 committee decided if they wanted to try to do this or not,
30 because I think that's going to affect what people think about
31 the one fish bag limit.

32
33 If the one fish limit is people's really only hope for extending
34 the season and that's their only option, then they may have a
35 different opinion, but if they can also consider this, they -- I
36 don't know. I think it's worth discussing and trying to figure
37 that out, at least a little bit, in committee.

38
39 We have heard from people for a long time that they've been
40 interested in split seasons. Like Kelly said, we had similar
41 workshops around our state and recreational anglers and charter
42 boats were interested in the split season. We have heard a lot
43 of people testify at council meetings again and again about this
44 and so -- Anyway.

45
46 **CHAIRMAN GREENE:** Thank you for those comments.

47
48 **MS. LEVY:** The one thing I will say is that there isn't anything

1 in this document that lets you know whether splitting the season
2 is actually going to make it more days, because we don't have an
3 analysis of what the effects of the split would be.

4
5 I can see that being something you would want to consider, but
6 there is no mechanism for you to actually consider it without
7 that analysis in there, which it doesn't have right now.

8
9 **MR. RIECHERS:** Martha, kind of to your point, I mean I think
10 I've heard from a lot of our fishermen across the Gulf too that
11 they like the split season, but that was the split season is the
12 context of we closed thinking we were at the quota and we found
13 out we still had quota and we reopened. They may still be in
14 favor of that, but I think I would like an opportunity to hear
15 from them some before we make any of those decisions.

16
17 Even like the bag limit, I don't think that we've had a lot of
18 opportunity to hear from different groups from across the Gulf
19 at this point in time. I mean obviously we will have groups
20 from each state come before us in public testimony, but at this
21 point, I don't know that we've heard from, each of us
22 respectively, from people at home on these issues.

23
24 It sounds like Mississippi reached out to some and each of us
25 may have done some of that, but this hasn't had a good, robust
26 public hearing kind of process at this point, with the exception
27 of going back to past times when we were considering it.

28
29 **MR. WALKER:** I was just going to mention that last year when I
30 was on the Reef Fish AP and we were in Tampa and it was about
31 grouper, gag grouper and red grouper, and there was some
32 discussion of different seasons, split seasons, and I think they
33 were all interested in exploring all options and I would like to
34 hear some more public comment myself.

35
36 **CHAIRMAN GREENE:** It sounds like everybody's desire is to hear
37 public comment on this and I am sure we will have some. With
38 that, I think that will wrap up Item X and we took care of Item
39 XI yesterday and Item XII was earlier this morning and so that
40 will move us into Item XIII, Other Reef Fish SSC Summary, by Dr.
41 Patterson and Mr. Atran. Mr. Atran, are you ready?

42
43 **OTHER REEF FISH SSC SUMMARY**

44
45 **MR. ATRAN:** I think Dr. Patterson is going to handle most of
46 this. One thing is the agenda does show a sub-item here of the
47 Progress Report on the Mutton Snapper Update Assessment and I
48 don't think Dr. Patterson was going to address that.

1
2 We were supposed to have gotten a mutton snapper assessment
3 presentation at the last SSC meeting, but they have run into
4 some difficulties on the projections and they were not prepared
5 to do a full presentation and so it was just going to say there
6 is a progress report and this is still in progress and we will
7 probably have some final ABC recommendations at the next SSC
8 meeting, but not at this one. I think the rest of these items
9 Dr. Patterson is going to address.

10
11 **REORGANIZATION OF SSCS**
12

13 **DR. PATTERSON:** Thanks, Steven. The three remaining items then
14 under Other Business, outside of the Mutton Snapper Assessment,
15 have to do with the Makeup of the SSC that Executive Director
16 Gregory discussed earlier in this meeting and basically, Doug
17 came to us and indicated he had some ideas about restructuring
18 the SSCs.

19
20 Most of his ideas about restructuring the SSC -- We had some
21 discussion and most folks were supportive. One issue that the
22 SSC stressed was that the original proposal was to have four
23 quantitative biologists or stock assessment type folks as
24 members of this reorganized SSC. We simply commented that we
25 thought that number was too low and I think since then there has
26 been a revision for that number.

27
28 In recent years, we have lost several quantitative ecologists
29 and stock assessment folks from the SSC, including Jim Cowan,
30 Joe Powers, Steve Zettelmeier, and Michael Prager. While we've
31 added some new folks, I am not sure that on balance we're back
32 to where we were as far as the quantitative expertise and most
33 of the advice that comes out of the SSC is related to stock
34 assessments and quantitative biology and ecology. Because of
35 that, there was a strong consensus that we wanted to see those
36 numbers be maintained, if not enhanced.

37
38 **REVIEW OF SEDAR ASSESSMENT SCHEDULE**
39

40 The second component under Other Business had to do with a scope
41 of work that was brought to our attention by Steven Atran that
42 had to do with the council's desire to have an updated red
43 snapper assessment in -- I believe 2016 was what he indicated
44 the council was interested in.

45
46 We discussed whether the SSC felt like it could make a
47 recommendation as to when red snapper should be revisited and if
48 you've read the SSC report, you will note that we discussed many

1 things, some of which were what new information might be
2 available and what type of assessment the next red snapper
3 assessment might be.

4
5 These included MRIP adjustments that may require reanalysis and
6 we have heard recently that MRIP re-estimating effort parameters
7 also is on the horizon and so that should be a component of that
8 as well, whether effects of the BP oil spill might be more
9 directly estimated in the next assessment, whether new fishery-
10 independent data sources might be available, and then also if
11 the council request separate east and west Gulf stock
12 assessments, the assessment approach would have to be revisited,
13 which would require a benchmark in that case.

14
15 These were all issues that were discussed at the meeting and you
16 will note we indicate here that there were a couple of motions
17 that were offered and did not pass. The votes were very close.

18
19 In the end, the SSC did pass a motion, which was the SSC
20 recommends that a standard red snapper assessment be conducted
21 in 2017 and that one actually passed eleven to five and so
22 obviously it was not unanimous.

23
24 Basically the idea, I think, that was expressed among the
25 prevailing side was that a standard assessment would enable some
26 of these sources of information to be incorporated as long as
27 there were specific terms of reference that came from the
28 council that enabled those to be incorporated, similar to what
29 we saw in the most recent assessment which was talked about
30 yesterday. Again, that was the vote for what type of assessment
31 and when it might be conducted, conducted in 2017.

32
33 Again, there was quite a bit of discussion about time and when
34 the SSC felt -- What kind of recommendation it felt it could
35 make here and one of the ideas that was discussed was to try to
36 have the most current information, or at least information
37 through 2015. Again, this was the vote that passed, the SSC
38 recommends that a standard red snapper assessment be conducted
39 in 2017.

40 41 **DISCUSSION OF ALTERNATIVE RED SNAPPER MSY PROXIES**

42
43 The presentation I'm going to go to now for the last bit of the
44 Other Business and the presentation file that I presented from
45 slides from yesterday, Dr. Ponwith correctly pointed out there
46 was an error in the first two slides, in which I transposed
47 figures.

1 That's been corrected in the revised file, but then this figure
2 we didn't quite get to yesterday. Shannon Calay, Dr. Calay, did
3 talk about the analysis that was requested by the Gulf of Mexico
4 Council here to examine projections using different scenarios
5 for MSY proxies, from 20 percent SPR up to the council's current
6 proxy, which is 26 percent SPR.

7
8 These analyses were requested by you of the Southeast Fisheries
9 Science Center. This actually didn't appear in the scope of
10 work for the SSC meeting, but we were made aware of it shortly
11 before the meeting and so we knew that this was something the
12 council was interested in us to examine and comment on and,
13 again, Shannon presented some of that yesterday as she worked
14 her way through the implications of these different SPR levels
15 and whether was sufficient information within the assessment to
16 recommend going away from or moving away from the council's
17 current SPR proxy.

18
19 Following on that discussion, I put together a list of different
20 ideas that were expressed within the SSC meeting. You will note
21 in the SSC report that there is not a consensus statement or
22 even a vote, a motion, with respect to the various SPR proxies,
23 but some of the items which were discussed included is there
24 truly no relationship between spawning stock biomass and
25 recruitment for Gulf of Mexico red snapper.

26
27 This has been a hot topic of discussion and one of the
28 implications of setting the steepness parameter for the
29 spawner/recruit relationship, fixing it at 0.99, is this
30 implication that there is no information in the relationship to
31 predict future recruitment or that the stock is just incredibly
32 productive and, in fact, we're fitting a steepness parameter
33 close to one.

34
35 Shannon indicated yesterday in her discussion about the biology
36 of the fish and fitting the spawner/recruit relationship in the
37 stock assessment model that it's unlikely that this stock has a
38 spawner/recruit relationship steepness value of one or close to
39 one, but that for the time series of information that we have,
40 we are unable to -- A type of analysis called likelihood
41 profiling in the assessment, there wasn't sufficient information
42 to select an alternative steepness other than fixing at 0.99.

43
44 The next statement then is what does fixing steepness really
45 imply? In the context of discussions about SPR values, I think
46 where the lower end of that SPR 20 came from is that in the last
47 assessment, when we examined Fmax as a proxy for FMSY, the SPR
48 equivalent to that was 20.4 percent and now it's basically 20

1 percent and so that comes from F_{max} .
2
3 When you have a steepness value of one, F_{max} and F_{MSY} , or MSY
4 and the yield at F_{max} , are equivalent and the reason that a
5 proxy is used in this case is because the SSC felt, and actually
6 the SEDAR process folks earlier had indicated, that a proxy
7 should be utilized, because if you don't have a reliable
8 spawner/recruit relationship, then by fixing the steepness at
9 any value, you are predetermining what the MSY value will be.
10
11 Instead of operating in that scenario, then it's a better
12 approach, as was recommended then, to actually use an MSY proxy
13 and, in fact, the council already had the MSY proxy of 26
14 percent SPR and so that was what was utilized historically.
15
16 This issue of what does fixing steepness really imply is
17 important, because even situations -- For example, the
18 predominant approach in the South Atlantic is to use a
19 metanalysis, which is basically a fancy term for looking at
20 steepness values across a number of species for which reliable
21 spawner/recruit relationships have been computed.
22
23 They basically have a parameter that they set initially and
24 allow it to vary through the model fitting process, in which for
25 demersal species with life histories similar to red snapper,
26 that prior is 0.84 and that's a from a paper from Shertzer and
27 Conn in 2012 and there are other metanalysis that have been
28 conducted through time by Myers and his colleagues, as well as
29 by Kenny Rose, another quantitative former member of the SSC we
30 no longer have, in which these steepness parameters for similar
31 life histories to red snapper have been estimated to be between
32 about 0.75 and 0.84, in the case of Shertzer and Conn.
33
34 Again, this issue is if you fix steepness, then you are
35 predetermining what the MSY value will be relative to the stock
36 dynamics of the fish and so in the Gulf, what has been the
37 predominant approach is not to put a prior such as 0.84 into the
38 model, but instead, what we're doing in setting steepness, or
39 fixing steepness, at a high value is basically indicating that
40 we feel that the near-term future recruitments are going to be
41 similar to the recent past.
42
43 It's not really a statement about stock productivity, but
44 basically that our future recruitments are going to be projected
45 at recent historical values and you will note that language in
46 the king mackerel assessment, which will be reviewed later, and
47 a similar logic was applied in that case as well.
48

1 For that stock, the council's proxy for MSY is relative -- It's
2 the yield at F 30 percent SPR and so, again, that logic has been
3 used in other assessments for which we don't have a reliable
4 spawner/recruit relationship and so this next point is working
5 from the council's current MSY proxy is sort of a null
6 hypothesis and can the SSC offer scientific guidance for a
7 change?

8
9 Shannon Calay spoke to this yesterday when she said that within
10 the red snapper stock assessment model, given the fact that we
11 don't have a reliable spawner/recruit relationship, there really
12 isn't strong evidence to suggest a change or what might be a
13 more plausible SPR proxy for the biomass at MSY. There is
14 external information that I indicated, but once you get away
15 from the species of interest, obviously there is uncertainty
16 involved there.

17
18 Lastly, we mentioned this yesterday, but just during the
19 discussion, Camp Matens was the council member present and Camp
20 asked us a couple of times whether any of the yield streams that
21 existed in the table that Shannon showed, whether these were
22 equally valid and we talked about what valid meant, but one
23 point that Dr. Crabtree mentioned to us at the time was the fact
24 that given the time horizon for rebuilding would likely change,
25 because rebuilding has to be accomplished in the timeframe that
26 the stock could recover, given zero fishing, and if that can't
27 be within ten years, you could add a generation time, but the
28 information that Roy provided, or sort of the guidance in this
29 respect, was that the timelines might change as well.

30
31 If those change, then these projections would change also,
32 because the time horizon for recovery or for rebuilding would
33 change, and so part of our ability to answer whether these are
34 valid or not is tied up in this issue of that time horizon would
35 likely change as well.

36
37 Again, this was a rich discussion and there were points made for
38 retaining the current SPR proxy and there were points made for
39 changing all the way down to a 20 percent SPR. We didn't
40 produce a consensus statement, nor did we pass a motion, but we
41 did have a rich discussion on that and I have tried to capture
42 much of what was discussed in that context here and, again,
43 Shannon did an excellent job, just from the biology perspective
44 and the quantitative model fitting perspective, providing some
45 information as to what the implications of these are and that
46 concludes the Other Business of the SSC Report and so I would be
47 happy to answer any questions.

48

1 **MR. PEARCE:** Thanks for your report. It was great. You know
2 one of the confusions I have with these SPR numbers and whether
3 we should go to Fmax or stay with 26 or not is does Fmax keep us
4 within a ten-year rebuilding plan?
5

6 **DR. PATTERSON:** I can't answer that. I haven't seen the
7 projections as to what the implications would be for that.
8

9 **MR. PEARCE:** I kind of thought that we heard in the other
10 presentation that all of them pretty much stay within that ten-
11 year rebuilding plan, but I'm not sure and that's why I'm asking
12 the questions. Do any of the other numbers besides 26 stay
13 within the ten-year rebuilding plan? Can you tell me that?
14

15 **DR. PATTERSON:** When you state "stay within the ten-year", right
16 now the rebuilding plan goes out to 2032.
17

18 **MR. PEARCE:** But we're supposed to rebuild in ten years, right?
19

20 **DR. PATTERSON:** No, right now the current rebuilding plan is
21 2032.
22

23 **MR. PEARCE:** Okay. Let me rephrase it. If we went to --
24

25 **DR. PATTERSON:** The ten years comes from if you change the proxy
26 and you could get there from here forward in quicker than ten
27 years, then that would affect the time horizon and we don't have
28 those projections done.
29

30 **MR. PEARCE:** Okay, because my next question was going to be if
31 we went to Fmax, would that hurt our fishery?
32

33 **DR. PATTERSON:** Hurt the fishery? I can only speak to the
34 biology in that respect and Dr. Crabtree actually summarized
35 this quite nicely yesterday when he indicated that the reason
36 higher catch can be landed in the near term, according to this
37 table, is that you have a higher fishing mortality rate at Fmax
38 and so that would enable you to fish down the biomass to remove
39 those strong recruitments, basically, that are present, but you
40 can see over time, even at the years that are shown here in
41 these projections, that eventually your catches, your projected
42 catches, allocations would be similar.
43

44 The risk that you run is that you are lowering the threshold.
45 You are lowering the bar for recovery, in that you're only
46 trying to get to a 20 percent spawning potential ratio, which is
47 the estimated number of eggs in an unfished stock, the estimated
48 number of eggs that would exist in the population relative to an

1 unfished condition.

2
3 For a fish like red snapper, the danger is red snapper is
4 referred to as a periodic life history strategist and, as we
5 know, they can live to be nearly sixty and so most fish that
6 have similar life histories, metanalysis as well as simulations
7 have shown that a more reasonable SPR would be in the
8 neighborhood of 30 to 40 percent and Shannon indicated that
9 yesterday as well.

10
11 Yes, there is risk. There is also uncertainty, because we don't
12 have information over a sufficient timeframe or we haven't
13 modeled it sufficiently well to examine stock dynamics such that
14 we could fit a steepness parameter to the spawner recruit
15 relationship for red snapper.

16
17 One thing to keep in mind is currently there is a model that's
18 computed for red snapper in the stock assessment, but there are
19 two subunits, but SS, Stock Synthesis, the platform, the
20 framework, that is used to compute the model, it doesn't enable
21 us to fit separate spawner recruit relationships for eastern and
22 western Gulf of Mexico.

23
24 We have information that the spawning stock biomass trajectories
25 are quite different and we can fit different recruitments
26 because we have recruitment deviations that are built into
27 either side and we also have different information feeding into
28 the catch at age, for example, into the model.

29
30 The estimates of recruitment are different between east and west
31 and perhaps if there were two separate stock assessments
32 computed, stock assessment models, we might have relationships
33 that could be fit. I am not trying to imply that that would
34 occur, but I am just saying that by fitting one relationship
35 more or less to the entire stock, it does cloud over some of
36 those inherent stock dynamics that we're missing.

37
38 **MR. PEARCE:** Just a quick follow-up. Red snapper is a lot more
39 prolific than a lot of these other fisheries than we have in the
40 Gulf. At age two, they begin producing eggs, right? How does
41 that fit into the grand scheme of things with all the other
42 fisheries we've got, like red drum? It's five or six years of
43 age before they become viable for the stock and doesn't that
44 make red snapper a stronger fishery for us at a younger age and
45 maybe allow us to go to a different SPR?

46
47 **DR. PATTERSON:** Yes, that would argue for higher productivity at
48 earlier ages and so there are three general life histories that

1 are typically discussed when talking about fishes. There is
2 opportunistic and these are things like anchovies, that only
3 live a few years and they reproduce very young, within six
4 months, often, and they spawn -- Bay anchovy spawns every day
5 its whole life, once it becomes mature. They have what's called
6 a high intrinsic rate of population increase.

7
8 Then we have the other extreme, which are equilibrium
9 strategists. These are things like sharks that live a long
10 time, but reach maturity late in life. Once they do, they might
11 only produce one or two pups every year or so and so they don't
12 recover -- They don't have this ability to bounce back from low
13 population levels.

14
15 Then we have this other group called the periodic strategists
16 and they typically live a long time and they delay maturity not
17 quite as long as the equilibrium strategists, but then once they
18 become mature, oftentimes they are batch spawners and they spawn
19 over many, many years and they rely on strong year classes to
20 come through.

21
22 Red snapper really fits into that group of periodic strategists,
23 but in answering your question, there are aspects of their
24 biology that are much more similar to an opportunistic
25 strategist and we do see differences between the eastern Gulf
26 and the western Gulf.

27
28 Some stocks have shown that with substantial fishing pressure
29 they actually will spawn at earlier ages. It's called
30 compensation and it's a compensatory mechanism and it's been
31 well documented, for example, in many cod stocks. Jim Cowan and
32 his graduate student, Melissa Woods, demonstrated about ten
33 years ago that in the eastern Gulf of Mexico red snapper spawned
34 at earlier ages and smaller sizes than in the western Gulf of
35 Mexico. We are seeing the same thing in the Atlantic, where we
36 know the estimates of spawning stock biomass are quite low.

37
38 Whether this is just a compensatory mechanism for the stock to
39 deal with low population biomass or whether this is just an
40 intrinsic part of their biology at lower population levels
41 that's sustainable without approaching a condition referred to
42 as recruitment overfishing.

43
44 **MR. PEARCE:** One last point is that this council is deliberating
45 at length about reallocating and getting more fish into the
46 fishery and if we've got a fishery that can withstand maybe a
47 lower SPR, that could help us get away from some of these
48 discussions and help us get more fish into this fishery in a lot

1 easier way and so I would really like us to consider that.

2
3 **DR. STUNZ:** Dr. Patterson, I just have a question for you,
4 maybe. Looking at this, these later recruitment years that
5 you're looking at and the later years are implying average
6 recruitment coming through the fishery and if we look at this a
7 little bit on the half-full side and follow up on Harlon's
8 comment, what if we're going to see better recruitment, or
9 recruitment at least as good as we're having right now coming
10 through and those numbers wouldn't be as low as fourteen-million
11 pounds or whatever and I'm just looking at the Fmax or whatever
12 and so since we're looking at a stock that we assess every
13 couple of years or whatever and we will know something in 2017
14 or whatever, I mean I think there is some opportunity here to
15 see, well, if we lower this SPR, we have an opportunity to see
16 what the fishery does.

17
18 If we have bad years of recruitment, we can tweak up the SPR and
19 if we have some years that are stable or even better age classes
20 coming through the population, we can keep it where it is and is
21 that a fair interpretation, if you looked at it from a half-full
22 standpoint?

23
24 **DR. PATTERSON:** I am not trying to look at it as half full or
25 half empty. I am just trying to present the information as we
26 have it and the information that we have or the approach that's
27 been taken here is projecting forward with the most recent three
28 years of recruitment estimates and you are absolutely correct
29 that those recruitments are among the lower in the time series.

30
31 We saw this in the last assessment, where they were even lower,
32 and Shannon indicated in her presentation yesterday that they're
33 higher since 2010 and that original estimate following the
34 spill, but they're still quite a bit lower than where they were
35 in 2009 and it doesn't track the same trajectory as what's going
36 on in the west.

37
38 But you're right that if recruitment is actually higher in the
39 next couple of years that that would affect the out years from
40 there. It wouldn't have an immediate impact on what's going on
41 in the east right now.

42
43 As those year classes enter the fishery, and we're seen this
44 recently, once the catch at age matrix from those year classes
45 gives us some information about the relative cohort strength,
46 then our estimates of recruitment for 2012 and 2013 and even
47 2011 will change.

1 It could be more pessimistic and it could be more optimistic,
2 but what you're indicating is if we projected with lower
3 recruitment than what actually is realized this year, next year,
4 and the year after, then the out years, when those fish really
5 start recruiting to the recreational fishery as two to three-
6 year-olds, then yes, then we would have underestimated the
7 biomass that would be available for harvest and that's
8 absolutely true.

9
10 **DR. PONWITH:** This goes to the question that Mr. Pearce asked
11 about these possible proxies for MSY and life is full of risk.
12 The two risks, the bookends, that we're talking about right now
13 is, on one hand, the risk of foregoing fishing opportunity and
14 that's the risk that we take if we set our proxy too high and
15 then the other risk is the risk of, if we set that proxy low, is
16 of actually undoing some of the gains that we've created through
17 the fishing regulations.

18
19 On one hand, you run the risk of being conservative influencing
20 what your landings are going to be and finding out that that was
21 done in a way that was unnecessary and the other risk is
22 actually taking a step backward and harvesting more fish than
23 technically would have been healthy for that stock.

24
25 That's what happens on those outer edges, if you go to an SPR 40
26 or an SPR 30, because the literature suggests that might be the
27 right -- You may be more conservative than you need to be and
28 then the other alternative.

29
30 Really what we have is a continuum here and one of the things
31 that we talked about today, kind of in a sidebar conversation,
32 is that there are some important decisions that the council
33 needs to make. One of the things that we can do is to help try
34 and quantify that risk on each end of this continuum, so you can
35 see what that looks like.

36
37 We can try and show at an SPR 20, based on our understanding of
38 the status of the stock right now, what the risks, the magnitude
39 of those risks, of making a mistake. If we pick 20 and the
40 correct number was actually 24, what would the impact to the
41 stock be?

42
43 We can run some simulations and show that and then, conversely,
44 if we pick 26 or if we pick 30, something on the higher end, and
45 it turns out that it really was 24 or 22, what would be lost in
46 terms of fishing opportunity? That math may be helpful in
47 helping to understand and quantify those risks.

48

1 **MR. BOYD:** Thank you, Will, for that update. I have a motion
2 that I would like to make and, Karen, if you would put it up.
3 Then, if I get a second, I will give a little bit of rationale.

4
5 **My motion is to remove red snapper SPR consideration from the**
6 **status determination document and request council staff to**
7 **develop a plan amendment to adjust the F SPR levels for red**
8 **snapper to alternatives for status quo, 24 percent, 22 percent,**
9 **and Fmax. The plan amendment should also determine the timeline**
10 **for F rebuild at each F SPR. That's my motion, Mr. Chairman.**

11
12 **CHAIRMAN GREENE:** We have a motion on the board and is there a
13 second? Mr. Matens seconds it. Is there further discussion?

14
15 **MR. BOYD:** The reason I thought about this motion yesterday and
16 crafted it last night was because Dr. Calay's presentation and
17 then Will's presentation and one of the things that stuck with
18 me was that we're managing risk. We do that in most everything
19 we do, is manage risk. We have risk of overfishing from
20 recreational or from charter for-hire or even from commercial,
21 even though we're in an IFQ program.

22
23 If these ranges of SPR are a matter of risk and we are saying we
24 want the least amount of risk possible, I would like to just
25 look at the alternatives to that. I am not recommending one of
26 these, but I am saying, with this motion, that I would like for
27 the council to consider all of the risks and make a conscious
28 decision, rather than just stay with status quo and so is there
29 further discussion?

30
31 **CHAIRMAN GREENE:** Anybody have anything they want to comment on
32 before we bring this to a vote? Okay. You have a motion on the
33 board and he read it into the record. **All those in favor please**
34 **raise your hand; all those opposed same sign. The motion**
35 **passes.**

36
37 **MR. ATRAN:** The motion passes six to zero.

38
39 **DR. CRABTREE:** I should have asked about this this morning when
40 the assessment was up, but I didn't and so I will ask about it
41 now. One of the things that we have heard repeatedly is
42 criticism of the red snapper assessment because of insufficient
43 monitoring of fishes on artificial reefs.

44
45 We have heard a lot about this from members of Congress as well
46 and the implication is that we're somehow underestimating the
47 population size because we aren't sampling sufficiently on
48 artificial reefs and I know Dr. Powers recently did quite a bit

1 of sampling of artificial reefs and made presentations to the
2 SSC and to this council of some of his results and estimates of
3 fish populations off of Alabama focusing on artificial reefs.

4
5 I know the SSC has reviewed that and so we have this new
6 assessment and my question to you is when you view the estimates
7 of fish abundance off of Alabama and you look at what the
8 assessment is estimating in terms of fish abundance, are the two
9 in sync or are they consistent or are you seeing disparities
10 there or what's your view on that?

11
12 **DR. PATTERSON:** The first part of your statement was that there
13 is criticism and I've heard this as well, that fish on
14 artificial reefs aren't being counted, and so I think the first
15 part of that is that there's a general misperception about how
16 the assessment works.

17
18 Most of the information that goes into the stock assessment is
19 from the catch at age matrix and, in fact, in 2009, Sean and I
20 both were members of the review panel for that assessment and we
21 purposely down-weighted the fishery-dependent information,
22 what's called the effective sample size, for the catch at age
23 matrix in order to get more information coming from fishery-
24 independent indices of abundance.

25
26 It's critically important the more fishery-independent
27 information you have, the better, but this idea that artificial
28 reef production is not part of the assessment is incorrect,
29 because most of the catch in the recreational fishery off of
30 Alabama, even in the western Gulf on oil platforms, actually
31 comes from artificial structures and so that's the number one
32 source of information in the model.

33
34 Now, in recent years, as Sean's research program has ramped up
35 off of Alabama, as work that we've been doing from Alabama
36 through the Panhandle of Florida, Doug Devries and his group at
37 National Marine Fisheries Service in Panama City have been doing
38 in the Panhandle as well, we have been conducting fishery-
39 independent estimates of abundance, of length composition, and
40 age composition, in some cases, of fisheries present on those
41 reefs.

42
43 In the last benchmark, the first attempt was made to incorporate
44 those as an index of abundance. Unfortunately, there wasn't
45 enough in the time series at the time to do an index of
46 abundance, but we did get the length composition information
47 into the assessment and so with many of these indices, it takes
48 a time series of data.

1
2 I think part of that criticism that it's not there and it's not
3 trying to be there, we are trying to get it in there. The more
4 fishery-independent information, whether it comes from natural
5 or artificial, the better.

6
7 Sean's estimates -- Sean presented to the SSC I guess it was
8 October, and I might have that wrong, but he presented his
9 estimates and it wasn't just artificial reefs off of Alabama,
10 but artificial and natural bottom. The estimate, and Sean can
11 correct me if I'm wrong, was that about 20 to 30 percent of the
12 estimated biomass in the eastern Gulf of Mexico was found on
13 Alabama artificial reefs or off of Alabama, I should say.

14
15 Remarkably, another estimate from that work is that there was
16 the same number or an equal number of red snapper estimated or
17 red snapper biomass estimated on the natural bottom that's
18 farther out toward the shelf edge than within the artificial
19 reef permit zone.

20
21 To me, those were the two big take-homes and we talked about
22 that work quite a bit and Clay Porch commented as well and it
23 was remarkable how well it fit together with what we think we
24 know about the eastern Gulf of Mexico and the distribution of
25 biomass and going back to Phil Goodyear's seminal assessment
26 from 1995 that kicked off a lot of this discussion of red
27 snapper.

28
29 In that work, based mostly on CPUE, he estimated that there were
30 two centers of abundance for red snapper, one in the western
31 Gulf of Mexico and then one off of Alabama and Mississippi.
32 That perception persists, but that recently work actually fits
33 quite nicely with what's estimated to be going on in the eastern
34 Gulf of Mexico.

35
36 We have done some recent work that actually we have used tagging
37 data to estimate mortality rates and in the fishing season, they
38 match the Fs pretty well coming out of the assessment and out of
39 the fishing season, when there is not a lot of fishing going,
40 they match really well our estimates of natural mortality for
41 adult red snapper, which is about 0.08 or 0.09.

42
43 These other sources of fishery-independent information are
44 coming online and they are being included when they can be and I
45 think there's a conscious effort -- This is the most complex
46 assessment that's done in our region and it might be the most
47 complex assessment that's done in the entire agency and the
48 SEDAR process is an incredibly transparent, laborious process,

1 to the point where many of us question of if we're trading
2 transparency for other gains that could be made, other stocks
3 being assessed.

4
5 I have heard from different sources the issue of whether
6 artificial reefs are being included or not and whether
7 information is being excluded or somebody's information is not
8 being included and those comments, to me, are pretty remarkable,
9 because this is an incredibly transparent process and if you
10 bring something to the table, it's considered.

11
12 It is evaluated and it's vetted and there is a full cadre of
13 different expertise at the table at any one of these SEDAR
14 processes and so if it's present, if you have information, there
15 is no reason why it won't be considered. It always is and
16 whether there is a sufficient time series or whether it's viewed
17 to be of sufficient quality to make it or not, that's a whole
18 different issue.

19
20 **DR. CRABTREE:** So what we're seeing, because I know we have
21 invested and the State of Alabama has invested a fair amount of
22 money in doing some of these surveys, but from what we're seeing
23 about the abundance of fish off of Alabama, it's consistent with
24 the estimates that we're getting from the stock assessments or
25 in line with it?

26
27 **DR. PATTERSON:** That was one of the inferences from after the
28 presentation that was given in the fall, was that these
29 estimates are not inconsistent with the stock assessment
30 results.

31
32 **DR. CRABTREE:** The new stock assessment estimates larger
33 population size, I believe, than the past one did and so that
34 would still hold?

35
36 **DR. PATTERSON:** I haven't made that comparison, but I think your
37 statement is generally true.

38
39 **EXECUTIVE DIRECTOR GREGORY:** Thank you, Will, and this is
40 interesting. That study by Shertzer and Conn you're referring
41 to seems, to me, to provide some insight as to why red snapper
42 may have a different SPR of maximum yield than the paradigm that
43 the population dynamics people usually go by, in that they
44 indicate, with the analyses they did, that contrary to what we
45 think of when the SSC was doing the productivity and
46 susceptibility analyses, their study shows that steepness is not
47 really related to longevity or age at maturity or reproductive
48 productivity in that sense and that could explain why red

1 snapper -- Red snapper are maturing at age two, but living and
2 reproducing to forty or fifty and it doesn't fit that paradigm
3 of what you would call a periodic life history or an
4 opportunistic life history. Like you said, it's a mixture of
5 both and so it's a very good study.

6
7 The upshot is they suggest that you use prior distributions in
8 estimating steepness, but, other than that, they didn't really
9 find a lot of stock assessments where there were spawner/recruit
10 curves and they just took steepness from other stock assessments
11 and it would be an interesting for an intern to research the
12 marine literature and see how many marine stocks really have a
13 well-defined stock recruit relationship and I would suspect
14 there would be very few and that's more of a theory than an
15 actual empirical evidence and we're stuck trying to estimate MSY
16 based on the stock recruit curves, where there is not well-
17 defined relationships. The scientific community has a
18 tremendous challenge and I don't envy the assessment process at
19 all in that, but thank you very much and these are very good
20 presentations.

21
22 **MR. ANSON:** The discussion that's been had addressed a lot of my
23 comments, but I just appreciate the comments from you, Will, and
24 the time you've taken today and yesterday to help us go through
25 a lot of the documents that the SSC reviewed and I certainly
26 look forward to more discussion on this issue, hopefully, as we
27 go forward.

28
29 **MR. WALKER:** Thank you, Will, and I've got some questions here
30 and it's relating to the size of the red snapper and how the SSC
31 looks at this. I know some of the data that came from the
32 headboat pilot program -- From what I understand, it was showing
33 that the fish were actually smaller and they got a longer season
34 and I was wondering if there was a tweak in the size limit of
35 the current recreational size limit now and could it be lowered
36 or raised a little so that it might provide them more fishing
37 opportunities on the size?

38
39 **DR. PATTERSON:** I try not to make statements about stuff that I
40 don't have analysis in front of me or data to base it upon. We
41 have seen a recent analysis in which the council staff, along
42 with Jake Tetzloff was involved as well, where they looked at
43 slot limits.

44
45 One component of a slot limit is lowering the minimum size and
46 with a slot, then you would also have a maximum size and you can
47 land fish in between and maybe have a trophy fishery, where you
48 could land one fish or whatever per boat, per day, that kind of

1 thing.

2
3 The trade-off that you get when you drop the size limit is that
4 you run the risk of growth overfishing, which basically means
5 you don't allow a cohort to reach its maximum biomass before you
6 remove most of it from the population.

7
8 If you do that long enough, you can actually also run the risk
9 of what's called recruitment overfishing, where you actually
10 start to have an impact on the number of babies in the next
11 generation.

12
13 If you will recall back a few years ago, there was a discussion
14 about minimum size limits in the commercial versus recreational
15 red snapper fisheries and the decision was made to lower the
16 size limit for commercial and I think, and correct me if I'm
17 wrong, but thirteen sounds right.

18
19 Where that came from is that if you actually -- If you had no
20 discard mortality and you threw away selectivity and you simply
21 computed a global maximum yield per recruit for red snapper,
22 then you would end up with catching fish somewhere in the mid-
23 twenty inches range and that would maximize your yield per
24 recruit and so growth overfishing, you are guarding against it.

25
26 The issue with red snapper is obviously there is barotrauma and
27 release mortality and so in the commercial fishery, that
28 thirteen inches was thought -- Because there were relatively few
29 discards, but the discards were estimated to have a very high
30 mortality rate, I think around 90 percent, that if you lowered
31 the size limit, then you would actually -- Recovery would be
32 enhanced.

33
34 You run the risk, by dropping the size limit, of delaying
35 recovery because you're having this effect on potentially
36 causing growth overfishing to occur and so you're not allowing
37 the biomass to accrue. Again, without looking at the
38 distribution and who is catching what and what the total
39 landings were projected to be, it would be tough to make a
40 definitive statement about it, but, generally, that's kind of
41 how it works.

42
43 **CHAIRMAN GREENE:** Okay. Any other questions for Dr. Patterson?
44 Okay, Mr. Atran or Dr. Patterson, is that all of your --

45
46 **DR. PATTERSON:** Yes, sir.

47
48 **CHAIRMAN GREENE:** Mr. Atran, did you have anything else in

1 regard to Action Item XIII?

2

3 **MR. ATRAN:** No, Mr. Chairman.

4

5 **CHAIRMAN GREENE:** Okay. Go ahead, Mr. Boyd.

6

7 **MR. BOYD:** Just one other thing. The council just approved
8 starting an amendment to look at the SPR and, Mr. Gregory, I
9 would like to ask that we have an education session for us
10 laypeople who are not scientists, giving us a background on SPR
11 and a short course. Our previous Executive Director called them
12 101's and could we get an SPR 101 in the future, so we better
13 understand what everybody is talking about?

14

15 **EXECUTIVE DIRECTOR GREGORY:** I'm afraid it will be more of a
16 graduate level class.

17

18 **MR. BOYD:** No, I need something less than that.

19

20 **EXECUTIVE DIRECTOR GREGORY:** Would you like to do it in
21 March/April or do it as part of -- See if the South Atlantic
22 Council is willing to do it as part of our joint meeting? We
23 are going to have a full-day joint session with the South
24 Atlantic Council at our June meeting.

25

26 **MR. BOYD:** I would leave that up to you. I would just request
27 that we have somebody give it that can bring it down to my
28 level.

29

30 **EXECUTIVE DIRECTOR GREGORY:** We can try.

31

32 **DR. STUNZ:** A quick comment and, Doug, just to follow up with
33 that, Doug sent David out to our new council training whenever
34 that was, a few months ago, and they had some really good
35 literature and they gave us some brand-new stuff and SPR was
36 sort of like -- It was like what does SPR mean to fishermen or
37 something and so it might be good, Doug, to -- I like everyone
38 to have a copy of that available would be very useful. It was
39 very well written and very easy to understand. I am not saying
40 don't have the 101 session, but that was some good literature
41 that they had there and I can tell you what it is later.

42

43 **MR. ANSON:** Something else that might be helpful in your
44 preparation of that presentation is the -- I believe it's the
45 introduction to stock assessments publication that Dr. Rick
46 Wallace from the Auburn University Marine Extension Center put
47 out about ten or twelve years ago and it's been reproduced a
48 couple of times and that might be helpful, too.

1
2 **EXECUTIVE DIRECTOR GREGORY:** Yes, I'm familiar with all the
3 literature and I've done this before. The point is it's not
4 easy to make some of this stuff understandable and to laymen or
5 even to other biologists, whether they've got a PhD or not. It
6 can get confusing easily and so I will try to find some really
7 good material that doesn't inundate you with stuff and we will
8 get somebody to talk to you all and we can have it as an ongoing
9 conversation.

10
11 **CHAIRMAN GREENE:** Under Other Business, Lieutenant Commander
12 Jason Brand has asked for some ideas for the LEAP Committee
13 meeting that is coming up and so if you guys will, as we move
14 through this process, entertain any ideas for him. He was
15 looking for ideas and topics to work on.

16
17 **MR. ATRAN:** To that point, just before this meeting started, I
18 heard from Steve VanderKooy, who is my counterpart with the Gulf
19 States Commission, asking for a draft agenda for that Law
20 Enforcement AP meeting and so if anybody has any ideas, would
21 you please contact me as well as Lieutenant Commander Brand?

22
23 **CHAIRMAN GREENE:** Any other business to come before this
24 committee? Seeing none, we are adjourned.

25
26 (Whereupon, the meeting adjourned at 5:05 p.m., January 27,
27 2015.)

28
29 - - -
30

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TABLE OF MOTIONS

1
2
3 PAGE 36: Motion to ask staff to bring us a framework action to
4 increase the ACL for red snapper based on the ABC
5 recommendations by the SSC using the provisional 2014 estimates.
6 The motion carried on page 38.
7
8 PAGE 43: Motion to direct staff to begin a framework amendment
9 to adjust ACL/ACT and the season options for gag. The motion
10 carried on page 47.
11
12 PAGE 53: Motion to remove Suboptions 2a and 3a to the
13 considered but rejected. Suboption a is no ACT buffer. Note
14 this option would require a modification of the accountability
15 measures. The motion carried on page 54.
16
17 PAGE 60: Motion that all of the trip limits in Action 3 be
18 specified as gutted weights. The motion carried on page 61.
19 The motion was reconsidered on page 62.
20
21 PAGE 62: Motion in Action 3 to specify trip limit in pounds
22 gutted weight and include whole weight in parentheses for each
23 option. The motion carried on page 64.
24
25 PAGE 140: Motion that Alternative 3 be the preferred
26 alternative in Action 1. The motion carried on page 144.
27
28 PAGE 180: Motion to direct staff to expand the for-hire
29 management scoping document initiated at the April 2014 Gulf
30 Council meeting to include additional long-term management
31 strategies for the for-hire fishery, following the
32 recommendations of the Ad Hoc Red Snapper For-Hire Advisory
33 Panel, and bring that scoping document back to the April 2015
34 Gulf Council meeting. The motion failed on page 181.
35
36 PAGE 190: Motion that Alternative 2 be the preferred
37 alternative, set the red snapper bag limit at one fish per
38 person per day in the for-hire fishery and make it contingent
39 upon approval and implementation of Amendment 40. The motion
40 failed on page 192.
41
42 PAGE 208: Motion to remove red snapper SPR consideration from
43 the status determination document and request council staff to
44 develop a plan amendment to adjust the F SPR levels for red
45 snapper to alternatives for status quo, 24 percent, 22 percent,
46 and Fmax. The plan amendment should also determine the timeline
47 for F rebuild at each F SPR. The motion carried on page 208.