

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
2 AND
3 SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4

5 JOINT WORKGROUP FOR SECTION 102 OF THE MODERNIZING RECREATIONAL
6 FISHERIES MANAGEMENT ACT OF 2018
7

8 WEBINAR
9

10 May 18, 2020
11

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14 Susan Boggs.....GMFMC
15 Tom Frazer.....GMFMC
16 Martha Guyas.....GMFMC
17 Chris Schieble.....GMFMC
18 Troy Williamson.....GMFMC
19 Mel Bell.....SAFMC
20 Chester Brewer.....SAFMC
21 Jessica McCawley.....SAFMC
22 Steve Poland.....SAFMC
23 Spud Woodward.....SAFMC
24

25 **COUNCIL STAFF**

26 John Carmichael.....SAFMC
27 Brian Chevront.....SAFMC
28 Chip Collier.....SAFMC
29 John Froeschke.....GMFMC
30 Ryan Rindone.....GMFMC
31 Carrie Simmons.....GMFMC
32

33 **OTHER PARTICIPANTS**

34 Luiz Barbieri.....FL
35 Roy Crabtree.....NMFS
36 Stacey Karras.....
37 Russ Dunn.....NMFS
38 Kellie Ralston.....ASA
39 Mike Wayne.....ASA
40

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1 The Joint Workgroup for Section 102 of the Modernizing
2 Recreational Fisheries Management Act of 2018 of the Gulf of
3 Mexico Fishery Management Council and the South Atlantic Fishery
4 Management Council convened via webinar on Monday, May 18, 2020,
5 and was called to order by Ryan Rindone.
6

7 **INTRODUCTIONS AND ADOPTION OF AGENDA**

8

9 **MR. RYAN RINDONE:** I will start with what would normally be the
10 Chair's statement, but, since we don't have one yet, this will
11 just be our opening statement, and so good morning. My name is
12 Ryan Rindone, and I welcome you guys to the joint meeting of the
13 Gulf and South Atlantic Councils. We appreciate your attendance
14 on this webinar and input in this meeting.
15

16 Notice of this meeting was provided to the Federal Register,
17 sent via email to subscribers of the council's press release
18 email list, and was posted to the council websites. Today's
19 meeting will include the following topics. We'll adopt the
20 agenda, and then we'll elect a workgroup chair. We'll go
21 through a scope of work, item by item, and I think that will
22 probably go a little bit better for you guys, and develop a
23 workgroup charge and workplan and timeline for what you guys
24 hope to achieve and when.
25

26 Then Mr. Russ Dunn will give us an overview of Section 102, and
27 Mr. Carmichael will review PowerPoint presentations from the
28 Council Coordinating committee meeting in November of 2019, and
29 we'll get an encore from Mr. Dunn for a review of proposals put
30 forward at the Saltwater Recreational Summit, and then we will
31 have Ms. Ralston and Mr. Waine review outcomes from the South
32 Atlantic workshop and regional meetings on alternative
33 recreational management strategies, and then I will talk with
34 you guys about characteristics of potential candidate species
35 for alternative management strategies, and then if there's any
36 other business that you guys want to bring up for discussion
37 next time.
38

39 This webinar is open to the public and is being streamed live
40 and recorded, and a summary and verbatim minutes of the meeting
41 will be produced and made available via the Gulf Council's
42 website.
43

44 For the purpose of voice identification, and to ensure that you
45 are able to mute and unmute your line, please identify yourself
46 by stating your full name when you name is called attendance,
47 and Bernie is going to through this with you guys. Once you
48 have identified yourself, please re-mute your line, and please

1 remember to identify yourself before speaking, and also to re-
2 mute your line each time you finish speaking. Identifying
3 yourself is going to help the person that transcribes the
4 verbatim minutes, to make sure that she knows who is who. All
5 right, Bernie, take it away.
6
7 **MS. BERNADINE ROY:** Kevin Anson.
8
9 **MR. KEVIN ANSON:** Kevin Anson, Gulf Council.
10
11 **MS. ROY:** Thank you. Chris Schieble.
12
13 **MR. CHRIS SCHIEBLE:** Chris Schieble, Gulf Council.
14
15 **MS. ROY:** Susan Boggs. Tom Frazer.
16
17 **DR. TOM FRAZER:** Tom Frazer, Gulf Council.
18
19 **MS. ROY:** Martha Guyas.
20
21 **MS. MARTHA GUYAS:** Martha Guyas, Gulf Council.
22
23 **MS. ROY:** Troy Williamson.
24
25 **MR. TROY WILLIAMSON:** Troy Williamson, Gulf Council.
26
27 **MS. ROY:** Mel Bell.
28
29 **MR. MEL BELL:** Mel Bell, South Atlantic Council.
30
31 **MS. ROY:** Chester Brewer.
32
33 **MR. CHESTER BREWER:** Chester Brewer, South Atlantic Council.
34
35 **MS. ROY:** Jessica McCawley.
36
37 **MS. JESSICA MCCAWLEY:** Jessica McCawley, South Atlantic Council.
38
39 **MS. ROY:** Steve Poland.
40
41 **MR. STEVE POLAND:** Steve Poland, South Atlantic Council.
42
43 **MS. ROY:** Spud Woodward.
44
45 **MR. SPUD WOODWARD:** Spud Woodward, South Atlantic Council.
46
47 **MS. ROY:** John Carmichael.
48

1 **MR. JOHN CARMICHAEL:** John Carmichael, South Atlantic Council
2 staff.
3
4 **MS. ROY:** Brian Chevront. Chip Collier. We heard Ryan.
5 Carrie Simmons.
6
7 **DR. CARRIE SIMMONS:** Good morning. Carrie Simmons, Gulf Council
8 staff.
9
10 **MS. ROY:** Russ Dunn.
11
12 **MR. RUSS DUNN:** Russ Dunn with NOAA Fisheries.
13
14 **MS. ROY:** Thank you. Kellie Ralston.
15
16 **MS. KELLIE RALSTON:** Kellie Ralston, American Sportfishing
17 Association.
18
19 **MS. ROY:** Thank you. Mike Waine.
20
21 **MR. MIKE WAINE:** Mike Waine, American Sportfishing Association.
22
23 **MS. ROY:** Thank you. Susan Boggs. Susan, I know you're out
24 there. Susan, we will work with you offline. Thank you.
25
26 **MR. RINDONE:** All right, and so first up is introductions, and
27 we've got those out of the way, and now we have the Adoption of
28 the Agenda, and so Bernie has the agenda up on the screen right
29 now. Are there any questions about the agenda? Is there any
30 opposition to adopting the agenda? Chester.
31
32 **MR. BREWER:** Not an objection, but I'm just wondering if it
33 wouldn't be good to have an overview of what we're actually
34 working on before we get into the scope of work and developing a
35 charge and workplan and timeline, so that we know -- You know,
36 I've read through it, and I didn't memorize it, but I just think
37 it would be better if we knew exactly what it is that we may be
38 -- I shouldn't say exactly, but if we knew what potential
39 changes we could make in the way that recreational fisheries are
40 managed, and so I would almost like to see some of these
41 presentations before we get into the charge and workplan and all
42 that, and, with that, I will mute myself.
43
44 **MR. RINDONE:** We will cover what each item is going to review
45 and what the purpose is for each item being presented to you
46 guys in the scope of work. First, we do need to adopt the
47 agenda for what we're going to do, and then we can elect a
48 chair, and then the chair can move things along there.

1
2 If you guys want to move the developing the charge and the
3 workplan to after the presentations, we can make that amendment,
4 but the scope of work is going to go through everything that is
5 going to be reviewed today in detail and tell you guys what the,
6 I guess, deliverables are that are expected of you all. Would
7 you like to move the Item Number IV, the workgroup charge, down
8 to right before Other Business? Is that what I'm hearing?
9
10 **MR. BREWER:** Yes, and that's what I'm suggesting. I would like
11 to move -- I move that we take the current existing Section V
12 and move it to right after scope of work, which is now currently
13 the section or paragraph or --
14
15 **MR. RINDONE:** So you're suggesting to switch Items IV and V
16 around?
17
18 **MR. BREWER:** Yes, sir.
19
20 **MR. RINDONE:** Jessica.
21
22 **MS. MCCAWLEY:** I actually thought that Chester was suggesting
23 that Number IV, develop the workgroup charge, workplan, and
24 timeline, I thought he was suggesting that that go to the end of
25 the day, and so now I'm confused as to what he's suggesting.
26
27 **MR. RINDONE:** Chester, back to you.
28
29 **MR. BREWER:** Jessica, that is exactly what I was thinking about
30 doing, because -- **But I'm not controlling the PowerPoint, and I**
31 **thought that Number V was the last one, and it's not, and so I**
32 **would like to move what is now Item IV to the end of the day.**
33 **With that, I will mute.**
34
35 **MR. RINDONE:** Jessica.
36
37 **MS. MCCAWLEY:** I will second that, and so it looks like it would
38 go to be after Number IX, is the way I read that.
39
40 **MR. RINDONE:** I read that the same way, and so Chester's motion,
41 and seconded by Jessica, would be to move Item Number IV,
42 develop a workgroup charge and workplan and timeline, to the
43 item just before Other Business, and everything else would move
44 up accordingly. Chester and Jessica, make sure that that motion
45 reads the way you like.
46
47 **MR. BREWER:** I am good with it.
48

1 **MS. MCCAWLEY:** I am good.
2
3 **MR. RINDONE:** All right. The motion is on the board. **Is there**
4 **any opposition to this motion? Seeing no hands raised, I will**
5 **assume the motion carries.**
6
7 The next thing on the list is the election of a workgroup chair,
8 and so, council members, from your membership, if any of you
9 would like to volunteer to be the chair, or volunteer another
10 council member to be the chair, please do so now, and, if we
11 have more than one nomination, I will ask you guys to
12 individually send me a text, and we'll do that to facilitate
13 confidential voting. I will open the floor. Jessica McCawley.
14
15 **MS. MCCAWLEY:** I would like to nominate Steve Poland as Chair.
16
17 **MR. RINDONE:** Steve Poland, do you accept being nominated?
18 Steve, do you accept the nomination?
19
20 **MR. POLAND:** Yes, I will accept that nomination.
21
22 **MR. RINDONE:** Thank you. Chester.
23
24 **MR. BREWER:** I am not raising my hand to volunteer, and I think
25 Steve would be wondering, but I am wondering, given the charge
26 of the chairperson -- I mean, I don't see the chairperson
27 running these meetings, per se, because they're not going to
28 have their hands on the buttons, or maybe they are, and I don't
29 know, but they won't have their hands on the buttons to mute and
30 unmute and raise hands and see who is raising their hands and
31 all of that.
32
33 It seems like, to me, the chairman, or chairperson, is probably
34 going to be the person that reports to the councils what this
35 group comes up with and recommendations from this group, and so
36 I'm wondering if it might be advisable to have a chairperson
37 from the South Atlantic and a chairperson from the Gulf, and I
38 will mute myself, with that.
39
40 **MR. RINDONE:** Steve.
41
42 **MR. POLAND:** I don't know if your concerns, Chester, are
43 traveling or workload or what they are. I mean, I am
44 envisioning only a couple of presentations to each council, and,
45 I mean, I am knocking on my hardwood kitchen table, but I'm
46 hoping this doesn't take more than a year to develop, from start
47 to finish, and so I don't see a lot, as far as responsibilities,
48 outside of chairing the meetings or communicating this

1 information, but, I mean, certainly, if the Gulf Council members
2 feel that they would like somebody from their group to present
3 this information to their council, I certainly don't have a
4 problem with that.

5

6 **MR. RINDONE:** Mel.

7

8 **MR. BELL:** I think what Chester was getting at was more of a
9 practical thing, but I think that what he was describing is the
10 problems with not having control over the screen or the button
11 pushing or the hand stuff, and that can be resolved, and I know
12 we went through two-and-a-half days of an SSC meeting, where the
13 Chair of the SSC was not anywhere near the button-pushers, or
14 the folks that had control, and it worked out just fine, and so,
15 if it was really a concern about just sort of the practicality
16 of all of that, I think that's easily dealt with, and we have
17 experience with that.

18

19 **MR. RINDONE:** All right. Chester and then Steve.

20

21 **MR. BREWER:** That being said, I would like to second the
22 nomination of Steve Poland to be the chair.

23

24 **MR. RINDONE:** Okay. Steve, anything to add?

25

26 **MR. POLAND:** No. Thanks, Chester, and I was just going to add
27 real quickly to what Mel was saying, and, I mean, I think this
28 workgroup is already very comfortable with working webinars,
29 especially over the last two months, and, I mean, I don't
30 foresee a problem chairing this meeting and not being in
31 control, and I certainly don't have an ego to bruise, and so, if
32 you all need to jump in and bark orders, or redirect, don't
33 worry about it.

34

35 **MR. RINDONE:** All right. Are there any other nominations? Do I
36 have a motion to close nominations?

37

38 **MR. BREWER:** I move to close the nominations.

39

40 **MR. RINDONE:** Do I have a second?

41

42 **DR. FRAZER:** I'm happy to second the motion.

43

44

SCOPE OF WORK

45

46 **MR. RINDONE:** All right. Any opposition? Seeing none,
47 nominations are closed by acclamation, and Steve Poland is the
48 Chair. Mr. Chair, I will go ahead and move into the Scope of

1 Work, and we'll review with you guys what the goals are for each
2 of these items. I was going to go through these things one at a
3 time, but based on what Chester said, it may be better just go
4 to through it now, and then we can go back and review it for
5 each item, if we need to.

6
7 We adopted our agenda, and we'll just keep cruising down, and we
8 elected our chair, and the chair will help lead discussions and
9 also speak on behalf of the workgroup to the councils. We moved
10 Agenda Item IV down to the end, but I will tell you guys what
11 the goal for this item is, and that's to develop a charge and
12 determine how and when the recommendations that you guys make
13 here will be conveyed to the councils.

14
15 You guys are attempting to identify alternative management
16 strategies for recreational fisheries in the Gulf and South
17 Atlantic regions and the species for which these alternative
18 management strategies are going to be most appropriate, and the
19 same strategies may not be suitable for both councils or for the
20 same species that exists in each council's jurisdiction, and so
21 "flexibility" will be the word of the day.

22
23 The workgroup will need to report their recommendations to the
24 respective councils, who will then, as their own entities,
25 determine how best to proceed, either regionally, jointly,
26 however is most appropriate.

27
28 Item V is going to be a presentation by Mr. Russ Dunn from NOAA
29 Fisheries, and it's going to be an overview of Section 102,
30 Fishery Management Measures of the Modernizing Recreational
31 Fisheries Management Act of 2018, or the Modern Fish Act. This
32 will help guide many of the future discussion topics that you
33 guys are going to undertake, and so make sure to ask questions
34 of Mr. Dunn on his presentation, if you have any.

35
36 Next, Mr. Carmichael is going to review presentations made to
37 the Council Coordinating Committee in November of 2019, and we
38 have included those as background materials for you guys to be
39 able to review, and Mr. Carmichael's presentation will summarize
40 those four presentations. You guys can pick his brain, and Dr.
41 Simmons' as well, and Dr. Frazer, and they were all there at
42 that meeting, and I think Jessica was there too, and so they can
43 all kind of chip in and answer any question as to what they
44 heard.

45
46 Item Number VII is going to be a review of the proposals put
47 forward at the 2018 National Saltwater Recreational Fisheries
48 Summit, and there's a background item there as well, which is

1 that full summary report, and Mr. Dunn is going to go through a
2 presentation that summarizes the outcome of that summit.

3
4 Then Item Number VIII is Ms. Ralston and Mr. Waine are going to
5 talk about -- They are going to review the outcomes of the South
6 Atlantic workshop and regional meetings on alternative
7 recreational management strategies, and they've got a few
8 background materials there for you guys to review, and this is
9 going to summarize the workshop held with the council and the
10 meetings that were held in the South Atlantic region on these
11 alternative strategies, where they collected stakeholder input
12 and put together some general takeaways for how to approach
13 these novel recreational management strategies, and so you guys
14 will discuss these proposals and try to identify and prioritize
15 alternatives.

16
17 Then Number IX will be with me and reviewing characteristics for
18 potential candidate species for alternative management
19 strategies, and this will be just kind of an open discussion,
20 and I will try to guide you guys through this, and we're going
21 to talk about what traits for a particular fishery might be
22 best, or might make it a good candidate, to try to apply some of
23 these alternative strategies to, and so you're going to want to
24 think about things like spatial distribution and life history,
25 the degree to which a species is targeted, harvest methods, et
26 cetera, and try to think of what problems you're trying to solve
27 for a particular species, but also try to think about whatever
28 it is that you're going to propose, and is it something that can
29 be enforced.

30
31 I think one of the things that resonated with me most in my
32 undergraduate education was in an introductory fisheries class,
33 where the professor said that, if it can't be enforced, does it
34 even matter, and so that's just something to keep in the back of
35 your mind, is how we're actually going to apply any of these
36 changes.

37
38 Then, after we have this discussion, we'll talk about and
39 develop our workgroup charge and timeline, and then we'll talk
40 about any other business that you guys would like to see brought
41 up at our next meeting. Are there any questions on the scope of
42 work? Seeing no hands, Ms. Boggs, we'll test your sound again.

43
44 **MS. SUSAN BOGGS:** This is Susan.

45
46 **MR. RINDONE:** We've got you loud and clear.

47
48 **MS. BOGGS:** Thanks.

1
2 **MR. RINDONE:** All right, Mr. Chair. Are you ready to proceed to
3 the overview of Section 102 with Mr. Dunn?
4

5 **CHAIRMAN POLAND:** Thank you, Ryan. Mr. Dunn, are your ears on?
6 Are you ready?
7

8 **MR. DUNN:** Yes, sir. I am ready.
9

10 **CHAIRMAN POLAND:** All right. Well, take it away.
11

12 **OVERVIEW OF SECTION 102: FISHERY MANAGEMENT MEASURES OF THE**
13 **MODERNIZING RECREATIONAL FISHERIES MANAGEMENT ACT OF 2018**
14

15 **MR. DUNN:** All right. Thank you. Again, I'm Russell Dunn with
16 NOAA Fisheries, and I want to first thank the councils for
17 inviting NOAA Fisheries to participate in today's exercise.
18 Investigating alternative management approaches is something
19 that the agency is supportive of, and we are available to help
20 support this working group in any way that is needed.
21

22 As mentioned, I'm going to give a brief overview of Section 102
23 of the Modern Fish Act, and so let's go back one slide, and so,
24 as you can see here, the stated purpose is to expand
25 recreational fishing opportunities through enhanced marine
26 fishery conservation and management and for other purposes.
27

28 In very brief, it explicitly authorizes management measures for
29 recreational fisheries, and it reaffirms various existing
30 requirements in the Act, including ACLs. It requires numerous
31 reports and studies and guidance to be provided, and it seeks to
32 improve recreational data collection programs and state and
33 federal partnerships.
34

35 The operative provisions of the Modern Fish Act, in brief, fall
36 into five sections in total, under two titles, and, today, we
37 will be explicitly speaking about Section 102, as we mentioned,
38 which authorizes various management measures for recreational
39 fisheries, as well as requires a report to Congress summarizing
40 council actions pursuant to that section.
41

42 What does it say specifically? Well, you can see here on the
43 screen that, really, the key provision here, the key language,
44 is it states that the councils have authority to use fishery
45 management measures in a recreational fishery, or the
46 recreational component of a mixed-use fishery, in developing a
47 fishery management plan, plan amendment, or proposed
48 regulations, such as, and here's the key parts, extraction

1 rates, fishing mortality rates, harvest control rules, or
2 traditional cultural practices of native communities in such
3 fishery or fishery component.

4
5 It defines, for those who are interested, a mixed-use fishery as
6 two or more of the following: recreational, for-hire, or
7 commercial, and so it can be any two of those three, and, as
8 mentioned, it maintains existing provisions within the law, such
9 as ACLs, et cetera.

10
11 The Section 102(b) required a report from NOAA Fisheries on
12 actions taken by the councils pursuant to the Modern Fish Act,
13 and we were notified in late April that the report had been
14 transmitted to Congress in March, and, coincidentally, it was as
15 we were checking in on the status of the report for this actual
16 presentation that we were notified that, yes, it was sent on
17 March 5, was the specific date, and so we pushed that out a week
18 or two ago, and we were able to get confirmation and move it
19 forward.

20
21 In short, what occurred is that, while the councils had not
22 initiated actions directly in response to the Modern Fish Act by
23 the time report was completed, but there were a number of
24 measures that are described in the report that highlight actions
25 taken by the councils that responded to the needs of the
26 recreational fishery and are consistent with the intent of the
27 Modern Fish Act or specifically described within the Act, and
28 so, essentially, we took a retrospective look at council
29 activities that were consistent with the Modern Fish Act.

30
31 You can see, on the screen here, we've highlighted a couple of
32 the examples that were included in the report, and I'm not sure
33 if the report was made available for this specific meeting or
34 not, but, if it is not, and you don't have it, which you should,
35 I can forward that on pretty quickly. I wanted to just give you
36 an idea about --

37
38 **MR. RINDONE:** Mr. Dunn, can I interrupt you real quick?

39
40 **MR. DUNN:** Sure. Please.

41
42 **MR. RINDONE:** If you could forward that report out, that would
43 be terrific, if you want to send it to me, and I can send it to
44 the committee, and we can get it posted as background.

45
46 **MR. DUNN:** Okay. I will -- Who should I send it to? I can send
47 it as soon as I finish here.

48

1 **MR. RINDONE:** You can send it to me, to Ryan.

2
3 **MR. DUNN:** All right.

4
5 **MR. RINDONE:** Thank you.

6
7 **MR. DUNN:** Let's see. I probably should have started with this
8 next slide, and I realized this morning that I left off at least
9 one action here related to alternative management, that was in -
10 - I think it was 2017, and it was either 2016 or 2017, TRCP did
11 a report on alternative management that really sort of kicked
12 off the conversation, and that led to discussions at the 2018
13 summit, which I will characterize in more depth later this
14 morning.

15
16 Following that, the summit, the South Atlantic Council held a
17 workshop on alternative management that was sponsored by ASA and
18 CCA and Yamaha. On the last day of 2018, December 31, the
19 Modern Fish Act was signed into law. In 2019, there was a
20 discussion, I believe at Jekyll Island, by the South Atlantic
21 Council on some of the public input that that series of
22 workshops by ASA and CCA and Yamaha had gathered, which I think
23 we're going to hear more about later.

24
25 In November of 2019, there was a CCC discussion of alternative
26 management, which you, again, will hear about a little bit more
27 in a few minutes, and there was a brief overview of that
28 discussion to the Gulf Council, as we just mentioned, and we
29 recently heard that. In March, the 102 report was transmitted
30 to Congress, and now we are at May of 2020.

31
32 There has been a fair amount of continuing discussion, and it's
33 our hope that the working group here can really advance activity
34 on this topic.

35
36 Just concluding, the Modern Fish Act, obviously, authorizes,
37 explicitly authorizes, approaches that expand management
38 flexibility for recreational fisheries, and multiple approaches
39 either have been applied, as noted in the 102 report, or are
40 being explored by this group and others, and we are fully
41 supportive and ready to participate, as desired, in the working
42 group, and so, with that, I will stop and open it up for
43 questions.

44
45 **CHAIRMAN POLAND:** Thanks for that presentation, Russ. Before I
46 open it up to the rest of the committee for questions, I do have
47 one quick question, and this is related more towards that
48 specific language in Section 102 and the requirement to

1 basically still adhere to those MSA provisions, the ACLs and AMs
2 and that kind of stuff, and is it the agency's intent to
3 eventually provide some type of guidance on these, or is it the
4 agency's intent to work through this workgroup to kind of flesh
5 those out and then kind of have more of a collaborative
6 development of guidelines?

7
8 My concern is, and I think Chester was kind of getting to this
9 right off the bat, is, with the mandates of MSA of ACLs and AMs
10 and rebuilding schedules and such, there is still some
11 questions, at least around our council table, the South Atlantic
12 Council, of what is our scope here, as far as how flexible can
13 we get with these.

14
15 For example, an F extraction rate, that's already kind of
16 factored into the assessments, but we still have to come up with
17 an actual ACL, be it pounds or number of fish, and how does that
18 mesh, and so I guess, in short, my question is, is that for us
19 to figure out, or is the agency also working on figuring out
20 those questions and will provide us a little bit more guidance
21 through this process?

22
23 **MR. DUNN:** I think, at this time, the agency is not planning on
24 amending the National Standard 1 Guidelines. As you know, a few
25 years ago, those were broadened out to provide additional
26 flexibility, and so, at this point, we would prefer working with
27 the group to respond to questions as they arise and to work
28 through issues that way, rather than to sort of preemptively
29 start an amendment process for National Standard Guidelines
30 where we may or may not be addressing the issues that are
31 actually raised, and so working with the working group is the
32 preferable approach at this time.

33
34 **CHAIRMAN POLAND:** Okay. Thank you for that, and, since you
35 mentioned Section 1 guidelines, I'm going to assume that
36 everybody on the workgroup is familiar with them, but, Ryan,
37 that might also be another good background document for everyone
38 to have at their fingertips. I think it is pretty lengthy, and
39 I think it's 11,000 words, but that might also help us in our
40 charge. I see Chester has his hand up. Go ahead, Chester.

41
42 **MR. BREWER:** Thank you, Mr. Chair. You're quite correct. The
43 biggest question that I have is, if we continue to utilize ACLs
44 and the accountability measures, et cetera, et cetera, exactly
45 as they have been used in the past, I'm not real sure what the
46 point of all this is, because we're going to get right back to
47 the same kinds of problems that have existed now for a couple of
48 decades, and that is we're going to be trying to manage

1 recreational fisheries as if they are commercial fisheries, and
2 they're not.

3
4 Russ, let me ask you a question. Is the agency going to be
5 opposed to things like an average, say over a three-year period?
6 Is it going to be opposed to things like setting an extraction
7 rate and seeing whether the fishery gets better or worse or
8 stays the same, and, utilizing that, then translated, perhaps,
9 into some sort of an ACL, after the fact, as opposed to before
10 the fact? I mean, I've got a lot of questions about what's
11 going to go on here and how we can accomplish at least what I
12 believe needs to be accomplished, and, with that, I will mute
13 myself.

14
15 **MR. DUNN:** I think that we are looking to apply the flexibility
16 that is afforded under the law. If you look -- I certainly
17 understand the general direction of your concern, in that, if we
18 have to do things exactly the way we have been, where are we
19 going to get, and, if you take a look at the law, however, Title
20 3 of the rule construction, it clearly indicates that these ACLs
21 and other provisions still apply, and so, again, we have to
22 operate within the bounds of that, and we have to find those
23 flexibilities, and so, yes, are extraction rates usable, et
24 cetera, and, yes, but we have to find a way to fit it within the
25 continuing requirements. I know that is probably not a fully-
26 satisfying answer, but that is where we are.

27
28 **CHAIRMAN POLAND:** Thank you. I see Dr. Frazer has his hand up.
29 Go ahead.

30
31 **DR. FRAZER:** Thank you, Steve. Just, again, a follow-up
32 question for Russ, and I realize that most of us haven't had the
33 opportunity to see the Section 102(b) report that was submitted
34 to Congress, but, kind of to generalize Chester's question, is
35 there specific guidance in that report that would help us in
36 this regard?

37
38 **MR. DUNN:** The report really is just -- It just fulfills what
39 the request from Congress was at the time, which is to examine
40 what actions have the councils taken pursuant to the Act, and,
41 obviously, there had been so little time between passage of the
42 bill and when the report was drafted, and given the pace of the
43 council and the regulatory process, that the councils weren't
44 able to act in time, and so we looked retrospectively, and so we
45 looked at activities. It did not include discussions of what is
46 or is not possible.

47
48 **DR. FRAZER:** Thank you.

1
2 **CHAIRMAN POLAND:** Thank you, Dr. Frazer. Are there any more
3 questions for Russ? It was a short presentation, but there were
4 some valuable nuggets there that we certainly need to remember
5 when we get down towards the end of the agenda. Does anybody
6 else have any questions? All right. I am not seeing any.
7 Right now, on the agenda, we have a five-minute break. I'm
8 saying we're going to take a five-minute break, because I need a
9 biological break, and so let's meet back at 9:48.

10
11 (Whereupon, a brief recess was taken.)
12

13 **CHAIRMAN POLAND:** Before we move on to the next presentation, I
14 wanted to throw this out, if it pleases the workgroup. We don't
15 have a spot for public comment on the agenda, and I'm going to
16 propose that we take public comment at the end of the agenda,
17 after Other Business. If anyone has any thoughts on that, or
18 any opposition to that, please speak up. Otherwise, we'll
19 receive public comment after Other Business.

20
21 Seeing none, we're going to throw it over to Mr. John
22 Carmichael, and he's going to give us the review of the
23 PowerPoint presentations made to the CCC, and I can't remember
24 if it was earlier this year or late last year. Take it away,
25 John, whenever you're ready.

26
27 **REVIEW OF POWERPOINT PRESENTATIONS MADE TO THE COUNCIL**
28 **COORDINATING COMMITTEE IN NOVEMBER 2019**
29

30 **MR. CARMICHAEL:** All right. Thank you, Mr. Chair. I think it
31 was actually late last year, but, yes, time sort of is hard to
32 keep straight in our head, with the way the last few months have
33 been.

34
35 I will give an overview of a couple of presentations that were
36 given to the Council Coordination Committee in November of 2019,
37 and so last November, when they met in Washington, D.C. We had
38 four presentations, and we had Chris Horton, who is the
39 Fisheries Program Director with the Congressional Sportsmen's
40 Foundation, and we had Julie Beaty, who is a Fisheries
41 Management Specialist staff person at the Mid-Atlantic Council,
42 and she works on summer flounder, scup, and black sea bass,
43 amongst probably other things. We had Mike Burner, who is with
44 the Pacific Fishery Management Council, and he's the Deputy
45 Director, and then we had Toni Kerns, who is with ASMFC, and
46 she's the Interstate Fisheries Management Program Director, and
47 so essentially their management branch of ASMFC.
48

1 The first presenter was Chris Horton, and it's actually a pretty
2 good transition, the question that Chester asked right at the
3 end there of the last session about being bound under AMs and
4 ACLs and the regular Magnuson Act standards, because what Chris
5 tried to point out is that, while we are in fact bound under
6 those, there may be some flexible ways to approach how we have
7 defined ACLs, and so, in this example, he pointed out that it
8 doesn't have to be in pounds, and, in fact, we do have some that
9 are described and defined in say numbers of fish, for example.

10
11 Then there could be some other ways of looking at optimization
12 that isn't always about simply the harvest, and there's some
13 ways of looking at accountability measures, that, while we have
14 to have them, as we always have, we may have other ways of
15 applying accountability measures that would help us bring some
16 more flexibility to our system, and that is where Chris pointed
17 out that not all fisheries can or should be treated the same,
18 which means, in a way, the councils may not have the same
19 accountability measure for all of their fisheries across-the-
20 board. Some may have different needs.

21
22 He underscored the need for more timely estimates, which I think
23 we all understand the need for that and appreciate the nature of
24 recreational fisheries. They tend to quickly respond to changes
25 in abundance, and we've seen instances where a fish population
26 starts to do really well, and word gets out that something is
27 abundant, and the catches ramp up quickly, and it seems, in
28 today's world, with social media and the internet and all of
29 that, the word gets out a heck of a lot faster now about a good
30 fishery than it used to, and we certainly saw this in the
31 Atlantic a few years back, when we dealt with cobia, where that
32 just exploded in a very short order. The fish were very
33 abundant, the word gets out, and people really will start to
34 target on things, it seems, a lot faster than they did twenty
35 years ago.

36
37 Chris pointed out that we could look at some of the
38 alternatives, such as extraction rates and harvest control
39 rules, which really are just approaches for coming up with ACLs,
40 because underlying, whether it's an extraction rate, or you call
41 it harvest control rule, or you call it an annual catch limit,
42 with regard to a stock assessment coming up with a harvest level
43 of some type that's allowable, there's a fishing mortality rate
44 that's underlying all of those, and so there is some really
45 fine-scale differences, in terms of how you approach these,
46 which I think, in a lot of cases, comes down to things like the
47 accountability measures and how we approach them. Chris set a
48 good stage for the other three presentations, which were giving

1 some examples of some other ways of looking at things.

2
3 Julie Beaty from the Mid-Atlantic Council talked about what's
4 called the Recreational Reform Initiative, and this has been
5 done jointly with the Mid-Atlantic and the ASMFC. It's focused
6 on bluefish and sea bass, and particularly summer flounder, if I
7 recall, and those stocks are all managed jointly between the
8 Atlantic States and the Mid-Atlantic Council, the fish that are
9 significant in both state waters and federal waters.

10
11 Their goal is to come up with a better way to, in their words,
12 to reform recreational management. They want to have more
13 regulatory stability and flexibility and set limits for a longer
14 period of time. Now, to us in the Southeast, we set a lot of
15 limits for multiple years, in a lot of cases even for our
16 assessed stocks, because we go so many years between
17 assessments.

18
19 It's quite a different situation up there in the Northeast. For
20 one, they manage a lot fewer species, and so they can assess
21 fewer species and keep those species up-to-date on assessments,
22 but, for the species that they're looking at, traditionally,
23 these stocks have been assessed every year, and they would get
24 new estimates, of course, for their -- Today, it's their OFL and
25 their ABC, and the council would decide what the limit should be
26 and then decide what recreational measures are necessary to
27 achieve that limit, and so they would go through bag limit, size
28 limit, seasonal evaluations, and look at the past and the catch
29 rates and decide, well, what should those regulations be going
30 into the next year, to ensure we don't go over the limit.

31
32 When you're doing that every year, obviously you end with a lot
33 of changes in your regulations from year to year, and that
34 creates confusion, dissatisfaction, and frustration on behalf of
35 the fishermen, obviously, and that's where they're getting into
36 the idea of regulatory stability.

37
38 They are also finding that they're not going to have the annual
39 assessments of every stock perhaps as frequently as they had in
40 the past, and some may have a longer period, and so they are
41 working in a way of looking at surveys between assessments.

42
43 In our language, I would say that is very similar to the interim
44 stock assessments that Dr. Clay Porch has talked about from the
45 Science Center and that we're working on in both the Gulf and
46 South Atlantic to try and define a way to get there and actually
47 be able to do this, and, if we ever get to some point where
48 we're not dealing with government shutdowns and changes in MRIP

1 and now COVID, I have confidence that the Science Center is
2 going to make more progress on that, but it seems to be one
3 curveball after another for the last several years, since Clay
4 took over at the Science Center, but that's the gist of it. It
5 would be like the interim assessments.

6
7 They are continuing to work on this, and they kind of expanded
8 it quite a bit since the original presentation, and that was the
9 updated document, and the main thing they added was they better
10 incorporated MRIP uncertainty, which is certainly a concept
11 that's near and dear to our hearts, and I think identifying and
12 smoothing outliers, and I'm very interested in what they come up
13 with there, because, we know here in the Southeast, these
14 outliers are an extreme challenge, these swings in recreational
15 catch from one year to the next.

16
17 They have also got the idea of using an envelope of uncertainty,
18 as they have called it, where they wouldn't be looking at simply
19 a point estimate of the harvest, but they would actually account
20 for the range of the estimate, and I think, in that case, you
21 would be bringing in that PSE measurement, which could be very
22 useful, which is not something that certainly in the South
23 Atlantic that we have done very often. It's straight up a point
24 estimate from MRIP.

25
26 They're also looking at using some of the preliminary data, and
27 so, when you're setting the regulations for a couple of years,
28 and you're looking at what's going on -- They might look at say
29 preliminary data from the current year, so they get a better
30 picture of what the actual catch limit is today and the catch
31 per trip is, in case it has changed from the past years.

32
33 Mike Burner came from the west coast, and he gave an example of
34 bocaccio, and it's one of their rockfish species, and they're
35 kind of similar to snapper grouper, in a lot of ways. They are
36 structure-oriented, and they live in deep water. One twist out
37 there is that deep water is very close to shore, and so they
38 have a little different situation, but they had an eighteen-year
39 rebuilding plan, and, as you saw in the presentation, the ACLs
40 went very, very low relative to the historic catch.

41
42 Their annual catch limit was based on an SPR of 77 percent. I
43 mean, that is pretty high. You know, we look at a lot here of
44 30, 20 or 30, and we even get to 40 and start thinking, wow,
45 that's really conservative, but, in a lot of cases, the west
46 coast had been more conservative in approaching these fish, and
47 they have gotten that rebuilt, and, recently, they've taken some
48 starts to start reopening it.

1
2 The main way they went about it was a combination of seasonal
3 closures, geographic-based closures, and depth-based closures,
4 and it's a pretty complicated management system, and I looked at
5 it a number of years ago in great detail for how they've
6 approached the state-by-state differences and the geographic
7 differences, when you go to Washington to say southern
8 California, and they have headboat fisheries, just as we do, and
9 they have for-hire fisheries, and they have private fisheries,
10 and they have a combination of closures that moved along the
11 coast to provide access and manage, I guess, the geographic
12 interest and level of interest in the fish and give everybody
13 some access, while still keeping within those fairly-restrictive
14 limits.

15
16 One big difference between the west coast and the east coast,
17 when you look at particularly setting up geographic latitudinal
18 zones, is access is very different on that coast. There is the
19 rocky shoreline and the steep shoreline, and there is far fewer
20 inlets, and there is far fewer places where fishermen can go and
21 access the ocean, and so I believe, in my mind at least, they
22 don't have as much of a challenge with dealing with the people
23 who would be on the edges of a particular zone, getting the
24 opportunity to take advantage of limits on both sides of the
25 zone, and that always seems to come up in our discussions of any
26 kind of geographical gradient to our seasons, is you're going to
27 have people on the edge of a zone who those in the middle are
28 going to feel have a greater advantage to get at that fishery,
29 and it's much easier, without maybe traveling as far, whether on
30 land or in their vessel, to get the advantage of two potential
31 zones.

32
33 It means we can maybe learn some things from the west coast, but
34 there are going to be aspects of their management system that
35 are just not going to translate as well to our management
36 system, and they also have strict in-season monitoring and
37 management, which certainly is something that we could do, and
38 we have talked about more reporting and things of that nature,
39 to try and get a better handle on what's going on there.

40
41 Then Mike pointed out that they got a great boost from good
42 environmental conditions, and that seems to be common. In my
43 experience with fisheries, a lot of recoveries have come from
44 being in the right place at the right time and getting some
45 fairly reasonable restrictions on a fishery, but the environment
46 working out for you and giving you a really great year class at
47 an opportune time -- I think we've certainly all seen that, from
48 red snapper, and I think we can admit that the good year classes

1 that came along as some management was going in certainly had
2 predated any chance that management could have had to really
3 affect that type of change in the stock.

4
5 One of the great success stories on the Atlantic coast, being
6 striped bass, suffered -- It had the same sort of fate. It had
7 a great year class that came in just a couple of years after
8 some very restrictive management went in, and it really allowed
9 it to kick-start those recoveries, and so you can't underplay
10 the role of the environment in dealing with these fisheries.

11
12 Then, finally, we had Toni Kerns from ASMFC talk about cobia
13 management, and cobia is interesting. It was jointly managed
14 between the South Atlantic and the Atlantic States, and then we
15 recently turned it over fully to the Atlantic States, mainly
16 based on just the predominance of the fishery being within the
17 state waters.

18
19 The general management setup and the specification of the
20 management is very similar to what we would normally do as a
21 council in setting OFL and ABC, and they just broke it down into
22 state-by-state bits, and they had an overall coastwide
23 specification, and they set the limits in three-year blocks, and
24 so, to put this in our language, that would be you would have an
25 ACL each year, and then they evaluate that ACL based on the
26 cumulative conditions over that three-year block.

27
28 Within that, each of the states has a recreational harvest
29 target, and so you took the ACL and divided it up into a piece
30 for each state, and then each state came up with its own season,
31 size, bag, and vessel limits that it thought was appropriate
32 that would keep it within that recreational harvest target, and
33 they keep the regulations in place for three years, and then, at
34 the end of the three years, they are going to look at the
35 average catch during that three-year period against the target
36 during that three-year period, and, if they're over it, then
37 they would need to make an adjustment to their season, bag, and
38 size limits to get them back into compliance, essentially, or
39 get their harvest in line with what's allowable, and, if they're
40 under it, then they may be allowed to perhaps relax their
41 regulations.

42
43 The big difference here is that it's not a moving average, and
44 one of the challenges with a moving average is that one bad year
45 can hurt you for three years in a row, and so, if you've had a
46 particularly high catch, and you did a moving average, that
47 might tell you that you are continuing to pay the price for that
48 three years, as that catch moves through your average period

1 over a period of years, and that was the reason that the South
2 Atlantic didn't go with simple moving averages when we were
3 looking at accountability measures.

4
5 The block takes a little different approach, and you're just
6 looking at that period, and so, at the end of the period, you
7 look back and decide how you did, and then you make adjustments,
8 and then you restart a new period under new regulations,
9 essentially, and I don't see any reason, in looking at the
10 Magnuson Act, why something like that couldn't be used as an
11 accountability measure in a federal fishery.

12
13 It's just kind of a tweak on -- Instead of one year, you're
14 using three years, and you're using a discreet block, as opposed
15 to a moving average, but it seems like something that could
16 work, and so, I think, in terms of coming back to the idea of we
17 have to have accountability measures, but how we manage them is
18 up to the councils, and I think this is one thing that probably
19 deserves a deeper look, to think if it could help some of our
20 fisheries, to provide some stability and perhaps deal with some
21 of that uncertainty in the recreational catch estimates, because
22 you wouldn't be having a knee-jerk reaction if you had say a
23 spike in catch in just one single year.

24
25 The CCC reviewed these, and, essentially, the action was to lead
26 to this working group, and then the CCC is also committed to
27 continuing monitoring items related to the Act, and part of that
28 will be reporting back to them about this working group as time
29 goes on, and they will be interested in hearing what we come up
30 with. I think that wraps it up. Any questions?

31
32 **CHAIRMAN POLAND:** Thank you for that presentation, John. Are
33 there any questions from the workgroup? John, I am not seeing
34 any. I do have not necessarily a question, but just some
35 comments, and so, specifically, for the ASMFC cobia example, and
36 I'm glad that was included, but I was part of that plan
37 development team, and a lot of the issues we were dealing with
38 in developing that plan are very similar to the issues that we
39 deal with in a lot of our council-managed species, and cobia was
40 a council-managed species up until the last couple of years, but
41 issues as far as uncertainty in recreational catch estimates and
42 how to deal with that uncertainty and buffer against that
43 uncertainty against wild fluctuations and wild swings in
44 management measures that impact access.

45
46 As far as the specific measures that we developed at the board
47 and the commission eventually approved, I do feel like it was a
48 step in a good direction, as far as kind of providing a little

1 bit more stability to the fishermen, and I'm certainly not going
2 to say that all fishermen are happy with the outcome of that,
3 but I certainly look at the alternative to the current federal
4 management, and especially when it was still managed by the
5 South Atlantic Council, and there would either be no season or
6 this framework that was developed in the interstate plan.

7
8 I think there is some nuggets there that we can take and kind of
9 mull over and consider moving forward as we move forward in this
10 workgroup process. With that, one last chance. Are there any
11 questions for John before we move on? Spud has his hand up. Go
12 ahead, Spud.

13
14 **MR. WOODWARD:** Thank you, Steve. I just wanted to follow-up on
15 what you said. I was also on that cobia PDT, and I find it
16 particularly interesting what the Mid-Atlantic and the
17 commission are trying to do with summer flounder, black sea
18 bass, scup, and bluefish, in terms of dealing with the
19 uncertainty of the MRIP estimates, because that's the one thing
20 that we have yet to see, is actually how it's going to work out
21 when we get to the end of these three-year periods.

22
23 From the state of Georgia, we've had time periods where we've
24 had zero estimates of cobia harvest, and then it jumps up to
25 200,000 pounds, and so I like the idea of sort of averaging
26 across time with ACLs, but we're still vulnerable to vagaries of
27 the MRIP, and, if there's something that is acceptable that we
28 can use to smooth out and to reject outliers, or figure out how
29 to deal with those outliers, I think it will help us to move
30 towards the goal that we're trying to get to, which is some sort
31 of stability, but yet also be responsive to real changes in the
32 fish population. Thank you.

33
34 **CHAIRMAN POLAND:** Absolutely. Thank you for that, Spud. I see
35 Jessica has her hand up. Go ahead, Jessica.

36
37 **MS. MCCAWLEY:** Thanks, Steve. I just -- I don't really have a
38 question for John, but I was just going to talk a little bit
39 more about the discussion, or the lack of discussion, that
40 happened at the CCC meeting, which was kind of the reason why
41 this workgroup was formed.

42
43 The CCC -- A lot of times, the meetings, just depending on the
44 topic, there isn't a lot of discussion, because some of the
45 councils there don't necessarily operate like the Gulf and South
46 Atlantic Council, and they can't kind of get out in front of
47 their council on particular ideas or actions without taking it
48 back to the council vetting it and then bringing it back to the

1 CCC.

2
3 Based on somewhat the lack of discussion at the CCC venue, we
4 had some conversations, the South Atlantic folks that were there
5 and the Gulf Council folks that were there, and we kind of
6 talked about how we should really work on this together, and we
7 should learn from what each other are working on, or maybe some
8 things that we tried that didn't work, or ideas that we have,
9 and that's really what led to the formation of this workgroup,
10 is we felt like those presentations, the four that John
11 highlighted, there was really good input there, and that future
12 discussions and ideas were needed and that the CCC wasn't really
13 the best place for the Gulf and South Atlantic Councils to
14 really get down in the weeds of what this might look like moving
15 forward.

16
17 That was really how this workgroup came to be, was out of these
18 presentations at the meeting and thinking about how we need to
19 spend more time on this, with the right people, talking about
20 this more, and learning from each other, and we might not
21 ultimately do the same thing.

22
23 The South Atlantic might go one way, and the Gulf might go
24 another way, but just learning more and getting ideas out on the
25 table, because recreational fisheries are huge here in the
26 southeastern United States, and so that's really where this
27 workgroup concept came from, were these discussions, or maybe
28 even the lack of the discussions, that were happening at the CCC
29 meeting, because maybe that wasn't really the right venue.

30
31 **CHAIRMAN POLAND:** Thank you for that, Jessica. I appreciate
32 that background on the genesis of this workgroup, and you raised
33 a very good point that we here in the South Atlantic and the
34 Gulf are very different than the rest of the country, because
35 the recreational sector is such a huge component of all of our
36 fisheries, and most of our fisheries -- The recreational
37 component typically outweighs the commercial component, and so,
38 again, these issues that we deal with might not rise to the top
39 in other areas, and so I appreciate that. I see Dr. Frazer has
40 his hand up. Go ahead.

41
42 **DR. FRAZER:** Thank you, Steve. This question is kind of
43 directed back to John, and that was a nice summary of the
44 presentations that were provided at the CCC meeting, but, in
45 Mike Burner's presentation for the west coast, part of the
46 reason for the success, at least in the bocaccio fishery, and to
47 do with the strict in-season monitoring, and, I mean, that gets
48 to this issue of timely data collection, and I was just

1 wondering, for the benefit of the group, if you could talk about
2 how they actually accomplished that increased monitoring, given
3 the resources that they had, if you recall, and I don't recall.

4
5 **MR. CARMICHAEL:** We can look at that. We have the presentation,
6 and so we could bring that up. That's VI-3, I believe, because
7 I think they might have had a slide on what it meant. They said
8 it was monitored continually, and I don't recall him going into
9 a lot of detail about what that actually meant, and that they
10 tracked catches through their groundfish management team
11 regularly.

12
13 I am not sure if they had -- I am assuming they certainly had
14 reporting systems for their for-hire boats and their headboats,
15 and I'm not sure what it meant for the private guys. You know,
16 they did have VMS on their commercial fleets, certainly, because
17 they have a lot of area-based management, and so that helped.

18
19 **DR. FRAZER:** That was exactly my point, trying to figure out
20 where the bulk of that fishery rested and how much of that data
21 collection was specific to the private rec sector.

22
23 **MR. CARMICHAEL:** I don't recall him getting in that. That's
24 something that we could look at, probably, and just get a handle
25 of how they have approached that on the west coast in general,
26 and it seems, in a lot of cases, they have been more strict and
27 expected more of their fishermen when it comes to reporting kind
28 of across-the-board.

29
30 I think it's borne of fishermen out there are accustomed to
31 doing things like creel cards for catching salmon and calling in
32 their reports of salmon and such, and it's easier to perhaps, in
33 public sentiment, translate that over into some of these other
34 species.

35
36 **DR. FRAZER:** Okay. Great. Thanks.

37
38 **CHAIRMAN POLAND:** Just to add to that, I know, out on the west
39 coast, the amount of recreational participants is an order of
40 magnitude lower than what we have here in the South Atlantic and
41 in the Gulf, and so requiring more of those census-style
42 reporting programs and kind of real-time reporting, and that's
43 probably a little easier to do over there than it would be here,
44 and that doesn't preclude us from heading in that direction, but
45 it's just something to keep in mind. All right. Do we have any
46 more questions from the workgroup for John? Seeing none, we're
47 going to move back to Mr. Russ Dunn, and he's going to just
48 review proposals put forward at the National Saltwater

1 Recreational Fishing Summit. Take it away whenever you're
2 ready, Russ.

3
4 **REVIEW OF PROPOSALS PUT FORWARD AT THE 2018 NATIONAL SALTWATER**
5 **RECREATIONAL FISHERIES SUMMIT**
6

7 **MR. DUNN:** Thanks. I appreciate it. As noted, I've been asked
8 to just give an overview of what the discussion was about. At
9 the time, we referred to it as innovative management, and it was
10 at the 2018 Recreational Fisheries Summit. In recent years,
11 NOAA Fisheries -- Some of you may recall that we've hosted
12 national summits basically every four years, and we did one in
13 2010, 2014, and 2018, and I pray to God that I'm retired or win
14 the lottery before 2022, but we'll see what happens.

15
16 The general approach of each summit, or the general sort of goal
17 really, is to engage and connect with the recreational fishing
18 community to understand existing or emerging priorities and
19 further partnerships, and we do this by, in part, developing a
20 steering committee of engaged recreational anglers to just sit
21 down and help focus our attention on the issues of the day or
22 upcoming issues, which we can hopefully head off before they
23 become an issue.

24
25 In broad brush, the 2018 summit objectives were to share
26 information and identify collaborative opportunities and discuss
27 implementation strategies, and, within those very broad-brush
28 topics were the more specific, focused discussions on innovative
29 management approaches, electronic data collection and reporting,
30 socioeconomics, and conservation actions which could support
31 fisheries stability and opportunities, and so those were the
32 real issues of importance to the recreational community and to
33 NOAA that we looked at at the summit, and we'll just quickly
34 walk through the innovative management approaches discussions.

35
36 There were a series of -- Just to frame the summit a little bit,
37 there were a series of presentations, four presentations, that
38 were made to the summit, and then that was followed by a series
39 of discussions and then a sort of working group of panel
40 experts.

41
42 First up there was Ken Haddad with the American Sportfishing
43 Association, and you can see that Ken put forward a number of
44 different approaches, and they cover a real wide array of
45 concepts, and some of these are fairly well known, harvest rate,
46 depth, distance, tags, et cetera, and some of them, at least in
47 my opinion, aren't actually management strategies. Like,
48 improved angler data, that can support management strategies,

1 new or old, but they don't quite make the management strategy
2 concept itself.

3
4 I will say that it's important to note that Ken was not pushing
5 any particular approach as a cure-all or applicable to all
6 fisheries, but rather he sort of touched on specific potential
7 examples where they either have been or could be applied. For
8 example, with harvest rate, he talked about striped bass.
9 Harvest tags, for example, he noted might be applicable in cases
10 where you have a very low ACL fishery, and I can't remember if
11 he used the example of snowy grouper or not, but something very
12 small like that, and he noted also that, in some instances, it
13 might be appropriate to use a hybrid approach of more than one
14 of these concepts.

15
16 Next up was Alan Risenhoover, who was then Director of the
17 Office of Sustainable Fisheries, and he is now retired, and Alan
18 reviewed some of the management flexibilities within the
19 Magnuson Act and highlighted key changes to the National
20 Standard 1 Guidelines that were implemented in 2016.

21
22 The councils have already applied a number of these
23 flexibilities, as noted in the previous presentation, and, for
24 example, the Mid and South Atlantic Councils have implemented
25 conditional AMs, things like that, and a number of councils have
26 addressed using carryover of quota and defining stocks in need
27 of conservation and management, et cetera, and so he really
28 reviewed what changes had occurred to the National Standard 1
29 Guidelines and the flexibilities therein.

30
31 Next was the South Atlantic Council. The esteemed Mr.
32 Carmichael walked through really various disconnects between
33 application of ACLs and the sort of abundance in boom-bust
34 species, and so, trying to paraphrase John's presentation
35 without mangling it, he basically sort of indicated that the
36 challenge can be that -- One challenge can be that ACLs are
37 based on previous years of data, although they manage fishing
38 into the future, and, when you have a more steady, stable,
39 steady-state species, ACLs can work, because, even though they
40 are backward looking, they do a decent job of predicting what
41 the stock will look like into the future.

42
43 However, with boom-and-bust species, like red snapper, which
44 exhibit dramatic shifts in abundance every couple of years, the
45 backwards-looking assessment has a much more difficult time in
46 predicting what the future will look like, the future of the
47 stock, and that can lead to, in some instances, a real mismatch
48 between the ACL that is in place and the reality of stock

1 abundance that fishermen are experiencing on the water, whether
2 it's much higher or much lower than the ACL, and, when that
3 mismatch occurs, what you can end up with is a situation where
4 you may have high catches in the fishery, which the fishermen
5 view as very positive, but the fishery managers view as a
6 negative, because it may be -- Even though the abundance is way
7 up, it may be well exceeding the ACL, and then you have discard
8 mortality, which complicates, or can complicate, the whole
9 thing.

10
11 I think he put it very well on the left-hand side there, where
12 you see more fish equal more encounters, and more encounters
13 equals more catch of discards, and, in certain situations, that
14 then begets strict regulations.

15
16 To address this, he sort of outlined a few needs, if you will.
17 ACLs need to reflect current stock realities better than they
18 do, in some instances, and managers need a better understanding
19 of episodic recruitment in boom-and-bust fisheries, and there
20 needs to be a better handle on understanding and addressing
21 discard challenges, and I will ask Mr. Carmichael to correct me
22 where I have misstated or mischaracterized his presentation.

23
24 **MR. CARMICHAEL:** You did fine. Thanks.

25
26 **MR. DUNN:** Okay. Thanks. Next was the Alaska Charter
27 Association, with Richard Yamada, who really took the discussion
28 in a different direction, but he continued the look at
29 alternative approaches to management, which can provide
30 additional opportunity and stability in fisheries.

31
32 What he looked at was compensating reallocation. In other
33 words, that is quota leasing or purchasing, and what Richard did
34 was to walk through the history of the Alaska charter halibut
35 fishery and the catch share plan that's in place, and then he
36 spent some time focusing on what was then an evolving tool
37 called the RQE, the recreational quota entity.

38
39 This is an interesting approach, where the quota -- An
40 independent non-profit entity, the RQE, would be developed, and
41 it would then -- That entity would hold quota purchased by the
42 for-hire fleet in a common pool, and so it doesn't go to
43 individuals within the pool, but it is a common pool that is
44 held for the benefit of all the participants, and what that
45 means is, when the common pool had a sufficient amount of quota
46 in it to benefit the fishery, in terms of relaxed regulations,
47 then there would be changes to the fishery, and so, for example,
48 going from a one-fish limit to two-fish limit or something

1 similar.

2
3 Just for an update on that, the RQE concept was adopted by the
4 council a few years ago, and it was approved by NOAA Fisheries I
5 believe this year in regulation, in the Federal Register, and a
6 non-profit was chartered and established with the State of
7 Alaska, and now they have the daunting task of trying to find
8 funds necessary to begin to purchase quota share from willing
9 commercial buyers.

10
11 Those were the presentations that were given at the summit, and
12 next was a discussion which occurred, and it identified a number
13 of challenges and needs. Funding, of course, is always an issue
14 with any given conversation, and this took on a number of
15 different perspectives, from limited research to the disparate
16 funding between regions and basically funding levels which may
17 impact the effectiveness of management.

18
19 The precautionary approach was discussed, from a perspective of
20 the cumulative effect of uncertainty buffers, which may reduce
21 availability of fish for the fishery, and just the general pace
22 of the regulatory or technical process, harvest tags, and
23 administration was discussed, just in terms of the difficulties
24 there of distributing the tags, the price or the cost of the
25 program itself, how it could be done by the states, the feds, et
26 cetera.

27
28 Then angler buy-in was raised by some participants, meaning the
29 willingness of anglers to accept or try new approaches, and
30 discard mortality issues were raised as an issue, in terms of
31 limited knowledge of the real impacts of discards and getting a
32 handle on those.

33
34 Stock stabilization was really referring to boom-and-bust
35 species, like red snapper, and how to get a better handle on
36 understanding the boom-and-bust cycle and then underpinning a
37 number of approaches, where the potential for data needs, which
38 may not be available right now -- Not needs, but the ability to
39 supply data which may be needed for some of these approaches.
40 For example, for harvest rate, the need for more regular or
41 annual indices of abundance or annual recruitment indices and
42 things like that.

43
44 There were a number of solutions that were proffered by the
45 discussions out there, like additional cooperative research
46 partnerships, and expanding outreach was specifically raised to
47 address the issue of potential skepticism of anglers to new
48 approaches. Increased regional or council information sharing,

1 and so trying to set up a mechanism to share information between
2 councils.

3
4 Then data transparency was discussed as an issue which could
5 help with confidence of anglers, although we've seen, I think
6 with MRIP, that more doesn't always improve confidence in data.
7 Sometimes people dig into the data and see an outlier, and it
8 raises more concerns than it answers.

9
10 Pilot programs were suggested as a solution, which, frankly, I
11 think is something that needs to be taken more advantage of, of
12 identifying an appropriate fishery to test out a mechanism, and
13 there was definitely a feeling that region-specific approaches
14 need to be explored, as opposed to a one-size-fits-all, and then
15 encouragement from NOAA Fisheries, and so here you go. You can
16 do it, guys. I know you can. Really, what this meant was
17 participation of NOAA Fisheries, in the process such as this
18 and/or guidance, as necessary.

19
20 The discussions also identified a couple of specific suggestions
21 for councils to explore, and this was done really more on a
22 regional basis, but we can see here that mixed bag limit or full
23 retention, spatial management, temporal management, ecosystem-
24 based management, number of fish versus pounds of fish, a tag
25 lottery, in some cases, and the Pacific Islands were interested
26 in community-based subsistence areas. I believe that brings us
27 to the end of the presentation, and so I'm happy to answer any
28 questions that people may have.

29
30 **CHAIRMAN POLAND:** Thank you again, Russ, and thank you for that
31 official encouragement from NOAA Fisheries. Does anyone have
32 any questions of Russ? To me, a lot of what was in this
33 presentation is really a lot of the meat that we have to chew on
34 for the workgroup.

35
36 I do have one quick question, Russ. All of the examples
37 provided in the presentation, are they, more or less, quote,
38 unquote, MSA compliant, or is that still something that the
39 workgroup and I guess the agency needs to dive into, once some
40 more specifics are identified, to see how it meshes with the
41 current MSA standards?

42
43 **MR. DUNN:** I think the latter. We would have to take it on a
44 sort of case-by-case example. I think, in general, many of them
45 would be, but, of course, the devil is in the details, and so I
46 would assume we have to look at any given proposed action for
47 compliance with MSA.

48

1 **CHAIRMAN POLAND:** Okay. Do we have any questions? I am not
2 seeing any hands raised, and so, again, Russ did provide us with
3 a lot of things to consider. Some of the things that I noted
4 that he pointed out were to consider pilot programs, and I guess
5 this could be done as a trial basis for the council, or even an
6 EFP, just depending on the fishery and what program or what
7 management measures are proposed, from regional approaches, tag
8 lotteries, look at managing by number of fish, as opposed to
9 pounds.

10
11 I know, at our council, the tag issue has come up a few times,
12 and I know Spud Woodward and I both have raised it as something
13 that a lot of sportsmen are familiar with in other natural
14 resources, as far as wildlife and waterfowl, and I know a
15 concern has been raised as far as how does a tagging program
16 mesh with the fair and equitable National Standards and all
17 that, and that's certainly something that I myself am still
18 interested in, and I would need some more answers for that.
19 With that, I do not see any questions for Russ, and so thank you
20 again.

21
22 With that, we're going to move on and receive a presentation
23 from Ms. Kellie Ralston and Mr. Mike Waine, and they're going to
24 review the outcomes of the South Atlantic workshops and regional
25 meetings that I think were conducted a year-and-a-half ago,
26 completed about I guess a year-and-a-half or two years ago.
27 Kellie and Mike, if you're ready, take it away.

28
29 **REVIEW OF OUTCOMES FROM THE SAFMC WORKSHOP AND REGIONAL MEETINGS**
30 **ON ALTERNATIVE RECREATIONAL MANAGEMENT STRATEGIES**

31
32 **MS. RALSTON:** Thank you, Mr. Chairman. This is Kellie Ralston,
33 with the American Sportfishing Association, and I think I know
34 most of you on the committee, and I just really appreciate both
35 of the councils attention to this issue.

36
37 I am actually the Southeast Fisheries Policy Director for ASA,
38 and I am based in Tallahassee. I regularly attend the South
39 Atlantic Council meetings, and I occasionally make it over to
40 the Gulf Council, but most of you probably know Ken Haddad, who
41 also works with us and for us on ASA staff with the Gulf
42 Council, and so, anyway, with that, thank you for the time.

43
44 I will hand it over about halfway to Mike Waine, to really talk
45 a little bit more about some breaking news that is more current
46 than what I am going to present on. This project, as part of my
47 presentation, really was looking at getting angler input on new
48 approaches to private recreational management in the South

1 Atlantic, and, specifically, the snapper grouper fishery was our
2 focus.

3
4 We did a similar project with the Gulf Council, back in 2016,
5 also looking at private recreational management, but
6 specifically focusing on red snapper, and so that was kind of
7 some of the basis for the format that we used, and, really, we
8 wanted to kind of see what the options were in the South
9 Atlantic, given some of the challenges that we've seen there,
10 where many recreational species are data poor, and we have short
11 seasons, or they are rare-event species, those types of things,
12 and so we, ASA and Yamaha Marine Group and the Coastal
13 Conservation Association, all three of us, sponsored this
14 project to work with the council, to get angler feedback on some
15 options for new ways to approach their management.

16
17 A brief overview of the project, and, as I said, we were really
18 looking for angler perspectives on options. Many of the options
19 that I'm going to cover in this presentation have already been
20 discussed earlier, which is great to see, but this will give you
21 kind of the boots-on-the-ground angler perspective, and so the
22 way the project worked is we had an initial workshop with the
23 council itself, back in September of 2018, to really kind of
24 fine-tune what we were going to focus on in our regional
25 workshops that we did in both the fall and winter of 2018 and
26 2019.

27
28 We focused on really trying to have regional representation, and
29 we had workshops in each of the four South Atlantic states, with
30 two in Florida, just given kind of the diversity in that state,
31 and we focused -- We had one in the northern part in the state
32 and one in the southern part of the state, and then, finally, we
33 kind of summarized the presentations at the workshops and
34 brought it back to the council in March of 2019, with some final
35 recommendations, and I would be remiss in not recognizing the
36 efforts of Kari Buck, who is a former South Atlantic staff
37 person, and she really helped facilitate all of this, and I
38 think she did a fantastic job in kind of bringing it all
39 together.

40
41 Also, just a brief overview of what the regional meetings looked
42 like is we typically had anywhere between ten and fifteen actual
43 anglers and/or recreational industry folks there participating
44 in these conversations, where a variety of ideas that we're
45 going to talk about in the next slide were reviewed.

46
47 These are the topics that the council really wanted to hear what
48 anglers had to say, and they were things that the council

1 identified as important options or things that the council had
2 considered or could consider as options for new approaches to
3 recreational management.

4
5 Harvest rate management, John Carmichael kind of alluded to
6 Chris Horton's presentation at the CCC meeting, and harvest tags
7 for certain deepwater species, and we just talked about that a
8 little bit. Talking about seasonal management, either for all
9 snapper grouper species at once or for specific complexes,
10 looking at regional differences in the South Atlantic region,
11 and there's a big difference between North Carolina and the
12 Florida Keys, and all of those are encompassed in the management
13 parameters for the South Atlantic Council.

14
15 Looking at some components that might help in addressing some of
16 these challenges, like electronic reporting and recreational
17 registration and/or stamps, and ways to approach release
18 mortality, and I've got the asterisk by that one, mainly because
19 I'm not going to address that in the rest of the presentation,
20 and the council has already taken action on that, and we are
21 expecting a final rule from NOAA Fisheries to come out any day
22 now, and that would require the possession of descending devices
23 to be ready and rigged for use on all vessels in the South
24 Atlantic, and so that was a great outcome.

25
26 One of the first things that we talked about with each of the
27 groups was kind of what makes a good fishing trip, what are you
28 actually looking for in your management, and anglers really want
29 to catch a lot of fish and keep enough to make the trip
30 worthwhile. Enough fish typically would mean one trophy fish
31 and some to take home in the cooler for dinner, and then also to
32 have sufficient opportunity to go fishing when it best suits the
33 angler, and that could be weekend based, or that could be
34 seasonally based, depending on weather patterns and that sort of
35 thing.

36
37 Some of the important species in the snapper grouper complex
38 were red snapper, of course, which is always the poster child of
39 these conversations, gag grouper, vermilion snapper, black sea
40 bass, and gray triggerfish, and anglers really like to have a
41 variety of things that they can go out and fish for at any given
42 time, mainly to allow them to switch their target species,
43 depending on the given time of year, and so, from that
44 perspective, the seasonality conversations that we had with
45 anglers really kind of highlighted that snapper grouper fishing
46 goes on all year, and there is variation in when that peak
47 season is across the region, mainly because of weather and how
48 far offshore people have to go to get to fishing grounds.

1
2 Some of those, especially towards the northern latitudes of the
3 South Atlantic, are late spring to early fall, but, if you go
4 down to somewhere like West Palm Beach or the Keys, obviously
5 fishing is occurring year-round, and so anglers really want
6 adequate seasons that allow them the flexibility to go fishing
7 on the days that work best for them, and that was really
8 important to them, as far as kind of highlighting their seasonal
9 and regional variation.

10
11 I won't belabor the point about harvest rate management. You
12 can see what the explanation is there, and we've already kind of
13 had this conversation, but I really wanted to highlight that
14 third bullet there, in that, for anglers, they really like
15 things that are reflective -- They like to see management that
16 reflects what they are seeing on the water, and, in their minds,
17 this approach would provide not only stability and
18 predictability, especially if you were using something like
19 three-year averages or whatever to do that, but it also reflects
20 -- It has that direct connection between what anglers are seeing
21 on the water and what they're seeing in management, and that was
22 really important to them and one of the reasons that they were
23 very supportive of the outcomes of this.

24
25 This one, while it might be difficult to do across the board,
26 perhaps picking some of those important species that we
27 discussed earlier, and the photos are on this slide, might be a
28 really useful approach here.

29
30 One of the conversations that came out of the council
31 presentation, when we gave that in March of last year, and John
32 has alluded to it as well, but Clay Porch brought up the idea of
33 interim assessments, and could that somehow supplement that,
34 because it gets at the same goal without maybe not necessarily
35 the same approach, and I think that's certainly something worth
36 considering as we move forward.

37
38 We talked a little bit about harvest tags, and the anglers were
39 actually very supportive of using harvest tags, but only in
40 certain situations, and so one of the things that we saw, when
41 we looked in the Gulf at red snapper harvest tags, and it's been
42 a very popular management approach that's been thrown around as
43 an option, and what we found was that anglers were supportive of
44 the idea, and that it would give them broad flexibility about
45 when they could go fishing.

46
47 However, when they actually looked at what number of tags would
48 be available per angler, it became much less enticing, and so,

1 in looking at harvest tags in the South Atlantic, using them
2 mainly for species where we have low ACLs or where it's
3 naturally low in abundance, and so snowy grouper or golden or
4 blueline tilefish or wreckfish, might be some options there.

5
6 Really, using them to improve data collection, and, in some
7 cases, once you get to that point, to control effort, and so
8 challenges that they saw in implementing harvest tags is really
9 fairness in how to distribute them, and so, if you're using it
10 for data collection purposes, the idea would be that it would be
11 an open access system, but you would have to report, obviously,
12 when you used your tag, and then, also, the challenges of
13 potentially restricting access.

14
15 This was one where we really saw kind of a direct connect
16 between the potential for a pilot program here, and I know Dr.
17 Crabtree, when we presented at the council, said that you might
18 have to actually have more tags than your ACL, simply because
19 not everybody is going to use a tag, and so that might be an
20 option there as well.

21
22 Then, looking at angler registration and reporting, across-the-
23 board, anglers were supportive of either and/or registering for
24 the idea that they were going to go target snapper grouper
25 species, similar, perhaps, to the Gulf Reef Fish Survey, which
26 Florida has implemented, and, basically, it helps to increase
27 the precision of your data collection, because you're focusing -
28 - You're surveying folks that are only targeting the species
29 that you are looking for, and particularly with the offshore
30 species, where MRIP may or may not be able to do appropriate
31 intercepts, it really, really can be helpful, and anglers were
32 really supportive of that.

33
34 They were also supportive of electronic reporting. The South
35 Atlantic Fishery Management Council has implemented the
36 MyFishCount app, and I think that's been in place now for three
37 years, and they've gotten some really helpful information off of
38 it.

39
40 Kind of alongside that, the Marine Fisheries Advisory Committee
41 at NOAA has just implemented a taskforce to look at how the
42 agency can use and/or support electronic reporting for private
43 anglers and basically be able to use those results and
44 incorporate them into management, and so that's another exciting
45 option that's moving forward as well.

46
47 Our final list of recommendations to the council really were to
48 look at the potential for regional regulations, given kind of

1 the differences between North Carolina and southern Florida.
2 There really is an opportunity there, at least from the anglers'
3 perspective, to better fine-tune regulations across the region.
4 Anglers also wanted further exploration of harvest rate
5 management, particularly for high-value snapper grouper species,
6 i.e., red snapper, that that could be a very useful tool, where
7 you're really keeping up-to-date with the latest information.

8
9 Thirdly, looking at exempted fishing permits, or pilot programs,
10 for harvest tags for certain deepwater species, continuing to
11 work with their state partners to establish registration for
12 anglers, targeting of snapper grouper species, and then also
13 looking at some other options for reporting, which the council
14 has actually already begun in Amendment 46, and we're hopeful
15 that they will pick that one up again. With that, I will turn
16 it over to Mike Waine to kind of talk about a new option that
17 he's been working on.

18
19 **MR. WAINE:** Thank you, Kellie, and good morning, everyone. Mr.
20 Chairman, I'm going to talk about a harvest control rule
21 approach that we submitted for consideration to the Mid-Atlantic
22 Council, and I'm just wondering, and do you want to pause for
23 questions on Kellie's presentation, before I move into mine, or
24 would you like me to continue?

25
26 **CHAIRMAN POLAND:** How many slides do you have?

27
28 **MR. WAINE:** I have about ten slides.

29
30 **CHAIRMAN POLAND:** We'll pause for questions, real quick. Does
31 anyone have any questions for Kellie? She provided a list of
32 recommendations that came out of the South Atlantic survey work
33 that they did. I am not seeing any hands raised, and so go
34 ahead and take it away, Mike.

35
36 **MR. WAINE:** Okay. Thank you, Mr. Chairman. My name is Mike
37 Waine, and I'm the Atlantic Fisheries Policy Director for the
38 American Sportfishing Association, and I'm basically Kellie's
39 counterpart covering the Mid-Atlantic and New England regions,
40 and I'm based in Morehead City, North Carolina.

41
42 I'm going to talk today about a recreational management reform
43 harvest control rule approach that we submitted to the Mid-
44 Atlantic Council, and I just wanted to acknowledge some of the
45 other groups that worked with us on this, especially Adam
46 Nowalsky, who is a Mid-Atlantic Council member and also the
47 Board Chair for summer flounder, scup, and black sea bass at the
48 Atlantic States Marine Fisheries Commission.

1
2 Just a quick presentation outline, and I'm going to go over some
3 background about the fishery data and management, and then I'll
4 talk about this harvest control rule approach that we developed
5 and submitted as part of the recreational/commercial allocation
6 amendment that is currently ongoing, and they just completed a
7 round of scoping for this amendment, and so it's pretty early in
8 the process, and you would see that our HCR still needs some
9 development, but we wanted to put this out there, as everyone
10 has been thinking about recreational management reform and how
11 to approach this, and so we thought this was an appropriate time
12 to talk through this.

13
14 Kellie did a great job of walking through the wants and needs of
15 recreational fishermen, and we know those differ from the
16 commercial sector, including the gear types used for harvest,
17 and so let's talk a little bit about the data.

18
19 On the recreational side, we have MRIP data, recreational catch
20 data program, where we've got intercepts that evaluate the catch
21 of anglers coming back to the dock, and then there's a mail
22 survey that estimates the effort component, and those two things
23 are used to estimate catch, and so that's not a complete census,
24 and that's an MRIP methodology estimation process that has
25 uncertainty involved, and then contrast that with the commercial
26 side of things, which typically have trip ticket programs within
27 the states, and the dealers are submitting reports, in most
28 instances, and so, although it's not a complete census, it's
29 about as close as you can get to it, and there's less
30 uncertainty in the commercial data component of the two sectors
31 here.

32
33 Even though we've got very different fishery data collection
34 methodologies and estimates of catch for each of these sectors,
35 both of those sectors are managed with a pound-based quota, and
36 so how does management work? I have simplified this quite a
37 bit, but each state sets measures that are predicted to achieve
38 the recreational harvest limit.

39
40 Then, at the end of the year, we use the MRIP catch estimates
41 against the RHL to determine whether we achieved or
42 overachieved, and then we make adjustments based on that for the
43 following year. As we've heard from many presenters today, that
44 creates some problems, because of the uncertainty and the time
45 lag associated with the MRIP data, and it's a little bit easier
46 on the commercial side of things, because of the data that gets
47 collected, and that tends to minimize accounting problems.

48

1 As most of you are aware, MRIP just went through a revision,
2 where they switched from a telephone survey to a mail survey for
3 the effort component, and, generally, that resulted in higher
4 estimates of recreational catch, all the way back to 1981, and
5 so our stock assessment models interpret that increase in catch
6 as if there were more fish being caught, and there must have
7 been more fish out there, and so we've seen, generally across-
8 the-board, higher ABCs as a result, and so I just threw in an
9 example here for summer flounder.

10
11 In the table, you can see the second column is prior to the new
12 effort survey data being incorporated, and the third column is
13 the revised estimates, or the revised ABC, commercial quota, and
14 recreational harvest limits, with the percent difference in the
15 farthest column to the right, and you can see some pretty
16 significant changes associated with the new effort estimates and
17 what it meant for not only what our commercial quota was, but
18 also what our RHLs were.

19
20 The challenge in explaining all of this to your typical
21 recreational angler is that the measures stayed the same, as
22 opposed to the commercial sector that saw a 62 percent increase
23 in allowable landings, and so some of the anglers were saying,
24 well, if our RHL increased, how come our measures stayed the
25 same, and the answer to that is we're already catching it, and
26 so that has -- It has continued to be a challenge in sort of
27 explaining the drastic changes in the effort estimates.

28
29 As Mr. Carmichael talked about, the Mid-Atlantic Council is
30 exploring recreational management, and so we started asking this
31 question, and so, if we can't manage the uncertainty of MRIP,
32 can you tweak the management system to that uncertainty, and so
33 that sort of set us up for trying to think through how we might
34 approach this differently, and we felt like the allocation
35 amendment that's currently underway was a good opportunity to
36 put this idea out there for scoping and think through the
37 development of it as a potential management alternative in this
38 document.

39
40 The premise of our harvest control rule is that access, or
41 allocation, can be defined for the recreational sector as a
42 combination of size limits, bag limits, and seasons, and that's
43 directly relatable to commercial allocation and pounds, because
44 access can be more or less restricted based on stock condition.

45
46 From history, we know that there are a set of recreational
47 measures and commercial quotas, from least restrictive to more
48 restrictive, under which a given fish population is sustainable,

1 and so this table defines the range of access for each sector,
2 based on extremes of stock condition, and so we're calling this
3 sort of the endpoints, and this is where I will talk more
4 conceptually about the harvest control rule, just to get a
5 better understanding of where we're going with this, and then
6 we'll get into some of the specifics.

7
8 Under a healthy stock condition, on the recreational side, we
9 see the least restrictive measures, and access and participation
10 is maximized, and then there is, obviously, room for growth, and
11 it's similar on the commercial side, and there's the highest
12 quotas, and you see an asymptotic market price, and it also
13 allows for growth, whereas, under a poor stock condition, you
14 see the opposite of that.

15
16 You can see the most restrictive measures, low participation,
17 loss of infrastructure, loss of for-hire businesses, just
18 because the access is not worth it to the individuals
19 participating in the fishery. Then it's similar on the
20 commercial side, lowest quota, there's not enough pounds to
21 justify trips, and loss of shoreside processing, and so this
22 table represents sort of the endpoints of our harvest control
23 rule.

24
25 Here is just a visual conceptual diagram of what our harvest
26 control rule approach looks like, and so on the Y-axis is the
27 access scale, from the least amount of access to the most amount
28 of access, and on the X-axis is the stock status scale, which is
29 measured as biomass over BMSY, and so you can see that, as stock
30 condition improves, access increases, and, as stock condition
31 declines, access decreases, and we've laid this out, this
32 harvest control rule out, in a step-wise function.

33
34 Remember that is very preliminary, and we just submitted this in
35 March for scoping, and there may be more steps needed here, but
36 we just wanted to try to keep this simple, to provide an example
37 of how this would work, but you can see that this would range
38 based on what your stock condition is, where you would have the
39 least amount of access when the stock is in its worst condition
40 and the most amount of access when the stock is in its most
41 healthy condition. The question then is, well, what are the
42 management measures and quotas at each one of these steps?

43
44 What we proposed was, sort of in this analysis phase, was to
45 pull the management history for summer flounder, scup, and black
46 sea bass, pull what the recreational removals data was from
47 MRIP, and try to match some of that management and removals
48 history to stock status in each step, and so we've got this data

1 available to us, as you all know, and it's just a matter of kind
2 of going in and running the analysis, and we expect that that
3 analysis will produce a range of alternatives, in terms of what
4 the recreational management measures and the commercial quota
5 should look like for each step in the harvest control rule, and
6 then, of course, in that analysis phase, we would want to try to
7 demonstrate the harvest control rule through a couple of cycles,
8 yearly cycles.

9
10 We know that -- We talked a lot about this today, and we've got
11 Magnuson requirements, and so we tried to think through some of
12 this, and what about accountability? As we just talked through
13 the conceptual diagram management measure, we would move step-
14 wise through the stock condition, and so there's a possibility
15 to be proactive.

16
17 Like I said, maybe we need more steps in the harvest control
18 rule, or, if between assessments, if indices indicate that stock
19 condition is in continuous decline, then there's the possibility
20 to proactively move to a lower step and then, obviously, we
21 would some review on this approach that would be hardwired in to
22 take a look at how the harvest control rule is operating through
23 time.

24
25 That was just a quick run-through of a really new proposal that
26 we worked with several folks to submit to the council for
27 consideration, and we fully acknowledge that it needs further
28 development, and we fully acknowledge that Magnuson
29 considerations still need to be worked through, but I think
30 we're all kind of along the same lines here of trying to find
31 ways to manage fisheries differently.

32
33 We know that stakeholder involvement in this will be critical,
34 and it will be challenging to define each step of the harvest
35 control rule, and so having stakeholders engaged and involved in
36 providing input in that process is obviously very important to
37 getting the end result, and we just make the claim that the
38 harvest control rule adjusts access, management measures, to
39 stock condition, just like an ACL does, and this approach brings
40 more stability to the fishery and the management process, and so
41 I would be happy to answer any questions, Mr. Chairman, and I
42 really appreciate this group for entertaining a presentation
43 slightly to the north of the range of what you guys are talking
44 about, but I think definitely along the same lines, and so
45 thanks.

46
47 **CHAIRMAN POLAND:** Thank you, Mike, and thank you, Kellie, for
48 both of those presentations. Mike, this is the first time that

1 I've really seen this and had a chance to really digest it, and
2 I just want to make sure that I am understanding at least how
3 this could potentially play out.

4
5 Basically, you get an assessment, or you get some catch level
6 recommendation in the current process, and then you apply this
7 harvest control rule to the recreational sector, basically
8 taking what that catch level recommendation is and breaking it
9 down into size and bag limits and size limits and seasons that
10 would potentially constrain harvest to that catch level
11 recommendation, and it kind of can do that based on different
12 stock levels, and that's kind of where this conceptual diagram
13 of the step-wise approach comes in.

14
15 Then, based off of some type of monitoring time period, if it's
16 determined -- You basically kind of let it ride for a time, and
17 then you compare the performance over that time period and make
18 adjustments as needed, either moving up or down the stairs, and
19 you touched a little bit on accountability, and my mind
20 immediately went to the accountability would simply be either
21 moving up or down that stair-step, but I don't know if that
22 would suffice as an appropriate AM under Magnuson.

23
24 This is interesting, and there's a lot here for the group to
25 kind of mull over and discuss, and I appreciate that
26 presentation. Was my kind of synopsis of that close to being
27 accurate, or was I way off?

28
29 **MR. WAINE:** No, you're in line with our thinking. I guess I
30 would put more emphasis on stock condition driving the
31 determination of management measures and less on catch driving
32 what those management measures should be. We know that -- If
33 you go to Slide 17, which is just the conceptual diagram --
34 Anyway, you've got sort of a range of catch that would likely be
35 associated with a certain step in the harvest control rule, but
36 the focus of this is more on what is stock condition at that
37 step in the harvest control rule and basing management measures
38 off the changes in stock condition versus the year-to-year
39 changes that we see in catch.

40
41 **CHAIRMAN POLAND:** I've got you. I see that X-axis labeled now,
42 and so that makes sense. All right. Does anybody have any
43 questions for Mike or Kellie? All right. I am not seeing any.
44 Again, Mike and Kellie, I really appreciate you joining us and
45 giving us those presentations. That was very useful. John
46 Carmichael just raised his hand. Go ahead, John.

47
48 **MR. CARMICHAEL:** Just one question. Mike, I have been watching

1 this, and I'm very interested in seeing how it works out and how
2 it gets implemented. The one question is have you guys thought
3 about effort, in terms of how it relates to access and
4 increasing access, because, you know, if you look back to the
5 presentation that I gave at the summit, it was acknowledging
6 that, as a stock becomes more abundant, often you see effort
7 increasing, and you particularly see successful effort
8 increasing, and that leads to these situations where most stocks
9 that are recovered have much more strict regulations than they
10 had when they got in trouble, and particularly than they had
11 when we realized they were in trouble.

12
13 I think that's sort of the big wildcard in this, because I agree
14 with the concept being the steps. Dealing with effort, with
15 regard to anglers expectations and attitudes towards what
16 defines access, could be a real challenge.

17
18 **MR. WAINE:** John, I totally agree with you, and, when I was
19 talking to Matt, who is trying to work with what we submitted
20 and think about how to turn it into a workable management
21 alternative, effort was something that definitely rose to the
22 top, and so I wonder -- This is me kind of thinking out loud,
23 but is there a way that we can look at what the effort was
24 through the management history as well, during various stock
25 conditions, and I know that's not a great predictor of what
26 effort will be, but it at least, I think, puts us in the same
27 arena of looking at how effort kind of plays a role in this
28 approach, if that makes sense.

29
30 **MR. CARMICHAEL:** Yes, I think it does, and particularly the
31 percent of successful trips will be really important. I
32 remember Chris Moore making a comment about that many years ago,
33 when summer flounder was very early in making any progress
34 toward recovery, and pointing out that the recreational catch
35 will probably go over when the average fisherman catches a
36 flounder and not when they start reaching the bag limit, which
37 at that time might have been like five, or seven, and people
38 were catching, on average, one.

39
40 It was like, when the average guy starts to catch two, we're
41 going to be in trouble, and I think that's what we tend to see
42 quite often, and so that's where the effort, and the successful
43 effort, to me, is probably the key to this thing. I hope you
44 guys can work it out, because I think, conceptually, it adds a
45 lot of promise, in terms of giving fishermen some clarity and
46 really tying things back to stock condition.

47
48 **MR. WAINE:** Thanks, John. I totally agree.

1
2 **CHAIRMAN POLAND:** Thanks. Good points raised, John. I see Roy
3 Crabtree has his hand raised. He's not a member of the
4 workgroup, but I'm going to let him --
5

6 **DR. CRABTREE:** Just kind of building a little on what John was
7 talking about, if you look at a population, typically, to get
8 the population at very high levels, it would require very low
9 fishing mortality rates, and so the implication of that, to me,
10 is less access and not more, and I think what we've actually
11 seen, red snapper being a textbook example, but I think there
12 are many of them, is, as the stock status improved, the
13 regulations got more restrictive, and access was limited, and so
14 I think that's part of it that you have to look at.
15

16 The other part is we talked a little about effort, and I think
17 more in terms of the capacity of the fleet to catch fish, and
18 so, in the recreational fishery, you have basically an unlimited
19 amount of effort, but you've also got to look at the technology
20 that's available and the boats that are being used, and all of
21 those have a tremendous impact on how good people are at
22 catching fish, and I would argue that what you've seen over the
23 past twenty to thirty years is an exponential increase in how
24 good recreational fishermen are at catching fish.
25

26 With bottom finders, GPS, and boats now that can do fifty miles
27 an hour, and you can go on the internet and learn how to fish
28 for anything, and all those things tremendously increase the
29 capacity of the fleet, and the productivity of the stocks aren't
30 changing, and so it's not at all surprising that access is
31 becoming more and more restricted, and it seems inevitable to me
32 that that's the case.
33

34 Then I think the other part of the management regimes that you
35 have to look at are programs, for example, that put out large
36 amounts of artificial reef material, like we've seen in the Gulf
37 of Mexico, which effectively increases catch rates and further
38 reduces access, because it means the catch levels, however you
39 define them, are going to be reached much quicker, and so I
40 think it's a good presentation, and I'm glad to see the lines
41 you're thinking about, but I think you've got to pull into it
42 that things may in fact get more restrictive, and access may
43 become more of a problem as the stock recovers, and somehow we
44 have to deal with the capacity of the fleet to catch fish,
45 because, if it gets too out of line with the productivity of the
46 stock, it's inevitable that you're going to have these problems
47 and limited access.
48

1 **CHAIRMAN POLAND:** Thank you for those comments, Roy. You raised
2 a pretty good point that the size of pie isn't changing, but,
3 when more people are coming into the kitchen and wanting a piece
4 of the pie, then you very quickly -- You run up against a
5 scenario where not even one fish gets split, and the inevitable
6 conclusion of that is restricting effort and restricting access,
7 which is something I don't think anyone wants to do, but that is
8 kind of the upper bound of the reality.

9
10 Does anyone have any more questions for Mike or Kellie? I am
11 not seeing any hands raised, and I'm going to propose another
12 five-minute recess, so we can all take care of our biological
13 needs and freshen up our coffee. Again, thanks, Mike and
14 Kellie, for those informative presentations. We will be back at
15 11:23.

16
17 (Whereupon, a brief recess was taken.)
18

19 **CHAIRMAN POLAND:** All right, everyone. I have 11:24. We're
20 going to jump back into it, and I think we have one more
21 presentation left, and then we'll get into developing our
22 workgroup charge and workplan, and so the next presentation we
23 have is a presentation from Ryan, and he's going to give us some
24 information on potential candidate species for alternative
25 management strategies. Take it away whenever you're ready,
26 Ryan.

27
28 **CHARACTERISTICS OF POTENTIAL CANDIDATE SPECIES FOR ALTERNATIVE**
29 **MANAGEMENT STRATEGIES**
30

31 **MR. RINDONE:** Thank you, Mr. Chair. This won't be a
32 presentation, but this is more just a discussion with you guys,
33 to try to get your brains warming up to this, and we'll talk
34 more about this at our next webinar, also.

35
36 When we're thinking about what sorts of species we might
37 consider for alternative management strategies, we think about
38 some of the things we've heard so far about perhaps using tags
39 for species of low occurrence, or infrequent interaction, with
40 anglers that have lower ACLs, and we might think about applying
41 harvest control rules or managing using exploitation rate for a
42 species like say red snapper, or higher-value species, and just
43 thinking about what sorts of tools we might try to apply to
44 which species.

45
46 Another consideration might be the probability of success of
47 applying any of these tools and what effect that might have on
48 the council's respective ultimate obligations to the Magnuson

1 Act, as far as making sure that overfishing is prevented, and so
2 an idea might be -- Like say, for the Gulf, landings of Spanish
3 mackerel in the Gulf are generally well below the ACL, and so,
4 if something interesting were tried with Spanish mackerel, and
5 let's say it didn't work out, the risk of exceeding the ACL
6 would be low, and so the subsequent need to end overfishing
7 would probably not occur for a species like Spanish mackerel,
8 but, if something novel were tried for a species that the ACL
9 was being landed already every year, and harvest ended up going
10 beyond that, the councils would still be -- The council or
11 councils, depending on the species, would still be obligated to
12 end overfishing the next year, and so that's just something to
13 think about.

14
15 I kind of wanted to encourage you guys to kind of go back and
16 forth and talk amongst yourselves about what sorts of things you
17 guys might look for in a candidate species for trying some of
18 these proposed novel approaches.

19
20 **CHAIRMAN POLAND:** Thank you for that, Ryan. Do we have any
21 questions or any comments from any workgroup members? Go ahead,
22 Susan.

23
24 **MS. BOGGS:** Thank you, Mr. Chair. Sitting and listening to all
25 of this today, I think we've already tried this in the Gulf of
26 Mexico, and that was in 2014 and 2015 with the pilot program
27 with the headboats, the Gulf Headboat Collaborative, and it was
28 based on numbers of fish, and it reduced mortality by 50
29 percent. We had real-time reporting, and you had a variety of
30 harvestable fish, because we had snapper and gag grouper, and it
31 was more stable for the fishery and the fishermen.

32
33 We were able to fish when the weather was good, when the
34 customers were here, and, in the Gulf of Mexico, Roy brought up
35 the capacity of the fleet, and we are under a moratorium with
36 the charter fleet, and so we've already addressed that in the
37 Gulf, and so we've tested this in the Gulf, and we have an
38 amendment that's been tabled, postponed, in the Gulf that
39 addresses this, and, from everything I'm hearing today, we've
40 got something already ready. Thank you.

41
42 **CHAIRMAN POLAND:** Thank you, Susan. I am not real familiar with
43 that, and I would love to dive into that and look a little bit
44 more. Do we have any other comments? Ryan touched on a few
45 things, as far as tags and potential species where tags might be
46 appropriate, and he also mentioned stocks close to or exceeding
47 ACLs, and our hands are a little bit more tied in those
48 scenarios, and I see Chester has his hand up. Go ahead,

1 Chester.

2
3 **MR. BREWER:** With regard to tags, the one that comes to my mind
4 immediately is goliath grouper, but we don't manage them, but
5 certainly, with regard to like the blueline tilefish and
6 snowies, and some of these really, really deepwater species,
7 that might be an area where you could try to put a program in
8 place through an exempted fishing permit.

9
10 The question in my mind is who would it administer it? Would it
11 be the council, or would it be the states? The states, I don't
12 think, are going to have any great appetite to administer any
13 new programs, and so I think that it would probably fall to
14 either the council or the National Marine Fisheries Service to
15 apply for the EFP and then to administer the data that's
16 generated, and, with that, I will mute myself.

17
18 **CHAIRMAN POLAND:** Thanks for that, Chester. You mentioned
19 appetite to handle that, and I certainly don't expect that NOAA
20 Fisheries will have a lot of appetite either to add that, but, I
21 mean, certainly it's a viable option moving forward, and we've
22 been tasked with fleshing these out and putting them forward,
23 and we've got acknowledgement of cooperation, but, as far as an
24 EFP and potential species, you mentioned blueline, and I can't
25 remember if you said snowy or not, but, at least in the South
26 Atlantic, those seem like two appropriate species to try it out.
27 I see Mel Bell has his hand up. Go ahead, Mel.

28
29 **MR. BELL:** Just a little bit more about the tags, and we've
30 certainly discussed that quite a bit, and it's a fairly simple
31 kind of mechanical fix, in a way, in that, if you can identify
32 certain species, like perhaps those in the deepwater grouper
33 complex and all, where you have ACLs that occasionally we might
34 blow through at a couple hundred percent or something, that sort
35 of puts that on a level of like big-game hunting or something,
36 or like alligator or bear or moose in Maine or something, but,
37 as you mentioned, when we talk about who manages it and how do
38 you distribute the tags and that sort of thing -- I will say,
39 from the state perspective, years ago, when we were discussing
40 all of this at the council level, we engaged our licensing and
41 permitting people, or our agency, and they can certainly very
42 easily administer a tag program, and we have all kinds of things
43 that we administer, and it's pretty simple, administration-wise,
44 from just producing the tags and issuing them to people that are
45 qualified or whatever.

46
47 It could perhaps be a state-federal partnership kind of thing,
48 where the states may be -- They could be engaged in doing some

1 of the grunt work for the actual tags themselves, but then how
2 many are printed and who they issue them to, that's where it
3 kind of gets interesting, because we talk about, once you set
4 the number, you have to have some more, and then how do you
5 decide who gets them, but I think tags, for certain species that
6 we could identify, is a fairly simple concept. Maybe it's kind
7 of a low-hanging fruit with some of this, or maybe it's more
8 complex than I'm thinking.

9
10 **CHAIRMAN POLAND:** Thanks, Mel, and I certainly agree that it's
11 probably a low-hanging fruit, and it's certainly something that
12 we can include in our work moving forward, and, as far as states
13 administering it, I know my state already administers tags and
14 permits through the Fish and Wildlife Service for the National
15 Wildlife Refuges and that kind of stuff. I see Spud and Martha
16 have their hands up. Go ahead, Spud.

17
18 **MR. WOODWARD:** Thank you. Just to follow-up on what Mel talked
19 about, we have discussed the concept of tags for years, and one
20 issue that we do have to consider is that, if you want to place
21 this responsibility on states -- You know, every state's
22 governance structure is different. If you want to create
23 something, like a new license or a new permit, in the State of
24 Georgia, that requires legislative action, oftentimes, and you
25 bog things down into a political situation, where it's highly
26 uncertain for an outcome.

27
28 The other thing too is, when you have small ACLs that you want
29 to turn into some sort of number of tags, and then this -- How
30 do you equitably distribute opportunity, so that people in North
31 Carolina have a chance, like people in the Florida Keys -- Now,
32 some of this would be sorted out by the distribution and the
33 availability of the fish, but there is -- Tags are simple in
34 concept, but I think they can be really challenging to actually
35 apply in a way that is perceived to be fair and equitable.

36
37 In the big game world, the State of Montana sets the number of
38 tags for elk, and they do it autonomously within the bounds of
39 their state, and, yet, we're talking about a region that covers
40 1,300 miles or so in the South Atlantic.

41
42 **CHAIRMAN POLAND:** Following up on Spud's comment, and I will get
43 to Martha and Jessica, but that question on fair and equitable
44 is certainly something that I see within the scope of our work,
45 to really dive into and flesh out and address, to kind of answer
46 some of those questions. Next up, I've got Martha, and then,
47 after that, I have Jessica. Go ahead, Martha.

48

1 **MS. GUYAS:** Thanks, Steve. I guess, getting back to Ryan's
2 question, to me, I think, whatever species we proceed with here,
3 it really depends on what our goal is going to be, or what we're
4 really trying to accomplish, and so, thinking back to this ask,
5 I mean, the whole point is expanding recreational fishing
6 opportunities, and so this may be something that we could test
7 on something like Spanish mackerel.

8
9 We don't, in my mind, have a lot of limitations, compared to
10 other things, and so, I mean, it's open year-round, and it has a
11 fairly liberal bag limit, and so I feel like that question
12 really depends on what it is that we want to test, and I think
13 we'll need to evaluate what our specific limitations are for
14 those fisheries, albeit whether it's a small quota or that kind
15 of thing, and so I guess it may make sense to address our
16 overall charge and kind of talk about big picture before we
17 drill into species, or even, I guess, some of the approaches
18 that we would want to take, like tags. Thanks.

19
20 **CHAIRMAN POLAND:** Thank you for that, Martha. I tend to agree,
21 and maybe the group kind of needs to step back and just kind of
22 throw out some general what do we want to see out of this, and,
23 really, that relates back to the agenda item that we moved to
24 directly after this one, and so, Ryan, I don't want to put words
25 in your mouth, but I kind of got the sense that your intent for
26 this agenda item was for us just to throw out some species and
27 potential management strategies that we can further investigate
28 and then kind of drill into a little bit more, or am I off-base
29 on that?

30
31 **MR. RINDONE:** That would be a pretty solid goal for this
32 particular item, but if all that we got out of this was that we
33 got you guys thinking about it a little bit and thinking
34 critically about which species might be better candidates and
35 what sorts of things you might want to try with certain species
36 or species complexes, then I would still think that a win, in
37 terms of making progress.

38
39 I'm certainly not expecting you guys to be proposing to the
40 councils at their next respective meetings that, hey, let's do
41 this with that, and so, like Ms. Boggs said, there's been the
42 headboat project that went on in the Gulf, and, in the South
43 Atlantic, you guys have talked a lot about tags, probably as
44 much or more than we have in the Gulf, and so everybody has
45 toyed with different ideas for different things.

46
47 I know that, in the Gulf, we're trying to apply the use of the
48 interim analyses from the Southeast Fisheries Science Center

1 more frequently, and that can allow for more responsive changes
2 to annual catch limits, and so perhaps the Gulf might think, at
3 some point, about a way to add a little bit more -- Make that
4 process a little bit more automatic, in terms of how the ACLs
5 are updated following an interim analysis, and maybe that would
6 be something the South Atlantic would want to consider, also.

7
8 I am just throwing spaghetti at the wall, to see what sticks,
9 but, again, we don't have to leave this particular item with
10 let's do this strategy with this species. This is more to get
11 you guys thinking about it for the next time, to work towards
12 that goal.

13
14 **CHAIRMAN POLAND:** Thank you for that, Ryan. Jessica, I see you
15 still have your hand up. Go ahead.

16
17 **MS. MCCAWLEY:** Thanks, Steve. I guess I was trying to respond
18 to Ryan's original question also, and I do kind of agree with
19 Martha that I'm wondering that, if we come up with our goal, and
20 then back up and talk about the particular species, but I guess
21 that another thing that I'm kind of coming away from this with,
22 which I guess we will need to address at a future meeting, and
23 Ryan just brought it up, is things that either are in the works
24 or that we've already done.

25
26 You just heard Susan talk about this headboat cooperative, and
27 Ryan brought up the interim analysis and how ACLs might be
28 updated, and another thing, another factor at play here, is, on
29 the Gulf side, you have some state data collection systems in
30 place that are either supplementing MRIP or in place of MRIP,
31 and we don't really have that yet in the South Atlantic.

32
33 I see that as an opportunity on the South Atlantic, as well as a
34 limitation of what we might consider, moving forward, but, yes,
35 there are a number of these tools that I would like to consider,
36 but I am wondering if, yes, we need to figure out what our goal
37 of this group is going to be.

38
39 I can also think of a list of items that I would like to see at
40 our next meeting, a little bit more about the data collection
41 systems in the Gulf, the interim analysis, more about the
42 headboat EFP, and things of that nature, but I would like to --
43 Thinking about the tools, I would like to think about the
44 conditional accountability measures, and I would like to think
45 more about harvest rate management and harvest control rules,
46 phasing in catch level changes, quota carryover, and I would
47 like to continue having discussions on those things at future
48 meetings, those particular tools, and then what species they

1 might be applicable for, and those are just a few, and I will
2 stop there.

3
4 **CHAIRMAN POLAND:** Thank you, Jessica, for that, and I really see
5 that as something that we can get out of this particular agenda
6 item right here, as far as things that we wanted to look at, and
7 I'm trying to jot down everything I've heard, not only from you,
8 but from everyone else, and it seems like we've already got a
9 pretty hefty list of other mechanisms to investigate, as well as
10 potential strategies to investigate further, and does anyone
11 else have anything to add to that list?

12
13 Again, we talked a little bit about, or quite a bit about,
14 tagging, and we have received a lot of information from a lot of
15 people at this meeting, and Mike Waine did a pretty good job of
16 presenting us with a new concept that ASA has developed, and
17 we've got all the information that Kelly presented from the
18 South Atlantic, canvassing snapper grouper fishermen, as well as
19 some information from the recreational fishing summit, with
20 other potential strategies, and so, I mean, the way I see it,
21 all of that is on the table right now, and we don't necessarily
22 have to narrow down on everything we want to consider moving
23 forward and throw the rest out, but certainly we can throw some
24 of those out that we might want a little bit more information
25 on, or do a little bit more digging, so we have some material to
26 discuss at our next meeting. I've got a list of hands up, and
27 so we'll go to Martha.

28
29 **MS. GUYAS:** Thanks, Steve. I think it would be beneficial for
30 us, thinking back to Russ's presentation, and he had the list of
31 tools that are being used by the South Atlantic and Gulf
32 Councils now, and I think it was -- I am trying take notes, but
33 there was the extraction rates, fishing mortality rates,
34 conditional AMs, and Jessica just talked about that, and then we
35 talked about the interim analyses, but I think it would be
36 helpful to talk in detail and give specific examples of where
37 the councils are using them now and how they may or may not be
38 successful in I guess expanding opportunities for recreational
39 fishing. Thanks.

40
41 **CHAIRMAN POLAND:** Thank you, Martha. I see Ryan is getting back
42 to that. We've got extraction rates, fishing mortality rates,
43 AMs, annual assessments, the possibility of annual assessments,
44 and so I think all of that is fair game for us to put on the
45 list, the crib sheet, and kind of discuss the various merits of
46 each, and I say we go ahead and put that on the list for the
47 next meeting, to dive a little bit more into those specific
48 examples.

1
2 **MR. RINDONE:** I am just making sure that I have a good list
3 going, and so the things that are on this particular slide plus
4 mentioned were the interim analysis process, state data
5 collection programs, the headboat collaborative program, and
6 carryover and phase-in, and we can either speak to these or we
7 know the people that can, and we can get them involved, who can
8 speak to these different items, and so I think the --

9
10 **CHAIRMAN POLAND:** Conditional accountability measures and just a
11 little bit more flexibility in --

12
13 **MR. RINDONE:** Okay.

14
15 **CHAIRMAN POLAND:** I know the South Atlantic Council has had them
16 in now for a couple of years, where we've looked at being a
17 little bit more flexible with AMs and how AMs are triggered in
18 the recreational sector, and I know South Atlantic Council staff
19 can give a presentation on that, and, just real quickly, we're
20 looking at incorporating some measure of error, PSE, around
21 recreational catch estimates and using that error threshold as a
22 trigger, or a non-trigger for accountability measures. Next up,
23 we've got Chester.

24
25 **MR. BREWER:** I put my hand down, and Ryan sent it out, and so
26 did Jessica, and so I am muting myself.

27
28 **CHAIRMAN POLAND:** All right. Thank you. Dr. Frazer, go ahead.

29
30 **DR. FRAZER:** Thanks, Steve. Again, I just wanted to touch on a
31 couple of points, and the first one was made by Martha, and it
32 talked about that we need to identify goals, and she gravitated
33 to the kind of accessibility or access goal, but, when you think
34 about what was common throughout the presentations, there are
35 the goals of stability and flexibility in the programs as well,
36 right, and all of those goals aren't necessarily achievable in
37 the same direction, right, and so you have to think about what
38 the relative importance, perhaps, might be going forward.

39
40 I think we need to spend some time on that, and then, also,
41 Jessica touched on the issue of data collection, and I think
42 everybody understands that that's a big issue, and a lot of the
43 discussion today is how do we deal with the uncertainty in MRIP
44 data, for example, and one way to turn that question around is
45 to probably say, well, how do we increase the certainty in the
46 data, and what investments are needed to do that, and is there a
47 cost-benefit ratio in that approach, and so those are just a
48 couple of things that I wanted to make sure that were on the

1 list moving forward, and so I will put my hand down and move on.
2 Thank you.

3
4 **CHAIRMAN POLAND:** Thank you, Tom, and I certainly like the
5 suggestion, as far as approaching this from a cost-benefit
6 approach, and I feel like we have really expanded quite a bit on
7 this, in kind of taking Martha and Jessica's recommendation to
8 maybe move on and talk a little bit about what our goal for this
9 workgroup is, what product are we trying to produce, and so
10 let's go ahead and move into that discussion, and then, after
11 that discussion, or during that discussion, if we have any more
12 ideas, or any more items, to add to this list, we can certainly
13 circle back and touch on them.

14
15 Does anyone have any thoughts, any ideas, on what a good goal or
16 mission statement for this workgroup should be? Just, at a
17 very, very high altitude, I see this as us, by the end of this,
18 coming up with some type of -- Not necessarily a guidance
19 document, but some kind of list of here are some other ways to
20 manage recreational fisheries under Magnuson requirements that
21 are either not utilized now or are not utilized fully, and that
22 may help us better respond to management needs in some of our
23 more complex recreational fisheries. Chester, I see you have
24 your hand up. Go ahead.

25
26 **DEVELOP A WORKGROUP CHARGE AND WORKPLAN AND TIMELINE**

27
28 **MR. BREWER:** Thank you, sir. I will go ahead and throw out some
29 stuff that I would like to see come out of this, and then Tom is
30 right that I think we could probably go through and have
31 everybody throw this stuff out, at least what they think is
32 important, or what we want to have happen, and then maybe we can
33 rank them, and we don't have to rank them today, but, maybe at
34 the next meeting, we can rank them, but I think it would be
35 important to start throwing stuff out.

36
37 The stuff that I would like to come out of this would be greater
38 accessibility for recreational fishermen in the red snapper
39 fishery, and next would be stability of management, and what I'm
40 trying to get at is that we would have somewhat similar seasons
41 and whatnot as we go through year-to-year, and so stability of
42 management on a yearly basis. No more in-season closures, and
43 that kind of goes along with stability, and that's all the big
44 ones for me right now. Thank you.

45
46 **CHAIRMAN POLAND:** Thanks, Chester. As far as no more in-season
47 closures, I don't know if that's something that we can outright
48 avoid. Sometimes the stock status requires it, and it requires

1 it, but maybe modify that language to say something to the
2 effect of avoid in-season closures or reduce the occurrence of
3 in-season closures, something like that, but I just don't think,
4 in fisheries management, there's any way that we can take that
5 ultimate tool out of the toolbox, as far as just harvest.

6
7 **MR. BREWER:** Steve, you're right. You're absolutely right,
8 because I said no more, but what I was really thinking of was
9 lessening the use, lessen the use of in-season closures, but
10 avoid in-season when possible works too.

11
12 **CHAIRMAN POLAND:** Jessica, I see you have your hand up. Go
13 ahead.

14
15 **MS. MCCAWLEY:** Thanks. A couple of things. I just wanted to
16 bring up items that Martha and Tom brought up, just to make sure
17 we capture those, and I also agree that I feel like we're just
18 kind of scratching the surface this time, and we probably need
19 to get into this more at the next one of these meetings and
20 flesh this out more, so that we have kind of an overall charge,
21 but one of the ones brought up by Martha was expanding fishing
22 opportunities.

23
24 Also, I believe that Tom brought up dealing with MRIP
25 uncertainty, and then he also brought up flexibility, and I
26 think that he meant flexibility in management techniques, is
27 what I think he meant, but I don't want to just speak for him.

28
29 **DR. FRAZER:** I did. Thank you.

30
31 **CHAIRMAN POLAND:** Thank you for that, Jessica. I see that Ryan
32 has captured it. Any other ideas? Any other comments from the
33 workgroup? All of these are good stuff. Go ahead, Kevin.

34
35 **MR. ANSON:** Based on some of other comments from the group, and
36 I'm a little hesitant saying this, but improve data collection,
37 and I say that going along the lines of what Dr. Frazer had
38 mentioned relative to the MRIP uncertainty, and so there might
39 be opportunities, some of those low-hanging fruit or easier
40 species ones that Kellie Ralston had mentioned from her
41 experience working with the recreational anglers, was some of
42 those that don't have a high ACL, or there's lots of catches of
43 those.

44
45 Maybe we can just apply a harvest tag that wouldn't be
46 necessarily tied to an ACL, but at least just to an opportunity
47 to record the landings, and we've got to do what we've got to
48 do, and we have to roll up our sleeves and do the dirty work,

1 but, if we roll out some of these programs, and they result in
2 reducing fishery access, based on the data that's collected, I
3 think that would -- It wouldn't go a long way in trying to help
4 sell that to anglers for any additional data collection, and so
5 that's just one thing that I would like to add to that, is if we
6 can somehow improve data collection.

7
8 **CHAIRMAN POLAND:** Thank you, and you touched on something else.
9 Evaluating these, once they're rolled out, is certainly -- As
10 you mentioned, some of these could potentially lead to less
11 access, and that's something that we also need to be aware of
12 and consider of any potential changes we do, is that a lot of
13 this is kind of untested, uncharted waters, and we need that
14 feedback loop to evaluate if they're working. I see Mel has his
15 hand up. Go ahead, Mel.

16
17 **MR. BELL:** You touched on that a little bit, and I think, in all
18 of these things that we're talking about, we need to be aware
19 that public expectation, the outcome of it, may not look exactly
20 as they had imagined, perhaps, and a good point would be -- The
21 increasing access, well, if you're trying to -- It's a balance
22 of access versus how much access, and so I think, with any of
23 these, we need to keep in mind that there is going to be
24 tradeoffs, and folks need to be aware of that, and so,
25 obviously, keeping the public engaged in this as we go along
26 would be essential, but, in perhaps an ever-increasing number of
27 fishermen out there, then that's going to automatically,
28 perhaps, drive a situation where there are more fishermen, but
29 fewer fish, or less time access to -- Because we're not able to
30 make more fish. Just I think we need to keep that in mind with
31 any of this as we move forward with it, is managing public
32 expectations and clear communication with folks.

33
34 **CHAIRMAN POLAND:** Good point, Mel, and certainly, when we
35 discuss at the councils, both councils, there's an opportunity
36 for public input, but, maybe when we get a little further down
37 the line in our workplan and our timelines, maybe add in some
38 opportunity for some direct public input and some form of
39 scoping, or something along those lines. Ryan, I see you that
40 you have something to say.

41
42 **MR. RINDONE:** Yes, and thank you, Mr. Chair. Kevin, your
43 comment about improving data collection, is that mostly directed
44 at fishery-dependent or independent sampling or both?

45
46 **MR. ANSON:** I was thinking mostly of fishery-dependent
47 information at this point, but I don't know. We could think
48 about it in terms of fishery-independent too, I guess.

1
2 **MR. RINDONE:** I know we don't ever want to say this or not that,
3 and we want to say, yes, let's get it all, but I just wanted to
4 get some clarification there.

5
6 **CHAIRMAN POLAND:** That's a good point that you raise, Ryan,
7 because some of the different strategies that we looked at
8 earlier today were really focusing on also improving timeliness
9 of fishery-dependent information and different surveys that
10 could be used to kind of track stock dynamics in between
11 assessments, and so certainly I think that is a good addition to
12 our charge, to potentially identify what those surveys are, or
13 potential surveys, that could eventually lead us to
14 incorporating some of these management strategies into our
15 management. Chester, did you want to speak?

16
17 **MR. BREWER:** Mel said most of what I was going to say with
18 regard to outreach, but I think we might add a little bit to
19 that line and say something like "and strive for high levels of
20 public buy-in". Thank you.

21
22 **CHAIRMAN POLAND:** Certainly, Chester, if you can figure out the
23 magic bullet to ensure everything we do gets public buy-in, I am
24 certainly interested in that, and that's a high bar to set, but
25 I appreciate it.

26
27 **MR. BREWER:** Well, you've got some folks sitting in this room
28 listening right now that can go a long way toward having a high
29 level of buy-in, by explaining what's going on and why it's
30 going on and why certain things are necessary, and so I don't
31 think it's impossible, but I do think it's something that we
32 should be striving for.

33
34 **CHAIRMAN POLAND:** I agree. It's something we should always
35 strive for, and I appreciate that. It's after twelve o'clock,
36 and we were only scheduled to go until noon, and we haven't
37 really touched on yet our workplan or timeline, and I am a
38 horrible judge of timeline, and I would never make a good
39 contractor, because I would always not build in enough time, but
40 I certainly foresee this -- I think, within the next year, we
41 can certainly develop a good product and have this presented to
42 both the councils and start incorporating some of these ideas
43 into management, and certainly speak up if you think that's a
44 little too audacious of me. All right. Jessica, go ahead.

45
46 **MS. MCCAWLEY:** Thanks, Steve. I guess that, sure, I would love
47 to strive to work on a year, but I'm also, I guess, thinking
48 about when the next one of these meetings, which will probably

1 end up being a webinar, will be. I'm wondering if we could make
2 a goal of, in the next three to four months, to try to do
3 another one of these webinars.

4
5 **CHAIRMAN POLAND:** I think that's certainly doable. I would
6 certainly err on the side of as soon as possible, but I know
7 both councils have their meetings coming up in June, and then,
8 just given the added complexities that COVID has added to
9 everyone's work schedules, it might not be possible to get
10 something scheduled until later on into the summer, or the
11 beginning of fall, and I see Ryan has kind of put up an
12 August/September range, and I certainly think that's kind of
13 square in the sights of when we can meet again. Mel, did you
14 have a question or a comment?

15
16 **MR. BELL:** It was basically just kind of what you and Jessica
17 both touched on. You know, in trying to build a timeline, you
18 building towards something, you can start building from either
19 end. If you wanted to throw out kind of the date certain of
20 when we would need to report is a year, and that's one option,
21 and then you work backwards and see what you need to do, but I
22 think Jessica's approach to we could just get another meeting
23 under our belt, and maybe things are a little more congealed,
24 and then maybe we can worry about setting that report-out date
25 later. That's just two different ways of doing it, whatever the
26 group feels most comfortable with, but I guess it would be great
27 to do it in a year, but there's a lot of stuff going on right
28 now too, and so I wouldn't want to necessarily hold our feet to
29 that.

30
31 **CHAIRMAN POLAND:** I certainly don't want to send the end-all
32 date too short, where we rush this, and I feel like we need to
33 take all the time we need to develop this, and also be aware
34 that we don't need to drag this process out, but I certainly
35 think -- I agree with Jessica that lets go ahead and move on to
36 the next meeting and see where we sit, because we came up with a
37 lot of good ideas today, and we've got a lot to discuss for the
38 next meeting. Chester, go ahead.

39
40 **MR. BREWER:** I was going to suggest that we attempt to have our
41 next meeting in middle to late July, and there's not a lot going
42 on in either council during that time period, I don't think,
43 and, being a lawyer, I tend to think in terms of sixty days and
44 that kind of thing, and so I just throw that out there, and I
45 don't know how everybody else feels, but I think that would give
46 enough time for Ryan to polish up some of the really rough stuff
47 that we've thrown out, so that we can talk about it
48 intelligently next time.

1
2 **MR. RINDONE:** Mr. Chair, if I can jump in.

3
4 **CHAIRMAN POLAND:** Go ahead, Ryan.

5
6 **MR. RINDONE:** Ryan has three Gulf SSC meetings to coordinate
7 between now and the end of July, and he would very much like to
8 try for this perhaps in August or early September, if that's
9 agreeable to the committee.

10
11 **CHAIRMAN POLAND:** I certainly have no problem with that, and I
12 certainly don't want to burn Ryan out very early on in this
13 process. That might allow a little bit of extra time to really
14 dive into a lot of the issues and potential strategies that we
15 kind of identified throughout this, and it will take some
16 additional presentations from outside individuals, as well as a
17 significant amount of work on council staff, and so I'm
18 certainly fine in that August or early September timeframe. Go
19 ahead, Chester.

20
21 **MR. BREWER:** When I made my recommendation, I didn't know about
22 Ryan's time constraint or workload, and so I'm fine with August
23 or September.

24
25 **CHAIRMAN POLAND:** All right. As far as the workplan moving
26 forward, I feel like we really need to receive the additional
27 information, the information needs that we identified at this
28 meeting, and I don't really see a lot of products that the
29 workgroup needs to develop at this point, and we're still in
30 kind of the data or the information collection stage and
31 evaluation stage.

32
33 As far as updates to the councils, certainly I will update my
34 council at the June meeting, and I actually think that I'm on
35 the docket to be the South Atlantic liaison to the Gulf meeting,
36 and so I will go ahead and update the Gulf on that as well, the
37 week after our South Atlantic meeting.

38
39 If there is not any more discussion on that agenda item, we'll
40 move on to Other Business, and is there any other business to
41 come before the workgroup? I am not seeing any hands. As I
42 mentioned after our first break, we're going to provide an
43 opportunity for public comment after Other Business, and so are
44 there any members of the public that would like to provide
45 comment? Please raise your hand if you're a member of the
46 public and would like to provide a comment. It looks like we
47 have Luiz Barbieri. Go ahead, Luiz.

48

1 **PUBLIC COMMENT**

2
3 **DR. LUIZ BARBIERI:** Thank you, Mr. Chairman and council and
4 committee members. It was a great meeting today, and I really
5 enjoyed all the presentations and the discussion points, and I
6 just wanted to take this opportunity to make council members
7 aware of a study that's being currently conducted by the
8 National Academy of Science that touches on many of the issues
9 that were discussed today.

10
11 This study was conducted as part of the Modern Fish Act, and it
12 is focused on evaluating how well MRIP meets the needs of
13 fisheries management ACLs, and so it's very much in line with
14 what we discussed today, or what you discussed today, and so, as
15 part of this evaluation process, the study will include how
16 management strategies might be modified to better meet those
17 needs, and I am serving as chair of that committee, and there
18 are several Gulf and South Atlantic SSC members that fortunately
19 have been able to join us and participate as committee members,
20 and the study director, and I bring this name up because she
21 will be the main point of contact, if you have questions or are
22 interested in getting more details about the study, and here
23 name is Stacey Karras, and many of you probably already know
24 Stacey from the previous MRIP evaluation study that was
25 conducted a couple or three years ago.

26
27 There is a webpage that I will try to distribute to staff, so
28 you can access more detailed information about the study, and we
29 have had three or four meetings at this point, and we're still
30 in the beginning stages of this process, but I just wanted to
31 bring this to your attention, because it's something that I
32 think would be relevant to you to consider and be aware of, and
33 it's something that your discussion today has been very, very
34 helpful to us, in terms of getting at a better perspective of
35 the main goals and the main issues that you would like to see
36 addressed and what are the main factors that we should be
37 considering during our study. That's it, Mr. Chairman. Thank
38 you.

39
40 **CHAIRMAN POLAND:** Thank you for that, Luiz. I really appreciate
41 that. I was not that aware of the study. Do you have an idea
42 of the general timeline of that, when a report might be
43 available?
44

45 **DR. BARBIERI:** I will actually defer to Stacey on that. It so
46 happens that, with this COVID-19 situation, of course, we are
47 facing major challenges in conducting in-person meetings, and
48 our timelines for completion of the study may be changing as we

1 speak, and so it's a little bit of a moving target as yet.

2
3 The study was, I think, started back in January or February, and
4 it was an eighteen-month study, and so, originally, that was the
5 timeline, but I think Stacee may be able to explain in more
6 detail what is being considered now perhaps to modify this
7 timeline.

8
9 **CHAIRMAN POLAND:** Okay. Thank you for that. I certainly
10 understand the timing of everything going on. All right. Dr.
11 Stacee, go ahead. Stacee Karras, go ahead.

12
13 **DR. STACEE KARRAS:** Thank you, and thank you, Luiz, for
14 mentioning that study. I just wanted to note that Luiz is
15 correct in talking about the timeline. It is sort of something
16 we're trying to wrestle with right now, because, in our contract
17 with NOAA Fisheries, we do have in-person regional meetings as
18 part of the study process, and so, as I'm sure you're dealing
19 with with your own processes, public input and engagement is
20 critical to our study process, and so wanting to ensure that we
21 still make that feasible, whether it's through our virtual
22 meetings or in-person meetings.

23
24 I also wanted to just note two other quick points. One is Luiz
25 did mention that we've had a few meetings already, and I will
26 just note that we've had one open public virtual meeting, and
27 the other meetings that he was referring to has been our closed
28 session deliberations, but we will be having at least three more
29 public open meetings as well, whether those take place virtually
30 or in-person.

31
32 The other point that I wanted to make was that this is one of
33 two studies that we're actually conducting, that were called for
34 under the Modernizing Recreational Fisheries Management Act, and
35 the second one deals with limited access privilege programs in
36 mixed-use fisheries, and so, to the extent that either of them
37 are of any interest to those in this workgroup, or on the line,
38 I believe that I am the contact person for both of those, and so
39 I would be very glad to be in touch with anybody that is
40 interested in either study.

41
42 **CHAIRMAN POLAND:** Okay. Thank you very much for that
43 information. I certainly expect that we will be reaching out to
44 you with questions, and especially as we get closer to a final
45 report, and I really appreciate that.

46
47 **DR. KARRAS:** Excellent. Thank you.

48

1 **CHAIRMAN POLAND:** Thank you. Any other public comment? All
2 right. I am seeing none. Again, we are seventeen minutes over,
3 and I just want to thank all the workgroup members for sticking
4 with us, and thanks to the Gulf Council staff for doing a
5 phenomenal job of coordinating this and running this meeting,
6 and thank you to all of the presenters and everyone out there
7 that is listening and participating.

8
9 Please stay tuned, and we'll reach out within the coming months,
10 as far as timing of the next workgroup meeting, but, until then,
11 thanks again, and it was a very productive meeting, and there
12 was good input, and I look forward to meeting again. With that,
13 meeting adjourned. Thank you.

14
15 (Whereupon, the meeting adjourned on May 18, 2020.)

16
17 - - -