

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

REEF FISH MANAGEMENT COMMITTEE

Marriott Plaza

San Antonio, Texas

AUGUST 8-9, 2017

**VOTING MEMBERS**

- 10 John Greene.....Alabama
- 11 Kevin Anson.....Alabama
- 12 Patrick Banks.....Louisiana
- 13 Leann Bosarge.....Mississippi
- 14 Doug Boyd.....Texas
- 15 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- 16 Pamela Dana.....Florida
- 17 Dale Diaz.....Mississippi
- 18 Tom Frazer.....Florida
- 19 Martha Guyas (designee for Nick Wiley).....Florida
- 20 Campo Matens.....Louisiana
- 21 Paul Mickle (designee for Jamie Miller).....Mississippi
- 22 Robin Riechers.....Texas
- 23 John Sanchez.....Florida
- 24 Greg Stunz.....Texas
- 25 Ed Swindell.....Louisiana
- 26 David Walker.....Alabama

**NON-VOTING MEMBERS**

- 29 Glenn Constant.....USFWS
- 30 Dave Donaldson.....GSMFC
- 31 LCDR Stacy McNeer.....USCG

**STAFF**

- 34 Steven Atran.....Senior Fishery Biologist
- 35 Assane Diagne.....Economist
- 36 Matt Freeman.....Economist
- 37 John Froeschke.....Fishery Biologist-Statistician
- 38 Douglas Gregory.....Executive Director
- 39 Beth Hager.....Administrative Officer
- 40 Karen Hoak.....Administrative & Financial Assistant
- 41 Ava Lasseter.....Anthropologist
- 42 Emily Muehlstein.....Public Information Officer
- 43 Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- 44 Claire Roberts.....Fishery Biologist
- 45 Bernadine Roy.....Office Manager
- 46 Carrie Simmons.....Deputy Director

**OTHER**

**PARTICIPANTS**

1 Greg Ball.....Galveston, TX  
2 Tony Bess.....Alvin, TX  
3 Chester Brewer.....SAFMC  
4 J.P. Brooker.....St. Petersburg, FL  
5 B.J. Burkett.....Panama City Beach, FL  
6 Captain Murphys.....South Padre Island, TX  
7 Mike Colby.....Clearwater, FL  
8 Traci Floyd.....Biloxi, MS  
9 Troy Frady.....Orange Beach, AL  
10 B.J. Gallaway.....LGL, TX  
11 Susan Gerhart.....NMFS  
12 Brad Gorst.....Palm Harbor, FL  
13 Shepherd Grimes.....NOAA GC  
14 Ken Haddad.....ASA, FL  
15 Chad Haggert.....Clearwater, FL  
16 Scott Hickman.....Galveston, TX  
17 Dylan Hubbard.....Madeira Beach, FL  
18 David Krebs.....Destin, FL  
19 Line Check Charters.....Galveston, TX  
20 Chris Oliver.....NOAA  
21 Bonnie Ponwith.....SEFSC  
22 Steven Rash.....Apalachicola, FL  
23 Scott Robson.....Destin, FL  
24 Lisa Schmidt.....Palm Harbor, FL  
25 Michael Short.....Galveston, TX  
26 Clarence Seymour.....Ocean Springs, MS  
27 Jessica Stephen.....NMFS  
28 Charles Tyre.....NMFS OLE  
29 Daniel Willard.....EDF, Austin, TX  
30 Johnny Williams.....Galveston, TX  
31  
32 - - -  
33

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23  
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27 - - -  
28  
29

1 The Reef Fish Management Committee of the Gulf of Mexico Fishery  
2 Management Council convened at the Marriott Plaza, San Antonio,  
3 Texas, Tuesday morning, August 8, 2017, and was called to order  
4 by Chairman Johnny Greene.

5  
6 **OPENING COMMENTS**  
7

8 **MS. LEANN BOSARGE:** Before we get started with our Reef Fish  
9 Committee this morning, we do have a special guest in the room,  
10 and so I'm going to turn it over to Dr. Crabtree to make the  
11 introduction.

12  
13 **DR. ROY CRABTREE:** We're pleased to have Chris Oliver with us  
14 this this morning, and Chris is the Assistant Administrator for  
15 Fisheries. I think, Chris, you've been there about a month now?

16  
17 **DR. CHRIS OLIVER:** Just over.

18  
19 **DR. CRABTREE:** Just over a month, and Chris comes out of the  
20 council process, and probably many of you have known Chris for  
21 years, but Chris was the Executive Director of the North Pacific  
22 Council for fifteen or sixteen years, something like that, for a  
23 long time, and so we've seen Chris for many, many years at CCC  
24 meetings and other national meetings that bring all of the  
25 councils together.

26  
27 Chris is also from the Southeast, and he was born and grew up  
28 here in Texas, not very far from here, as I understand, and so  
29 Chris will be with us, I think, through Wednesday, and I  
30 encourage all of you to say hello, and I will turn it over to  
31 Chris.

32  
33 **DR. OLIVER:** I just had a few brief remarks. I wanted to  
34 introduce myself and say it's good to be back in my home state.  
35 I have only been on the job for about a month. I know many of  
36 you, and I know some of you pretty well from other venues, both  
37 council members and staff and some folks in the audience.

38  
39 I did grow up about a hundred miles south of here, in Rockport.  
40 In fact, on Thursday, I am going to drive home and visit my mom  
41 this weekend, and perhaps avail myself of some of the extended  
42 fishing seasons that are in place this year. I do want you to  
43 know that Roy has not delegated his vote to me. I am just here  
44 for a few minutes to say good morning.

45  
46 As Roy mentioned, I have spent the last twenty-something years  
47 up in Alaska, and I thought that we had some pretty complicated  
48 issues up there, but I have come to realize that we actually had

1 it pretty easy, in a lot of ways. We had only one state, for  
2 example, that we managed fisheries off of, and I am starting to  
3 gain a very keen appreciation for this council and other  
4 councils that deal with issues that cut across many states.

5  
6 I don't have any magic bullets or silver bullets for a lot of  
7 the issues that you're dealing with. I am still very much in  
8 the learning mode, and I wanted to visit, as soon as I could  
9 after taking this position, visit each of the councils. It's  
10 one thing to get briefed by folks up in Headquarters, but it's  
11 another thing to actually go to council meetings and really get  
12 a better appreciation for the issues that you're dealing with,  
13 and I look forward to that experience.

14  
15 I am here for the next couple of days, again, and I want to meet  
16 folks and learn more about your issues. I have had the pleasure  
17 of working with some of you, including your chairperson. You  
18 have got a great chair, and I look forward to seeing your  
19 process in action, but I know, at a national level, Leann has  
20 been quite a great participant in that process, and I've been  
21 involved with that for many, many years, and so I wanted to give  
22 some kudos to Leann for that.

23  
24 I don't have a lot else to say. I, again, look forward to  
25 learning a lot more about your issues. I know that you have  
26 some tough stuff that you're dealing with. I feel comfortable  
27 at this table. I feel like I'm back at a North Pacific Council  
28 meeting, but this is a little bit bigger, and a lot more people  
29 at the table, but I'm a big believer in the council process, as  
30 I think would come as no surprise to you.

31  
32 I know that we have put some regulations in place this year that  
33 were not done through the council process, and I won't talk too  
34 much about that. That happened before my time, and I would just  
35 say that that regulation does provide some breathing room for  
36 this year, but I realize that the longer-term solution for  
37 particularly the red snapper issue, and I know that's not the  
38 only issue you're dealing with, but I understand that it's going  
39 to take a lot of commitment by our agency, working with the  
40 commissions and the various states and stakeholders, to develop  
41 long-term solutions for that.

42  
43 Again, I am happy to be here. I'm happy to be back in San Antonio,  
44 and I look forward to talking to many of you on the side.  
45 Thanks.

46  
47 **MS. BOSARGE:** Thank you, sir, and we're very happy to have you  
48 here. I am sure you will learn plenty today. It's going to be



1 Reef Fish all day, and so fun and exciting stuff for you. I am  
2 sure that we'll get to the red snapper topic.

3  
4 We have worked with Chris in the past, and Kevin has worked with  
5 him too, as a former chairman. He does an amazing job, and Mr.  
6 Boyd, and we are very excited to have somebody in that position  
7 that has as much fisheries background as you have. You have a  
8 very diverse background, coming from here in Texas, coming from  
9 this area, and then up to Alaska, and so we're pleased to have  
10 you.

11  
12 If there is ever anything we can do for you, please don't  
13 hesitate to call upon any of us. With that, I am going to turn  
14 it over to Captain Greene to take us through our Reef Fish  
15 Committee.

16  
17 **ADOPTION OF AGENDA**  
18 **APPROVAL OF MINUTES**  
19 **ACTION GUIDE AND NEXT STEPS**  
20

21 **CHAIRMAN JOHNNY GREENE:** Thank you. Good morning. We're going  
22 to go ahead and get started. You have an agenda that has been  
23 provided before you, and is there any additions or modifications  
24 to the agenda? Ms. Guyas.

25  
26 **MS. MARTHA GUYAS:** I would like to add yellowtail snapper to the  
27 agenda.

28  
29 **CHAIRMAN GREENE:** Okay. So noted. Any other additions? Dr.  
30 Crabtree.

31  
32 **DR. CRABTREE:** I would like to talk for a little bit about the  
33 extension of state waters to nine miles for reef fish management  
34 purposes.

35  
36 **CHAIRMAN GREENE:** Okay. Thank you. So noted. Any additional  
37 modifications? Seeing none, is there any opposition to the  
38 agenda that has been modified before you? Seeing no opposition,  
39 the agenda will be modified as suggested.

40  
41 Approval of the Minutes, is there any changes to the minutes  
42 that we would like to make or corrections? Mr. Anson.

43  
44 **MR. KEVIN ANSON:** I just have one, Chairman Greene, and that is  
45 on page 39, line 23, add "no" before longer.

46  
47 **CHAIRMAN GREENE:** Thank you. Any further changes to the  
48 minutes? Any opposition to the changes in the minutes? Seeing

1 none, we will move on to our next agenda item, which will be the  
2 Action Guide, Tab B, Number 3, which has been provided for your  
3 review, to kind of help us keep up where we're at, and that will  
4 lead us on into our next agenda item, which will be Final  
5 Action, Framework for Greater Amberjack ACL and Management  
6 Measures. That will be Tab B, Number 4(a), (b), and (c). With  
7 that, we will go to Dr. Froeschke.

8  
9 **FINAL ACTION - FRAMEWORK ACTION - GREATER AMBERJACK ACL AND**  
10 **MANAGEMENT MEASURES**  
11 **REVIEW OF AMENDMENT**  
12

13 **DR. JOHN FROESCHKE:** Good morning. I am going to go through  
14 this framework action, just to get you up to speed. It's a two-  
15 action document. The plan is we have this posted for final  
16 action, and we have two actions that we have not selected  
17 preferred alternatives, and so, to move this forward, that would  
18 be -- We would be looking to select some preferred alternatives.

19  
20 Before we dive into that, I do want to just give you a brief  
21 background, in case you have forgotten or you're new. Amberjack  
22 is a species that has been under management difficulties for a  
23 long time. The stock was first assessed in 2000, and it was  
24 reassessed in 2006, 2010, 2014, and 2016. Each time, the answer  
25 has been the same. It's been overfished and overfishing.

26  
27 As a result of that process, there have been a number of  
28 regulations and quota adjustments in the downward direction.  
29 Unfortunately, they haven't been enough to change the trajectory  
30 of the stock, and so here we are again.

31  
32 It's an interesting reading of the background, and I won't  
33 dredge through it, but that's sort of the gist of why we're  
34 here. In a nutshell, what has seemed to have been the theme is  
35 that, as we've learned more about the stock, we have reduced our  
36 estimate of the productivity of the stock, and so a smaller  
37 biomass, which means a higher fishing mortality at a constant  
38 yield, and so, in order to get that mortality -- In order to  
39 reduce the mortality to something that would rebuild the stock,  
40 we need to reduce the harvest.

41  
42 Action 1 considers some management alternatives that would  
43 reduce the ABC down to the level that was recommended by the  
44 SSC. The SSC provided a yield stream of 1.182 million pounds in  
45 2018, rebuilding to 1.794 in 2020.

46  
47 We have options to do that. Just for your clarification, this  
48 species is managed using an ACT, meaning the quota is set at

1 this level. This is also a stock with payback requirements, and  
2 so, if the harvest exceeds the ACL, then the catch the following  
3 year is reduced from both the ACL and the ACT, on a pound-for-  
4 pound basis. There have been a number of overages in recent  
5 years, more recently in the recreational fishery.

6  
7 Alternative 1 is not a viable option, because the ABC exceeds  
8 the recommendation of the SSC. Alternatives 2 and 3 have two  
9 options, and so I will just talk about the alternative first.  
10 Alternative 2 would set the ABC at the yield schedule  
11 recommended by the SSC, and it would have a step level increase  
12 in each year corresponding, and so the ACLs are based on the  
13 sector allocation, 73 percent to the recreational and 27 to the  
14 commercial.

15  
16 Option a would use the ACL/ACT control rule, which, if you  
17 recall, looks at the harvest relative to the targets, and it is  
18 used to calculate a buffer, if appropriate, to account for  
19 management uncertainty, and so we applied that. That's our  
20 standard procedure, and it results in a 13 percent buffer for  
21 the commercial and a 17 percent buffer for the recreational  
22 sector, which would allow some gap, if you will, between where  
23 the quota is set and where the accountability measures would  
24 actually kick in, and so those values are in Option a.

25  
26 Option b would remove the ACT as the management target, and so  
27 the ACLs would be the same. It's just that you would set that  
28 equivalent to the quota, and you wouldn't enact that buffer, if  
29 you will.

30  
31 Alternative 3, the options are the same, either using the ACT,  
32 Option a, or don't, Option a. The difference is those year-by-  
33 year stepped increases in 2019 and 2020 would not kick in, and  
34 we would just retain the recommendation of the 2018 level. This  
35 would be a more conservative way to do it, and, if you recall,  
36 this is a similar process to what we used in red grouper just  
37 recently, and so that's the option, and I will open that up for  
38 discussion.

39  
40 **CHAIRMAN GREENE:** Thank you. We need to pick some preferreds as  
41 we go through this, and so any discussion about this action  
42 item?

43  
44 **MS. BOSARGE:** Okay, ladies and gentlemen. I know it's early.  
45 Have another sip of coffee, and let's look at our options here  
46 and see where we think we're headed on this first action item.  
47 We only have two, and so it won't be that bad. We can do this.

1 **CHAIRMAN GREENE:** Mr. Diaz.  
2  
3 **MR. DALE DIAZ:** To get our discussion started, I will throw a  
4 motion out there that we make the preferred alternative  
5 **Alternative 2, Option a.**  
6  
7 **CHAIRMAN GREENE:** Okay. Mr. Diaz has a motion, in Action 1,  
8 make Alternative 2, Option a the preferred. Is there a second  
9 for this motion? It's seconded by Mr. Sanchez. Is there  
10 discussion? Mr. Sanchez.  
11  
12 **MR. JOHN SANCHEZ:** I will second it for discussion, but I'm kind  
13 of leaning towards Option b, Alternative 2, but let's talk it  
14 out.  
15  
16 **CHAIRMAN GREENE:** Okay. Is there further discussion? Mr.  
17 Matens.  
18  
19 **MR. CAMPO MATENS:** I am going to jump into the fray here. We  
20 all know this is a sticky-wicket, and I would hate to see us  
21 come back here, and maybe I won't even be here in a couple of  
22 years, but still facing it overfishing and overfished, and I  
23 respect the opinion of the SSC. **Accordingly, I would like to**  
24 **offer a substitute motion for Alternative 3.**  
25  
26 **CHAIRMAN GREENE:** Okay. We have a substitute motion to make  
27 Alternative 3 the preferred alternative.  
28  
29 **DR. FROESCHKE:** Option a or b?  
30  
31 **MR. MATENS:** There was just one thing in 3. Can I see 3 again,  
32 please? Thank you. Where I'm coming from with this is kind of  
33 the constant catch and not have it move up incrementally.  
34 Accordingly to that, I think Option a is what I would prefer.  
35  
36 **CHAIRMAN GREENE:** Okay. We have a substitute motion in Action 1  
37 to make Alternative 3a the preferred. Is there a second for  
38 this motion? Second for discussion by Ms. Guyas. Is there  
39 discussion? Mr. Riechers.  
40  
41 **MR. ROBIN RIECHERS:** Camp, I understand, obviously, the way you  
42 led in, the rationale being more conservative with Alternative 3  
43 and going with the constant catch scenario. I guess I would  
44 lean, if we were going to go that way, to then not add the  
45 buffer on top of that, as opposed to also buffering it in that  
46 way. That's just a thought there, because, if we're already  
47 being conservative in not releasing more of the fish, but then  
48 adding a buffer in those subsequent later years, you're even

1 taking more fish off the table that could be caught, and so  
2 that's just a thought.

3  
4 **MR. MATENS:** To that point, Robin, I think that's a good point,  
5 and, if you would agree and the seconder would agree, we could  
6 amend this in that regard, and I would be in favor of that. My  
7 real issue here is when we start putting these quotas on fish  
8 and they increase through time, when we have a fishery that's in  
9 as much trouble as these guys are, and has been in as much  
10 trouble for such a long time, I think it's difficult for us to  
11 remain to keep credibility here. If that's something that,  
12 Martha, you would agree to, if we could amend this motion in  
13 that regard.

14  
15 **CHAIRMAN GREENE:** We have a motion on the board, and now you  
16 wish to go back and amend it, and so let's make sure that we get  
17 the motion as you wish on the board. How would you like to  
18 change it, Mr. Matens?

19  
20 **MR. MATENS:** I might need some help here from the professionals.  
21 I always do.

22  
23 **MR. RIECHERS:** It would just switch to Option b if you wanted to  
24 do that.

25  
26 **MR. MATENS:** Okay. Martha, is that okay?

27  
28 **MS. GUYAS:** Sure.

29  
30 **MR. MATENS:** Thank you.

31  
32 **CHAIRMAN GREENE:** Okay, Mr. Matens. Does that motion on the  
33 board reflect your wishes?

34  
35 **MR. MATENS:** It does, sir. Thank you.

36  
37 **CHAIRMAN GREENE:** I will read the motion for the record. The  
38 substitute motion is, in Action 1, to make Alternative 3, Option  
39 b, the preferred. Alternative 3 is set a constant ACL to the  
40 lowest ABC level recommended by the SSC for 2018-plus. This  
41 alternative is projected to rebuild the stock by 2024. Option b  
42 is do not use the ACL/ACT control rule to set the ACT. The  
43 quotas would be equal to the ACLs. The seconder has agreed to  
44 this modification. Is there any further discussion on this?  
45 Dr. Crabtree.

46  
47 **DR. CRABTREE:** I certainly understand why you might want to be  
48 conservative in this case, because we have had a history with

1 amberjack where we had projections that indicated that the stock  
2 would rebuild very quickly, but then the reality, when we get to  
3 the new stock assessment, has been the stock hasn't responded as  
4 we expected it would.

5  
6 The only thing that I would caution you about not using the  
7 buffer and the ACT is remember that there is a payback in  
8 greater amberjack, because it's overfished. Given the issues  
9 we're all familiar with in the recreational fishery and when the  
10 data comes in, the chances of going over the quota or going over  
11 the ACL -- That's what happened this year, is we had a pretty  
12 substantial payback, and that caused a very short season, and so  
13 the paybacks are pretty disruptive and hard to deal with.

14  
15 The odds of having the payback happen are probably greater with  
16 Option b than they would be with Option a, and so you need to  
17 weigh that into your decision, I think.

18  
19 **MR. MATENS:** To that point, Roy, I know you're right, but I also  
20 see that we're going to have further discussion about seasons  
21 and the like in this venue today, and maybe there's some things  
22 we can do in there, but I have grave concern about some of the  
23 things about these seasons, and I know everyone does. I get it.  
24 I understand all the economics, and I get it, but I still think  
25 that we need be very conservative here, and so, yes, Roy, I  
26 understand, and thank you very much for your comment, but I  
27 still would like to see this thing voted up or down.

28  
29 **CHAIRMAN GREENE:** Mr. Banks.

30  
31 **MR. PATRICK BANKS:** I am trying to resolve, in my mind, between  
32 the original motion and this one. It seems to me that  
33 Alternative 2, Option a, with the buffer, allowed us to give  
34 fishermen more fish each year as the stock rebuilds, so they get  
35 some credit for constraining harvest.

36  
37 It doesn't seem like, in this case, the fishermen get any credit  
38 for constraining harvest. They're stuck at the same amount  
39 every year. Now, I recognize that it rebuilds quicker, and  
40 maybe that's the credit they get, that it's rebuilt by 2024  
41 instead of 2027, but it seems like, to me, if we went back to  
42 the original motion, we're giving the fishermen some credit each  
43 year for good deeds that they're doing in terms of constraining  
44 the harvest, and is that the way that I'm seeing it?

45  
46 **CHAIRMAN GREENE:** Thank you. Further comments? Dr. Crabtree.

47  
48 **DR. CRABTREE:** I think that's exactly right, Patrick. The

1 trouble is, when we've done that in the past, we would get to  
2 the new assessment and find out that the stock didn't actually  
3 recover, and we've raised the quotas up when we probably  
4 shouldn't, and that's been a problem.

5  
6 Now, I don't know if that issue is resolved or if that's going  
7 to happen again. I have never exactly understood why greater  
8 amberjack doesn't seem to be responding to management like you  
9 might expect that it would, but I think that's fundamentally the  
10 difference between the two.

11  
12 The original motion assumes the stock will rebuild and allows  
13 the quotas to go up. This motion sets the quotas at the most  
14 conservative level and holds them there until we get a new stock  
15 assessment, and so, over a period of a few years, this is a more  
16 conservative approach to it, but it doesn't do as you say and  
17 give the fishermen credit for recovery that hopefully will  
18 occur.

19  
20 **CHAIRMAN GREENE:** To that point, Mr. Banks?

21  
22 **MR. BANKS:** Somebody remind me when the next stock assessment is  
23 going to -- Can somebody remind me?

24  
25 **MS. BOSARGE:** In 2020, we have greater amberjack standard as our  
26 number two priority. Let me look up the list and just make sure  
27 there's nothing higher than that. Yes, and so, in 2020, and it  
28 would have a terminal year of 2019, and it would begin the  
29 winter of 2020, and we would see results from that assessment in  
30 the spring of 2021.

31  
32 **MR. BANKS:** Did the discussion we had yesterday about the red  
33 snapper stock assessment change that trajectory at all?

34  
35 **DR. BONNIE PONWITH:** No, and, and whatever changes we do with  
36 red snapper, it will have its most immediate impacts on 2018 and  
37 2019. I think, by 2020, things will clear.

38  
39 **CHAIRMAN GREENE:** Thank you. Ms. Guyas and then Mr. Riechers.

40  
41 **MS. GUYAS:** I guess I'm a little bit torn here. I guess we have  
42 been stuck in this rut, where we keep taking actions to rebuild  
43 greater amberjack and not really getting anywhere, although the  
44 difference this time is we raised the size limit substantially  
45 last year, and we have an assessment that did not account for  
46 that, and so it could be -- I would like to think that that's  
47 going to make the difference and maybe give us an opportunity to  
48 actually make some progress, but I'm not sure whether to do

1 Alternative 2 or 3 at this point.

2  
3 Alternative 3 seems to be the more conservative option, but, if  
4 that size limit does help us make some progress here, then maybe  
5 Alternative 2 would be a good option as well, but I feel like we  
6 just don't know at this point.

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

9  
10 **MR. RIECHERS:** Patrick, you raised a good question, and I was  
11 fumbling and trying to find that schedule at the same time that  
12 you raised it. That means, basically, with that coming in 2021,  
13 we wouldn't be enacting a different rule until 2022, and so,  
14 Camp, basically the motion is a constant level of catch until  
15 2022 and not just the three years that's presented here in the  
16 table, and so I think we need to think about that as we weigh  
17 Option 2 versus Option 3 and those tradeoffs, because we really  
18 won't have any new information to help us, other than landings  
19 information, prior to that next stock assessment, and that's  
20 assuming that stock assessment is on time and all the other  
21 sundry assumptions with that that we see change through years,  
22 as we go on, and so --

23  
24 **MR. MATENS:** To that point, and correct me if I misunderstand  
25 this, but the issue here is the recreational sector and not the  
26 commercial sector, correct? Yes, and so -- Who knows what the  
27 effect of raising the minimum size to thirty-four inches and  
28 having more reproductive females out there really is, and how  
29 long does it take for that to be reflected in catchable fish?  
30 All of that considered, I stand on my motion.

31  
32 **CHAIRMAN GREENE:** Thank you. I saw a hand over on this side of  
33 the table. Mr. Sanchez.

34  
35 **MR. SANCHEZ:** Thank you, and I appreciate the discussion from  
36 the substitute. I am obviously going to support the original  
37 motion that we had that was substituted that Dale made, but I  
38 have had an epiphany, and I will be Option a oriented now. I  
39 don't want to see paybacks and all of that stuff. You very well  
40 can't borrow yourself out of debt.

41  
42 **CHAIRMAN GREENE:** Thank you. Is there further discussion? We  
43 have a motion on the floor. Dr. Simmons.

44  
45 **DR. CARRIE SIMMONS:** Thank you, Mr. Chairman. I just had a  
46 question for Dr. Ponwith about the MRIP calibrations that we  
47 have scheduled for greater amberjack. That said the terminal  
48 year for those species would be 2017, and so that will be an



1 actual update assessment, and it would include landings through  
2 2017, and so I guess I just wanted clarification that we might  
3 get some new projections at the time of the completion of the  
4 MRIP calibration updates for greater amberjack.

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

7  
8 **DR. PONWITH:** What I will have to do is take a look at the  
9 schedule, because, if we do the update lite, those are not a  
10 true update. The only thing we do is drop the calibrated  
11 landings data for recreational into the model and rerun the  
12 model with everything else being held constant, whereas, in an  
13 update, you update everything, the fishery-independent indices,  
14 the commercial, the age structure of each of the sectors, and,  
15 for the update lite, the only thing that changes are the  
16 calibrated recreational data being dropped in. I can go and  
17 take a look at that and see whether the intent was to do an  
18 update or whether it was to do an update lite for that, but  
19 that's the distinction between those two.

20  
21 **CHAIRMAN GREENE:** Ms. Bosarge.

22  
23 **MS. BOSARGE:** Dr. Ponwith, even if we do an update lite on  
24 amberjack in 2018, those results would still give us new catch  
25 levels or no?

26  
27 **DR. PONWITH:** The intent of those would be to show how the  
28 calibrated data, with estimates that are generated based on the  
29 new methodology, would change the outcome of the assessment, so  
30 that you can take that under advisement in your management  
31 decisions while we wait for the next stock assessment.

32  
33 What it does, is it gives you a feel for whether the status of  
34 the stock is positively influenced or negatively influenced,  
35 whether the sector allocations are disrupted or not by the  
36 change, and so I don't think that these would be used for  
37 setting different ABCs, but I will double-check on that. I  
38 think the intent on it is to inform the council as to how  
39 different the status of the stock is based on the change in the  
40 landings.

41  
42 **CHAIRMAN GREENE:** Mr. Riechers.

43  
44 **MR. RIECHERS:** Camp, I steered you to b, and I'm looking at  
45 600,000 pounds left on the table, which concerns me, as well as  
46 I'm looking at the increase in the minimum size limit, which  
47 means we're going to kind of be back into this whole notion that  
48 we've seen in other fisheries, where we're reaching those

1 targets quicker because of the average size of the fish being  
2 landed is going to be greater.

3  
4 It just worries me, as we move forward three years and we leave  
5 that many pounds on the table, but I am going to try to support  
6 you here in committee, and I may not be with you at Full  
7 Council.

8  
9 **CHAIRMAN GREENE:** Mr. Boyd.

10  
11 **MR. DOUG BOYD:** Just a comment for the committee. It is very  
12 hard to argue, at any time, against the most conservative  
13 management of the fishery in this case, because we are  
14 overfished, and we are experiencing overfishing.

15  
16 The other problem that I have is what Roy pointed out. Without  
17 a buffer in there, we probably will exceed, and so I don't know  
18 if I can support this motion, because it doesn't have the buffer  
19 in, but, also, we need to take into consideration the fishermen  
20 and the charter/for-hire grouper and the headboat group.

21  
22 If we limit them down, when we don't know what's going to happen  
23 with red snapper and some of the other species, we could cause  
24 harm to them also, and so I'm not sure that I can support this  
25 particular motion, but, again, I'm kind of like Robin. I don't  
26 know exactly what I will do in Full Council. Thank you.

27  
28 **CHAIRMAN GREENE:** Thank you, Mr. Boyd. Dr. Crabtree.

29  
30 **DR. CRABTREE:** Coming back to Bonnie's discussion of the update  
31 lite, I think whether we would get an ABC out of that partly  
32 will depend on how the SSC looks at it and things. This one  
33 will -- There is a lot of reasons to think that it could make a  
34 big difference in this fishery, because it's predominantly  
35 recreational. I think it's about 70 percent of it.

36  
37 It doesn't have any strong fishery-independent information, and  
38 I don't think it's an age-based assessment, and so it's quite  
39 possible that the magnitude of the catches could really play  
40 into the outcome, and the other thing is I think, back around  
41 2004 or 2005, we set an interim allocation for amberjack based  
42 on some set of years, and, when they recalibrate the landings,  
43 that is likely to be changed as well, and so it could make a  
44 real difference when we see the recalibrated.

45  
46 The only other comment that I would make, with respect to trying  
47 to hold a constant catch scenario over a number of years, is  
48 it's great to be conservative, and I applaud you, if that's what

1 you want to do, but bear in mind though, at this time, if the  
2 stock does respond to management and we show some real  
3 improvements in stock status, and we're trying to hold the  
4 constant catch over a period of four or five years, it's going  
5 to be difficult, and the seasons are going to get shorter, and  
6 we're likely to have real problems with going over quotas and  
7 things. Those are just all of the things that you have to  
8 weigh.

9  
10 **CHAIRMAN GREENE:** Thank you. Dr. Mickle, I apologize for  
11 skipping over you a minute ago, but please take the floor.

12  
13 **DR. PAUL MICKLE:** That's all right. I will weigh in quickly.  
14 With what we've seen with amberjack and the rebuilding plan that  
15 we've seen, being overfished and currently undergoing  
16 overfishing, one of the problems we're having is it's not  
17 rebounding as quickly as the model projected, the original  
18 model, with the full standard.

19  
20 When I was on the SSC, we discussed this quite a bit, and a lot  
21 of the conversation we've seen here and in the SSC is very  
22 similar to triggerfish, right? So we're truly missing something  
23 in these models, and I think a lot of folks will agree with me  
24 on that, and so, as a scientist and as a manager, you have to  
25 identify the unknowns, and so we have a lot of unknowns with  
26 this species.

27  
28 Because of that unknown, I would hate to restrict a fishery,  
29 being over-conservative, because we don't know if that will even  
30 have an effect, and so, with all of these unknowns, I certainly  
31 don't want to take access away from a fishery, and so I'm going  
32 to have a hard time supporting this. Because of the unknowns,  
33 we don't even know if being this conservative is actually going  
34 to have that benefit.

35  
36 The fishery has the signs of coming back, but understanding the  
37 recruitment unknowns is still a major void, and so being over-  
38 conservative may not be a benefit in this situation, because  
39 there is no evidence that being over-conservative will even have  
40 a benefit.

41  
42 **CHAIRMAN GREENE:** Thank you. Is there further discussion? We  
43 have a motion on the floor, and we've had a good bit of  
44 discussion about it, and so, at this time, we're going to go  
45 ahead and call a vote. **All those in favor of the motion on the**  
46 **board before you, please signify by raising your hand.**

47  
48 **EXECUTIVE DIRECTOR DOUG GREGORY:** Two.

1  
2 **CHAIRMAN GREENE:** All those opposed, like sign. The motion  
3 fails two to thirteen. This will revert back to the previous  
4 motion.

5  
6 This will be, in Action 1, to make Alternative 2, Option a. the  
7 preferred. It would set the ACL equal to the ABC recommended by  
8 the Scientific and Statistical Committee, SSC, from 2018 to  
9 2020-plus, based on the Southeast Data, Assessment, and Review,  
10 SEDAR, 33 update assessment in 2016. This alternative is  
11 projected to rebuild the stock by 2027. Option a is apply the  
12 ACL/ACT control rule, landings from 2013 through 2016, to  
13 establish a 13 percent buffer to the commercial sector and a 17  
14 percent buffer to the recreational sector. Is there any further  
15 discussion about the motion on the board before you? **Seeing no**  
16 **further discussion, is there any opposition to the motion on the**  
17 **floor before you? Seeing no opposition, the motion carries.**  
18 Dr. Froeschke.

19  
20 **DR. FROESCHKE:** Thank you. A second action in the document  
21 considers changes to the recreational fishing season for greater  
22 amberjack. Currently, there is a two-month fixed closed season  
23 each year, June and July, and this was put in place a few years  
24 ago, in part to allow the fishing season to remain open longer  
25 in the parts of the year where access to red snapper was  
26 limited. For various reasons, it no longer really fills that  
27 intended goal.

28  
29 For your information, the commercial sector is closed each year.  
30 There is a spring closure, March through May, and this is, in  
31 part, to protect the stock during the spawning season. There is  
32 a lot of different research about the spawning season of the  
33 stock. It is thought, in some parts, it's likely from January  
34 through June, with a peak in the Gulf in March and April. The  
35 South Atlantic is probably April and May. There is some  
36 differences there, but it's a fairly long spawning season.

37  
38 The Alternative 2 would mirror the commercial fishery and close  
39 it during that spawning season. It would extend the season  
40 later into the year. There is a decision tool that was  
41 presented at the last meeting, and so part of the analysis of  
42 this is you would put in the closed season and then see if you  
43 still would hit your management target, either the ACT or the  
44 ACL, whatever is selected in Action 1.

45  
46 If you would hit that before the end of the year, you would  
47 start closing days from December 31 back until you close enough  
48 days to constrain to the management target, and so it would --

1 All of the alternatives work that -- Alternative 2 would still  
2 be likely that you would -- You wouldn't have enough fish to  
3 stay open all year.

4  
5 Alternative 3 is a variation of this. It just would extend the  
6 fixed closure one month longer, to June 30. The difference is  
7 you would provide some additional protection, probably, towards  
8 the end of the spawning season, and you would also prohibit the  
9 harvest during June, which is historically a month of very high  
10 harvest, and so it would likely extend the season much farther  
11 into the fall, but it still would require, likely, a closure  
12 before the year end.

13  
14 The Alternative 4 would be the first six months of the year kind  
15 of a closure, and the same rationale. It's essentially the same  
16 benefits, and then Alternative 5 would extend that one month  
17 further, and Alternative 5 would be -- As it stands, I don't  
18 believe there would be enough days left to hit the ACT under  
19 this one, and so you would likely be leaving some fish on the  
20 table.

21  
22 There is a table in the back, on page 17, and it's Table 2.1.1.  
23 As it stands now, Alternative 2, Option a, would give you the  
24 estimated days corresponding to what you have just selected in  
25 Action 1.

26  
27 **CHAIRMAN GREENE:** Okay. Thank you. I think everybody is  
28 looking at page 17 at the moment, and so, with that, I will go  
29 ahead and call for any discussion on this particular item. Ms.  
30 Guyas.

31  
32 **MS. GUYAS:** Since we last met, I've gotten a number of emails  
33 and messages and had conversations with folks in Panama City,  
34 and some in Destin as well, that are interested in looking at  
35 some additional options here. Most of them seem to be  
36 converging around some kind of split opening, maybe opening in  
37 March and some into April and then reopening again in the fall.

38  
39 Now, I think, under the decision tool that we have, if we did  
40 that, we may not get to the fall part, but I think some of these  
41 folks are also interested in looking at that in conjunction with  
42 some kind of vessel limit or fractional limit, and so I thought  
43 I would bring that up, and I'm willing to put some motions out  
44 there to that effect if folks are interested in going that way.

45  
46 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.  
47 Sanchez.

48

1 **MR. SANCHEZ:** I would be interested in hearing in more detail  
2 kind of what you're suggesting, and I don't know, given the  
3 timeliness of what we're trying to accomplish today, whether we  
4 can gain some insight into if some of these, I guess,  
5 suggestions that you're about to make and what they result in,  
6 in terms of looking at east and west and looking at some  
7 biological credits we gain from vessel trip limits.

8  
9 I would hope we give some credence to carrying capacity, in  
10 doing such and proceeding with such, and taking a look at that  
11 and see if we can kind of, in doing so, entertain some of the  
12 economic concerns while we're also giving some serious deference  
13 to spawning seasons and a fishery that's compromised right now.

14  
15 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.  
16 Stunz.

17  
18 **DR. GREG STUNZ:** I mean, I am certainly interested, Martha, in  
19 hearing more about what you have, especially the vessel limits  
20 and that kind of thing, but, just to give some perspective from  
21 the western Gulf on the split season, particularly -- Obviously  
22 you've got the spawning thing going on in the spring, but, for  
23 our region in the western Gulf, there's a difficult time getting  
24 out, and so, just from a weather constraint, and so a lot of our  
25 fleet has approached me about that's not real workable for us,  
26 because, while the quota is being caught in the eastern Gulf, we  
27 are essentially tied to the dock in our region, and so that is a  
28 problem also, and it clearly begs for some type of regional  
29 management in this situation, where everything is not always the  
30 same across our region, but that's a whole other issue, but the  
31 spring opening is a little bit of an issue for our region.

32  
33 **CHAIRMAN GREENE:** Yes, ma'am, Dr. Dana.

34  
35 **DR. PAMELA DANA:** Thank you, Captain Greene. Is there a  
36 particular area where the amberjack are congregating for  
37 spawning in the spring?

38  
39 **DR. FROESCHKE:** A lot of the spawning is thought to take place  
40 in south Florida. There is some information in Chapter 3.3  
41 about the life history and spawning information and stuff in  
42 there, and it's worth a good read.

43  
44 **CHAIRMAN GREENE:** Ms. Bosarge.

45  
46 **MS. BOSARGE:** Just a timing question, because I'm assuming  
47 Martha maybe has some motions of some other things that she  
48 wants to look at. If Martha was to add some other options -- I

1 am thinking about the options that are on the board for changing  
2 the season, and, if we add things to it -- We have one more  
3 meeting this year, in October, and so would we be able -- I am  
4 going to have to look to the NMFS side of the house over here.

5  
6 If we bring this thing back in October and we were to take final  
7 action on it, with Martha's new alternatives in there, would it  
8 be able to be in place, if we were to choose something that was  
9 a fairly early opening, or what is this going to look like,  
10 time-wise?

11  
12 **DR. CRABTREE:** If we -- One is that I would encourage you to go  
13 ahead and take final action on Action 1 to adjust the ACL at  
14 this meeting, so we can get that done before the fishing year  
15 starts. Our next Gulf meeting is in it looks like the first  
16 week of October, and that really would be pushing it, to get  
17 through a proposed rule, a thirty-day comment period, and the  
18 cooling off, and so I think, if what you want to do is not have  
19 the fishery open on January 1, if you wait until October to  
20 decide that, I don't think we can get to the effective date of a  
21 final rule that quickly, and so the fishery would likely open on  
22 January 1, and so you have to factor that in.

23  
24 **MS. BOSARGE:** Thank you. That was my concern. If we do want to  
25 -- I am just thinking about the spawning season and if we do  
26 want to have closures during the spawning season, and I have no  
27 problems with looking at what you want to look at, Martha, but I  
28 just didn't know if maybe we should proceed through this  
29 document and then start a separate amendment to look at what you  
30 -- It really depends on what you all want to do as far as this  
31 coming-up season and what you want to see happen, but it could  
32 definitely still be considered in a separate amendment if you  
33 want to have something in place for this season first.

34  
35 **CHAIRMAN GREENE:** Ms. Guyas.

36  
37 **MS. GUYAS:** I have thought about those things as well, and I  
38 know that there is a number of people here that came, I think,  
39 to speak on this issue, and so I definitely want to hear what  
40 folks have to say about this tradeoff, whether we wait and then  
41 we have the fishery open on January 1, and we're probably going  
42 to be in the same situation we were last year, or we move  
43 forward today with some kind of action -- Or I guess this week  
44 with some kind of action to finalize some of this and maybe get  
45 some season changes under our belt and at least wait on the  
46 opening until a time where it seems to be a little bit more  
47 amendable to people.

48

1 I am willing to put some motions out there today, for people to  
2 chew on, and I don't know if people want to discuss it more, or  
3 I can put them out there and we can just continue discussion  
4 there.

5

6 **CHAIRMAN GREENE:** Mr. Swindell.

7

8 **MR. ED SWINDELL:** I am a little concerned about any fishery that  
9 we're targeting to allow fishing on a spawning cycle, period, in  
10 the waters of the fishing activity, especially a fishery that is  
11 now in an overfished condition and not recovering near as fast  
12 as what was proposed.

13

14 You have said that the main spawning occurs in south Florida,  
15 and is that far offshore, or is that closer inshore? It's hard  
16 for me to believe that the fish that are in Texas are swimming  
17 all the way over to south Florida to spawn, and so it looks to  
18 me like perhaps there is just an offshore/inshore kind of  
19 spawning for this fish, and is that not correct?

20

21 **DR. FROESCHKE:** They know more about the spawning in the South  
22 Atlantic than they do in the Gulf, and this is the information  
23 that has been available, but, most of those, they are thought to  
24 be in fairly deep water, but it's a situation of, just because  
25 it hasn't been documented in the western Gulf, it doesn't  
26 necessarily mean it's not happening.

27

28 **MR. SWINDELL:** That being the case then, when people around  
29 Panama City are fishing on these fish, is this truly part of the  
30 spawning stock, or have the fish already spawned, perhaps, or  
31 are they waiting to go out later? I mean, what is the -- I get  
32 a little concerned about Dr. Mickle's comments about the lack of  
33 data and the information reliability or whatever on the SSC  
34 committee.

35

36 I am a big supporter of what information we get from the SSC,  
37 and now I'm kind of led to believe that perhaps that's not near  
38 as good as what it should be in this fishery, and, that being  
39 the case, then we, as managers of this resource, have to make  
40 darned certain, whatever limited information we have, that we  
41 don't allow fishing to occur during the spawning cycle of this  
42 resource.

43

44 I don't like to do that, but I certainly don't want it to happen  
45 and never have a recovery of this resource, and so that gives me  
46 a lot of concern as to just what to do, because I really don't  
47 know if we do the right thing and if we have the right dates as  
48 to when spawning is really occurring and are we really hurting



1 this resource if we allow fishing to continue, and so I am just  
2 expressing my concerns here about these dates and whether we --  
3 Just what kind of action we should take. Thank you.

4

5 **CHAIRMAN GREENE:** Thank you. Mr. Anson.

6

7 **MR. ANSON:** Thank you. Martha, you had asked an open question  
8 relative to interest among the members to look at some seasons,  
9 and I know that I have heard some interest in trying to get  
10 possibly an August opening over my way, and Dr. Stunz mentioned  
11 something about the western Gulf potentially would like  
12 something a little bit different than what's going on, and so I  
13 think maybe, keeping in mind what Mr. Swindell just mentioned,  
14 that maybe there is an opportunity, maybe, to avoid some of the  
15 spawning, at least, that's going on with a two-season opening,  
16 but we have to -- We need to keep in mind, at least, that, you  
17 know, Wave 2 recreational data for last year showed that the  
18 whole quota would be caught in that wave, and so maybe not a  
19 full two months during that time, but, if you -- I guess I would  
20 be interested in seeing what you might want to look at and such,  
21 but, relative to comments of timing of the document and such, I  
22 think that would have to also come into play, but I think it  
23 would be interesting to see, maybe, some possibilities of trying  
24 to spread the fish out over the year, to maybe get some other  
25 states some opportunity to get some fish.

26

27 **CHAIRMAN GREENE:** Mr. Sanchez.

28

29 **MR. SANCHEZ:** Thank you. Yes, this is a tough one. We're  
30 having to make a decision here on a fishery that's, you know,  
31 overfished and undergoing overfishing, and, ideally, I would  
32 have liked to have seen some way to split it up. In other  
33 words, there is many different roads to the same place, and we  
34 could have maybe split it up a little bit east/west, because  
35 it's not fair right now that the east will shut out the west  
36 before they get a shot. I mean, clearly I have some  
37 reservations with that.

38

39 Given that we have to do something right now, my question is, if  
40 we were to come back with another plan, management plan, where  
41 we could address and tweak this a little bit down the road, how  
42 long would it take? Because, if we don't do something here,  
43 there is going to be nothing in place for this upcoming season.  
44 How long would it take to do, I guess, a management plan down  
45 the road, where maybe we can do these difficult things like  
46 figure out where we're going to divide east and west and what  
47 would be the logical boundary line?

48

1 Maybe split some TAC, so everybody gets a little shot, yet we're  
2 biologically addressing where we need to be, with some seasonal  
3 month closures, and, of course look at some trip limits that  
4 address carrying capacity and give everybody a shot at some  
5 fish, but get us where we need to be biologically in the long  
6 term, and how long would it take to do something like that?  
7 Would we be able to make address this as a council, subsequent  
8 to this FMP, at some other meetings, and possibly have them in  
9 place for not the upcoming season, but maybe the following one?

10  
11 **CHAIRMAN GREENE:** Thank you. I've got a couple of people on the  
12 list here. Mr. Walker.

13  
14 **MR. DAVID WALKER:** Thank you, Captain Greene. I was just going  
15 to add that I used to do a lot of amberjack fishing, and I  
16 fished them from Florida all the way to Texas, and I can tell  
17 you the months that they were the most accessible and catching  
18 larger fish was the months of March, April, and May.

19  
20 After, it's the season where they're harder to catch, and so  
21 there's not really an alternative up here that goes from January  
22 to May 31, or I don't think there's one there, but that was  
23 something that I would lean more towards, and that's from  
24 hearing from recreational fishermen whose kids were in school,  
25 and they really don't have the opportunity to fish more until it  
26 gets to the summertime.

27  
28 Then you have the charter fishery too that has different  
29 opinions, but I was just going to say that I think the  
30 commercial and the recreational should at least coincide to have  
31 March, April, and May closed, to at least have those three  
32 months closed, whatever alternative we go with.

33  
34 **CHAIRMAN GREENE:** Ms. Guyas.

35  
36 **MS. GUYAS:** To I guess go back to some of the things that John  
37 mentioned, if we go down this split season road, and I will put  
38 out a motion and see where it goes in a minute, but it may make  
39 sense to do some kind of split quota. In my mind, it probably  
40 would be simpler to do it on a -- Split it temporally, and so  
41 like part of the quota would be available in one season and part  
42 would be available in other season, rather than trying to draw  
43 lines geographically.

44  
45 That may be something to consider here as well, to make sure  
46 that fish are still available in that later part of the season,  
47 but I did send a motion over to staff, based on the comments  
48 that I have received, and so I will go ahead and put that out

1 now.

2  
3 **That motion is, in Action 2, add a new alternative that would**  
4 **modify the recreational closed season to be January 1 through**  
5 **the last day of February and May 1 through August 30.**  
6

7 I was going to do those two things separately, and so maybe you  
8 can ignore the vessel limit part, but you can see where I'm  
9 going.

10  
11 **CHAIRMAN GREENE:** For the time being, just delete the second  
12 paragraph there. Okay. Ms. Guyas, that motion is correct? All  
13 right. Is there a second for this motion?  
14

15 **MR. ANSON:** Second for discussion.  
16

17 **CHAIRMAN GREENE:** Second for discussion by Mr. Anson. Dr.  
18 Crabtree.  
19

20 **DR. CRABTREE:** My suggestion is, if this is the path you want to  
21 go down to, what I would recommend that you do is select no  
22 action on this action, Alternative 1, and vote this amendment up  
23 and be done with it at this meeting.  
24

25 Then have staff come back at the next meeting with a suite of  
26 alternatives to address the season, with the understanding that,  
27 depending on how many things you put in it and how you come at  
28 it, it may be the 2019 season before we can actually get those  
29 things allocated, but I would like to see us go ahead and vote  
30 up and take action on Action 1 in this amendment, and then, if  
31 you want to return to this in October, we can do that and bring  
32 it back to you, but you would need to give staff a pretty clear  
33 indication of the alternatives that you want them to look at.  
34

35 **CHAIRMAN GREENE:** Ms. Guyas.  
36

37 **MS. GUYAS:** I hear what you're saying, and I think I can get  
38 onboard with that approach, but I kind of do want to vote on  
39 this, just so that folks can kind of see where the council is on  
40 this concept, and, if we need to tweak the concept or tweak the  
41 dates, then that will give folks some indication about what  
42 people are thinking.  
43

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

46 **MR. ANSON:** The first blush on this is I will go back to my  
47 comment that I made earlier, in that, looking at the landings,  
48 at least recent landings, from March and April, is we would meet

1 the -- Effectively, we would nearly meet the quota, if the  
2 previous action item we voted on, at least in the first year --  
3 We might be able to squeak by in subsequent years, but so, as  
4 you mentioned, you know, just to kind of feel the waters, so to  
5 speak, I think there is some interest, at least from my  
6 perspective, in looking at this, in an effort to try to, again,  
7 spread those fish out over a different time of year, and then we  
8 can realize, potentially, some benefits, if we carved out more  
9 of the time that they're spawning, to let them spawn, and have  
10 no harvest occur, and use that as kind of the rationale for  
11 justification for the split season, and so I think Dr. Crabtree  
12 -- Probably his point is well served here, is that maybe we  
13 ought to look at that, and, granted, it won't be until 2020  
14 until maybe we can get that in place, but that's kind of where  
15 I'm leaning, and so I won't support this motion, based on the  
16 two-month period that would be available, where most of the  
17 quota would be caught.

18

19 **CHAIRMAN GREENE:** Mr. Riechers.

20

21 **MR. RIECHERS:** Martha, I support the concept, and possibly the  
22 two sets of closures that you're discussing. I'm a little bit  
23 like Kevin, and I may not support these actual dates, and you  
24 said throw some out.

25

26 Certainly, from my perspective, March, April, and May, in the  
27 peak of that spawning, if we could get that protection more  
28 centered around that, and I am not saying that it has to be  
29 fully that, but it seems like, starting May 1, we're ignoring  
30 too much of that spawning period, but I want to follow up now  
31 with a question to Dr. Crabtree, if I may.

32

33 Roy, the notion that you're trying to move this forward so we  
34 can go ahead and open, but, if we're going to actually consider  
35 closing January 1 to some time period, that would give us enough  
36 opportunity to get a better look at these at the next meeting,  
37 and does that give us some wiggle room to do that with that  
38 timing, that, by the time we would get out of the October  
39 meeting -- Yes, it puts a gun to our heads in October, and I  
40 understand that, but it actually -- Would that then give us  
41 enough time, where we wouldn't open and we could -- I mean, I  
42 don't know what your timing is. You said that it was going to  
43 be tight, but I didn't hear that end date.

44

45 **DR. CRABTREE:** If you voted it up in October, we would probably  
46 try to get a proposed rule to the Federal Register by the end of  
47 October and then a thirty-day comment period, and then you're  
48 into December, and it would be very difficult, I think, for us

1 to get a final rule effective by January 1, and so I think, if  
2 your goal is not to have the fishery open on January 1, you need  
3 to take some action at this meeting to establish a closure that  
4 goes into effect.

5  
6 Now, we might get to an effective date of a final rule by the  
7 end of the January or sometime in February, and then it would  
8 kick in, but, to be assured that the fishery -- That your rule  
9 is effective by January 1, I think you would need to take action  
10 at this meeting, if that's what you want to do.

11  
12 **MR. RIECHERS:** So part of our thought process could be, if we  
13 absolutely know that we want to move to a model similar to this,  
14 and we -- Basically, we could just close from January 1 through  
15 that period that we think gives us that opportunity to then come  
16 to October with a more fleshed-out set of guidelines, and that  
17 means that we've got to be good about what we do between now and  
18 October and have some good options on the table for staff to  
19 analyze, because we're not going to be able to veer too much  
20 from that at that October meeting, but we could -- If we wanted  
21 to think about it that way, we could buy ourselves time, but  
22 have that closure set up right here.

23  
24 **DR. CRABTREE:** I suppose you could choose one of the  
25 alternatives that establishes a closed season January 1 and then  
26 come in in October and vote some alternative scenario that would  
27 then kick in and modify all of that later in the spring.

28  
29 **CHAIRMAN GREENE:** Mr. Gregory.

30  
31 **EXECUTIVE DIRECTOR GREGORY:** In consulting with John here, we  
32 could -- I don't think it would make much difference in timing  
33 if we did split this into two frameworks and you approved Action  
34 1 today and then we brought a framework back to you with just  
35 seasons in October and then that gets voted up or down and have  
36 it be implemented just like Dr. Crabtree was saying. That would  
37 give you some assurance that at least the ACL is in place in a  
38 timely manner.

39  
40 The other thing is we have an SSC meeting in September, and so  
41 we'll take this to the SSC, and I just want to say that I think  
42 there is reason to be optimistic, with the change in the size  
43 limit. Up until then, the recreational fishery, which has over  
44 70 percent of the allocation, was fishing on juveniles as well  
45 as adults, and we've corrected that.

46  
47 They're no longer harvesting juveniles, and, if we can do  
48 something -- I know some fishermen want to fish in the spring,

1 but that is the spawning season. If we do something to protect  
2 some of that spawning season, the stock, just given some old-  
3 fashioned commonsense, will do better than it has done in the  
4 past, but we would definitely have the SSC look at this again,  
5 but the main thing that I want to say is that we can still split  
6 this into two frameworks and bring the season back in October  
7 and have it implemented say by February, like Dr. Crabtree said.

8  
9 The other thing we can do is look at our SEDAR schedule, when it  
10 goes before the Full Council, and move amberjack up a year or  
11 two. Instead of yellowedge grouper or tilefish, maybe do  
12 amberjack.

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

15  
16 **MR. DIAZ:** I want to thank Ms. Guyas for bringing this up. I  
17 think this is a great discussion for us to have, being as we all  
18 got so many emails from folks in the Panhandle area and Panama  
19 City and I guess Destin and all.

20  
21 I did want to ask you a question about your motion though, Ms.  
22 Guyas. I noticed that you have the -- Where it's the season  
23 would be open for March and April, and it seems like, in a lot  
24 of the emails that we got, people were saying that they wanted  
25 it from April through May, and, if they had to lose something,  
26 they would rather lose April, but I'm just trying to figure out  
27 your rationale on the dates and see if maybe you could respond  
28 to that. Thank you.

29  
30 **MS. GUYAS:** I've got a stack of them printed out in front of me,  
31 and there are some that are March and April, and there are some  
32 that are March and May, and there are some that are April and  
33 May.

34  
35 I am somewhat sensitive to avoiding, perhaps, fishing during the  
36 peak spawn, and so I kind of went on the earlier side of that.  
37 Also, I think, again, if we didn't do some kind of split quota  
38 situation, I don't know that we would even be able to do March  
39 through May. I think that those fish would be caught up pretty  
40 quickly, and so that's kind of where I started on this, but,  
41 again, I'm kind of open to ideas here.

42  
43 **CHAIRMAN GREENE:** Dr. Frazer.

44  
45 **DR. FRAZER:** Thank you, Mr. Chair. A question I have here is I  
46 guess we have a decision tool, right, at our disposal, and so  
47 one of the things that we could do is simply run one month in  
48 that spring period prior to the spawning season.

1  
2 In my opinion, it looks like the peak spawning season is  
3 probably March and April, and, as many people have said already,  
4 I am pretty keen on trying to defend that pretty vigorously  
5 without excluding people from fishing or having some opportunity  
6 in the spring. If we want to go to a split season, we can at  
7 least run that scenario for one month and see where we end up.

8  
9 **CHAIRMAN GREENE:** Mr. Sanchez.

10  
11 **MR. SANCHEZ:** Thank you. I really appreciate what Doug said  
12 about maybe the way to go would be Action 1 right now and then  
13 we tweak Action 2, to get it to where I think we want it to be,  
14 so that there is some east and west participation, yet we're  
15 addressing some spawning protection. I don't know. I think we  
16 could probably, as a group, come up with some better  
17 alternatives by Full Council, maybe, so we could kind of push  
18 this forward.

19  
20 **CHAIRMAN GREENE:** Dr. Froeschke.

21  
22 **DR. FROESCHKE:** The decision tool, January, 58,460 pounds would  
23 be the estimated harvest for the recreational sector. That's  
24 for if you just wanted to know the estimated harvest during the  
25 month of January.

26  
27 **DR. FRAZER:** Can I get that number for January and February?

28  
29 **DR. FROESCHKE:** February is 52,803, and so 110,000.

30  
31 **DR. FRAZER:** Thank you.

32  
33 **CHAIRMAN GREENE:** Ms. Bosarge.

34  
35 **MS. BOSARGE:** Thank you, Chairman Greene. Just to kind of keep  
36 everybody on the same page, if you all do want to do something  
37 sort of like what Doug mentioned, and I have really heard a  
38 good, decent amount of consensus, at least about the  
39 January/February part of this closure. It seems like that,  
40 around the table, is okay with everybody.

41  
42 I don't want to put words in your mouth. This is not my pot of  
43 tea, and so you all figure out what you want to do here, but, if  
44 that is what you want to do, based on the timeline that Dr.  
45 Crabtree gave us, yes, we'll have to do another document, like  
46 Doug said, but I think you will still have to pick one of the  
47 alternatives in Action 2 that gives you a closure on January 1.

48

1 You know, I guess it doesn't really matter which one you pick,  
2 if you intend to come back in and make a change, but, to make  
3 sure it's closed January 1, with the timeline for implementing,  
4 if we do something in October, you're probably going to need to  
5 pick one of those alternatives today and then come back with  
6 another document in October.

7

8 **CHAIRMAN GREENE:** Mr. Gregory.

9

10 **EXECUTIVE DIRECTOR GREGORY:** If you look at page 100 of the  
11 amendment, the framework action, in the appendix, Figure 2 gives  
12 you estimated landings by month, and so that's a good ballpark.

13

14 **CHAIRMAN GREENE:** Okay. I am going to give everybody a minute  
15 to kind of look at this, but we've got a motion on the board.

16

17 **EXECUTIVE DIRECTOR GREGORY:** That is page 100, and that's the  
18 graph there.

19

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

21

22 **MR. ANSON:** I will let Patrick go.

23

24 **CHAIRMAN GREENE:** Mr. Banks.

25

26 **MR. BANKS:** What is the timeframe of this? Is that the average  
27 landings in January over a certain amount of years?

28

29 **DR. FROESCHKE:** Yes, and I think it's a model-based. I could --  
30 Let me get back to you on that.

31

32 **MR. BANKS:** Okay. I was just curious, and thank you.

33

34 **CHAIRMAN GREENE:** Ms. Gerhart.

35

36 **MS. SUSAN GERHART:** Looking at the decision tool, the  
37 alternative that's in the motion on the board, which would have  
38 an opening for March and April and then a closure and reopening  
39 on September 1, the decision tool shows a closure again then on  
40 September 26 for the quota closure. Just another thing that we  
41 ran quickly is, if only the month of May were open, and then  
42 reopening on September 1 for the fall, there would not be a  
43 closure at that point predicted.

44

45 **CHAIRMAN GREENE:** Ms. Guyas.

46

47 **MS. GUYAS:** I don't want to jump too far ahead, but I think just  
48 about most of the people that I have heard from about doing the



1 split season idea also were interested in doing some kind of  
2 vessel limit or fractional bag limit, to hopefully stretch out  
3 the number of days that it could be open, and I don't know what  
4 that would look like, but that would also be something that I  
5 would be interested in discussing once we, I guess, get past  
6 this discussion, and so that's just something to keep in the  
7 back of your mind.

8  
9 **CHAIRMAN GREENE:** Okay. Thank you. We've got this graph up  
10 here, and everybody has had a chance to look at it. We've got a  
11 motion on the floor, and we're kind of drifting away from it,  
12 and so we need to kind of get back to the motion and decide if  
13 we want to add any more to this document.

14  
15 I think there's been some great ideas brought forth about what  
16 we're going to do with this document and do we want to split it  
17 apart and move forward, and I think that's probably to our best  
18 interest at this point, but that's just my opinion. With that,  
19 I am going to turn your attention back to the motion on the  
20 board. Is there any further discussion about the motion on the  
21 board before you? Dr. Dana.

22  
23 **DR. DANA:** Sorry, and not to belabor this, but so if we vote to  
24 have this action or, on this motion, if we vote for this motion,  
25 what essentially that does is it allows it to go to Full  
26 Council, but also to hear public testimony from folks about how  
27 they feel about this particular motion and also -- Yes, because  
28 the emails that we've been getting that would like this motion  
29 are primarily coming from Panama City, and I do believe Destin.  
30 I know the Destin fleet voted to support something of this sort,  
31 and that's two cities, and so I would like to hear from other  
32 Gulf regions in public testimony, to see if this is the right  
33 direction to go.

34  
35 The spawning peak season really concerns me, and, if we're  
36 trying to rebuild, and we know fish are in a certain area at a  
37 certain time, we need to take this very seriously, and we don't  
38 want to shut out the western Gulf by catching all the fish while  
39 they're spawning in the eastern Gulf. Anyway, I am okay with  
40 this going forward at this point, but I really want to hear  
41 public testimony from the fishermen about how this would impact  
42 them, Gulf-wide.

43  
44 **CHAIRMAN GREENE:** Thank you. Mr. Sanchez.

45  
46 **MR. SANCHEZ:** I am going to support this, just because I don't  
47 want Martha to go down in flames by herself, but I think we can  
48 come up with something that addresses some of these concerns

1 better in the very near future.  
2  
3 **CHAIRMAN GREENE:** Thank you. Is there further discussion about  
4 the motion? Mr. Matens and then Dr. Crabtree.  
5  
6 **DR. CRABTREE:** To me, it would be cleaner if you decided what  
7 you wanted to do with this amendment at this meeting, and it  
8 seems, to me, the real question you have is do you want the  
9 fishery to open on January 1 or not.  
10  
11 If you don't want it to open on January 1, you need to choose  
12 one of the seasonal closures that keeps it from opening on  
13 January 1 and then tell staff what you want them to bring to you  
14 in October to take a look at, which I think really what this  
15 motion is referring to is what you want to look at in October,  
16 but it kind of leaves the issue open as to what are we going to  
17 do with this amendment at this meeting.  
18  
19 **CHAIRMAN GREENE:** Mr. Riechers.  
20  
21 **MR. RIECHERS:** I would leave it up to the Chair and Martha  
22 regarding the motion on the board, but I am prepared to make a  
23 motion in Action 2 when you can entertain that.  
24  
25 **CHAIRMAN GREENE:** Ms. Guyas.  
26  
27 **MS. GUYAS:** Let's vote, and then we can move on.  
28  
29 **CHAIRMAN GREENE:** Okay. All right. Let's vote this up or down.  
30 I think everybody kind of, kind of, understands what we're  
31 trying to do here. There is a motion on the board before you.  
32 **All those in favor of the motion before you, please raise your**  
33 **hand.**  
34  
35 **EXECUTIVE DIRECTOR GREGORY:** Five yes.  
36  
37 **CHAIRMAN GREENE:** All those opposed, like sign.  
38  
39 **EXECUTIVE DIRECTOR GREGORY:** Eleven. **The motion fails five to**  
40 **eleven.**  
41  
42 **CHAIRMAN GREENE:** The motion failed, and so now we'll go back  
43 and look at the options that we had previously in this document,  
44 and I believe Mr. Riechers --  
45  
46 **MR. RIECHERS:** Before I make the motion, I have one question to  
47 General Counsel. Shep, if we wanted to modify Alternative 4 and  
48 5 and truncate either one of those to a different timeframe, do

1 you think we can do that? I really am not that concerned about  
2 it, but I wanted to ask the question. Otherwise, I will just  
3 move one of those two alternatives, with the notion that we've  
4 got to come back in October and that these are really an interim  
5 closure of that time period, but we can build that on the record  
6 or we could basically truncate one of these to a February 28 or  
7 a February 1, and that would give us enough time after October  
8 to put the rule in place.

9

10 **CHAIRMAN GREENE:** Mr. Grimes.

11

12 **MR. SHEPHERD GRIMES:** Just so I'm clear, the question is can we  
13 modify at this meeting and change that alternative and vote that  
14 up as a preferred alternative and move forward with it? Yes, I  
15 think you could. I would have some general discussion of the  
16 effects on the analysis that's in the document now. If you're  
17 shortening the season, obviously that would be less of a closed  
18 season, and just to give some general flavor and inform people  
19 before you made the final decision at the meeting.

20

21 **MR. RIECHERS:** Given that conversation, I think I will just take  
22 the more simpler approach and move Alternative 4 as the  
23 preferred alternative. If I get a second, then I will have some  
24 discussion about the intent of interim and so forth.

25

26 **CHAIRMAN GREENE:** Okay. We have a motion by Mr. Riechers to  
27 move Alternative 4, which would modify the recreational closed  
28 season. Mr. Riechers.

29

30 **MR. RIECHERS:** I think we just kind of had a little bit of that  
31 discussion, but I want to make sure that it's really clear that  
32 this is just an interim closure, and we may even want to modify  
33 the text a little bit, if we can, to reflect that or add a  
34 bulleted point here somewhere, as we maybe come to Full Council,  
35 that this is an interim measure closure, with the expectation  
36 that we're going to flesh out some additional options that will  
37 deal with this basic east/west issue and try to have those for  
38 our October meeting, so that, by the time we would reach the  
39 point of wanting to open one of those seasons, we basically  
40 would have laid over this closure a new set of alternatives, and  
41 then they would take effect, as opposed to this closure that  
42 would run all the way to June 30. I don't want to signal to  
43 folks that we're going to be closed all the way to June 30 in  
44 any way. We're going to come in in October and fix that.

45

46 **CHAIRMAN GREENE:** Okay. The motion is, in Action 2, to make  
47 Alternative 4 the preferred, which would modify the recreational  
48 closed season to be January 1 to June 30. It was seconded by

1 Mr. Matens, and then Mr. Riechers had laid out some further  
2 discussion. Any discussion about the motion on the board? Mr.  
3 Gregory.

4  
5 **EXECUTIVE DIRECTOR GREGORY:** Just some clarification about the  
6 follow-up. The council should, I think, in our mind, give us  
7 some alternatives to look at before we finish the meeting. I  
8 would be reluctant to just say, well, have staff come back with  
9 a range of closures, but we could do that.

10  
11 **CHAIRMAN GREENE:** Mr. Diaz.

12  
13 **MR. DIAZ:** I will wait until after we vote this motion up or  
14 down.

15  
16 **CHAIRMAN GREENE:** Thank you. Is there discussion about the  
17 motion on the board before you, before we move into the other  
18 discussion that Mr. Gregory was referencing? Mr. Walker.

19  
20 **MR. WALKER:** I could support this motion or alternative, but I  
21 would also support one, as I mentioned earlier, that went  
22 January through May 31 as well. You have the opening of snapper  
23 around June, and it seems to me that maybe the possibility that  
24 some folks may focus on amberjack or may focus on snapper, or  
25 they may focus on both, but, one thing about it, if it's later,  
26 and the snapper season is closed, there may be some interaction  
27 with snapper when they're amberjack fishing, but I will support  
28 your motion, your alternative.

29  
30 **CHAIRMAN GREENE:** Okay. Is there further discussion about the  
31 motion? **Seeing no further discussion, is there any opposition**  
32 **to the motion on the floor before you? Seeing no opposition,**  
33 **the motion carries.** Ms. Bosarge.

34  
35 **MS. BOSARGE:** I just want to say how proud I am of everybody. I  
36 think we're all playing so nicely together, and everybody is  
37 thinking about the other side, and I just -- I love it. I hope  
38 we continue this trend.

39  
40 **CHAIRMAN GREENE:** Well, I am not going down that path. We  
41 haven't got to Thursday yet. Mr. Diaz.

42  
43 **MR. DIAZ:** It's because of good leadership, Ms. Bosarge. I  
44 don't think this requires a motion, but Doug has said they would  
45 like some guidance on some stuff that we would like to see, and,  
46 based on Ms. Gerhart's comments a minute ago, I would like to  
47 see some analysis on an opening for the month of May and then a  
48 reopening on September 1 in the document as an alternative.

1  
2 My rationale on that, based on a conversation around the table  
3 and a comment that Dr. Frazer made a minute ago, is May is  
4 outside the strongest peak. I think you said March and April is  
5 what you considered the strongest, and so we're a little bit  
6 outside the strongest peak of the spawning season, and the  
7 decision tool -- At this point, it does look like it could  
8 remain open through the end of the year, based on Ms. Gerhart's  
9 comments. I also wouldn't mind seeing it open for the month of  
10 May with a reopening on August 1 and see how that works out, and  
11 so that's just my two-cents on that. Thank you.

12  
13 **CHAIRMAN GREENE:** Mr. Anson.

14  
15 **MR. ANSON:** Another thing I would like, season that I would  
16 like, for staff to look at would be to open on April 1, the  
17 whole month of April be open, and then open August 1. According  
18 to the decision tool, keeping the bag limits the same, that  
19 would end the fishery sometime around November 15.

20  
21 **CHAIRMAN GREENE:** Is there further discussion? Mr. Banks.

22  
23 **MR. BANKS:** I like that idea, Kevin. The things that I have  
24 been thinking about are certainly having some fish available for  
25 the folks in the western Gulf later in the year, but then it  
26 certainly strikes a chord with me, as a council member, the  
27 comments we've heard from the Panhandle of Florida, where a lot  
28 of folks, it seems like, based on the written comments at least,  
29 have built their business on at least somewhat of a spring  
30 season.

31  
32 It concerns me that we would be harvesting at that time on  
33 spawning fish, but certainly somehow allowing them to have some  
34 sort of a season I think is maybe where you were going there,  
35 and I like that idea.

36  
37 **CHAIRMAN GREENE:** Thank you. Further discussion? Okay. Then I  
38 will weigh in a little bit now, since there is no further  
39 discussion, as Chairman, if you will indulge me. I did not  
40 catch an amberjack this past year. They were closed, and so,  
41 when you think about the western Gulf, it ain't west of the  
42 Mississippi River. It's at the Florida/Alabama line.

43  
44 I know there is a spring season that happens in Florida, but it  
45 doesn't happen anywhere else, and I cleaned a good many  
46 amberjacks last year, and there was a lot of roe in those fish  
47 in March and April and May, and that's when some of the bigger  
48 ones are caught, and they are caught in deeper water.

1  
2 I fought that battle really hard between me and Mr. Fischer,  
3 back and forth about going up on the size limit and trophy fish  
4 and keeping one open when one was closed, and, ultimately, I  
5 will heed to Mr. Fischer that he was right on the season. We  
6 should have closed it sooner than what we did, and so I will  
7 admit that I was wrong in that regard, and I did pay attention  
8 to that, and I will man up and say that.

9  
10 I do know there is a spring season, and it happens not far east  
11 of me. I see it, and I understand it, and I can almost hear  
12 some of those guys on the radio on a good day, but it doesn't  
13 happen in places too much further to the west, and so, as you  
14 think about the east Gulf and the west Gulf, don't think  
15 Mississippi River. Think Florida/Alabama, because that's pretty  
16 much where the line is. As you move forward in your decisions,  
17 I just want to heed that to your attention. Any further  
18 discussion? Mr. Anson.

19  
20 **MR. ANSON:** Seeing that we have a relatively short timeline to  
21 get this action completed, but going back to, Martha, your  
22 comment relative to bag limit and size limit, and it might need  
23 to go to a vote, maybe, in lieu of staff time needed to maybe  
24 complete the analysis for the next meeting, but, if you have  
25 sincere interest in looking at a reduction, do you have a  
26 proposed number of fish per vessel, perhaps, maybe that you were  
27 thinking of going to, Martha, that maybe the council can decide  
28 on whether or not that would be something we want to -- Again,  
29 in light of the short time period that we have for analysis,  
30 that we can offer to staff, if in fact council members agree  
31 that would be a good option to go down at this point?

32  
33 **MS. GUYAS:** I don't have hard numbers, because I don't know what  
34 vessel limits or fractional bag limits would actually yield more  
35 days, and so that would be the goal here, would be to do that  
36 and get more days, and so I don't know if that's okay with  
37 staff, but, once the tools to do this analysis are put together,  
38 and you can toy with it a little bit and see what gets you the  
39 most bang for your buck.

40  
41 I know there was some fractional bag limit stuff that was done  
42 before I was on the council, and I just am not familiar with the  
43 results of that and what kinds of vessel limits and fractional  
44 limits resulted in an extended season, or even if that  
45 information would be valid at this point, since it was several  
46 years ago.

47  
48 **CHAIRMAN GREENE:** Mr. Anson.

1  
2 **MR. ANSON:** Again, I was just trying to keep it brief, if you  
3 had a specific number, that maybe you can just offer one or two  
4 vessel limits, perhaps, Martha, maybe half of a standard limit  
5 now of three or four anglers on a private boat or whatever, a  
6 six-pack vessel, that limit would be, if you had a specific  
7 number.

8  
9 I mean, there is -- In the decision tool, you can change the bag  
10 limit and kind of play with the numbers yourself, I guess, but,  
11 again, trying to give some direction to staff, so they can kind  
12 of stay focused on one or two options, potentially, and that's  
13 all.

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

16  
17 **EXECUTIVE DIRECTOR GREGORY:** Fractional bag limits were  
18 something we looked at a long time ago, and one of the  
19 complicating factors is how many people on a boat, headboat  
20 versus charter boat versus recreational boat, and that would  
21 take a lot more analysis than we can do between now and October,  
22 and so that would have to be in a different framework amendment,  
23 but we can start pulling that together, but we certainly won't  
24 have something, I think, definitive for you to look at in  
25 October.

26  
27 **CHAIRMAN GREENE:** Ms. Guyas.

28  
29 **MS. GUYAS:** I guess, for October then, if that's the case, I  
30 definitely would want to look at vessel limits, whether it's --  
31 Again, the idea would be to extend the season here. If it's one  
32 fish per vessel or two fish or three fish, and I don't know what  
33 would get us a longer season.

34  
35 **CHAIRMAN GREENE:** Ms. Bosarge.

36  
37 **MS. BOSARGE:** Well, I am hearing some rumblings over here, and I  
38 think that the vessel limit -- It sounds like that analysis is  
39 going to be kind of the same as what you were thinking about  
40 before, and so they can get started on it, but they're not sure  
41 that they would have that for you in October. Just a heads-up,  
42 and I don't know if that changes how you all are looking at  
43 things or not.

44  
45 **CHAIRMAN GREENE:** Mr. Riechers.

46  
47 **MR. RIECHERS:** Well, John, is it -- I tried to look for it  
48 quickly, but do we have just a regular bag limit analysis? I

1 was trying to scroll to the backend of the document and see  
2 what's there. Not that it would be the same analysis, but it  
3 would give clue and some level of at least illumination of what  
4 you would think some of those types of analyses would actually  
5 provide.

6  
7 **DR. FROESCHKE:** We have done those in the past. I don't  
8 believe, for this one -- Once the Regional Office developed a  
9 tool, that had already been removed from consideration for  
10 management in this framework action.

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

13  
14 **DR. MICKLE:** With partial bag limits, in the State of  
15 Mississippi, we have discussed them on certain other species and  
16 things, and I always like to get feedback from law enforcement  
17 on how easy or difficult that actually can be, and so I would  
18 like some input, maybe from law enforcement, on seeing how  
19 realistic -- I mean, no decisions we make has any effect unless  
20 law enforcement is onboard and understands and has the ability  
21 to do the decisions we make, and so I would like a little bit of  
22 input, at some point, on partial bag limits.

23  
24 **CHAIRMAN GREENE:** Okay. Thank you. I'm sure he can check into  
25 that and get back with you on it. Is there further discussion?  
26 I don't see any further discussion, and so, Dr. Froeschke.

27  
28 **DR. FROESCHKE:** The last time this was discussed was in  
29 Amendment 30A, and there is a whole section in there on that,  
30 and so, if we want to pull that up for some light reading, that  
31 would be good. Also, while I have the mic, on this amendment,  
32 we need a motion to approve and submit to the Secretary of  
33 Commerce.

34  
35 **CHAIRMAN GREENE:** Okay. Dr. Crabtree.

36  
37 **DR. CRABTREE:** Please, staff, make sure we put some language  
38 into the amendment, in big letters, that makes it clear that  
39 this is an interim closure and the council will revisit this, so  
40 that we don't get people too worked up.

41  
42 **CHAIRMAN GREENE:** Okay. We're going to need a motion to send  
43 this to the Secretary of Commerce.

44  
45 **MR. DIAZ:** So moved.

46  
47 **CHAIRMAN GREENE:** So moved by Mr. Diaz.

48



1 **MR. ANSON:** Second.

2  
3 **CHAIRMAN GREENE:** It's seconded by Mr. Anson. The motion would  
4 be to approve the Greater Amberjack ACL Management Measures and  
5 that it be forwarded to the Secretary of Commerce for review and  
6 implementation and deem the codified text as necessary and  
7 appropriate, giving staff editorial license to make the  
8 necessary changes in the document. The Council Chair is given  
9 the authority to deem any changes to the codified text as  
10 necessary and appropriate. It was moved and seconded. **Is there**  
11 **any opposition to the motion on the floor before you? Okay.**  
12 **With that, we will move on.** Dr. Froeschke.

13  
14 **DR. FROESCHKE:** I think that's it. Emily, do you want to go  
15 over the public comments?

16  
17 **SUMMARY OF PUBLIC HEARING AND WRITTEN COMMENTS**

18  
19 **MS. EMILY MUEHLSTEIN:** I would be delighted to. Thank you. If  
20 you look at Tab B, Number 4(b), that is a summary of written  
21 comments. Now, that summary ended last Wednesday, is the last  
22 comments that we included in that summary. However, we have  
23 received some comments between then and now, and so my oral  
24 summary of our comments will add in some of the comments that we  
25 have received since this written comment summary was produced.

26  
27 We have received eighty-five comments on the greater amberjack  
28 rebuilding plan document. I will go through the action-specific  
29 comments first and then end with the amberjack-specific comments  
30 that we received.

31  
32 Action 1, which considers modifying the rebuilding timeline,  
33 along with annual catch limits and annual catch targets, we  
34 heard support for Alternative 2, because the annual catch limit  
35 should be set equal to the acceptable biological catch  
36 recommended by the SSC.

37  
38 We also heard support for Alternative 3a, which would retain the  
39 annual catch limit/annual catch target control rule to establish  
40 a 13 percent buffer to the commercial sector and a 17 percent  
41 buffer to the recreational sector. We also heard, for Action 1,  
42 that an annual catch target should be used to ensure that the  
43 annual catch limit isn't exceeded.

44  
45 Moving to Action 2, which considers modifying the recreational  
46 fishing season, we heard support for Alternative 2, which is to  
47 modify the closed season to be March 1 through May 31. We also  
48 heard support for Alternative 4, which would modify the

1 recreational closed season to be January 1 through June 30, to  
2 ensure that there are no more mid-season closures, which are  
3 detrimental to tourism.

4  
5 We also heard that a late summer and early fall season is  
6 necessary to ensure charter customers have a mixed bag of fish  
7 to harvest throughout the year. We heard dissent for a fall-  
8 only amberjack season, and we heard support for the season to be  
9 open April and May and again sometime after July.

10  
11 We heard that a fall amberjack season would be detrimental to  
12 businesses, because the fleet needs a fishery in the spring. We  
13 heard that, in the spring, amberjack are the only fish available  
14 to fishermen in the Panhandle of Florida, and we heard that  
15 customers have come to expect certain fish during certain  
16 seasons and removing the spring amberjack season would be  
17 harmful to charter businesses.

18  
19 We heard that fishing in the spring for amberjack is much less  
20 dangerous than in the fall fishing for amberjack, because of  
21 weather, and the council should consider a May spring season,  
22 with the remainder of the quota being harvested sometime in the  
23 fall. The council should consider closing amberjack from  
24 September through March each year. We also heard that the  
25 season should open on January 1, so that there is a fish to  
26 target at the beginning of the year.

27  
28 We heard that, after a spring season, amberjack should open in  
29 mid-October for a fall season, and we also heard that, if  
30 triggerfish is open in the spring, then amberjack can open on  
31 August 1, and we heard support for an April and May season in  
32 conjunction with a one-fish per two-angler bag limit and a six-  
33 fish boat limit.

34  
35 We also did receive comment on what was Action 3, and that did  
36 consider modifying the recreational minimum size limit. At the  
37 last council meeting, the council moved this action to  
38 Considered but Rejected. However, we did hear support for no  
39 action, that the current recreational minimum size limit should  
40 not be modified, because the thirty-four-inch size limit needs  
41 to be in place for a while before we can understand the full  
42 effect of the regulation.

43  
44 Now, we also heard a number of amberjack-specific comments that  
45 were not necessarily specific to this document or to the actions  
46 in this document. We heard that the council should not take  
47 final action on this amendment at the August meeting. We also  
48 heard that the council should consider creating a one-fish for

1 every two people bag limit, which was shown by National Marine  
2 Fisheries Service in Amendment 35 to reduce charter and private  
3 harvest by 45 percent and to reduce headboat harvest by 39  
4 percent.

5  
6 We heard that amberjack should go back to thirty-two inches with  
7 a one-fish bag limit all year-round. We heard that the council  
8 should consider capping the boat limit of amberjack at six fish,  
9 and we also heard that it is unlikely that we reach the  
10 recreational amberjack quota at the time of year in such few  
11 days with the worst weather.

12  
13 We heard recreational anglers need longer amberjack seasons and  
14 that the amberjack population is much healthier than the science  
15 reflects. We heard that the early amberjack closure, in  
16 conjunction with no triggerfish and a small red snapper season,  
17 is killing recreational angling.

18  
19 We heard that commercial and for-hire sectors should have their  
20 quotas cut instead of recreational fishermen for amberjack. We  
21 heard that, if amberjack is overfished, then commercial fishing  
22 should be severely restricted.

23  
24 We heard that, if amberjack is overfished, then all fishing  
25 should be stopped. You can't make restrictions for one sector  
26 and not the other. We heard that amberjack under thirty-four  
27 inches are plentiful around the Destin, Florida area. We heard  
28 that the amberjack stock is healthier than ever, and this should  
29 lead to longer seasons and higher catch limits.

30  
31 We heard that the spawning season should be closed for both  
32 commercial and recreational anglers and that amberjack should be  
33 reallocated more in favor of the recreational sector and that  
34 the amberjack allocation should be split 85 percent recreational  
35 and 15 percent commercial and that the recreational size limit  
36 increase has made amberjack fishing better.

37  
38 We heard that changes to amberjack regulations should be made to  
39 the recreational sector, because they already have a majority of  
40 the fish and are allowed to harvest smaller fish during  
41 spawning. We heard that the council should take a strong  
42 precautionary approach when making adjustments to the size  
43 limits and seasons for greater amberjack, because the stock has  
44 struggled to rebuild.

45  
46 We heard that amberjack needs to meet its rebuilding  
47 requirements to provide a more stable fishery and that the  
48 council should consider trip limits, seasons, size limits, and

1 IFQs to manage the fishery.

2  
3 We heard that a spike in phone surveys taken from the  
4 recreational sector in the Panhandle area of Florida caused a  
5 false increase in the estimated amberjack landings, and,  
6 finally, we heard that red snapper are overpowering amberjack  
7 and pushing them off the structure.

8  
9 You will also notice that, in that comment summary, the written  
10 comment summary, in Tab B, Number 4(b), that there is a number  
11 of other comments that we received that are not necessarily  
12 specific to amberjack or to this document, and so I just want to  
13 refer you that those are there, and they are summarized, and so,  
14 rather than read them out loud, I just want to make you aware  
15 that they're there, and that concludes my report.

16  
17 **CHAIRMAN GREENE:** Okay. Thank you. I believe we've taken care  
18 of the codified text as well. The next item is the codified  
19 text, Tab B, Number 4(c).

20  
21 **CODIFIED TEXT**

22  
23 **MS. BOSARGE:** Shep, the codified text is Tab B, Number 4(c). Do  
24 you need to tell us anything about that, or do we just need to  
25 reference that it's there for our review?

26  
27 **MR. GRIMES:** Just a second, Madam Chair. I'm sorry.

28  
29 **EXECUTIVE DIRECTOR GREGORY:** I would like to ask -- I know, when  
30 the council members are talking to one another, that you like to  
31 look at the person that you're responding to, but it's important  
32 that you speak directly into the microphone and not turn your  
33 head away this way, because the people in the audience are  
34 having a hard time hearing the council members talk, and I think  
35 that's the reason why. You just really need to speak into the  
36 microphone.

37  
38 **MR. GRIMES:** The only thing I would note is that the seasonal  
39 closure language will reflect your preferred alternative in the  
40 document. Otherwise, I think it's all going to be just that,  
41 but you have given editorial license, and so it will come back  
42 to the Chair if there are any changes. Thank you.

43  
44 **CHAIRMAN GREENE:** Okay. Anything else before we leave greater  
45 amberjack? Dr. Froeschke.

46  
47 **DR. FROESCHKE:** Could we get a motion just to direct us to begin  
48 this new document and maybe some language about the alternatives

1 and if you want to consider the fractional bag limits?  
2  
3 **CHAIRMAN GREENE:** Absolutely. Does anyone want to make a motion  
4 to that nature? Mr. Riechers.  
5  
6 **MR. RIECHERS:** I move that we ask staff to develop a framework  
7 action regarding greater amberjack management measures dealing  
8 with seasons. I wish Ms. GUYAS was still over there, to see  
9 whether she wants to still try to put in some fractional bag  
10 limits, but it sounded like she still wanted to have that  
11 opportunity, and so we'll add that as well.  
12  
13 **CHAIRMAN GREENE:** Mr. Grimes.  
14  
15 **MR. GRIMES:** Thank you, Mr. Chairman. I would also note that  
16 the numbers in the codified text that is before you today do not  
17 reflect your preferred alternative, because there was no  
18 preferred alternative when they were developed, but, when those  
19 numbers are put in, they will reflect the decisions you make  
20 here at this meeting, at Full Council. It will probably have  
21 everything in it when you see it at Full Council. Thank you.  
22  
23 **CHAIRMAN GREENE:** Thank you, sir. Okay. Mr. Riechers, is that  
24 motion correct? Okay. Is there a second for this motion? It's  
25 seconded by Dr. Frazer. Is there discussion? Mr. Anson.  
26  
27 **MR. ANSON:** I don't know, and maybe Doug or Dr. Froeschke could  
28 comment on it, but, fractional bag limits, is there a -- Robin,  
29 is there a difference in that, between that and vessel bag  
30 limits? Are you talking about both angler and vessel bag  
31 limits?  
32  
33 **MR. RIECHERS:** I am assuming this is a vessel bag limit, and I  
34 want to make it absolutely clear that I am not necessarily  
35 supporting this as I make the motion.  
36  
37 **MR. ANSON:** I understand. I think it's just the fractional bag  
38 limit might be more complicated, or there might be less analysis  
39 on that. I don't know, but I am just asking staff to see if  
40 that covers or captures --  
41  
42 **MR. RIECHERS:** If I may, it sounds as if some people would  
43 prefer for me to say "vessel bag limits", and so let's just go  
44 ahead and move that to "vessel bag limits", if my seconder will  
45 agree.  
46  
47 **EXECUTIVE DIRECTOR GREGORY:** Yes, it will be vessel limits, and  
48 what we might do is bring two framework actions back, one for

1 the season and one for the vessel limits, because the vessel  
2 limits, if I'm correct, will take a lot longer to develop.

3

4 **CHAIRMAN GREENE:** Mr. Riechers.

5

6 **MR. RIECHERS:** Just as a point of discussion, and not  
7 necessarily to this motion, but I think it will be helpful, at  
8 the Full Council, or in the minutes, if we could make sure we  
9 put in those different options that different folks spoke to,  
10 because I think that will then allow, at Full Council, for  
11 people to see if there was a gap in a time period that they  
12 wanted open or something, and we could add that then at Full  
13 Council.

14

15 I'm trying not to overload staff with too many options, but  
16 still realizing that there may be something specific that Martha  
17 or the State of Florida was trying to do when she put her motion  
18 up on the board.

19

20 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.  
21 Atran.

22

23 **MR. STEVEN ATRAN:** It sounded like there was a little confusion  
24 about a fractional bag limit versus a vessel bag limit, and,  
25 when we did Amendment 30, which became 30A, we were talking  
26 originally about vessel limits, which was going to be a fixed  
27 number of fish per vessel, regardless of the size of the vessel  
28 or how many people were on it.

29

30 What we're calling fractional bag limits was suggested by some  
31 charter boat fishermen during an Orange Beach scoping meeting,  
32 and they said, instead of doing it that way, let's have a  
33 certain number of fish for every two fishermen, or for every  
34 three fishermen. In other words, it's proportional to the  
35 number of fishermen on the boat, and so you can have different  
36 bag limits depending on the number of people on the boat, and  
37 it's not fixed to the vessel.

38

39 **CHAIRMAN GREENE:** Thank you. What Mr. Atran is referencing was  
40 a half an amberjack per person type of thing. That's what was  
41 brought up, and I remember it very well. It was very  
42 confrontational. However, an example of a vessel bag limit  
43 would be one warsaw per boat type of a thing, and so it's not  
44 something that's completely unfamiliar and out of the range of  
45 ideas. We have a motion on the floor, and it's been seconded.  
46 Is there further discussion about what you would like to add  
47 into this?

48

1 It was mentioned that maybe we separate it into two different  
2 one as well, and so, if you want to have one just for the  
3 seasons and then one for the bag limits, then that should be a  
4 consideration. I heard some talk around that, and I don't know  
5 if anybody wishes to do that or if you want to just keep it all  
6 in one, but it's your committee and whatever you choose. Mr.  
7 Sanchez.

8  
9 **MR. SANCHEZ:** I think, too, I don't want the analysis with  
10 vessel bag limits to hold up the other one. I think we need to  
11 get on that one pretty quickly.

12  
13 **CHAIRMAN GREENE:** Ms. Guyas.

14  
15 **MS. GUYAS:** I understand that it might hold it up, but I think  
16 it makes sense to look at these two things together, because I  
17 mean -- I am afraid, if we end up dealing with the seasons first  
18 and then coming back and addressing bag limits in a separate  
19 one, we will end up addressing the seasons again, because,  
20 depending on what vessel bag limit you choose, you may be able  
21 to stretch out the season and maybe optimize fishing  
22 opportunities, where we wouldn't have that option just looking  
23 at seasons alone. I know there is some concerns about that  
24 delaying, but I don't know. To me, it makes sense to look at  
25 them together.

26  
27 **CHAIRMAN GREENE:** Okay. I am going to turn back to staff and  
28 then I will go to you, Mr. Diaz. John, would you refresh me  
29 again about why you were thinking we would be better to have  
30 two, as opposed to one?

31  
32 **DR. FROESCHKE:** The rationale, I guess, would be the different  
33 pace at which those might proceed, but I do agree that they are  
34 likely intertwined, and so you would want to know where you're  
35 going on bag limits if you were trying to extend the season to  
36 the end of the year for a given reopening date or something.

37  
38 **CHAIRMAN GREENE:** I understand, but I just couldn't remember  
39 what it was. I know you're not trying to tell the council what  
40 to do, but I just couldn't remember what your point was there,  
41 and so, Mr. Diaz.

42  
43 **MR. DIAZ:** I am just trying to get it straight in my mind, so I  
44 know what I'm voting on. A minute ago, we said that these  
45 fractional bag limits and some of this other stuff was a  
46 difficult analysis and we weren't sure that we could have it  
47 ready for the October meeting.

48

1 If this motion here will not have us with something ready to go  
2 at the October meeting, our next meeting is January, and so, if  
3 we try to take final action in January to impact this season,  
4 this next season, I don't know that we can do that. I almost  
5 feel like I would like to support something in this motion that  
6 brings us to a point where we can take final action next month,  
7 and so that's where I would like to see us be moving towards,  
8 and so, if this motion doesn't do that, please address that.  
9 Thank you.

10

11 **CHAIRMAN GREENE:** Mr. Gregory.

12

13 **EXECUTIVE DIRECTOR GREGORY:** We will do our best. I mean, I  
14 hear what everybody is saying, and we'll do our best to bring  
15 everything together in one document in October, and, if the  
16 vessel bag limits is inadequate at that point in time, you can  
17 separate the two, but we won't be putting it off, but we'll do  
18 the best we can. We just think, given the complicated nature of  
19 it, it will take more time, but we will certainly -- We've got  
20 eight weeks between the two council meetings, and we'll do the  
21 best we can to address both issues at the same time.

22

23 **CHAIRMAN GREENE:** Thank you. Ms. Guyas.

24

25 **MS. GUYAS:** Yes, and I guess one more thought. Given the  
26 discussion that we just had about potentially moving the  
27 amendment that we have forward with the ACL and a season option  
28 in there, it kind of would be strange to go back in October and  
29 choose another season with no additional new information and  
30 then do another amendment with the vessel bag limits and then  
31 the seasons, potentially, again. I guess, as I'm kind of  
32 thinking through this, it's making more and more sense to  
33 address these two things together in a separate amendment.

34

35 **CHAIRMAN GREENE:** Okay. We have a motion on the floor, and  
36 let's go ahead and vote this motion up or down. Then we're  
37 going to take about a quick ten-minute break and let everybody  
38 kind of digest this. Then, if we come back and we decide we  
39 want to do something a little different, we can pick it back up  
40 before we get into the next couple of agenda items before lunch.  
41 With that, I will go ahead and call for a vote.

42

43 **The motion is to have staff develop a framework action for**  
44 **greater amberjack management measures dealing with seasons and**  
45 **vessel bag limits. Is there any opposition to the motion on the**  
46 **floor before you? Seeing no opposition, the motion carries.**  
47 With that, we'll go to Dr. Crabtree.

48



1 **DR. CRABTREE:** Just a procedural thing. Doug, could we start  
2 having -- I would like to hear the public comment report from  
3 Emily before we start picking preferreds and things. It seems  
4 out of sync for us to hear it after we've already done that.

5  
6 **MS. BOSARGE:** Yes, and we had that same sidebar discussion over  
7 here, and I was actually going to get with staff and see if --  
8 Because it is on the agenda as letter a to hear those public  
9 comments, but then, if you look at the Agenda Item IV, the first  
10 tab that we have on the agenda is that Tab B, Number 4(a), and  
11 so I think just if we tweak a little bit the way we lay out the  
12 agenda, maybe add one more line item to it underneath that and  
13 not have that tab right there, maybe it won't be so confusing  
14 for us as we're going through, and it's not staff's fault. We  
15 should have picked it up over here, but, yes, you're correct. I  
16 think, in this case, luckily, we got most of the emails  
17 personally, and so we did know what most of the comments were,  
18 but I agree that we want to hear that before we get too far into  
19 it. Thank you, sir.

20  
21 **CHAIRMAN GREENE:** With that, we're going to go ahead and take  
22 about a ten-minute break, and we'll get back at 10:35.

23  
24 (Whereupon, a brief recess was taken.)

25  
26 **CHAIRMAN GREENE:** We are going to -- Before we leave greater  
27 amberjack, I am going to circle back around. There was a lot of  
28 conversation about seasonal limits, and we were asking staff to  
29 come up with some options. However, when I got up from the  
30 table, staff kind of asked if there's some way that we can  
31 narrow down some of those options. If there's something in  
32 there that we just absolutely think is not going to work, then  
33 we to get it out, or let them know that, so that we don't have  
34 to analyze that, because we're going to be in a big time crunch.

35  
36 If there's something that someone is leaning toward, then make  
37 that known now, if possible. If you're not quite there just  
38 yet, then maybe, between now and Full Council, we can get with  
39 staff and let them know what your intentions are and do that, so  
40 they will have some clear, absolute understanding, by the time  
41 we leave here, of what it is that we're trying to do, and  
42 sometimes it's hard to kind of figure the intent of the council,  
43 and sometimes even of yourself, whenever you're trying to keep  
44 up with this thing, as much as it's moving, and so, before we  
45 leave greater amberjack, does anybody wish to weigh in or make  
46 any comments or anything? Dr. Stunz.

47  
48 **DR. STUNZ:** Really quick, Johnny. What you're talking about is

1 they will provide us with some type of list or table or  
2 something, so we can kind of see if it's capturing what we're  
3 envisioning?

4  
5 **CHAIRMAN GREENE:** Well, I don't know that they're going to  
6 provide you anything before this meeting, but, if you have some  
7 idea of a time series that you like or don't like, please just  
8 get with them and try to come up with something. Before I speak  
9 for the staff, let me go to Dr. Simmons and see if she can help  
10 out and offer a little direction here.

11  
12 **DR. SIMMONS:** What we can do is just put it in the committee  
13 report, and, thank you, Mr. Chairman, what we heard currently,  
14 and then everyone will look at that again, and, if there is  
15 anything that you don't want to consider that was considered in  
16 the current framework, that's also good information to have  
17 before we leave here on Thursday. Thank you.

18  
19 **CHAIRMAN GREENE:** Okay. Dr. Stunz, that kind of hits that  
20 point, and are you comfortable with that?

21  
22 **DR. STUNZ:** That would be great, if it could go in that report.

23  
24 **CHAIRMAN GREENE:** Okay. Thank you. Anything else before we  
25 leave greater amberjack? With that, we will move on to our next  
26 agenda item, which will be Amendment 42, Reef Fish Management  
27 for Headboat Survey Vessels, and Dr. Diagne.

28  
29 **AMENDMENT 42 - REEF FISH MANAGEMENT FOR HEADBOAT SURVEY VESSELS**  
30 **REFERENDUM ELIGIBILITY REQUIREMENTS**

31  
32 **DR. ASSANE DIAGNE:** Thank you, Mr. Chair. We are going to  
33 discuss the referendum eligibility criteria that you have to  
34 define for participation in the referendum for Amendment 42, the  
35 headboat survey vessels allocation-based management program.  
36 These options were presented to you and discussed, if I recall,  
37 in October, I believe, last October.

38  
39 We have essentially four alternatives in this document.  
40 Alternative 1 would be the no-action alternative, and it would  
41 not specify eligibility criteria. Obviously that wouldn't be a  
42 workable alternative to pick. The remaining three alternatives  
43 would pick various annual average landings, and those are  
44 expressed in number of fish.

45  
46 For each one of the alternatives, we present two options. One  
47 option would be, essentially, for one permit, one vote, and the  
48 second option would have the votes weighted based on the catch

1 history of the participant. If I may, I will direct your  
2 attention to Table 3.1, and that would be PDF page 12, or  
3 regular page 8.

4  
5 The table essentially provides the number of voters based on the  
6 various criteria that we have in the document, and some more  
7 actually. For the no action alternative, without defining any  
8 criteria, everybody would vote, and we would have the universe,  
9 essentially, of seventy-one participants, and all of them would  
10 vote.

11  
12 Alternative 2, which would require that participants have an  
13 annual average of a hundred fish over the period between 2011  
14 and 2015, for all of the five species included in Amendment 42,  
15 we would essentially have sixty-four out of the seventy-one  
16 possible participants voting, and they would represent still  
17 99.8 percent of the landings.

18  
19 Alternative 4, which would set a larger threshold, let's say of  
20 1,000 fish, on average, would represent still 91 percent of the  
21 landings, but it would significantly decrease the number of  
22 voters to forty-three out of the seventy-one. Last time you  
23 discussed this, you considered Alternative 2 as perhaps a  
24 preferred course of action, and I will stop here and try to  
25 answer questions, if you have any. Thank you.

26  
27 **CHAIRMAN GREENE:** Okay. Is there discussion by the committee?  
28 Ms. Guyas.

29  
30 **MS. GUYAS:** Just two questions, and I can't remember if we  
31 discussed this before, but why are these based on landings since  
32 2011 specifically? Then I'm trying to remember the years of the  
33 headboat IFQ EFP. Was that 2014 and 2015, Assane?

34  
35 **DR. DIAGNE:** Yes, and the EFP was, as you mentioned, in 2014 and  
36 2015. For the eligibility requirement, 2011 to 2015 would  
37 represent essentially the cleanest and most accurate data that  
38 we have for these participants, and that is why that is the  
39 interval chosen.

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

42  
43 **MR. ANSON:** Assane, describe to me how they're cleaner and the  
44 most descriptive. Is it just because of the changes of  
45 ownership of the permits and transfer of permits in that time  
46 period, and how did the data stream differ prior to 2011?

47  
48 **DR. DIAGNE:** Part of it has to do with -- Let's say I think it

1 was prior to 2009 or so, and we had the landings, but not  
2 attributed to the vessels, and so essentially, by the time you  
3 looked at the vessel ID and the vessel name and have that  
4 cleaned up, 2011 was determined to be the best starting point.

5  
6 **CHAIRMAN GREENE:** Anyone else wish to make a comment? Seeing  
7 none, Dr. Diagne.

8  
9 **DR. DIAGNE:** Mr. Chair, these are the four alternatives in the  
10 document, and so, if the council elects to do so, you would  
11 pick, or recommend, I guess, an alternative, and that would be  
12 the alternative that would be considered when the time would  
13 come to start or request initiation of the referendum, but this  
14 would be the first step, essentially, to select an eligibility  
15 criterion, so that, when the time comes to request the  
16 initiation of the referendum, we would know that it will be  
17 based on whichever alternative you selected as a committee and  
18 then as a council, if that is the course of action you want to  
19 take.

20  
21 **CHAIRMAN GREENE:** Okay. Mr. Sanchez.

22  
23 **MR. SANCHEZ:** I would make a motion that we select Alternative  
24 3, Option b as the preferred.

25  
26 **CHAIRMAN GREENE:** That's in Action 1, correct?

27  
28 **MR. SANCHEZ:** Correct.

29  
30 **MR. BOYD:** Assane, what page is this on in the document?

31  
32 **DR. DIAGNE:** The alternatives are on page 5 and 6, or PDF page 9  
33 and 10, I believe.

34  
35 **CHAIRMAN GREENE:** Okay. I'm trying to give them just a second  
36 to get the motion up on the board and let everybody have time to  
37 get there. Mr. Sanchez, we're getting the motion on the board,  
38 and I assume that is correct as written? Okay. I'm going to  
39 give them just a second to get it on the board and get it on one  
40 screen and make sure everybody understands.

41  
42 We have a motion on the board, and is there a second for this  
43 motion? It's seconded by Mr. Walker. I will read the motion  
44 into the record and we will have some discussion. In the  
45 eligibility referendum requirements, to make Alternative 3,  
46 Option b, the preferred alternative. Alternative 3 is restrict  
47 participation in the referendum to persons who have a valid or  
48 renewable federal reef fish for-hire permit issued to a landings

1 history vessel and who have substantially fished for red  
2 snapper, gray triggerfish, greater amberjack, red grouper, or  
3 gag based on landings submitted to the SRHS during the  
4 qualifying years. A vessel qualifies as a LHV if it has  
5 individual landings history recorded by the Southeast Region  
6 Headboat Survey by December 31, 2015. For-hire federal permit  
7 holders whose vessels landed an annual average of at least 400  
8 fish of all species combined are considered as having  
9 substantially fished. Annual average landings are based on  
10 landings recorded by the SRHS between 2011 and 2015. Option b  
11 is each eligible permit will have one vote regardless of the  
12 relative size of the vessel's catch history. Is there  
13 discussion on the motion before you? Mr. Anson.

14  
15 **MR. ANSON:** I'm wondering -- Assane, did you, in the analysis of  
16 this -- Were there any vessels that were participating in the  
17 pilot program, the 2014 and 2015 pilot program, that may not  
18 make that cut, the 400? I mean, if they were a relatively small  
19 vessel, in terms of their historical landings, and then only  
20 were provided a certain number of fish, would that number of  
21 fish for those two years impact their average landings such that  
22 they may not make this?

23  
24 **DR. DIAGNE:** We did not specifically look at that as you framed  
25 the question, but keep in mind that the program is a  
26 multispecies program that would address five species and that  
27 the EFP was limited to red snapper and gag grouper, and the  
28 likelihood of that would be extremely small.

29  
30 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.  
31 Stunz.

32  
33 **DR. STUNZ:** Dale had his hand up first.

34  
35 **CHAIRMAN GREENE:** I'm sorry, Mr. Diaz. You're at the end of the  
36 table, and sometimes I miss you, and I apologize.

37  
38 **MR. DIAZ:** That's okay. If I am looking at this chart  
39 correctly, we're in Alternative 3, and the folks have to have  
40 caught at least 400 fish, and about fifty-six people would be  
41 able to vote, and is that correct what this motion would do?

42  
43 **DR. DIAGNE:** Yes, fifty-six out of the seventy-one will be  
44 eligible to vote, but they would still account for 98.2 percent  
45 of the landings.

46  
47 **MR. DIAZ:** In the past, the way that I've kind of thought about  
48 this is I think that the standard is they have to have

1 substantially fished, and we're going to define substantially  
2 fished, and what this motion would do is say 400 fish is  
3 substantially fished.

4  
5 We've got fifty-six people out of seventy-one that could vote,  
6 but the other folks -- To me, I like to keep the bar real low on  
7 substantially fished, because the people here have valuable  
8 boats, and they may not be able to vote on this referendum, and  
9 the outcome of this vote could affect the value of their boat,  
10 and so, at this time, I am going to have to speak against this  
11 motion, and I would be more in favor of choosing a standard of  
12 substantially fished that would be less than 400 fish, and so  
13 that's my thoughts on it. Thank you.

14  
15 **CHAIRMAN GREENE:** Okay. Thank you. Is there further  
16 discussion? Dr. Stunz.

17  
18 **DR. STUNZ:** Dale made most of my points there with the  
19 Alternative 3 versus 2, but that is eight other vessels, I  
20 guess, and I'm wondering about those eight other vessels, who  
21 they are and who we would be excluding by going to that. I  
22 don't necessarily not support the motion, but, kind of like  
23 Dale, I wanted to make sure that we're not missing some key  
24 folks in those eight vessels, and I am trying to get some idea  
25 who that might be.

26  
27 **CHAIRMAN GREENE:** Thank you. Ms. Guyas.

28  
29 **MS. GUYAS:** One of the things that I'm kind of wondering, since  
30 the cutoff is 2015, is, if we had 2016 data in here, if that  
31 would potentially expand the number of people that would be  
32 eligible to vote, if there have been permit sales between then  
33 and now. We have finalized 2016 data at this point, don't we,  
34 for the headboats?

35  
36 **CHAIRMAN GREENE:** Ms. Gerhart.

37  
38 **MS. GERHART:** Just to remind you that you did put a control date  
39 in of December 31, 2015, and so that was why that date was used.

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

42  
43 **MR. DIAZ:** This is a question for Assane. Could we even choose  
44 Alternative 1 if we wanted to? It does say "substantially  
45 fished", and, in Alternative 1, they would have zero fish  
46 caught. Is that even viable?

47  
48 **DR. DIAGNE:** I would defer to -- I would ask for legal advice,

1 but it seems to me that "substantially fished" and having caught  
2 zero fish -- I don't know how to reconcile that, but I will ask  
3 Mr. Grimes.

4

5 **CHAIRMAN GREENE:** Mr. Grimes.

6

7 **MR. GRIMES:** Thank you, Mr. Chairman. Well, I would say I don't  
8 like -- I wouldn't like the idea of do not specify eligibility  
9 criteria. That's not what you're doing. You would be setting  
10 it at zero, and I too think there are sort of conceptual  
11 challenges to saying that catching zero fish means you  
12 substantially participated or substantially fished, excuse me.

13

14 **CHAIRMAN GREENE:** Mr. Sanchez.

15

16 **MR. SANCHEZ:** If the seconder would agree, I will withdraw and  
17 look at Alternative 2.

18

19 **CHAIRMAN GREENE:** All right. The seconder agrees with that, and  
20 so you're going to withdraw your motion?

21

22 **MR. SANCHEZ:** I would like to make a motion for Alternative 2,  
23 Option b as well.

24

25 **CHAIRMAN GREENE:** All right. We're going to get that on the  
26 board, and it will take just a second. John is proposing a new  
27 motion, which will be Alternative 2. Is there a second for this  
28 motion? It's seconded by Mr. Walker.

29

30 I waited last time for them to get the language up on the board,  
31 because everybody was trying to get to their pages, but, this  
32 time, I kind of think everybody knows where we're at. Is there  
33 any further discussion while they're getting the motion up on  
34 the board? Mr. Boyd.

35

36 **MR. BOYD:** I am going to back up just a minute. Several meetings  
37 ago, we changed the terminology that we're using to landings  
38 history vessel instead of headboat, and there's been a lot of  
39 discussion in public comment, and there's been a lot of  
40 discussion behind the scenes, about what is a headboat, and I  
41 know there's a lot of discussion within the charter group,  
42 because some of the boats that have high capacity are, quote,  
43 unquote, moved into their sector, and that causes a problem for  
44 the charter/for-hire guys, when you start doing allocations, if  
45 you do them within their sector.

46

47 I don't think that landings history vessels are the way to go in  
48 this allocation, because it's an arbitrary decision on who is in

1 that group. It's an arbitrary decision based on reporting and  
2 not on Coast Guard capacity and not on vessel capacity and not  
3 on anything.

4  
5 The other point that I would like to make is that we're moving  
6 to a referendum here in this document, and we haven't picked a  
7 preferred on management alternatives yet. How do we know that  
8 we're even going to need this? Thank you.

9  
10 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.  
11 Diagne.

12  
13 **DR. DIAGNE:** Just perhaps a little comment. As far as the split  
14 of the for-hire sector component, as we may call it, into two  
15 pieces, the only objective criterion we have today would be  
16 those that have landings at the headboat survey in Beaufort  
17 versus those that don't have it.

18  
19 To the extent that we want to move forward with two separate  
20 amendments, and that decision, of course, is for the council to  
21 make, that would be the only objective criterion that we have to  
22 be able to separate those two groups. If perhaps that is back  
23 on the table, perhaps the structure of these amendments would  
24 have to be rethought, depending on the direction that you want  
25 to take.

26  
27 As far as the second comment, in terms of referendum, this is  
28 just an indication of the eligibility requirement. There are  
29 many, many steps to come after this, and one of which being the  
30 formal request letter requesting the initiation of the  
31 referendum, and that can happen much later in time, after the  
32 amendment is further developed, and so this is still a very  
33 preliminary stage. Thank you.

34  
35 **CHAIRMAN GREENE:** Okay. Mr. Anson.

36  
37 **MR. ANSON:** I want to go back to a comment that Mr. Diaz had  
38 made on the previous motion, but it still applies to this  
39 motion, relative to the value of the permit and allowing enough  
40 people who have the headboat, or the LHV vessels, to vote on 42  
41 and what's being discussed in Amendment 42.

42  
43 I want to see what are the options for the permit holders? I  
44 mean, currently, they can sell to another individual, and that  
45 individual can put it on another vessel, and, as long as the  
46 Coast Guard certification equals the passenger limit on the  
47 permit, then they can take the passenger limit that's on that  
48 permit, and I know that might change over time, depending upon



1 the vessel, in that certification process, but this permit will  
2 still be able, after we go through a referendum, if 42 goes  
3 forward, will that permit always remain as a LHV permit and it  
4 won't go to a charter boat permit? Is that correct, maybe Sue  
5 or Assane?

6  
7 **DR. DIAGNE:** Yes, that's correct. I will let Ms. Gerhart  
8 elaborate on that, but, in the amendment, we did include text to  
9 essentially preclude, quote, unquote, double-dipping, to be in  
10 42 and get shares and so forth and then take the permit and say  
11 that I want to go to the other side, but I will let her explain  
12 more.

13  
14 **CHAIRMAN GREENE:** Ms. Gerhart.

15  
16 **MS. GERHART:** I am not sure that I have additional to that, but  
17 we do have various actions in the amendment about even creating  
18 a new permit, so that there are separate permits in the future,  
19 or an endorsement to the permit. Those are options that the  
20 council can look at to keep these separate, but, yes, we have  
21 put provisions into the amendment for not allowing a single  
22 permit or vessel to be in both of the different programs.  
23 You're either in 42 or 42.

24  
25 One follow-up that I wanted to have about the referendum is just  
26 to remind you that, once you decide on the criteria and submit  
27 the letter to NMFS, we would still have to go through rulemaking  
28 for the criteria for the referendum, and so there will be a  
29 proposed rule with comment period and then a final rule, and so  
30 we're talking a five to six-month period just to get the  
31 criteria for the referendum in place before it could take place,  
32 and then it's always still the council's option of when to have  
33 that referendum after those criteria are in place.

34  
35 **CHAIRMAN GREENE:** Thank you. Is there further discussion? All  
36 right. We have a motion on the floor. Any further discussion  
37 about the motion on the floor? **Is there any opposition to the**  
38 **motion on the floor before you? Seeing none, the motion**  
39 **carries.** Mr. Diaz.

40  
41 **MR. DIAZ:** I just want to clarify something on the last  
42 discussion, because my memory is not -- I am not remembering  
43 this exactly. Based on what we just said -- At one time, we had  
44 talked about folks in 42 could opt out and join 41 if they  
45 wanted to, and I think, at one time, we talked about not  
46 allowing them to opt out, and where is it currently in the  
47 document right now? Can they opt out, or do they have to stay  
48 in 42?

1  
2 **DR. DIAGNE:** Folks in 42 will stay in 42, and the remainder of  
3 the for-hire will be in 41, and the issue was discussed also  
4 during the joint meeting, if you would, let's say the entire  
5 for-hire component, and it would be difficult to track if people  
6 were allowed to get in and get out, opt in and opt out.

7  
8 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.  
9 Anson.

10  
11 **MR. ANSON:** I don't want to belabor the point, but, if we had --  
12 We may have had language to this earlier, but, for that  
13 individual headboat owner that would be identified as a landings  
14 history vessel, and if they're under the 100 fish regime right  
15 now, it may not be in their best interest to go forward with 42  
16 and maybe to have a one-time opt-out. Then they are just --  
17 That would depend on the timing of the two amendments, and I  
18 understand that too, and having an opportunity for them to be  
19 included in 41 calculations, but it may not make much sense to  
20 them if they're stuck then at that level and then they've got to  
21 kind of continue to have their business practice around that  
22 size of a fishery, and so that's what just struck me by your  
23 comment earlier, Dale.

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

26  
27 **DR. DIAGNE:** Yes, Mr. Chair, and I have to correct something  
28 that I just said. The action to allow folks to make the  
29 decision to stay in 42 or to get out is still in the document.  
30 What is no longer in the document is to be able to allow them to  
31 do it back and forth as we move forward, but, at the onset of  
32 the program, the option is theirs to decide to be in this or to  
33 leave.

34  
35 **CHAIRMAN GREENE:** Mr. Boyd.

36  
37 **MR. BOYD:** Assane, if they opt out, where do they go? Do they  
38 go into the other sector?

39  
40 **DR. DIAGNE:** They will continue to be managed under the federal  
41 recreational regulations applicable at that time, essentially.  
42 Whatever regulations are on the books at that time will be  
43 applicable to them.

44  
45 **MR. BOYD:** Okay, but I don't think that answered my question,  
46 for me anyway. Do they go into the private boat recreational  
47 sector, or do they go into the charter/for-hire sector?

48

1 **DR. DIAGNE:** They will be a portion of the recreational sector  
2 and not in 41. That being said, a portion -- They will come  
3 with their fish, quote, unquote, or I will let Ms. Gerhart talk  
4 about that.

5

6 **CHAIRMAN GREENE:** Ms. Gerhart.

7

8 **MS. GERHART:** I think the way we have it designed is, if you're  
9 a for-hire vessel, you're in either 41 or 42, and so then, if  
10 you're not in 42, you would be part of 41.

11

12 **MR. BOYD:** A follow-up, Mr. Chairman. So, hypothetically, a  
13 sixty capacity boat who is in 42 could move to 41 and take its  
14 allocation with it?

15

16 **MS. GERHART:** It's up the council to decide if they're going to  
17 allow those kinds of options. Those are part of the actions  
18 that are in the amendment, and the council will decide if they  
19 want to allow that or not.

20

21 **MR. BOYD:** Thank you.

22

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

24

25 **MR. RIECHERS:** Assane, I think someone asked it earlier, and I  
26 will try to ask it again. At this point, we haven't analyzed,  
27 and it's really fifteen vessels, if you go 400 or less, and we  
28 haven't analyzed those by capacity or with a notion of whether  
29 we think there would be greater incentives for them to move to  
30 42 to 41 and looking at some of that passenger capacity. Have  
31 we done that yet?

32

33 **DR. DIAGNE:** For this amendment, we have the landing records of  
34 each one of the vessels, the catch histories, as reported to the  
35 headboat survey, and so that is what we are using. The  
36 passenger capacity issue is one of the key pieces in 41,  
37 because, over there, we don't have the landings history, and so  
38 that analysis is there.

39

40 **MR. RIECHERS:** Yes, and I understand that we're using that catch  
41 history here that we have, but I mean, as Kevin, I think, was  
42 alluding to, certainly there may be a point where it just  
43 doesn't behoove people to stay in this system based on those  
44 lower catches that they're going to receive as allocation.

45

46 If they were going to go to a different system and there was --  
47 I am not saying that any of these are going to necessarily move  
48 forward in the way they are now, but, if there was going to be

1 this fish and redistributing fish again and that sort of thing,  
2 it may behoove them to move.  
3  
4 I think some of the questions that we've heard from others is  
5 what happens with these -- Like I said, I am counting them as  
6 fifteen vessels that are under 400 fish, and those are probably  
7 the more likely, but one could even argue that it could be under  
8 1,000 fish and how those capacities might impact.  
9  
10 **DR. DIAGNE:** I am afraid that I am not understanding the  
11 question.  
12  
13 **MR. RIECHERS:** I will get with you on a break.  
14  
15 **DR. DIAGNE:** Okay, because, if each one of them has their catch  
16 histories, and, collectively, as a sector, they can make a  
17 decision to go to this new program or not, essentially.  
18  
19 **CHAIRMAN GREENE:** Thank you. Is there further discussion?  
20 Okay. Dr. Diagne.  
21  
22 **DR. DIAGNE:** That's all we have for this. The amendment itself  
23 was attached, just for reference, and so we will, I guess,  
24 proceed and prepare a letter, and that will be brought before  
25 you at a later time. Thank you.  
26  
27 **CHAIRMAN GREENE:** Okay. Thank you. Dr. Crabtree.  
28  
29 **DR. CRABTREE:** So where we are now is you would prepare a letter  
30 requesting that we move forward with this rulemaking to  
31 establish procedures, but you're going to bring that letter back  
32 to us at the October meeting to review?  
33  
34 **DR. DIAGNE:** Yes, Dr. Crabtree. We will bring the request to  
35 initiate the referendum letter to them.  
36  
37 **DR. CRABTREE:** At the October meeting?  
38  
39 **DR. DIAGNE:** Yes.  
40  
41 **DR. CRABTREE:** All right. I'm good with that.  
42  
43 **CHAIRMAN GREENE:** Mr. Sanchez.  
44  
45 **MR. SANCHEZ:** Is there a reason why we're waiting until October,  
46 other than -- Usually we're at final action and we're kind of  
47 ready to go, and I kind of want to understand that a little  
48 better.

1  
2 **DR. DIAGNE:** These are the steps that we followed when other  
3 referendum or referenda, I guess, were administered for the  
4 allocation-based programs, just to make sure that we follow the  
5 steps, as we have them laid out.  
6  
7 **CHAIRMAN GREENE:** Ms. Bosarge.  
8  
9 **MS. BOSARGE:** So we don't have to have a motion then. When we  
10 take final action on other things, there is this motion to send  
11 it to the Secretary and all of that, and this is my first time  
12 to go through the referendum. Is there a special motion that we  
13 make here, or are we done?  
14  
15 **DR. CRABTREE:** Well, we're not technically taking final action  
16 now. We have chosen our preferred, and staff will then put the  
17 letter together and bring the letter to us at the October  
18 council meeting. At that time, I would presume that we would  
19 entertain a motion to submit the letter or not send the letter.  
20 That's my understanding of what we're doing.  
21  
22 **DR. DIAGNE:** Yes, we can do it that way. We will essentially  
23 prepare the letter based on your preferred here and bring it to  
24 the October meeting.  
25  
26 **DR. CRABTREE:** So you would need then to notice this again as  
27 final action at the October meeting, and we would review the  
28 letter and then vote whether to send it or not.  
29  
30 **CHAIRMAN GREENE:** Mr. Sanchez.  
31  
32 **MR. SANCHEZ:** I am kind of with Leann, in that -- Normally, I  
33 guess, when we're at final action, we kind of, following the  
34 final action decision, which we just had, we vote to send it to  
35 the Secretary for approval. Perhaps there is some different  
36 nuance, being that it is a referendum document, but I would just  
37 like to note that I find that kind of odd that, having a final  
38 action schedule, you're not ready to follow up with that letter.  
39 I find it somewhat strange.  
40  
41 **CHAIRMAN GREENE:** Dr. Diagne.  
42  
43 **DR. DIAGNE:** Perhaps we can go through the nuance and look at  
44 the final point. Following this motion, as a committee and the  
45 council, what you can do is formally pass another motion that  
46 would request that we bring the initiation letter or that you  
47 request the initiation of the referendum, so that we prepare  
48 that letter and bring it to you. Typically, it's an amendment,

1 and you do final action and you send it to the Secretary, but  
2 this is a little bit different.

3

4 **CHAIRMAN GREENE:** Dr. Crabtree.

5

6 **DR. CRABTREE:** My request to you, and what I hope that you will  
7 do, is not go ahead and make a final decision on proceeding with  
8 the voting procedures, but to make that decision at the October  
9 meeting, when we have the new council members seated. At that  
10 time, they can look at the preferred and what we've done here,  
11 and they can make a decision about what to do, but I would  
12 encourage you to hold off that final step until the October  
13 meeting.

14

15 **CHAIRMAN GREENE:** Mr. Sanchez.

16

17 **MR. SANCHEZ:** I do appreciate that, but, as we know, there's  
18 going to be a change in the composition of the council in  
19 October, and I, for one, would rather see the folks that are  
20 vacating their seats that have had the benefit of countless  
21 hours of public testimony, public written comment, and have been  
22 through years of meetings that have brought us to this final  
23 juncture to be able to weigh in on that, rather than the two, I  
24 guess, replacement council members who don't have the benefit of  
25 that.

26

27 **CHAIRMAN GREENE:** Dr. Crabtree, to that point?

28

29 **DR. CRABTREE:** Well, I appreciate that, John. I guess I'm  
30 looking at it that where we go with Amendment 41 and 42 now  
31 though is going to be a decision of the new council that will  
32 take their seats in October and for some time after that.

33

34 This is linked to those amendments and part of the decision  
35 they're going to have to make, and so my preference is to defer  
36 a final decision on this until the new members are here and we  
37 then see where we're going with this, because we know how many -  
38 - I just think we need to see where the new council wants to go  
39 with it, and I appreciate your position on that, but I think  
40 that's the best course of action.

41

42 **CHAIRMAN GREENE:** Mr. Banks.

43

44 **MR. BANKS:** Would there be anything that would prohibit the new  
45 council in October from overturning this, if they so chose?

46

47 **CHAIRMAN GREENE:** Dr. Crabtree.

48

1 **DR. CRABTREE:** My view is no. The new council can change the  
2 decision or do something different.

3  
4 **CHAIRMAN GREENE:** Mr. Banks.

5  
6 **MR. BANKS:** Then it seems like, to me, that we vote it as John  
7 proposes. Then, if the new council chooses to change it, then  
8 they choose to change it. That seems to be the best course of  
9 action here, rather than just assuming that they may change it.

10  
11 **CHAIRMAN GREENE:** Further discussion? Ms. Bosarge.

12  
13 **MS. BOSARGE:** I guess I'm confused procedurally. I guess, if we  
14 want to delay this and have a letter come to us in October, we  
15 make no motion, but, if we want this to be our final action and  
16 then allow the new members to come in -- If they have a  
17 difference of opinion on what we've done, then I guess we go  
18 back and revisit this, but, if we want this to be the final  
19 action today -- That's why I was asking Shep if there is a  
20 motion that's made or how does this typically proceed? Do you  
21 have to have a motion for this to be final? Procedurally, where  
22 do we go?

23  
24 **MR. GRIMES:** I would say that the council -- Whatever decision  
25 the council makes, and, if you want to request that the  
26 Secretary or the agency start to initiate the rulemaking process  
27 for this referendum, then you could say, okay, this is what we  
28 consider substantially fished and move that the Secretary  
29 proceed with the rulemaking to work towards conducting this  
30 referendum.

31  
32 Yes, I would say that some sort of motion, a clear decision by  
33 the council, and I apologize, because I have not been involved  
34 in this whole process, and I may be missing something, but there  
35 are regulations for these referenda, and, to initiate the  
36 referendum on a proposed IFQ program, the relevant council must  
37 have held public hearings on the FMP or FMP amendment in which  
38 the IFQ program is proposed. The council must have considered  
39 public comments on the proposed IFQ program. The relevant  
40 council must have selected preferred alternatives for the  
41 proposed IFQ program.

42  
43 You haven't done the latter two, right? I totally get that it  
44 takes a while to conduct the rulemaking that's going to allow  
45 the referendum to occur, but the referendum is on your proposed  
46 IFQ program. You don't have that, I would say. I mean, you  
47 have documents and alternatives and actions, but it seems to me  
48 that you wouldn't -- Well, again, I apologize if I don't have

1 all the background, but you would be requesting that the  
2 Secretary start the process, the rulemaking process, for a  
3 referendum to approve an IFQ program that is not well defined at  
4 this stage.

5

6 **CHAIRMAN GREENE:** Dr. Crabtree and then Mr. Anson.

7

8 **DR. CRABTREE:** The way I'm looking at it, in terms of how staff  
9 laid it out, that they're going to bring us the letter and we'll  
10 decide what to do with it in October, I think, if you want to  
11 instruct staff to write the letter and request that the  
12 Secretary initiate the rulemaking, you would need to make a  
13 request and pass a motion instructing staff to proceed with the  
14 letter before the October meeting. That's how I'm reading it.

15

16 **CHAIRMAN GREENE:** Dr. Diagne.

17

18 **DR. DIAGNE:** I think it may look pretty straightforward, but I  
19 was refreshing my memory here, looking at the referendum on  
20 Amendment 29, and perhaps the confusion comes from the fact that  
21 we all now are seeing the preferred alternative for  
22 substantially fished, and so, in I guess most of our minds, then  
23 why not just have the letter and proceed, but there is another  
24 motion that, as a council, that you need to pass, and that  
25 motion, in specific terms, requests that NMFS initiate the  
26 referendum.

27

28 In that letter, you lay out the eligibility criteria that you  
29 have selected and you put some analysis behind it. We have most  
30 of that analysis, but you also need a regulatory impact review  
31 for the criteria that you have selected to accompany that  
32 request.

33

34 It may seem straightforward when we say that we have picked 100  
35 fish, but now, based on that 100 fish, you have to write a  
36 letter detailing the impact of that, as well as a regulatory  
37 impact review, and submit that to NMFS for them to proceed.

38

39 That is the step that is missing, and that is the main reason  
40 why we will bring the letter back to you in October, but you  
41 have taken final action, and that's final, and so, based on  
42 this, we are going to bring the letter with the analysis and the  
43 regulatory impact review. Then you will request that NMFS move  
44 forward.

45

46 **CHAIRMAN GREENE:** Thank you, sir. Dr. Crabtree.

47

48 **DR. CRABTREE:** Just to that point, remember that you're not



1 requesting that we initiate the referendum. You're requesting  
2 that we initiate a rulemaking to set up the voting procedures,  
3 and I also would disagree a little that it's final, because you  
4 could come back at the October meeting and decide that you want  
5 to revisit this and choose another preferred alternative or  
6 whatever you wanted to do, but you can't bind the next council  
7 meeting, the council, from making some other decision, although  
8 that would delay things, obviously.

9  
10 **CHAIRMAN GREENE:** Mr. Anson.

11  
12 **MR. ANSON:** I had a couple of questions, and one was related to  
13 my trying to understand the process a little better, and so the  
14 previous two individuals, Dr. Crabtree and Dr. Diagne, helped to  
15 put that in clearer mind for myself.

16  
17 I just wanted to pick up on the point that Dr. Crabtree had made  
18 earlier that, in deference to the new council members -- Leann  
19 made a comment at the beginning of yesterday's committee  
20 meetings about the timing of this particular meeting relative to  
21 the new membership, and I was involved with the decision-making  
22 process that selected this meeting and this time period, and so  
23 I will take equal responsibility for having an inopportune  
24 meeting relative to the new members, and I apologize for any  
25 inconvenience and extra heartache that may have caused the new  
26 members as well as the old members.

27  
28 In light of that, however, we're having discussions that we  
29 would normally have with new members, and I think there is  
30 something to be said for that. It doesn't mean to say that  
31 council members can't offer motions on the board, and so, if a  
32 motion were to come up to want to try to make this a little bit  
33 more firmer, as far as the timeline to get the eligibility  
34 requirement document going, I would not be in favor of that.

35  
36 I kind of agree with Dr. Crabtree to go ahead and continue on  
37 with the timeline and have staff bring it back to the next  
38 council meeting, and it could be up for another vote at that  
39 time, but that's where I stand.

40  
41 **CHAIRMAN GREENE:** Ms. Bosarge.

42  
43 **MS. BOSARGE:** Shep, I want to make sure, whether we do it here  
44 or at the next meeting, that we have everything in place to  
45 actually make this decision. You said something about having  
46 preferreds, and I guess I was confused.

47  
48 I thought you meant what you were referring to is that the

1 regulation, the Act, said that we had to have a preferred in the  
2 documents, which I thought that you were talking about 41 and  
3 42, before we can take final action on this referendum  
4 requirement.

5  
6 Can you clarify that for me, because, if that's the case, I  
7 would need to make sure that 41 and 42 are on the agenda for the  
8 next meeting, to pick preferreds, to even be able to take final  
9 action there, and can you clarify this for me, please, sir?

10  
11 **MR. GRIMES:** I will try, and I think this probably merits some  
12 more discussion, and so I am going to characterize this as a  
13 preliminary response to you, but, if you look, the statute  
14 itself says that we have to have a referendum, and, in the Gulf  
15 of Mexico, multispecies permits substantially fished, and so,  
16 codified at 50 CFR 600.1310, are regulations for New England and  
17 Gulf of Mexico individual fishing quota referenda. Those are  
18 regulations that were promulgated in Headquarters, and they are  
19 not council-specific regulations.

20  
21 This council and the New England Council are the only ones that  
22 have this referenda requirement, and the regulations clearly say  
23 that the councils can't submit, and the Secretary can't approve,  
24 an FMP amendment that would create the program until that  
25 program has been approved by a referendum.

26  
27 Then it says, to initiate the referendum, all of those things  
28 that I read to you need to be done. The relevant council must  
29 have considered public comments on the proposed IFQ program,  
30 which I think you have Draft 41 and 42, but those -- I don't  
31 want to say that they aren't proposed programs, but I would say  
32 there is not a -- You haven't even selected preferred  
33 alternatives for a lot of those, and so what are you -- I don't  
34 think that has been satisfied, at least if you're talking about  
35 requesting the rulemaking as being initiating the referenda.

36  
37 Then, if you come down through those regulations, later in the  
38 regulations, it talks about actions by the Secretary and what  
39 the Secretary will have to go through in conducting the  
40 referendum, and it says that NMFS shall promulgate specific  
41 referenda procedural requirements, voter eligibility and all of  
42 that, and it talks about proposed and final rule.

43  
44 The regulations, I would say, characterize that proposed and  
45 final rule as initiating the referenda, right, and you don't  
46 want to initiate the referendum, or can't, until you have a  
47 proposed plan. The regulations are going to go out and specify  
48 the voting criteria for approval of some specific IFQ plan, and

1 so how do you move forward with this without a more concrete  
2 plan that's developed? You are looking like that didn't clarify  
3 anything.

4

5 **CHAIRMAN GREENE:** Ms. Gerhart.

6

7 **MS. GERHART:** Let me explain to you the timeline that we had put  
8 together last year when we were sort of at this same point,  
9 before we delayed action on 42 to coincide with 41. At that  
10 time, we were looking at, in October, the referendum voting  
11 criteria, as you are now, and the timeline we had with that was,  
12 if that was approved by the council at that October meeting, we  
13 would go ahead and publish the proposed rule sometime in  
14 November, and the final rule -- There would be a comment period  
15 and the final rule publishing in the first of February, with the  
16 effective date of March 1.

17

18 That effective date, at that time, because we were trying to get  
19 done to start the program in the following year, we would  
20 immediately start the referendum on March 1 through the end of  
21 March, and so there would be a full month of voting time.

22

23 The idea, at that time, was that, during the January/February  
24 council meeting, the council would approve or would pick the  
25 final preferreds and approve a public hearing draft to go out to  
26 the public and a DEIS as well, and so that there would be  
27 comment period during the same time as the referendum voting  
28 period, or rather public hearings during the same time as the  
29 voting period, but, at that point, the preferreds would have  
30 been picked.

31

32 Then that timeline then would allow for final action by the  
33 council at the April meeting, and that would allow the program  
34 to start the following January, and so that's the timeline we  
35 had put together last year for that, which is slightly different  
36 than what Mr. Grimes is saying, in terms of when the preferreds  
37 are picked. In our case here, we had the preferreds picked  
38 before the referendum was actually conducted and not before the  
39 criteria were picked, as you're doing today.

40

41 **CHAIRMAN GREENE:** Ms. Guyas.

42

43 **MS. GUYAS:** If I may, I want to make a suggestion for Chapter 5  
44 of this document, which is the next step, because what Shep just  
45 outlined, his timeline of events and when preferreds needs to be  
46 picked versus public hearings and when this referendum goes out,  
47 is different from what Ms. Gerhart just described.

48

1 Can we have that, whatever that real timeline is, and not  
2 necessarily with dates, but at least the sequence of events that  
3 need to happen, laid out in this next steps a little bit  
4 clearer, and it's not completely clear in here now, just so that  
5 everybody kind of knows what we're working with, if we're going  
6 to come back and revisit this in October?

7  
8 Then, also, when that referendum ballot goes out, is it really  
9 explaining what is mailed to people, and is it just the ballot,  
10 or is it the whole amendment as well, or is it also an analysis  
11 of what that person would be getting or what that vote would be  
12 getting? I think having some more information here would be  
13 helpful, it sounds like to all of us and probably to the people  
14 that would be affected by this.

15  
16 **CHAIRMAN GREENE:** Mr. Gregory.

17  
18 **EXECUTIVE DIRECTOR GREGORY:** Let me join the confused. I  
19 thought, along with what was planned for last year with 42,  
20 that, if the council took final action on a referendum, and not  
21 the amendment, but the referendum, at this meeting, or at any  
22 meeting, that we would write a transmittal letter for the Chair  
23 to sign without it coming back to the council, but clearly --  
24 Then NMFS does rulemaking to set up the criteria for the  
25 referendum, but the referendum doesn't happen until the council  
26 has finished its preferred action on the amendment itself, and  
27 that could take one meeting or it could take six meetings.

28  
29 After the council has finished tinkering with the amendment, we  
30 would write an initiation letter to NMFS saying that we want you  
31 to initiate the referendum and we have no intentions of changing  
32 the amendment anymore until after we get comments from the  
33 referendum.

34  
35 I get the impression that the two letters are confused here, and  
36 we never bring a transmittal letter back to the council for  
37 approval. That's done by the Chair. Correct me if I'm wrong  
38 with this, and the IPT -- I mean, we set all of this up for  
39 final action, and so even most of us on staff are confused.

40  
41 **CHAIRMAN GREENE:** Dr. Crabtree.

42  
43 **DR. CRABTREE:** The thing is that normally we would have a motion  
44 to transmit this request to the Secretary, which no one has made  
45 at this meeting, and there is some who have raised that they  
46 would be more comfortable doing that at the next meeting.

47  
48 My thing is the voting procedures and how you do this are sort

1 of linked to the amendment as well, and we're going to have a  
2 new council come in that may have very different views on what  
3 the preferreds in the amendment should be, and there may be  
4 substantial changes, and they may play into what you might want  
5 to do with the voting procedures.

6  
7 I don't know, and so what I'm asking is that we hold off on that  
8 step of voting to transmit this until the next meeting and we  
9 see where the new council is and where they want to go with  
10 this, and so, if that's our thing, then we're done with this at  
11 this point, and it will be back on the agenda and we'll take it  
12 up again at the next council meeting.

13  
14 **CHAIRMAN GREENE:** Madam Chair.

15  
16 **MS. BOSARGE:** I am going to let the council decide where they  
17 want to go with it, but I just want to formally apologize, on  
18 the record, to -- Because this is a strange situation we have,  
19 but Mr. Phil in the audience, and then we have David and Dr.  
20 Dana here, and all of their input is important.

21  
22 I want to make sure, definitely, that David and Dr. Dana,  
23 sitting at this table, do not feel slighted, as if their input  
24 is somehow less valuable, because we do appreciate your time,  
25 and we appreciate you being at this meeting and participating  
26 the full term that you have been appointed. Your input is  
27 valuable. Mr. Phil, yours is very valuable too, and thank you  
28 for giving up a week of your time to come sit in the audience  
29 with us.

30  
31 Maybe I am missing -- I don't know what I am missing here. I  
32 didn't see this as that controversial of a decision. I mean, we  
33 just made a decision on 100 fish, and I don't know. I thought  
34 we had some good discussion, and I guess I don't see maybe where  
35 those two amendments are headed that this would be that  
36 significant of an impact on the -- I mean, hey, from what I hear  
37 a little bit in these comments, maybe these amendments are not  
38 headed anywhere. Okay. Well, so be it, but I don't see how  
39 that really affects what substantially fished is in these  
40 referendum requirements.

41  
42 If that is the direction that the new council chooses to go,  
43 then it would just put a screeching halt to everything, but I  
44 don't really think that it would change our decision on what  
45 substantially fished means. It would change our decision on  
46 where we're headed with those amendments, or not headed, and I  
47 can see that, but I guess I just don't see how this is all that  
48 controversial. I guess I am missing it.

1  
2 **CHAIRMAN GREENE:** To that point, Dr. Crabtree?  
3  
4 **DR. CRABTREE:** I mean, I think, to bring -- If we want to move  
5 forward with this, then I think someone needs to make a motion  
6 to instruct staff to send a letter to the Secretary and  
7 requesting that they initiate rulemaking to establish voting  
8 procedures, and, that way, folks who want to move it now and  
9 have you done with it can vote yes. Those who think it should  
10 be looked at at the next council meeting can vote no, and we  
11 will be clear where we are.  
12  
13 **CHAIRMAN GREENE:** Mr. Sanchez.  
14  
15 **MR. SANCHEZ:** That said, I am going to make that motion, but,  
16 before that, I just want to thank Shep for showing grace under  
17 pressure. He got thrown in this saddle, and here you are, and  
18 you've done a great job of going through all of this that was  
19 thrown in your lap, and thank you for that.  
20  
21 **CHAIRMAN GREENE:** Mr. Grimes.  
22  
23 **MR. GRIMES:** Thank you, Mr. Chairman. I appreciate that, Mr.  
24 Sanchez. Looking at the regulations a little more, and the  
25 final rule language, in order for NMFS to conduct the final  
26 rule, or conduct the referendum, NMFS must publish a final rule  
27 as soon as practicable after the council determines that the IFQ  
28 program proposal and supporting analysis are complete and ready  
29 for secretarial review.  
30  
31 Clearly the regulations envision that you don't have to have a  
32 final, final plan ready to be submitted until you are getting  
33 ready to publish the final rule, and I haven't seen the  
34 timelines, and I don't know what length comment period they're  
35 talking about, but I think this clearly allows for you to  
36 request the process, the regulatory process, for initiating the  
37 referendum to occur before you have a final FMP amendment with  
38 an IFQ program decided by the council in front of you, but I  
39 don't know, in terms of the timeline, how close those need to  
40 be.  
41  
42 It seems to me that you have a lot of decisions to make in 41  
43 and 42, and perhaps you shouldn't be talking about initiating a  
44 referendum until you have more clarity as to how 41 and 42 are  
45 going to develop.  
46  
47 **CHAIRMAN GREENE:** Thank you. Mr. Sanchez, you said you were  
48 going to make a motion, and did I miss that? I apologize if I

1 did, but I'm just trying to keep up.

2  
3 **MR. SANCHEZ:** I would like to make a motion that we send this to  
4 **the Secretary.** We can finish up with 42 as we will or we won't  
5 and pick preferreds and do all of that good stuff, but, right  
6 now, we're final on this, and let's send it to the Secretary and  
7 see what happens. Thank you.

8  
9 **CHAIRMAN GREENE:** I am going to give them just a second to get  
10 it on the board and make sure it's correct. Mr. Sanchez, is  
11 that your motion?

12  
13 **MR. SANCHEZ:** Yes, but maybe add "for approval".

14  
15 **CHAIRMAN GREENE:** There is a motion on the floor before you. Is  
16 there a second for this motion? Seconded by Mr. Walker. Is  
17 there discussion? Dr. Crabtree.

18  
19 **DR. CRABTREE:** I think we've discussed this a lot, and you all  
20 know that I've been supportive of looking at these amendments,  
21 but I think, at the timing we are, it's kind of awkward, but I  
22 think that we ought to defer this motion off to the next council  
23 meeting and give the new council an opportunity to weigh in, and  
24 so I'm going to vote against the motion, and I would urge you  
25 guys to do the same, and let's take this back up again in  
26 October.

27  
28 **CHAIRMAN GREENE:** Further discussion? Mr. Banks.

29  
30 **MR. BANKS:** I am a little troubled by the comments from Roy and  
31 from Kevin, but I understand where you're coming from, but I am  
32 just troubled by it, simply because it almost makes me think  
33 that, if that's the general feeling of the majority of the  
34 council, then why in the world did we call a meeting? Why would  
35 we even be doing this work if we feel like we need to put  
36 everything off until the next meeting for these new people to  
37 come on?

38  
39 If that's the case, then maybe that's what we should do, if  
40 that's the general feeling of the majority of the council. I am  
41 concerned about all of our additional conversations going  
42 forward. If we can't move some of these -- Not necessarily for  
43 this issue, but I am just thinking ahead of the line here for  
44 some of our state amendments that we really want to work on,  
45 and, if that's the general feeling of the council, then really  
46 what are we doing here? Is that what I'm hearing? I certainly  
47 heard it from two folks, but I don't know about the rest of the  
48 members.

1  
2 **CHAIRMAN GREENE:** To that point, Dr. Crabtree?

3  
4 **DR. CRABTREE:** I am not suggesting that at all, Patrick. I am  
5 referring to this specific issue, and it's the same with  
6 Amendment 41, but we just did recommend final action on  
7 amberjack, and I expect that we are taking final action on  
8 amberjack, and so I am not -- I am not going nearly as far as  
9 you are, but I just have concerns about these two specific  
10 issues, and I don't think there is any great time crunch on this  
11 to not to be able to do this. I don't think we lose anything.

12  
13 **CHAIRMAN GREENE:** Ms. Guyas.

14  
15 **MS. GUYAS:** I just wanted to share one more thing. In addition  
16 to getting lots of emails about amberjack, I did get some emails  
17 from the for-hire industry about these two referenda, and having  
18 them on the agenda, even though it's been on the agenda before,  
19 seemed to catch some people off-guard, and they just didn't know  
20 that it was going to be coming for this meeting, and they had  
21 expressed interest in coming to the October meeting to attend,  
22 since it is at that time that the season has winded down for a  
23 lot of people.

24  
25 I guess, just hearing what Shep and staff have said, that maybe  
26 we're just not there yet, and there is really no -- At least  
27 we're not under a time crunch, and I think I would be inclined  
28 to not support this motion.

29  
30 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.  
31 Swindell.

32  
33 **MR. SWINDELL:** I guess I'm having a little difficulty here in  
34 trying to understand why the council should delay any kind of  
35 action, regardless of what it is, just waiting on new members to  
36 come on. Does this set a precedent that, come next July, we  
37 should wait before we do significant action of any sort for new  
38 council members that come on next August, which there will be,  
39 perhaps. I think the council is an organization that should act  
40 as it sees necessary, and so I don't see any problem with taking  
41 action on it today. Thank you.

42  
43 **CHAIRMAN GREENE:** Dr. Crabtree.

44  
45 **DR. CRABTREE:** I think the difference is, Ed, is this is just  
46 one step in a process of putting in place Amendment 42, and  
47 that's not a process we can complete today. It's going to be a  
48 decision that has to be made by the incoming council, and so I



1 think, just this particular step of the process, we would be  
2 better off to let them deal with as well, because it's going to  
3 be their decision where to go with it, and so it's not like this  
4 is a final action on putting something in place. It's just part  
5 of a process.

6  
7 **CHAIRMAN GREENE:** Yes, sir, to that point, Mr. Swindell.

8  
9 **MR. SWINDELL:** In other words, you would just rather wait for  
10 another council meeting to take place, regardless of whether  
11 those new members are there or not, at this point?

12  
13 **DR. CRABTREE:** I just view the decision on this as tied into  
14 where we're going with the whole amendment, and I think we need  
15 to see what the new council wants to do with the amendment and  
16 this particular step.

17  
18 **CHAIRMAN GREENE:** Okay. Any further comments? **By a show of**  
19 **hands, all those in favor of the motion on the board before you,**  
20 **please raise your hand.**

21  
22 **EXECUTIVE DIRECTOR GREGORY:** We've got six yes.

23  
24 **CHAIRMAN GREENE:** All those opposed, like sign.

25  
26 **EXECUTIVE DIRECTOR GREGORY:** Ten. **The motion fails six to ten.**

27  
28 **CHAIRMAN GREENE:** All right. **The motion fails six to ten.** With  
29 that, I guess that will wrap up 42. Am I correct, Dr. Diagne or  
30 staff? Can someone assist me here?

31  
32 **DR. DIAGNE:** Yes, Mr. Chair. That will wrap it up, but if we  
33 can get, I guess, some guidance as to the next step. Is this  
34 something to be re-discussed at some further date? Just some  
35 guidance.

36  
37 **CHAIRMAN GREENE:** All right. Staff is seeking some guidance  
38 here. Committee, how do you feel? What do you wish to relay to  
39 them? Dr. Crabtree.

40  
41 **DR. CRABTREE:** I think we bring this back at the October  
42 meeting.

43  
44 **CHAIRMAN GREENE:** Mr. Riechers.

45  
46 **MR. RIECHERS:** I also heard enough confusion around the table,  
47 between the IPT and General Counsel, and I would hope that,  
48 between now and that meeting, that you all actually work through

1 what you think that schedule and next steps, both from a  
2 reasonable standpoint of having the information needed to make  
3 those judgments as well as let's see if we can't get ourselves  
4 on the same page.

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

7  
8 **MR. BOYD:** To that point, Martha asked a while ago if we could  
9 have a detailed list of the criteria for the timeline and for --  
10 I don't remember everything, Martha, but I would like to be sure  
11 that that got to staff, or do we need a motion for that to be  
12 put into the document?

13  
14 **DR. DIAGNE:** I am not sure about what was requested, and so a  
15 motion would be helpful.

16  
17 **MR. BOYD:** Martha, I would ask you to do that, if you would.

18  
19 **MS. GUYAS:** Okay. Let me remember everything. I don't know  
20 that it needs to be a motion, but I was looking at the next  
21 steps section of the document, and I guess -- If I'm going to  
22 make it a motion, my motion would be to include, in the next  
23 steps section of the document, a detailed outline of the process  
24 that needs to occur before after the referendum.

25  
26 **MS. BOSARGE:** Martha, I hate to interrupt you, but just to add  
27 something into the body of the document that's further  
28 elaboration, I don't think you need a motion, but if you will  
29 please spell it out very clearly for staff. If it was an  
30 alternative or an action, yes, we would need a motion, but go  
31 ahead.

32  
33 **MS. GUYAS:** Right. Just expanding on what's there, and so a  
34 detailed outline of the process needs to occur before and after  
35 the referendum and also, when that referendum occurs, what is  
36 mailed to folks, and so it talks about how there would be  
37 ballots mailed and all of that, but hopefully they're also  
38 getting a copy of the amendment, so they can actually read about  
39 what they're voting on, and then I would like to see them also  
40 get information about what it would mean to them, in terms of  
41 shares that they would get for each of those species, if that's  
42 something that can be done. At least we need to spell out in  
43 here exactly what is going to go out to people and when it's  
44 going to occur. That's kind of what I'm getting at.

45  
46 **MR. BOYD:** I second the motion.

47  
48 **CHAIRMAN GREENE:** Madam Chair just advised me that it did not

1 need to be a motion, and so we will take what she said and make  
2 sure that it is captured into that. Madam Chair, do you want to  
3 elaborate?  
4

5 **MR. BOYD:** A point of order. That is a motion that's on the  
6 board by a sitting council member, and it is seconded.  
7

8 **MS. BOSARGE:** Well, I didn't ask for a second, because I  
9 interrupted Martha in the middle. Martha, would you like this  
10 to be a motion, a very long-winded motion, to add text into a  
11 section of the amendment, or would you like it to be instruction  
12 to staff?  
13

14 **MS. GUYAS:** I am fine with it being instruction to staff.  
15 Hopefully, since I've said it twice on the record, it will be  
16 included in the updated document.  
17

18 **MS. BOSARGE:** Dr. Diagne, are you clear, crystal clear, what Ms.  
19 Martha would like in the document?  
20

21 **DR. DIAGNE:** Yes, I am clear on it. Thank you.  
22

23 **MS. BOSARGE:** Mr. Anson.  
24

25 **MR. ANSON:** If I were to add that maybe the same verbiage,  
26 although cleaned up, relative to 41's intent might be included  
27 in 41 too, at this point. That would be probably specific to  
28 that, as far as the next step, a general format of how things  
29 will go. It may be exactly the same, but the same reader might  
30 not be reading both documents, or one reader may not be reading  
31 both, and so they may not get that.  
32

33 **CHAIRMAN GREENE:** So noted. We'll get into 41 here in a minute,  
34 and we will turn to that at that point. I saw a hand from Mr.  
35 Sanchez.  
36

37 **MR. SANCHEZ:** As far as instruction on where we should go with  
38 this, I am ready to start picking preferreds on Amendment 42  
39 whenever everybody else is.  
40

41 **CHAIRMAN GREENE:** All right. Thank you. Is there further  
42 discussion? Okay. Staff, are you good with everything? Just  
43 one final time, everything is good with 42?  
44

45 **DR. DIAGNE:** Yes, Mr. Chair. In October, we will bring back the  
46 expanded referendum eligibility criteria for discussion. That  
47 is, I guess, the gist of it.  
48

1 **CHAIRMAN GREENE:** Okay. Thank you, Dr. Diagne. With that, we  
2 will leave Amendment 42. I have conferred with Madam Chair, and  
3 we're going to go ahead and take our lunch break. We will  
4 return at 1:15 and pick up with a vigorous conversation about  
5 Amendment 41.

6  
7 (Whereupon, the meeting recessed for lunch on August 8, 2017.)  
8

9 - - -

10  
11 August 8, 2017

12  
13 TUESDAY AFTERNOON SESSION

14  
15 - - -

16  
17 The Full Council of the Gulf of Mexico Fishery Management  
18 Council reconvened at the Marriott Plaza, San Antonio, Texas,  
19 Tuesday afternoon, August 8, 2017, and was called to order by  
20 Chairman Johnny Greene.

21  
22 **CHAIRMAN GREENE:** I will go ahead and call the Reef Fish  
23 Committee back together. I think most everybody is here, and it  
24 was kind of a quick lunch for everybody, I'm sure. While I am  
25 waiting just a minute here to let Dr. Freeman have a moment to  
26 get his stuff ready, we left a long conversation on Amendment  
27 42. Is there anything, after lunch, that anybody thought about  
28 that they would like to bring up before we roll into Amendment  
29 41?

30  
31 I don't see any discussion on 42, and so, with that, we will  
32 carry on with our scheduled agenda, which will pick up with  
33 Amendment 41, Allocation-Based Management for Federally-  
34 Permitted Charter Vessels, and Dr. Freeman.

35  
36 **AMENDMENT 41 - ALLOCATION-BASED MANAGEMENT FOR FEDERALLY-**  
37 **PERMITTED CHARTER VESSELS**  
38 **REVIEW OF DRAFT AMENDMENT 41**  
39

40 **DR. MATT FREEMAN:** Thank you, Mr. Chair. We will start, and so,  
41 as a reminder from our June council meeting, where we left off  
42 with Amendment 41 was we had selected a few preferred  
43 alternatives, and I will go over those briefly, again, as a  
44 reminder.

45  
46 The council had selected, in Action 1, making Alternative 2,  
47 Option 2b, the preferred, which would establish a PFQ program.  
48 In Action 3, Alternative 2, Options 2a 2b, and 2c were selected

1 as preferred, which would include red snapper, greater  
2 amberjack, and gray triggerfish into the management program.  
3 Lastly, as a portion of the adaptive management, in Action 6.1,  
4 it would make Alternative 3, Option 3a the preferred  
5 alternative, and that was setting the cycle length in the  
6 adaptive management.

7  
8 Since June, staff has been updating the amendment, in particular  
9 the introduction, to reflect the additional four species that  
10 the council had under consideration, in addition to the  
11 original, which was red snapper. At that point, I will stop and  
12 see if the council has any questions about the current actions  
13 or the amendment updates in general.

14  
15 **CHAIRMAN GREENE:** Thank you. Mr. Diaz.

16  
17 **MR. DIAZ:** I just have a comment. In Action 2.2, where we  
18 picked the preferreds as red snapper, greater amberjack, and  
19 gray triggerfish, we took gag and red grouper off of there,  
20 because they are mostly caught in the eastern Gulf, and I may  
21 have even said this at the last meeting, but I think gray  
22 triggerfish is mostly a northern Gulf thing, and, if that  
23 rationale of just being an eastern Gulf is good for those two, I  
24 don't know why maybe even gray triggerfish and amberjack -- If  
25 that rationale might not be good for pulling them also.

26  
27 I know there has been a lot of public comments about 41 and 42  
28 staying consistent and running along the same tracks and being  
29 generally the same thing, and I don't think, in 42 at the last  
30 meeting, we did anything to adjust the species that we're  
31 looking at in 42, and so I would just bring up those things.  
32 When I was reading this document, it was something that stuck  
33 out, and I thought it was worth making a note of. Thank you.

34  
35 **CHAIRMAN GREENE:** Thank you, Mr. Diaz. Are there further  
36 comments? Mr. Anson.

37  
38 **MR. ANSON:** I know I was part of the vote to get us to the  
39 preferred options in Action 2, but kind of the contrary to what  
40 Dale just said is, depending upon which way we go -- You know,  
41 if we're in a situation where we don't have landings history and  
42 the document proceeds without attempting to try to get landings  
43 history that could be used for that initial allocation, then  
44 including these other two species might be a benefit, because  
45 there is, at least for red snapper, and maybe, to a lesser  
46 extent, greater amberjack and gray triggerfish, there is some  
47 distribution there among the Gulf, whereas they're not very  
48 concentrated in some areas of the Gulf and less concentrated in

1 others.

2  
3 When you look at those two species that we took off from  
4 preferred, they wouldn't be in a situation where they could be  
5 traded if you, again, were talking about a situation where you  
6 don't have any landings history. Then, if you're doing equal  
7 distributions of those fish, then they will be of value to some  
8 vessels, but not to others, whereas, those vessels that they're  
9 not valuable to, they might need other fish.

10  
11 So, just thinking in terms of trying to make it more equitable,  
12 and trying to have the permit holders redistribute those shares,  
13 that maybe there might be -- It might need to be relooked at, I  
14 guess, is all, to make it more worthwhile, or more equitable, in  
15 that swap of fish. I am not prepared to offer a motion to  
16 change our preferred, but it's something to consider, depending  
17 upon how this amendment continues relative to the initial  
18 distribution.

19  
20 **CHAIRMAN GREENE:** Thank you. Is there further comments? Seeing  
21 no further comments, Dr. Freeman.

22  
23 **REFERENDUM ELIGIBILITY REQUIREMENTS**

24  
25 **DR. FREEMAN:** Thank you. If staff could go ahead and pull up  
26 the referendum at this point for Amendment 41. Great. I know,  
27 before I start into it, two comments. First, I did take note of  
28 the comments by Ms. Guyas with reference to the referendum for  
29 Amendment 42, in terms of the next steps, and I will work with  
30 Dr. Diagne to update that for this as well.

31  
32 To highlight the items under the eligibility criteria, and  
33 that's on page 7, I believe, of the document, unlike the  
34 referendum for 42, in part due to the lack of landings history  
35 for these vessels, we don't have options here. There was no  
36 way, simply due to lack of existing data, to determine  
37 substantially fished, and I know that was mentioned for the  
38 referendum for Amendment 42, and so the way this is laid out is  
39 simply, in the second paragraph, that participation -- It's the  
40 first sentence.

41  
42 Participation is limited to valid and renewable federal for-hire  
43 permit holders who do not participate in the SRHS and thus are  
44 not eligible to participate in Amendment 42, and so each permit  
45 held on the day that the referendum rulemaking becomes effective  
46 would provide the permit holder with one vote in the referendum.

47  
48 There is a note there that a unique permit holder may hold more

1 than one Gulf charter/headboat permit, and we do have  
2 information regarding that in Table 3.1. At this point, I will  
3 stop and see if there are any questions or other items that I  
4 can go into more detail.

5

6 **CHAIRMAN GREENE:** Mr. Banks.

7

8 **MR. BANKS:** When you say "unique permit holders", if I was a  
9 permit holder and you were a permit holder and then you and I  
10 together had a permit, would that be three unique permit holders  
11 or two in this case?

12

13 **DR. FREEMAN:** That's a good question. In this case, that would  
14 be considered three.

15

16 **CHAIRMAN GREENE:** Mr. Riechers.

17

18 **MR. RIECHERS:** Just a comment, Dr. Freeman. Certainly, given  
19 the way we do our creel, we may not have the data for Table  
20 2.2.1. You would have the catch data for Table 2.2.2.

21

22 **DR. FREEMAN:** I'm sorry, but can you reiterate that, so I can  
23 jot it down? You said it was for Table --

24

25 **MR. RIECHERS:** You won't have the targeted trip, as you do in  
26 the MRIP portion, but you would have those that landed fish, and  
27 it just hasn't been included here.

28

29 **DR. FREEMAN:** Okay. Perfect. Thank you.

30

31 **CHAIRMAN GREENE:** Thank you. Mr. Boyd.

32

33 **MR. BOYD:** Looking at Table 3.1, as a scenario -- Can you  
34 describe how many votes a person would have if they hold four  
35 permits with seven permit holders?

36

37 **DR. FREEMAN:** Certainly. At this point, in terms of who  
38 constructed this table, if you don't mind, I am going to  
39 redirect that question to Dr. Stephen from the Southeast  
40 Regional Office, and I believe she's going to come up to the  
41 podium at this point.

42

43 **CHAIRMAN GREENE:** Thank you. Dr. Stephen.

44

45 **DR. JESSICA STEPHEN:** Sure. If you're looking at that table,  
46 there is number of permits held, more than four, that last row,  
47 and we have seven unique permit entities that own four or more  
48 permits, and, in total, those seven own forty-nine permits, and

1 so that would be forty-nine vessels. Did that answer the  
2 question?

3  
4 **MR. BOYD:** Well, the question would be how many votes would  
5 those people have? If there is forty-nine vessels, but it's  
6 seven holders, do they get forty-nine votes or do they get seven  
7 votes?

8  
9 **DR. STEPHEN:** So, the way -- If you would do one vote per  
10 permit, if someone in that group say had ten, say one entity  
11 held ten permits, they would have a vote for every permit, and  
12 so they would have ten votes. I do have the breakdown of it,  
13 but we kind of go into confidentiality of information as we  
14 start talking about that a little too much.

15  
16 **CHAIRMAN GREENE:** Mr. Riechers.

17  
18 **MR. RIECHERS:** Well, so that begs the question of it can be one  
19 vote per each permit or it can be one vote per each permit  
20 holder, and so there could be an Option a and an Option b, in  
21 that context as well, much like we had in the previous document,  
22 but, I mean, that could be a distinction here, because,  
23 basically, you're weighing it by permit if you say it's one vote  
24 per permit, as opposed to one vote per individual persons  
25 holding a permit.

26  
27 **DR. STEPHEN:** We could do that, if you wanted to look at it by  
28 permit entity. We have that in our database and can identify  
29 unique permit holders that way, if that's desired.

30  
31 **CHAIRMAN GREENE:** Ms. Gerhart.

32  
33 **MS. GERHART:** Just to clarify also, when we say "unique permit  
34 holder", you could hold a permit as an individual, and you could  
35 also have a corporation that you own, and that would be a  
36 separate unique permit holder, and so, if we did it by unique  
37 permit holder, you still would be getting two votes, because the  
38 permit holder would be unique. Does that make sense?

39  
40 **MR. RIECHERS:** So you all don't require incorporated entities to  
41 give you a primary agent or the 50 percent ownership or anything  
42 like that?

43  
44 **DR. STEPHEN:** Currently, right now, for the charter/for-hire,  
45 we're not enforcing collection of who owns the businesses. I  
46 would say we probably have it for 80 percent, but not  
47 necessarily for 100 percent of them, and there are people who  
48 will incorporate each vessel differently, for business reasons,



1 outside of this action.

2  
3 **MR. RIECHERS:** Sure, and I understand the business reasons and  
4 liability and some of those, but, when you say you're not  
5 enforcing it, does it mean that we have a rule on the books and  
6 we're just kind of letting them not do that or does it mean that  
7 we have never collected it and it's not a rule on the books?

8  
9 **DR. STEPHEN:** We do enforce it for commercial reef fish permits.  
10 It's the same permit application that is collected for everyone.  
11 Now, that also -- We could force the collection of that prior to  
12 a referendum vote, if that's desired, and I think that's the  
13 pathway that we were going to go down anyhow, is send a letter  
14 out before any type of referendum vote for either 41 or 42 and  
15 collect that information, because we will need it for share caps  
16 regardless, and so that information has to be collected. It's  
17 just, at this point in time, we don't have it.

18  
19 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.  
20 Riechers.

21  
22 **MR. RIECHERS:** Just so -- I mean, I'm assuming we need to make a  
23 motion if we want to have options, or did we get enough around  
24 the table to talk about those two different options?

25  
26 **DR. FREEMAN:** If members would make a motion, that would be  
27 appreciated.

28  
29 **MR. RIECHERS:** I move that we include an Option a and b, and you  
30 all don't have any preferreds or any alternatives in here,  
31 because you just have it in paragraph form, but that would  
32 basically -- Include an option that would create the voting  
33 interest by unique number of permit holders and also a weighted  
34 option by unique permit holders and total permits held.

35  
36 **CHAIRMAN GREENE:** Okay. I believe she got your motion as you  
37 put it up, but I just want to sure, Mr. Riechers, that it's  
38 correct. Okay. There's a motion on the floor. Is there a  
39 second for this motion? It's seconded by Mr. Boyd. Is there  
40 further discussion? **Seeing no further discussion, is there any**  
41 **opposition to the motion on the floor before you? Seeing none,**  
42 **the motion carries.** Madam Chair.

43  
44 **MS. BOSARGE:** Robin, just -- Staff thinks they understand what  
45 you say, but I don't think I understand, and so we make sure we  
46 bring the right thing back, a weighted option by unique permit  
47 holders and total permits held, and where do you want that  
48 weight at on that, exactly?

1  
2 **MR. RIECHERS:** Well, by default, the way they described it, it  
3 was a weighted option, because it was the number of -- You get a  
4 vote for every permit you own, and so, if you own, like some of  
5 these people, four-plus permits, you could vote for each permit.  
6 Another way to do that is, even though that person owns four  
7 permits, they only get one vote, just like a person who only  
8 owns one.  
9  
10 **CHAIRMAN GREENE:** Dr. Crabtree.  
11  
12 **DR. CRABTREE:** Robin, in that scenario, what would happen with a  
13 permit that had five owners, for example? Would they each get  
14 one vote each?  
15  
16 **MR. RIECHERS:** No, because they have a partnership, and either  
17 they have -- Depending on how they've set their partnership up,  
18 they either own 20 percent share in that, at five owners, or  
19 they may have a primary owner that owns 50 and the other four  
20 guys have twelve-and-a-half, but it would be up to them to  
21 figure out how they create that one vote.  
22  
23 **DR. CRABTREE:** So they would have to submit one vote for that  
24 permit?  
25  
26 **MR. RIECHERS:** Yes.  
27  
28 **CHAIRMAN GREENE:** Okay. Is there further discussion? Okay.  
29 Dr. Freeman. I'm sorry. Dale.  
30  
31 **MR. DIAZ:** I just want to make sure that I understand. One of  
32 the options will be one permit and one vote. Is that covered  
33 under this motion or not?  
34  
35 **MR. RIECHERS:** Yes, it is, but some of those people may have  
36 multiple permits, and they would get one vote. That is also  
37 covered under this option, and that's really how it's described  
38 in the document now.  
39  
40 **CHAIRMAN GREENE:** Okay. Are you good, Dale?  
41  
42 **MR. DIAZ:** As long as there is an option for one vote for one  
43 permit, I am good.  
44  
45 **CHAIRMAN GREENE:** Okay. I think that's been pretty well  
46 described. Okay. Anybody else? Dr. Freeman.  
47  
48 **DR. FREEMAN:** Thank you. So we will have this updated and bring

1 this back to the council in October for review, and, at this  
2 point, if there are any other questions or comments for the  
3 referendum in general, please let me know.

4  
5 **CHAIRMAN GREENE:** Okay. Any other comments by the committee?  
6 Okay. I don't see anything, and so do you have anything else  
7 for 41?

8  
9 **DR. FREEMAN:** That's all. Thank you, Mr. Chair.

10  
11 **CHAIRMAN GREENE:** Thank you. Before we leave 41, I will stop  
12 one more time to make sure that everybody is comfortable. Okay.  
13 With that, we will move into our next action item, which will be  
14 Review of For-Hire Permit Moratorium and Transfers, and Ms.  
15 Roberts. This will be Tab B, Number 7(a) and Tab B, Number  
16 7(b).

17  
18 **REVIEW OF FOR-HIRE PERMIT MORATORIUM AND TRANSFERS**

19  
20 **MS. CLAIRE ROBERTS:** Continuing on our trending topic of for-  
21 hire permits, I am going to be walking through the Reef Fish and  
22 Coastal Migratory Pelagic For-Hire Limited Access Permit Review  
23 Document. This presentation mirrors the document pretty much  
24 entirely. I really just pulled out the big-picture stuff, and  
25 so, if you want to follow along in the document itself, feel  
26 free. Otherwise, I will walk you through and give you a  
27 synopsis of what we came up with here.

28  
29 Just to kind of provide some insight on why we're here, in Reef  
30 Fish Amendment 25 and CMP Amendment 17, an indefinite limited  
31 access program was established to cap the number of available  
32 federal for-hire permits and also require that the council  
33 review the effectiveness of the limited access system at least  
34 every ten years, and so that's why we're here. This is a review  
35 of that.

36  
37 I wanted to get into just a little bit about how we got here by  
38 reviewing some of the history of management. In 1987 and 1996,  
39 respectively, the CMP and reef fish permits were established.  
40 In 2002 and 2003, Amendment 20 to the Reef Fish and Amendment 14  
41 to CMP established a three-year moratorium on the issuance of  
42 new charter vessel or headboat permits for the reef fish, CMP,  
43 and dolphin wahoo fisheries.

44  
45 Following that, there was an emergency rule enacted that  
46 eliminated some of the eligibility criterion that were  
47 established in Amendment 20 and 14, which allowed -- It  
48 eliminated the eligibility criterion that an applicant had to

1 have a valid Gulf for-hire permit on the effective date of the  
2 final rule, and the emergency rule allowed persons ineligible  
3 under the original rule to receive their open access for-hire  
4 permits until they could obtain a new permit under the revised  
5 moratorium criterion.

6  
7 Then, in 2003, in Corrected Amendment 20/14, a final rule was  
8 implemented revising, again, some criterion for how to qualify  
9 to retain a permit in the fishery. Moving on to 2005, another  
10 emergency rule provided a limited reopening to the application  
11 process.

12  
13 The reopening allowed those that qualified to provide  
14 documentation of economic harm and apply for a moratorium permit  
15 or a letter of eligibility, which may have been redeemed for an  
16 appropriate permit, and I already briefly mentioned Amendment 25  
17 and 17. When the expiration of the moratorium was approaching,  
18 the council decided to establish an indefinite limited access  
19 program, and it necessitated the review of that program every  
20 ten years.

21  
22 In 2008, Amendment 30B required that federally-permitted reef  
23 fish vessels comply with the more restrictive of federal or  
24 state fish regulations on fishing in state waters. In other  
25 words, when federal waters are closed, the federally-permitted  
26 vessels cannot fish in state waters.

27  
28 Amendment 34 occurred in 2012, and it removed income  
29 qualification requirements for renewal of commercial permits and  
30 reef fish permits and also increased the maximum crew size to  
31 four for dually-permitted vessels, those that had both a for-  
32 hire charter permit and a commercial permit.

33  
34 In 2013, an abbreviated framework was established that removed  
35 the requirement to submit a current certificate of inspection  
36 with an application to review or transfer a CMP or reef fish  
37 for-hire permit. This was enacted to allow greater flexibility  
38 for for-hire permit holders to carry additional passengers for  
39 purposes that weren't fishing related. However, it still  
40 requires that, when fishing, the permit still restricts the  
41 number of fishing passengers to that of the original moratorium  
42 permit.

43  
44 With the history covered, this is Chapter 3 in the document  
45 itself, looking at the number and distribution of permits, and  
46 these figures correspond to Figure 3.1 and 3.2 in the document  
47 itself, and so the big picture here is that the number of valid  
48 or renewable permits in both fisheries has decreased since

1 Amendment 25 and 17 -- Since the moratorium went into place.  
2  
3 The reef fish for-hire permits decreased from 1,677 to 1,311,  
4 and that's as of May 26 of this year, which is a total reduction  
5 of 442 permits, and the CMP fishery decreased from 1,765 in 2005  
6 to 1,323 in 2017, a reduction of 366 permits.  
7  
8 This plot just indicates basically the reverse of the last two.  
9 It shows the number of terminated permits. Of interest here is  
10 that both of the fisheries follow a similar trend in the number  
11 of permits that have been terminated, and I wanted to note that  
12 -- The permits can decrease either due to termination or  
13 surrender.  
14  
15 The majority of permits have decreased due to termination, and a  
16 permit is terminated after a permit is expired and the permit  
17 holder has one year to renew the expired permit. If, at the end  
18 of that time, they haven't renewed, then the permit terminates.  
19 By 2017, there have been less than ten permits per year that  
20 have been terminating.  
21  
22 Looking next at the geographical distribution of permits by  
23 hailing port, state, these numbers haven't substantially changed  
24 in the last thirteen years, with the exception being that Other  
25 Category, where there has been a reduction in 2004, from 4.65  
26 percent to, for the CMP, 2.4 percent, and reef fish is 1.2  
27 percent in 2017. Just as a little extra bit of information,  
28 that Other Category includes Delaware, Indiana, and North and  
29 South Carolina.  
30  
31 This is the equivalent of Table 3.2 in the document, and, again,  
32 the big-picture take-away here is that the majority of permitted  
33 vessels in the CMP and reef fish fisheries are six-pack. This  
34 is based on the lesser capacity between the COI of the vessel  
35 and the permit capacity, and it's also worth noting that vessels  
36 without Coast Guard documentation cannot have a vessel passenger  
37 capacity greater than six.  
38  
39 Moving on to Chapter 4, and please stop me at any time if anyone  
40 has questions, and so we're looking here at permit transfers for  
41 CMP and reef fish. A permit transfer has to occur anytime there  
42 is a change in the vessel and permit holder relationship, and  
43 examples include change in ownership of a vessel, change in  
44 permit holders, or a change in the vessel associated with the  
45 permit.  
46  
47 The annual average transfer for the CMP fishery is 17 percent,  
48 or 244 permits, in a given year, and the average annual transfer

1 for reef fish is 256 permits, or 18 percent, in a given year.  
2 As you can see, there has been an increase in the number of  
3 permits transferred, and the percentage of permits transferred,  
4 and while this probably isn't entirely explained by the number  
5 of decreasing permits, that undoubtedly plays a role. As there  
6 are fewer permits total, the number transferred could remain the  
7 same and the percentage would increase.

8  
9 This figure is 4.1 in the document, and it's just a graphical  
10 representation of the last table. I think it is interesting to  
11 note how closely the two fisheries and the trends in the  
12 percentage of permit transfer by year and how close they mirror  
13 each other, and so I thought this was valuable to really  
14 visualize that.

15  
16 The next stuff that I get into is going to be reef fish permit  
17 transfer specific. In January, the council passed a motion to  
18 have staff review federal for-hire permits transferred for the  
19 purposes of fishing outside of the federal red snapper season,  
20 with the concern that, following the passage of 30B, there might  
21 have been a loophole created, allowing for fishermen with for-  
22 hire reef fish permits to transfer those permits on and off of  
23 various vessels, regardless of the size or passenger capacity,  
24 to take advantage of both the federal and state red snapper  
25 seasons.

26  
27 For the next couple of slides, I'm going to talk about permit  
28 transfer by vessel and by permit, and so transfer counts by  
29 permit refers to the number of times any one permit has been  
30 transferred, regardless of the vessel or entity, in whatever  
31 time series of the data this is, and so, in this case, on this  
32 graph, it's annually. In the next couple, it's going to be over  
33 the course of eight years.

34  
35 Transfer counts by vessel refers to the number of times any  
36 permit has been transferred on and off of a given vessel,  
37 regardless of the permit number or the entity doing the  
38 transfer.

39  
40 Here, you can see that the trends in the percentage of vessels  
41 or permits with multiple transfers in a given year, and so more  
42 than one transfer in a given year, has stayed relatively stable,  
43 up until that -- The red line on the right refers to the  
44 passenger capacity restrictions were lifted, and you see that  
45 there is an increase in the percentage of transfers following  
46 that, but a sharp decline in 2016.

47  
48 Next up, we looked at the number of unique permits transferred

1 throughout the time series of data that we have access to, and  
2 so from 2008 to 2016. Over the course of that period of time,  
3 there were 982 unique permits. Of those, 82 percent were  
4 transferred less than four times over that entire eight-year  
5 period, and so that's a total of 804 of the permits.

6  
7 There were some outliers here, in that six-plus category. There  
8 was one permit transferred ten times and one transferred sixteen  
9 times and one transferred seventeen times, and so there are a  
10 few outliers in that dataset, but the overwhelming majority were  
11 transferred one, two, or three times.

12  
13 This looks at unique vessels, and there were 1,863 unique  
14 vessels in the dataset from 2008 to 2016. Of those, 96 percent,  
15 or 1,790, were transferred less than three times, and so 96  
16 percent of vessels were transferred one or two times from 2008  
17 to 2016.

18  
19 Again, this dataset had an outlier, with the greatest number of  
20 transfers for any one vessel being nine times, and the two pie  
21 charts are just representative of Table 4.2 and Table 4.3 in the  
22 text. In the text, it seemed more appropriate to have tables,  
23 but I think this graphical representation is a little bit better  
24 for the sake of the PowerPoint, and so the values in those  
25 tables will be consistent with what you see here.

26  
27 Moving on to -- This is Chapter 6, and I did not include  
28 anything in this PowerPoint regarding the change in biological  
29 status of the stocks. I think the gist of it is that there's  
30 been a reduction in the number of stocks undergoing overfishing  
31 since the implementation of the moratorium. I will talk about  
32 that a little bit more in the conclusions.

33  
34 Regarding for-hire fishing effort, there is a definition of how  
35 headboat data are collected, in terms of how the number of  
36 angler days is estimated, and there has been a steady increase  
37 in the number of angler days since 2011. You can see the very  
38 large dip in both of these tables in 2010, likely due to the  
39 Deepwater Horizon oil spill, and, in terms of charter boat  
40 angler trips, it's been much more variable than the headboat  
41 angler days. Compared to 2006, five years had fewer trips, and  
42 five years had more trips.

43  
44 This is a snapshot of some of the data available in Table 6.4,  
45 looking at for-hire landings. I looked at red snapper, greater  
46 amberjack, and gag grouper. When the moratorium started in  
47 2006, 54 percent of the total recreational landings came from  
48 the for-hire sector, and, by 2016, that was at 31 percent, with

1 an average of 37 percent over those ten years.

2  
3 For greater amberjack, 65 percent of the landings were due to  
4 for-hire landings, and 29 percent in 2016, with an average of 50  
5 percent across years, and gag grouper has been pretty stable,  
6 with 28 percent in 2006, 26 percent in 2016, and then an average  
7 of 24 percent.

8  
9 Overall, these values have stayed relatively stable or  
10 decreased, the exception to that being king mackerel and Spanish  
11 mackerel. You can see that there is an increase between 2006  
12 and 2016, although I think that, if you took the average, it  
13 would kind of level out.

14  
15 The conclusions from this paper were that the limited access  
16 program appears to have met its objectives. The active and  
17 renewable permits have gradually declined, and the geographical  
18 distribution has been relatively stable, suggesting the program  
19 has contributed to social and economic stability, and the  
20 transfer markets indicate that the moratorium has provided  
21 enough room for change and accommodated permit transferability.

22  
23 In regards to the reef fish permit transfer, the review doesn't  
24 indicate that there was an usual permit transfer behavior going  
25 on there, primarily driven by the fact that the frequency of  
26 unique vessel or permit transfer over a period of eight years  
27 was relatively low, and, also, something that I didn't consider  
28 when I started reviewing that data, but was interesting, was how  
29 closely the CMP fishery mimicked the reef fish fishery in terms  
30 of the frequency of permit transfers, which might be suggesting  
31 that the factors driving the transfer of permits might not be  
32 specific to the fishery.

33  
34 Lastly, I have here that the moratorium has likely had a  
35 positive impact on the status of stocks, but it's important to  
36 note that these are obviously all mixed-use fisheries, with  
37 commercial and recreational components, and so the improvements  
38 recorded in the biological status of certain stocks cannot be  
39 exclusively attributed to the moratorium. That's all I've got.

40  
41 **CHAIRMAN GREENE:** Thank you. Are there questions? Mr.  
42 Riechers.

43  
44 **MR. RIECHERS:** On your conclusion, basically that the review  
45 does not indicate unusual reef fish permit transfer, and you  
46 indicated that was mainly because of the low number of  
47 transfers, have you explored it to look for any transfers that  
48 go away from a vessel and then come back during a given year? I



1 mean, have you done that sort of analysis that would -- I will  
2 use an example.

3  
4 We have done it with recreational license holders, where you  
5 basically look at what they're buying each and every year, and  
6 it's that same sort of notion, going back over a period of 2008  
7 to 2016, and look at how licenses may get transferred and if  
8 they just go to another entity, or is there any of this going to  
9 another entity and then coming back?

10  
11 **MS. ROBERTS:** I think, as I was reviewing the data, one of the  
12 most challenging things here is that it's fairly easy to prove  
13 that a permit is not undergoing unusual transfer, namely if it's  
14 being transferred in the middle of the federal red snapper.  
15 That doesn't really make much sense, if they were trying to take  
16 advantage of the two seasons.

17  
18 It is much more challenging to prove the reverse, because there  
19 a huge margin on either side of the season that people might be  
20 using to make transfers, and so I guess the biggest problem that  
21 I saw with doing that is what kind of timeline are you talking  
22 that would make it suspicious. I don't know if that completely  
23 answers your question. We did look a little bit at the vessel  
24 and the associated entity, but, because multiple entities can  
25 own the same permit, that made it kind of challenging to dig  
26 into that level of detail.

27  
28 **CHAIRMAN GREENE:** Ms. Gerhart, to that point.

29  
30 **MS. GERHART:** Yes, and, actually, I think Dr. Stephen can  
31 address that, to some extent.

32  
33 **CHAIRMAN GREENE:** Dr. Stephen.

34  
35 **DR. STEPHEN:** We did look a little bit in detail at what's going  
36 on, and the permit world is kind of a little bit challenging,  
37 because a permit transfer can be if the vessel changes, the  
38 permit entity changes, or the permit number changes, and there  
39 were maybe just a couple of vessels that seemed to be sharing a  
40 permit between two of their vessels.

41  
42 That's something that we had kind of noticed before, when we  
43 were looking into what is a headboat and what's a charter, and  
44 there's a couple who share it, by far and large, most of the  
45 vessels are not doing that.

46  
47 **CHAIRMAN GREENE:** Mr. Banks.

48

1 **MR. BANKS:** She answered my question. Thanks.  
2  
3 **CHAIRMAN GREENE:** Okay. Thank you. Mr. Anson.  
4  
5 **MR. ANSON:** I had a question relative to the slide that you  
6 showed with the number of angler trips between headboats and  
7 charter boats for the time period. You mentioned, and you could  
8 see in there, the significant increase in headboat trips in 2010  
9 and 2011, and I am wondering if you looked at the database to  
10 look at vessel capacity, if that increase in trips was related  
11 to transfers of vessels or identification of vessels that -- New  
12 vessels into the headboat program and their vessel capacities  
13 changing significantly around that time period, again from 2010  
14 to 2011. I'm just curious if there were any permits that were  
15 acquired that had larger vessel capacities around that  
16 timeframe.  
17  
18 **MS. ROBERTS:** I am going to have to punt this question to Dr.  
19 Diagne. He focused more on the analysis for the limited access  
20 permit review section, and I focused much more on the reef fish  
21 permit transfer bit, and so maybe he can answer this better than  
22 I can.  
23  
24 **DR. DIAGNE:** Thank you. I will try. I don't think that we've  
25 seen, in the data, anything suggesting that it was because of a  
26 change in increased capacity. I mean, it was a marked increase,  
27 but, overall, looking at the time series over these eleven  
28 years, it was not a whole lot, if you average it out.  
29  
30 **MR. ANSON:** I guess, looking at the charter boats, it's kind of  
31 similar too between the two years, and so the economy probably  
32 picked up and probably contributed mostly to that. Thank you.  
33  
34 **CHAIRMAN GREENE:** Thank you. Ms. Guyas.  
35  
36 **MS. GUYAS:** Just a couple of questions. Looking at the CMP and  
37 the reef fish graphs, clearly they track each other pretty  
38 closely, and my assumption there would be that, if you have one  
39 permit on your vessel, you have the other one, and is that  
40 accurate, Claire or Jessica?  
41  
42 Then I guess, if that is true, when you're seeing these  
43 transfers occur, are the transfers of both permits? If you have  
44 one vessel with both permits, are they transferring both permits  
45 during a transfer, or are they just doing one or the other?  
46  
47 **MS. ROBERTS:** To answer the last part of your question, I do not  
48 know the answer to that. Maybe Dr. Stephen can shed some more

1 light, but we didn't look very closely into the transfer  
2 behavior for the CMP fishery, and the only reason we delved into  
3 the level of depth we did for reef fish was specifically  
4 addressing that council motion from January. Regarding the  
5 dually-permitted question, I think it's like 1,100 of the  
6 vessels are dually-permitted, and so it's most of them.

7  
8 **CHAIRMAN GREENE:** Thank you. That would make sense. My  
9 understanding of the charter industry is that, if you're going  
10 to have one, you're typically going to have the other. Now,  
11 whether they transfer just one off and leave the other one on  
12 the boat, that may be something that may be of interest to you.

13  
14 I have a couple of questions, but I am going to hold them until  
15 then end and give every committee member an opportunity to  
16 speak. Is there any further comments? Okay.

17  
18 If you go back to the for-hire fishing effort thing, I will just  
19 point out a few observations that I had on my behalf. On the  
20 headboat side, it follows differently than the for-hire, and so,  
21 if you look over on Slide 12, which would be the for-hire  
22 effort, over on the right-hand side, you notice that there tends  
23 to be a little difference between headboats and for-hire boats.

24  
25 Obviously there's a lot more for-hire boats than there is  
26 headboats. Typically, headboats are a little larger than the  
27 average whatever, but just a couple of things to point out in  
28 this. In 2008, we did have a crash of the economy, and fuel  
29 prices went way, way, way, way up, and we also had -- It was the  
30 first time we ever had two states that were non-compliant with  
31 federal regulations.

32  
33 I think 2009 is a fallout of the near five-dollar-a-gallon fuel  
34 that you ran into, and I think that will kind of go back and  
35 forth between the two. Obviously, in 2010, it was the oil spill  
36 deal, and, in 2011, I think the headboat deal may have been a  
37 little more steady than the for-hire industry in the fallout in  
38 the subsequent year after the BP oil spill.

39  
40 It seemed to affect that industry more so than it did the  
41 headboat industry, and then it seemed to pick on back up, and  
42 then I think 2014 may have been the year that we had a really  
43 short season on the for-hire, but, yet, in some regards, in the  
44 headboat, you had some of the EFP stuff that was going on and  
45 various other things that were brought up.

46  
47 That is pretty much it, and I've got one other comment, and I'm  
48 going to wait until we get through this document, but before we

1 leave this section, and so does anybody have anything else?  
2 Okay. Thank you for that presentation, and we appreciate it.

3  
4 Now, the one thing that wasn't talked about in 41, and it kind  
5 of dawned on me as we were going through this, is that there is  
6 a number of about less than twenty historical for-hire permits.  
7 They were issued to individuals and not vessels.

8  
9 I have had several of those people contact me and say that they  
10 would like to try to find some way to resolve that and either  
11 have that permit issued to a boat or something, because there is  
12 a difference between how that permit is handled as opposed to a  
13 vessel permit.

14  
15 Now, I certainly have not briefed any of the NOAA staff to  
16 prepare them for any of this, and it just kind of dawned on me a  
17 minute ago, but that is something out there, and this may be the  
18 place that we should look into that.

19  
20 I believe that that individual has to be on the vessel for it to  
21 be active, and it is not a true vessel. It is a historical  
22 captain permit, and I think it came out sometime during that  
23 timeframe, and maybe someone wants to speak to it and maybe not,  
24 but I just bring it up to your attention, and it has been  
25 brought up to me several times.

26  
27 I don't know if you want to do anything with that or not. I  
28 don't know how it would go, but I do know that that stuff was  
29 incorporated into 41, within the referendum stuff, and a  
30 conversation with Dr. Stephen just moments ago. I just bring  
31 that to your attention. If you want to do something with it,  
32 that's fine, but I'm just throwing it out there.

33  
34 **MS. ROBERTS:** Thank you, and I guess that would be more of a Dr.  
35 Stephen and Ms. Gerhart kind of question, I suppose, than  
36 something that I could address, but, anyway, that's really all  
37 I've got for you guys, and so thank you for your time.

38  
39 **CHAIRMAN GREENE:** Okay. Thank you very much. We appreciate it.  
40 Mr. Grimes.

41  
42 **MR. GRIMES:** Thank you, Mr. Chairman. I am not sure that I  
43 understand you, but my recollection is, when this council passed  
44 that permit moratorium long ago, when I was doing it, there was  
45 a provision that allowed historical captains to participate, and  
46 the council specifically made a decision, and those permits have  
47 always been non-transferable.

48

1 That vessel permit is the standard way that vessel permits were  
2 always issued to the vessels, and those were transferable, and  
3 that historical captain provision was created to allow those  
4 guys to remain in business and doing what they were doing and  
5 transfer those permits, but the permits were only valid when  
6 they were captaining the vessel, and they were otherwise not  
7 transferable and were going to be gone when those guys were no  
8 longer captaining the vessel.

9  
10 **CHAIRMAN GREENE:** I understand, and I believe you're absolutely  
11 correct. However, the issue is that, if that captain is not on  
12 that boat today, then that boat can go fish in state waters. If  
13 that captain is on that vessel, then he's going to have to fish  
14 in federal waters, and, through Amendment 40, we addressed that,  
15 and it seems like it may be surfacing as somewhat of an issue.  
16 I don't expect a great big answer now, but I just want you to  
17 kind of put it on your radar screen. Boy, did I throw a monkey-  
18 wrench in that. All right. Dr. Dana.

19  
20 **DR. DANA:** I just pulled up the SERO/NOAA permit page, and,  
21 looking under the historical captain for the charter/headboat,  
22 on both reef fish and CMP, there is several of the permits that  
23 say, under the category, renewable and transferable, and so that  
24 kind of is in conflict with what you just said, Shep.

25  
26 **DR. STEPHEN:** I can speak to that. It's just kind of a language  
27 problem in how we have that automatically generating. We have  
28 used renewable and transferable to indicate something, and it  
29 hasn't been adjusted for that permit being different. It does  
30 mean that that historical captain needs to renew it every year  
31 in order to keep it, but it's not, quote, transferable, and so  
32 it's just kind of a typo, in that sense.

33  
34 **DR. DANA:** I would think you would want to straighten that out,  
35 because it says right there that it's transferable, under  
36 category. The other say "valid", but then there's a number of  
37 renewable and transferable.

38  
39 **CHAIRMAN GREENE:** Okay. Thank you. Mr. Anson.

40  
41 **MR. ANSON:** Johnny, you may have opened up a little bit of an  
42 issue here, but, at least relative to further discussions of 41,  
43 I just want to confirm, for the analysis that's been conducted,  
44 for everything that's in 41 currently, those historical captains  
45 are included? Okay. Thank you.

46  
47 **CHAIRMAN GREENE:** Yes, sir, and I did confirm that before I  
48 brought it up. I did have a few minutes before that ah-ha

1 moment hit me. Anybody else have anything? Dr. Simmons.

2  
3 **DR. SIMMONS:** Thank you, Mr. Chairman. Just before we leave  
4 this topic, I had a question, just to make sure that we've  
5 crossed everything off of our to-do list. As Claire brought up  
6 in her presentation, in January of this year, you asked us to  
7 look into the transfer of these federal permits, and so we just  
8 want to make sure that this has satisfied your request or if you  
9 wanted to move forward with any other action, and if this  
10 completes the review, our ten-year review for the federal for-  
11 hire component, or if there is other things that you wanted to  
12 see and bring back to you.

13  
14 **CHAIRMAN GREENE:** Thank you. Committee? Okay. Ms. Bosarge.

15  
16 **MS. BOSARGE:** Well, I will throw something out there, I guess,  
17 since we don't have anything. I thought that your conclusions  
18 pretty much told me what I needed to know, and I can't think of  
19 anything else that stands out as something that I really want  
20 you to bring back to me. I feel like I am comfortable with  
21 where we are, but I invite anybody that disagrees or has  
22 anything else to please speak up.

23  
24 **CHAIRMAN GREENE:** Okay. Well, I think part of this was due to  
25 the issue that we had seen a presentation early in the year, and  
26 it showed some state-water landings in the for-hire industry,  
27 and I think that was the big question, is where did those  
28 landings come from?

29  
30 I think the concern was were people taking their permits off  
31 their boats and fishing the state-water season and putting a  
32 permit back on their boat and fishing the for-hire forty-day  
33 season and taking them back off and fishing again, and I think  
34 that's where this came from.

35  
36 Now, I know there has been a little bit of an issue in my area,  
37 being that we're so close to Florida. We're right on that line,  
38 where people will take their permits off the boat and go fish in  
39 the Florida season and do that, but yet my understanding is  
40 that, in Amendment 40, we had conquered that and it wasn't going  
41 to be allowed to transfer on and off.

42  
43 However, I am not sure if that's the case, and, if it is, if  
44 it's crystal clear, and so I think that was where we were trying  
45 to get at with this. I don't know that it really was in that,  
46 but, if anybody from the Center would like to weigh in on that  
47 or anybody else, I would be curious what they had to say. Dr.  
48 Crabtree.

1  
2 **DR. CRABTREE:** Well, I think there is some language in Amendment  
3 40 about how the landings are counted, but I don't think there's  
4 anything stopping a vessel right now from taking the permit off  
5 their boat and then being able to fish in state waters. If  
6 that's enough of a concern that you want to address it, we would  
7 need to look at some manner of limiting how many transfers you  
8 can do or something to keep people from doing that.

9  
10 **CHAIRMAN GREENE:** Okay, and so, if a vessel did transfer its  
11 permits off and fish inside a state-water season, are they  
12 pulling out of the purely recreational quota or out of the for-  
13 hire quota, because I think that is where we were really getting  
14 at with this.

15  
16 **DR. CRABTREE:** I can't answer that just on the fly, Johnny.

17  
18 **CHAIRMAN GREENE:** Okay. Well, I hate to steer the committee,  
19 but it's something that I would be curious in finding out, how  
20 that happens, and so, if anybody else shares the same interest  
21 and would like to direct staff forward, then that's fine. If  
22 not, I will do it at Full Council. Mr. Anson.

23  
24 **MR. ANSON:** Sue, going back to what Dr. Crabtree stated, that he  
25 couldn't answer that, it's my impression, as far as the data  
26 collection is concerned, that -- It's my impression, as far as  
27 the data collection is concerned, that the federal landings and  
28 the state landings are derived based on the dockside interview,  
29 essentially.

30  
31 You have the number of trips that are collected by the vessel  
32 through the phone survey, at least in the eastern Gulf, that  
33 those trips are then collected in federal and state waters, and  
34 so the boat that would have transferred its federal permit and  
35 taken it off and is now participating in a state fishery,  
36 they're going to reply that they -- They, more than likely, are  
37 going to reply that they were in state waters, and then the  
38 catch, if that same trip is then accessed at dockside, then the  
39 catch is going to be reported from federal waters in Alabama, if  
40 it's more than three miles, and that is where some of this might  
41 be coming in, but, if it was in Florida, it would more than  
42 likely be a state-water trip, and it would be a state effort,  
43 matched with the state trip, and so it shouldn't be much of a  
44 distinguishing thing, or it shouldn't penalize, I guess, or it  
45 shouldn't take out of the federal catch in that situation.

46  
47 There is a little bit more of a situation in Alabama, with the  
48 way the survey, and in Mississippi, with the way the survey is

1 set up, in that state waters are three miles. Anything beyond  
2 three miles, regardless of where it is conducted, is considered  
3 federal waters.

4  
5 **CHAIRMAN GREENE:** Okay. To be fair, I do know of some private -  
6 - What I would consider private recreational entities who have  
7 bought a permit to be allowed to fish that as well, and so I am  
8 not a fan of it going back and forth. I don't like that at all,  
9 but we'll get into that at another time. Dr. Stephen.

10  
11 **DR. STEPHEN:** Just to address this a little bit too, when you're  
12 in the headboat survey, and Bonnie can correct me if I get this  
13 a little bit wrong, you're in the survey, and they don't collect  
14 the permit information. The Regional Office does that, and it  
15 kind of looks at that later, and so, even if they move their  
16 permit off, they were in for the year, and they would be  
17 reporting, regardless, for the year.

18  
19 There is also at least one vessel currently, and, in the past,  
20 there might have been more, that were not federally permitted  
21 that are in the headboat survey program, and so that kind of  
22 combination adds to some of those landings outside the seasons.

23  
24 **CHAIRMAN GREENE:** Okay. Thank you. Mr. Banks.

25  
26 **MR. BANKS:** I just want to make sure I'm clear, based on what  
27 Roy had said. If I am a charter/for-hire permit holder, I can -  
28 - After that forty-nine-day season was over, I can take my  
29 permit off of my boat and then fish the state season. Then,  
30 before the charter/for-hire season next year starts, I can put  
31 the permit back on that boat, and there is no prohibition on  
32 that scenario at all.

33  
34 **MS. GERHART:** We don't restrict the transfers. However, the  
35 vessel -- If it has a charter/for-hire permit on it at any point  
36 during the year, those landings are supposed to count towards  
37 the charter/for-hire quota. That is how the regulations state.  
38 How the data is collected, however, I can't guarantee, through  
39 all the states, that that's how it is credited.

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

42  
43 **MR. BANKS:** But, in terms of my ability to move the permit off  
44 of my vessel and take advantage of the state season and then put  
45 it back on my vessel to take advantage of the next federal  
46 season, there is nothing wrong with that, or is that prohibited?

47  
48 **MS. GERHART:** I think that was part of what the request in



1 January was about, was are vessels doing that, and, again, we  
2 don't restrict vessels from transferring. We don't say you  
3 can't take it off of this vessel and put it another vessel, and  
4 so, if that vessel no longer has the permit that originally had  
5 it -- I am going to look to Mr. Grimes to correct me if I'm  
6 wrong, but that vessel no longer is under the federal obligation  
7 to abide by the stricter of the rules, because it no longer has  
8 a federal permit, and so there isn't a way for us to enforce  
9 that.

10  
11 **DR. STEPHEN:** I will just add to that, too. Transferring a  
12 permit is a somewhat timely process. You have to mail it in,  
13 and our permits office is a little backlogged, especially in the  
14 summertime, when a lot of them are due, and so it's not  
15 something that occurs instantaneously.

16  
17 **CHAIRMAN GREENE:** Okay. Sir, I'm sorry, but I don't know you,  
18 and would you please state your name for the record?

19  
20 **MR. CHARLES TYRE:** I am Charles Tyre, and I'm a Special Agent  
21 with NOAA Law Enforcement. I am the Supervisor for the Gulf of  
22 Mexico. Just overhearing what the council is discussing, the  
23 current regulations state that, if any vessel that's been issued  
24 a charter permit in the reef fish fishery, at any time during  
25 that year, they are considered a charter vessel. Even if they  
26 take the permit off, they're still, by regulation, considered a  
27 charter boat, and they can't fish state waters.

28  
29 **CHAIRMAN GREENE:** That was current through Amendment 40, and is  
30 that correct?

31  
32 **MR. TYRE:** I don't know that answer.

33  
34 **CHAIRMAN GREENE:** Okay. That's fine. I appreciate an I-don't-  
35 know answer. It's kind of getting at it, but some of the issue  
36 is also that you have these private recreational vessels who  
37 purchase these that are now a charter boat, and so that's going  
38 to be something that we really need to look into as we move  
39 forward, and so I see Dr. Diagne back there, and I'm sorry that  
40 I passed you a moment ago, Dr. Diagne.

41  
42 **DR. DIAGNE:** Thank you, Mr. Chair. I understand some of the  
43 concerns expressed here, and that would have been the second and  
44 third tier of our analysis, and mostly Claire's, had we found a  
45 very large percentage of vessels with multiple transfers, but,  
46 as she mentioned during her presentation, for 96 percent of the  
47 vessels over the entire time period, they had less than three  
48 transfers, and so, if there is someone taking on and off, let's

1 say, over the course of, for example, two years, to go after  
2 this requirement, it would be really a very marginal activity,  
3 if you would.

4  
5 It is possible that someone fishes the regular season and then,  
6 after December, switches the permits on and off. It is  
7 possible, but does it rise to the level of something that  
8 requires regulation? At least the preliminary investigation  
9 doesn't suggest that, because, the majority here, again 96  
10 percent of the vessels, have had less than three transfers  
11 between 2006 and 2016, and so they are not doing it. Within the  
12 4 percent, it is possible that one or two vessels may try that.

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

15  
16 **EXECUTIVE DIRECTOR GREGORY:** I worked with Ms. Roberts a little  
17 bit on this, and we tried to drill down to get that number, and  
18 we got some preliminary numbers, but then were told later by  
19 National Marine Fisheries Service that there was some problem  
20 working with the entity rather than the vessels, but, with the  
21 entity, during the latter years, which had the highest number,  
22 there were about fifteen boats that were transferring permits  
23 more than once a year, and so they could have been going back  
24 and forth, and so it was about fifteen boats. To me, that's  
25 easier to get my head around that 4 percent of what.

26  
27 **CHAIRMAN GREENE:** I understand. Dr. Dana.

28  
29 **DR. DANA:** Thank you, Chairman Greene. Martha and I are over  
30 here a little bit confused about what -- I guess what Charlie  
31 Tyre had just said about law enforcement. Is he still here? We  
32 were hopeful that you could repeat what you said, because --

33  
34 **MR. TYRE:** Sure. Currently, in the CFR, in the regulations, a  
35 vessel who has been issued a federal reef fish charter permit at  
36 any time during the calendar year, they are considered, for that  
37 whole year, to be a charter boat, and the regulations state that  
38 a charter boat, in the federal fishery, cannot fish in the state  
39 when the state water is open, in the state fishery.

40  
41 **CHAIRMAN GREENE:** Okay. Mr. Anson.

42  
43 **MR. ANSON:** If you need the permit to be in possession or to  
44 take people, paying passengers for-hire, Coast Guard regulations  
45 notwithstanding, but, to go fishing in federal waters, you need  
46 the permit to be in possession of fish, and so, if they take the  
47 permit off the vessel, and they just go fishing with their  
48 family or whatever, or friends, and it's not a charter trip, by

1 definition, as far as exchanging money, they're still going to  
2 be considered a charter vessel, and, if you board that vessel  
3 then, and you were to check the documentation, that they would  
4 have to be abiding by the regulations regarding a federally-  
5 permitted vessel then?

6  
7 If they fished the state season, for instance, and they take  
8 their vessel out and the permit is no longer on the vessel, and  
9 it was at one time earlier in the year, but now it is not, they  
10 would then be considered a charter boat and would be issued a  
11 violation for fishing during the season, private recreational  
12 season, and not the federal for-hire season.

13  
14 **MR. TYRE:** The main answer to your question is you're correct.  
15 However, it's two different issues. The issue you just brought  
16 up is different, in that, because the charter fishery has a  
17 separate component for their fishery, when they are -- The  
18 regulations also state, when the charter component is closed,  
19 that vessel may not possess red snapper the rest of the year,  
20 even in state waters, because their component of the fishery is  
21 separate from the normal recreational component. In your  
22 scenario, they would be issued a citation for possessing red  
23 snapper on a vessel that their component is already closed.

24  
25 **CHAIRMAN GREENE:** Thank you. Mr. Diaz.

26  
27 **MR. DIAZ:** Mr. Tyre, at this point, could you go back and look  
28 at the record of these fifteen vessels that have done multiple  
29 transfers and see if they have landings in state and federal  
30 waters and if there's a need for a violation to just tackle it  
31 at this point? Is that something that's doable?

32  
33 **MR. TYRE:** Anything is doable, but I didn't follow the whole  
34 fifteen vessels conversation, and so if you could --

35  
36 **MR. DIAZ:** I believe Mr. Gregory just said that, the chart  
37 that's on the board right now, we've only got 4 percent of the  
38 vessels that have transferred more than three times during the  
39 last several years, and so that 4 percent equates, or the number  
40 of vessels that you just said, Doug, that have done multiple  
41 transfers is fifteen vessels, and so could we actually go and  
42 look at those vessels and see if they've got landings in state  
43 and federal waters in one calendar year and then pursue a  
44 violation at that time without needing any new regulations?

45  
46 **MR. TYRE:** I'm sure we could. I mean, that's what we do, is  
47 investigate, and I can look into almost anything, and love doing  
48 it.

1  
2 **MR. DIAZ:** Thank you, Mr. Tyre.

3  
4 **CHAIRMAN GREENE:** Okay. Thank you. I will get you in just a  
5 second, but you said, at any point during the year, if they put  
6 a permit on their vessel, then they have to adhere to that. So,  
7 if they put a permit on their boat in mid-May and fish the fall  
8 season, and then they're a charter boat the rest of the year,  
9 beginning January 1, if they do not have a permit on their  
10 vessel, then they're considered recreational until May, when  
11 they apply the permit, and did I follow that correctly?

12  
13 **MR. TYRE:** That's correct.

14  
15 **CHAIRMAN GREENE:** Thank you. Mr. Anson.

16  
17 **MR. ANSON:** Just a different scenario, but it's the same  
18 process, but I want to just make sure that I understand this, as  
19 it relates to the vessels that we deal with and the folks that  
20 we talk to from time to time.

21  
22 Going back to my example of the boat with the charter boat  
23 permit and then going and acting as a private boat, what if it's  
24 a dually-permitted vessel that also has a commercial permit?  
25 Now they want to go and catch red snapper with shares that  
26 they've acquired, in some shape or fashion, and they have  
27 snapper outside of the federal season? Are they able to do it,  
28 assuming they've got the commercial permit, but not the charter  
29 boat permit, for this discussion?

30  
31 **MR. TYRE:** Yes, sir. The dual-permitted vessels have specific  
32 regulations specifically for them, and they have a crew size  
33 limit that determines if they're a charter or a commercial trip.

34  
35 **MS. BOSARGE:** Don't you all have to hail-in and declare what  
36 you're doing if you have that commercial permit? I mean, you  
37 actually have to declare if you're going out on a joyride and  
38 not fishing at all. You've got to declare it to the government  
39 before you leave the dock, I think.

40  
41 **MR. ANSON:** Yes, and I understand that process, but, to the  
42 point that was made earlier about any fish that are caught off  
43 of that vessel throughout the year, then are now going to be  
44 allocated or part of the commercial -- I mean the charter's  
45 allocation and not the private allocation, but, yet, in this  
46 other situation, even though the regulations say that you can  
47 have this wiggle room, and maybe that's what we need to get to,  
48 but, now that they're fishing commercially, that's taken out of

1 the commercial share, because, of course, they had to acquire  
2 shares to begin with, but there's a distinction in there that,  
3 you know, even though the permit is no longer on the vessel,  
4 again, that the charter boat permit is on there, it can go  
5 divert back to commercial, but it can't divert back to private.

6

7 **CHAIRMAN GREENE:** Mr. Walker.

8

9 **MR. WALKER:** I am just going to mention, if that's the case, in  
10 the federal, when they're taking the permits and fishing in  
11 state waters, that -- According to our SOPPs, that maybe  
12 something we need to look into to see if there's any violations  
13 from the landscape of the AP members.

14

15 **CHAIRMAN GREENE:** Okay. Further discussion? Sir, I appreciate  
16 your time, and I appreciate you being here, and thank you for  
17 helping us try to clarify what we're doing, but thank you for  
18 your time, sir.

19

20 Okay. I guess the question from staff was where do we go from  
21 here, and it sounds like we've raised some concerns. Does  
22 anybody want to move forward on any of this stuff and direct  
23 staff to that, in that direction, or not?

24

25 **MS. BOSARGE:** I'm sort of an outsider on this one. It sounds  
26 like there's an issue there, and I guess my question would be is  
27 it an issue that -- Because it sounds like we already have some  
28 leeway, from an enforcement side, to deal with this, at least in  
29 one direction, I guess, and is it something where the industry  
30 may need to self-police itself and maybe alert law enforcement  
31 that I think maybe you should check on this or check on that  
32 specifically, or is something that we need to do around the  
33 table and -- I don't know. I am asking, but create some sort of  
34 amendment to deal with something, if there's a loophole. I am  
35 not sure which way is the best way to proceed, and I'm looking  
36 for guidance.

37

38 **CHAIRMAN GREENE:** Okay. Does anybody want to weigh in? Well, I  
39 will do it. Either way. If the committee has no problem with  
40 that, and if you're fine, I will kind of lead a little bit. I  
41 think that it's something that we need to look into. I think  
42 it's something that we should continue to move forward with.

43

44 I'm not sure in what matter, but I think that this is something  
45 that, given some of the short seasons and the way things are  
46 laying out, this could become a problem. I don't think that the  
47 private recreational guys are going to want charter boats  
48 fishing into their allocation, and I don't think it's going to

1 be the same the other way around. I think we need to draw a  
2 pretty clear line here at some point.

3  
4 I mean, we need to something, because I just think this is  
5 something that people are just now starting to figure out, and I  
6 think it may become more of an issue down the road, and, if we  
7 can do a simple language change that would eliminate that  
8 problem and make it easier for enforcement and make it easier  
9 for everyone to understand, and make it easier for the states  
10 who are collecting that data that these fish go here and those  
11 fish go there, I think it's something that we should look at,  
12 but I will do more with that on Thursday and think more about  
13 it.

14  
15 Maybe we'll all pick it back up at that point. I guess, at this  
16 point, Dr. Simmons, we're going to kind of just let it lie, and  
17 maybe we'll give you some more direction come Thursday. Okay.  
18 Anything else before we leave this action item? Okay. With  
19 that, we will move on into our next action item, which will be  
20 to Modify the ACT for Red Snapper Federal For-Hire and Private  
21 Angler Components, and this will be Tab B, Number 8, and Mr.  
22 Rindone.

23  
24 **DRAFT - FRAMEWORK ACTION TO MODIFY THE ACT FOR RED SNAPPER**  
25 **FEDERAL FOR-HIRE AND PRIVATE ANGLER COMPONENTS**

26  
27 **MR. RYAN RINDONE:** This document is a framework action to modify  
28 the recreational red snapper annual catch target buffers, and,  
29 just to review the purpose and need real quick, which is on page  
30 13, the purpose is to adjust the ACT buffer for the red snapper  
31 recreational sector, or sector components, to a level that will  
32 allow greater harvest without exceeding the component ACLs, and  
33 the need is to allow the recreational sector components to  
34 harvest red snapper at a level that's consistent with achieving  
35 optimum yield, while preventing overfishing, and to achieve more  
36 fair and accurate implementation of the ACTs and to address  
37 social and economic impacts with keeping those fishing seasons  
38 open as long as possible, while also hitting the rebuilding  
39 target.

40  
41 We have done some tweaking to the alternatives, which are in  
42 Chapter 2, and you might see these look a little bit different,  
43 and so we're going to review these in full this time.

44  
45 Alternative 1, of course, doesn't do anything. We maintain our  
46 current 20 percent buffer, which was established in 2014 and was  
47 based on a 15 percent risk of exceeding the ACL.

1 Alternative 2 would modify the respective component ACT buffers  
2 based on the performance of the existing buffers for  
3 recreational red snapper, and so what Alternative 2 says is  
4 that, if the ACL is exceeded by the average landings of a  
5 component during the most recent three fishing years, then the  
6 buffer between that component's ACT and ACL in the following  
7 fishing year will equal 20 percent plus the percentage by which  
8 the ACL was exceeded by the average landings for those previous  
9 three years.

10  
11 Likewise, if the ACL isn't exceeded by the average landings  
12 during those three years, then the buffer between that  
13 component's ACT and ACL in the following year will equal 20  
14 percent minus the percentage by which the ACL was not exceeded.  
15 However, that buffer cannot be less than some percentage, which  
16 is shown in Options 2a through 2c, and so either maintaining a  
17 minimum 2 percent buffer between the ACT and ACL, 5 percent, or  
18 10 percent. Does anybody have any questions about Alternative 2  
19 and how it functions?

20

21 **CHAIRMAN GREENE:** Is there discussion? Dr. Crabtree.

22

23 **DR. CRABTREE:** Ryan, under Alternative 2, if the ACL was  
24 exceeded by let's just say 100 percent, then you would no season  
25 the next year and it would be zero? Is that what would happen?

26

27 **MR. RINDONE:** The way it's written, yes.

28

29 **DR. CRABTREE:** Okay.

30

31 **MR. RINDONE:** Another thing to make note of is that this is  
32 something that would be evaluated every year, and so it's a  
33 rolling three-year average sort of application. Does that make  
34 sense to everybody? This isn't like a set-it-and-forget-it sort  
35 of thing.

36

37 **CHAIRMAN GREENE:** Mr. Diaz.

38

39 **MR. DIAZ:** Ryan, to Dr. Crabtree's point, the way it's worded,  
40 the way I'm reading it, it's average landings during the most  
41 recent three years, and so, if it was exceeded by 100 percent,  
42 that would be factored into the average landings for the  
43 previous three years, and that's the way it would be looked at.

44

45 **MR. RINDONE:** Right, and so if it was -- If you caught the ACL  
46 in two of those three years, and, in the third year, you caught  
47 100 percent more than the ACL, then that would be spread out, of  
48 course, for your three-year average. I took what Dr. Crabtree

1 said to be if the average was 100 percent exceedance. If that  
2 wasn't what he meant, then --

3  
4 **DR. CRABTREE:** Yes, that's what I meant. It was just a  
5 hypothetical.

6  
7 **MR. RINDONE:** Okay. I would expect that, if the ACL had been  
8 exceeded by 100 percent two years in a row, that we probably  
9 would have done something before that third year, but, if that  
10 were the case, then yes. If the average was over 100 percent  
11 exceedance, then there would not be a season the following year.

12  
13 **CHAIRMAN GREENE:** Is there further discussion? Seeing none, Mr.  
14 Rindone.

15  
16 **MR. RINDONE:** Thank you, Mr. Chair. Alternative 3 would, again,  
17 modify the respective component ACT buffers based on  
18 performance, and it says that, if the landings for a component  
19 do not exceed that component's ACL, on average, during the three  
20 previous fishing years, then the buffer between the ACT and the  
21 ACL will be reduced in the following fish year, in accordance  
22 with Options 3a through 3b, but it may not be less than a  
23 specified percentage of the component ACL, Options 3d through  
24 3f.

25  
26 Options 3a through 3c specify the degree to which the buffer  
27 would be reduced, and so Option 3a says that the buffer would be  
28 reduced between the ACT and the ACL by 1 percent for every 3  
29 percent by which the landings are less than the ACL. Option 3b  
30 says 1 percent for every 2 percent, and Option 3c is each  
31 percent for percent, and I believe that I have an example of  
32 this, if I can direct you guys to it.

33  
34 If you scroll down into the discussion, I will read the example,  
35 because I realize this is a little bit more tricky. For  
36 example, under Alternative 3, if say the for-hire component only  
37 harvests, on average, 87 percent of the for-hire component ACL  
38 for the 2018 to 2020 fishing years, then the for-hire  
39 component's buffer between the ACT and the ACL would be reduced  
40 from 20 percent, which is what it is now, to 16 percent under  
41 Option 3a, or a 1 percent buffer reduction for every 3 percent  
42 under the ACL. It would be reduced to 14 percent under Option  
43 3b or to 7 percent under Option 3c. However, if, in 2021, the  
44 for-hire component exceeds its ACL by any amount at all, then  
45 the for-hire component's buffer between the ACT and the ACL for  
46 the following fishing year, in 2022, would be increased back to  
47 the original 20 percent.

48



1 That's kind of like the safeguard to it. If there is any  
2 exceedance of the ACL, no matter what reduction has already  
3 occurred in the buffer, the buffer resets back to the 20 percent  
4 level. Does that make sense to everybody?

5

6 **CHAIRMAN GREENE:** Is there discussion? Dr. Crabtree.

7

8 **DR. CRABTREE:** Ryan, is there anything in one of the  
9 alternatives that links a buffer adjustment to the overall  
10 recreational ACL, both for-hire and private combined, or is it  
11 all linked to the specific sectors?

12

13 **MR. RINDONE:** It's all done component-specific, because that was  
14 what you guys had indicated was what you wanted to do when we  
15 had a little Q&A session about this a while back. I had asked  
16 you a lot of questions about this and the carryover, and you  
17 guys were pretty explicit that you wanted these things to be  
18 component-specific.

19

20 **DR. CRABTREE:** Okay.

21

22 **CHAIRMAN GREENE:** Mr. Diaz.

23

24 **MR. DIAZ:** I think, in my mind, we have to be component  
25 specific. Say if I got hired by the Gulf of Mexico Fishery  
26 Management Council, and they said, Dale, we're going to hire you  
27 and your pay is going to be \$100,000 a year, but our accounting  
28 department is notoriously slow, and, at some point, we may have  
29 to cut you off and clear the books and fix everything.

30

31 If, after three years, I had only been able to collect \$70,000 a  
32 year, I would be pretty aggravated with that, and that's  
33 basically the situation we have the charter/for-hire folks in  
34 right now. They've been fishing for three years, and they've  
35 been able to fish on about 70 percent of this ACL, and so it has  
36 to be component-specific, but I think each component should be  
37 accountable and judged on their catch history. Thank you.

38

39 **CHAIRMAN GREENE:** Mr. Banks.

40

41 **MR. BANKS:** This is the old classic case of be careful what you  
42 ask for, because I made this motion to go down this road, and I  
43 apologize to everybody. I certainly didn't intend for it to get  
44 this complicated.

45

46 What I was mainly trying to do was build upon Dale's concern  
47 about the charter/for-hire not catching their quota and being  
48 under their quota and giving them some kind of a way to help

1 meet that quota to be completely efficient, and I am not so sure  
2 this was the way to go. Can that be accomplished without any  
3 kind of issue with the buffer? Can it simply be accomplished by  
4 an adjustment of the way you guys model their projected season,  
5 Roy?  
6

7 **DR. CRABTREE:** I think the carryover partly addresses this. If  
8 we carried their uncaught quota over to the next year, then they  
9 would effectively get it credited to them and get to catch it,  
10 and so it seems to me the issue that we're trying to resolve  
11 here is much less of an issue if we got the carryover, and I  
12 know somewhere we've got another amendment that's looking at  
13 doing that, but, of course, that carryover, I think, has in it  
14 provisions of did we go over the overall ACL, and that's what is  
15 a little worrisome to me with this one, is because I understand  
16 Dale's logic about they have to be separated, but the statute  
17 does tie them together, ultimately. That's the best I can tell  
18 you, Patrick.  
19

20 **CHAIRMAN GREENE:** Thank you. Mr. Rindone.  
21

22 **MR. RINDONE:** The carryover document, you guys will see that  
23 again in October, but it does pair well with this particular  
24 document, in terms of ways to address what's left and how best  
25 to use it and how best to handle the risk of exceeding the ACL.  
26

27 That being said, I think some of the concerns that you guys have  
28 might be alleviated in Alternative 4, and don't get scared away  
29 by it when I say that I do need to explain it a little bit to  
30 you, but you guys have actually been living Alternative 4, more  
31 or less, for the last few fishing seasons. Alternative 4 is  
32 essentially how you got to the 20 percent buffer in the first  
33 place. If you remember --  
34

35 **CHAIRMAN GREENE:** Hang on before we go to Alternative 4. Martha  
36 had her hand up, and I want to make sure that she is ready to  
37 move on.  
38

39 **MS. GUYAS:** I guess the carryover thing, yes, could help, but I  
40 think, to get to what Patrick is saying, if we're in a pattern  
41 where charter/for-hire or whatever sector is consistently  
42 catching 75 percent of their ACT, it seems, to me, that the  
43 remedy for that is to give them a 25 percent longer season, so  
44 that they can hit their ACT. I mean, we don't necessarily need  
45 a framework action to do that, but it would just mean adjusting  
46 that model, which I think is what Patrick is trying to say here.  
47

48 I don't know, because we were kind of having the same

1 conversation here, if it's some kind of reopening in the fall or  
2 just tweaking the model in the first place, but it seems, to me,  
3 that that's one way to deal with this.

4  
5 **CHAIRMAN GREENE:** Ms. Bosarge.

6  
7 **MS. BOSARGE:** But I thought NMFS has to try and hold them to  
8 their ACT and not their ACL.

9  
10 **MS. GUYAS:** Right, but if they're catching 75 percent of their  
11 ACT, we should be setting a season where they can catch 100  
12 percent of their ACT, right? Either we need to adjust the model  
13 that we're using to calculate that season to meet the ACT or  
14 maybe set that season and look at see what happens. If there is  
15 still fish on the table, either do the carryover thing or do  
16 some kind of reopening in the fall, but I don't know that a  
17 framework is necessary to do that.

18  
19 **CHAIRMAN GREENE:** Thank you. This might be a good time now to  
20 go into Alternative 4. Does anyone else want to weigh in?  
21 Okay. Mr. Rindone.

22  
23 **MR. RINDONE:** Thank you, Mr. Chair. Alternative 4 would modify  
24 the respective component ACT buffers and specify the ACT  
25 corresponding to a specified risk of exceeding the component  
26 ACLs, as determined through pre-season yield projections, and  
27 this risk you would specify is in Options 4a through 4c. 4a is  
28 25 percent risk of exceeding the component ACL, which is a  
29 greater risk than Option 4b, which is 20 percent, and Option 4c,  
30 which is 15 percent.

31  
32 Now, in 2014, you guys got the 20 percent buffer by specifying  
33 that you were willing to accept a 15 percent risk of exceeding  
34 the total recreational ACL, and so that 20 percent buffer  
35 between the ACT and the ACL came from an acceptance of a 15  
36 percent risk of exceeding the ACL.

37  
38 What is being proposed for Alternative 4 is essentially the same  
39 thing, but apply it to the specific components, and so, instead  
40 of saying that the buffer is going to be X percent, you're  
41 saying that we are willing to accept the risk of exceeding the  
42 ACL at this percentage, and, whatever that turns out to be in a  
43 buffer is what it is, but that's the risk that we're willing to  
44 accept.

45  
46 The more accurate the data collection and the more stable the  
47 seasons have been and the more stable the catches have been,  
48 those are all things which can play into the uncertainty around

1 what the landings could be for the following fishing year, and  
2 those will all play into how large the buffers could be, and so  
3 let's move down into the discussion of Alternative 4 and go to  
4 the example. Table 2.1.2 is the demonstration of how this has  
5 been working.

6  
7 Let's pretend that Option 4b is selected as preferred, and then  
8 that means that the ACT would be set at an amount which  
9 corresponds to a 20 percent risk of that component's ACL being  
10 exceeded. In this case, we would be applying that to both. If  
11 you guys wanted to apply a different risk for the for-hire and a  
12 different risk for the private anglers, we could do that.

13  
14 This 20 percent risk would be determined by assessing the state  
15 season lengths for the fishing year in question, the available  
16 data on the average weight of red snapper landed by that  
17 recreational component, and that component's catch rates, for  
18 instance on weekdays and weekends.

19  
20 Since the data used to make this determination change annually,  
21 this constitutes a very dynamic way of looking at the buffer.  
22 It would account for differences in season lengths, different  
23 trends in effort as the effort environment matures and evolves  
24 over time, and it would more accurately encompass the  
25 uncertainty around the landings, as opposed to just setting it  
26 and forgetting it.

27  
28 Now, in Table 2.1.2, you guys can see the recreational-  
29 component-specific risks of exceeding the ACL by year at a 20  
30 percent buffer, and so, when you guys got the 20 percent buffer  
31 in 2014, it was at that 15 percent risk of exceeding the ACL.

32  
33 The risk around the buffer wasn't evaluated in the same fashion  
34 for 2015, but you can see how those season lengths were  
35 determined in the length down there under the little footnote  
36 for 0.2. For 2016, the risk of exceeding the ACL for the  
37 private anglers was approximately 17 percent. It was over a  
38 range of 10 to 26 percent, which represented the mean risk of  
39 exceeding the ACL across the model runs that they did. For the  
40 for-hire sector for 2016, there was a 15 percent risk.

41  
42 For this past season, for the original three-day season which  
43 was projected, a 20 percent buffer corresponded to a 20 percent  
44 risk of exceeding the ACL for the private anglers and a 4  
45 percent risk of exceeding the ACL for the for-hire group, and  
46 the links to all of these determinations and how all the math  
47 works out and everything are in those PDF links that you guys  
48 see down there underneath the table.

1  
2 Again, you've got your 20 percent buffer that you have now,  
3 based on the 15 percent risk, and so, if you think that that  
4 level of risk is acceptable, you could select that. If you want  
5 to select a less conservative approach, there is 20 percent and  
6 25 percent that are offered, or, if you guys want something else  
7 put in there, we can add that before we start doing the in-depth  
8 analyses.

9  
10 At this point, if there any questions about Alternative 4,  
11 please ask, but we do need some direction from you guys as to  
12 how to proceed. Do we write Chapters 3 and 4 and do the in-  
13 depth analyses, or is there some other way in which you guys  
14 want us to look at modifying the ACTs?

15  
16 **CHAIRMAN GREENE:** Okay. Thank you. Is there discussion? Mr.  
17 Riechers.

18  
19 **MR. RIECHERS:** Ryan, and I recall somehow we got the 15 percent  
20 tolerance and how that led us to a 20 percent buffer, and I  
21 think we had a range of alternatives basically with a 50 percent  
22 tolerance all the way to 15, or less than that, and then we  
23 selected the one that matched up to the 20 percent buffer.

24  
25 For Alternative 4, you went through a great explanation there,  
26 and you basically talked about how it either tightens up or  
27 loosens, depending on catch rates and staying under and  
28 everything, but that's also -- That's the same data we used to  
29 make that projection, and so I think it kind of comes back to  
30 the whole notion of is there a way of adjusting our projection  
31 on these things, because, if we're really just trying to fix the  
32 fact that we're under on a certain sector at the moment, that  
33 same data is feeding into the risk that's also feeding into the  
34 projection.

35  
36 **MR. RINDONE:** Sure, and so consider this. In 2017, that 20  
37 percent buffer corresponded to a 20 percent risk of exceeding  
38 the ACL for the private anglers, but only a 4 percent risk of  
39 exceeding the ACL for the for-hire group, and so, if you were  
40 saying that you were willing to accept a 20 percent risk of  
41 exceeding the ACL, period, that would mean that the buffer for  
42 the for-hire group would be much smaller than 20 percent. Does  
43 that make sense?

44  
45 **MR. RIECHERS:** Yes, it makes perfect sense, but I'm just not  
46 certain there's not an easier way to get there.

47  
48 **MR. RINDONE:** This way that's being proposed in Alternative 4

1 offers a way that is going to be, like I said, really dynamic,  
2 and it's really going to encompass everything that we have  
3 available to consider when we're setting these season lengths  
4 and trying to determine how much can actually be caught.

5  
6 The other options that are available to you in Alternative 2 and  
7 3 use the most recent three years, which certainly also is going  
8 to be -- It's also going to be a dynamic approach, because it's  
9 going to capture what's happening very recently, and they are  
10 bracketed with certain safeguards, to make sure that things  
11 don't get too out of hand, but, aside from just determining that  
12 one sector is going to have this buffer and another sector is  
13 going to have another, we would need some input from you guys on  
14 what else you might like to see us explore.

15  
16 **CHAIRMAN GREENE:** Thank you. Mr. Diaz.

17  
18 **MR. DIAZ:** Thank you, Ryan. I think you did a pretty good job  
19 of explaining the alternatives. I started talking about this  
20 last August, before we even had any idea that the private  
21 recreational were going to go over, and, looking at the charts  
22 that were available to us last August that are similar to the  
23 charts in this document that don't have 2017 in them, it was  
24 apparent that the ACTs, that we should be looking -- To me, it  
25 was apparent that we should be looking at a way to be more  
26 accurate and fair on how we set the ACT for each component, and  
27 that's what we're trying to do with this document.

28  
29 We're at this point of the year where we're going to get some  
30 preliminary numbers off of what's happened so far this year, but  
31 we'll only get them probably through Wave 3 by the next meeting.  
32 We won't have Wave 4 that would capture all of the charter/for-  
33 hire season. I do think, by the next meeting, we could apply  
34 some average daily catch rates to the charter/for-hire season  
35 and get some kind of idea about where they're going to fall out.

36  
37 I hear Martha's comments about adding more days, and I think  
38 we've had an opportunity to do that over the last three years,  
39 and we've done a little bit of it, but, off the data we have in  
40 front of us right now, from what we have right now, the  
41 charter/for-hire industry has not been able to effectively catch  
42 their ACL, and they have not met their ACT.

43  
44 When I read through the document, out of the alternatives that I  
45 see here, Alternative 4 seems to appeal to me the most. The  
46 reason it appeals to me the most is that, under Alternative 4,  
47 will set a level of risk that we're willing to accept. Each  
48 component will be evaluated based off their past catch history

1 for that component, and, when I read through it, Alternative 4  
2 seems like we're working at what we have in the purpose and  
3 need, to be more accurate and fair.

4  
5 I did not bring this up last August in any way to hurt the  
6 private recreational folks. That wasn't even on my mind. It  
7 was just looking at a way to be more accurate and fair, and the  
8 people that are not being able to participate fully right now  
9 are the charter/for-hire.

10  
11 In October, the picture will be a little bit clearer, but we've  
12 got to make a decision whether we're going to keep moving this  
13 document or not. If we are going to move it, we have to talk  
14 about timing, especially if we want to impact next season, and  
15 so, I mean, I think we have to make some decisions, and I  
16 appreciate the discussion that's been had so far. Thank you,  
17 Mr. Chair.

18  
19 **CHAIRMAN GREENE:** Thank you, Mr. Diaz. Dr. Frazer.

20  
21 **DR. FRAZER:** Thank you, Mr. Chair. To Dale's point, I guess  
22 what I am looking for is a simpler option here, or an  
23 alternative, and is it possible, or within our purview, to just  
24 simply set the ACT for the for-hire sector at, or very close, to  
25 the ACL?

26  
27 **CHAIRMAN GREENE:** Mr. Banks.

28  
29 **MR. BANKS:** To Dale's point about the charter/for-hire, I'm not  
30 so sure it's that they can't catch their ACT. I don't know that  
31 we have given them the right amount of opportunity to do it, and  
32 I'm not so sure that has anything to do with the buffer. I  
33 think it has to do with the season length, it would seem, but I  
34 agree with you that it doesn't appear that they need a 20  
35 percent buffer.

36  
37 Would it be at all helpful to us, and maybe this would delay it  
38 too far, to where we could actually use it for next season, but  
39 would it be helpful to us to have the SSC look at this in  
40 September and give us some of their ideas or their  
41 recommendations? I think what Ryan put together was very, very  
42 good, and he certainly explained it to where I could follow it,  
43 and I appreciate it, but it would be helpful, in my mind, to  
44 have the SSC weigh in on some of these options and let us know  
45 what they would recommend.

46  
47 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.

48

1 **DR. CRABTREE:** The problem I see here that we've got to somehow  
2 deal with -- I understand the logic of the sectors should be  
3 separate, but the fact of the matter is the statute ties them  
4 together in Section 407(d).

5  
6 At some point, we have to consider the overall level of risk of  
7 exceeding the overall ACL, and it seems to me where these take  
8 us, given the recent performance of the fishery, is, yes, the  
9 buffer on the for-hire guys gets smaller, but the buffer on the  
10 private guys is going to get bigger, and the problem I see is I  
11 think there is a cap on how big the buffer on the private guys  
12 will be, because so much of the catch is coming out of state  
13 waters.

14  
15 You can say the buffer is going to be 60 percent on the private  
16 guys, but, if 80 percent of the quota is being caught in state  
17 waters, it is meaningless, and, somehow, we've got to tie it  
18 together to the overall risk, and I think that gets tricky, and  
19 that's the part that I have struggled to try and figure out,  
20 but, somewhere in the amendment, we're going to have to deal  
21 with the overall risk of the combined sectors going over the ACL  
22 and how we're keeping that level of risk within acceptable  
23 levels. I think we will have some more landings data and be  
24 able to better evaluate that in October, but it's not clear to  
25 me how to do that.

26  
27 **CHAIRMAN GREENE:** Thank you. Mr. Matens.

28  
29 **MR. MATENS:** Thank you, Mr. Greene. I too struggled last  
30 August, as Dale did, with these numbers, but I was struggling  
31 from a different perspective. We were talking about a very few  
32 days for the private sector, and my personal thoughts were that  
33 we were accepting too much risk, but, if we were going to accept  
34 less risk, we were looking at one day or something like that.

35  
36 I don't remember the exact numbers, but that's where we were,  
37 and I am still uncomfortable with accepting so much risk that we  
38 run over. I don't know what the answer is, and, Roy, I really  
39 appreciate your comments on this. It's a conundrum. I don't  
40 have any ideas, and I wish I did, but I wanted to share with you  
41 guys that I've been thinking about this for a year. There has  
42 got to be a solution, and I think we need to work towards that.

43  
44 **CHAIRMAN GREENE:** Mr. Riechers.

45  
46 **MR. RIECHERS:** Well, Roy, and maybe you were getting at this, to  
47 some degree, but certainly, at least in Alternative 4, as Dale  
48 suggested, and, frankly, Ryan, I wanted to indicate to you that



1 it's quite an elegant solution here, even though I think it has  
2 some issues, because we're using the same things we're using for  
3 our projections, and so I think it's fraught with some of those  
4 same difficulties that we're seeing now, but at least you are  
5 normalizing the risk level with that alternative, and so, in  
6 some respects, Roy, that's, I think, what you were suggesting we  
7 need to do, but they're still going to have to come together,  
8 from the overall catch perspective, at some point in time in the  
9 document.

10

11 **CHAIRMAN GREENE:** Ms. Bosarge.

12

13 **MS. BOSARGE:** I am just ready to pull my hair out trying to  
14 think about all of this. Is there any way, Dr. Crabtree, that  
15 we can determine that we can focus only on the risk we can  
16 control and make our decisions based on that, because this  
17 council only has purview over certain things.

18

19 We cannot tell the states what to do with their waters. Those  
20 are their state waters. That's their domain, and they make  
21 those choices as they decide is the right way to go. We also  
22 can't -- We have no control over seasons that are set outside of  
23 this body right here. I mean, if we had to buffer for that,  
24 what would we do then? My goodness, I can't imagine what that  
25 buffer would look like, and so can we not decide to buffer based  
26 on the three-day season we set and what landings those look like  
27 for the private anglers?

28

29 If we did a good job with that, that's great. That's what we  
30 had control over. That's what we looked at. We don't have  
31 control over state landings and their seasons, and we don't have  
32 control over the additional days that were set, because what I  
33 see happening here is that we -- The for-hire sector has tried  
34 to improve their data collection, right, in order to get a  
35 better idea of what their landings are, in order to be more  
36 accountable.

37

38 By doing so, we are better able to estimate things for them. We  
39 have a better handle on that, and they're staying under their  
40 ACT buffer, which is way under the ACL, and yet they're going to  
41 be punished somehow. Them staying under and being accountable,  
42 for some reason, we're saying that -- I know what the Magnuson  
43 Act says, but, for some reason, we're saying, well, we  
44 appreciate you being accountable, but we can't give you any net  
45 benefit for that.

46

47 It's because of risks that are outside of our control, that we  
48 don't control here at this table, and so is there any way to

1 make these decisions based off of things that are within our  
2 control and our purview, rather than having to buffer for things  
3 that we have no idea what they're going to be?  
4

5 **DR. CRABTREE:** Well, that would be a different approach than  
6 what we've used in the past, and I guess you could try to make  
7 that rationale and do it, but I suspect there is -- I will defer  
8 to Shepherd, but I suspect there's a lot of vulnerabilities to  
9 trying to put a rationale like that together.

10  
11 I mean, I have struggled with this too, but the fact of the  
12 matter is that the statute requires a recreational quota, of  
13 which the private and the for-hire are both part of, and I don't  
14 know how to de-link those two. Only Congress can de-link them,  
15 and maybe they will do that, but, so far, they haven't, and so  
16 it's not clear to me how you can separate them totally and do  
17 what you're talking about doing, but I certainly don't rule it  
18 out that maybe there is a way to come to that sort of argument.

19  
20 **CHAIRMAN GREENE:** Mr. Rindone.

21  
22 **MR. RINDONE:** Thank you, Mr. Chair. I am going to work  
23 backwards from Leann's comments and into Roy's original comment.  
24 For Leann's comment about trying to specify the buffer based on  
25 the things that we can control, one concern that you guys might  
26 want to keep in mind is that it's kind of like saying that  
27 you're going to buy the house based on the salary that you make,  
28 but you're not accounting for things that you can't control,  
29 like the housing market.

30  
31 You've got your sights set on this one thing, but you're  
32 ignoring this portion of it that you can't control, which we  
33 just classify as uncertainty, and you're still trying to make  
34 the same decision, which may end up not being something that you  
35 can accomplish.

36  
37 The way that we're currently looking at setting the seasons  
38 accounts for the things that we can control, like previous  
39 season lengths and what the catch limits actually are, against  
40 the things that we can't control, such as the actual pace at  
41 which the landings come in and how good at fishing fishermen are  
42 in a given year, on a given day, et cetera.

43  
44 Then, working back to what Dr. Crabtree was commenting on  
45 originally, about 80 percent of the landings coming from state  
46 waters, but if there is a 40 or a 60 percent buffer, then,  
47 essentially, there is no federal season, and one thing that we  
48 could add to Alternative 4 would be something to the effect of

1 modifying the respective component ACT buffers at some unified  
2 level of risk, say 15 percent -- The way it's written right now,  
3 it's 15, 20, or 25 percent risk for both. We're not looking at  
4 them separately, and so I think that satisfies the 407(d)  
5 concern, but you could add options below that that say that the  
6 buffer would not go above some certain amount, say, arbitrarily,  
7 30 percent.

8  
9 If a 20 percent risk of exceeding the component ACL means that  
10 the buffer for the for-hire sector is going to be 3 percent, and  
11 it's going to be 26 percent for the private anglers in one year,  
12 but then, in the following year, it would have been 33 percent  
13 for the private anglers, again just as a hypothetical example,  
14 then you have selected a cap though of a 30 percent buffer  
15 between the ACT and the ACL, and so the private angler buffer  
16 would not be more than 30 percent. Is that something that you  
17 guys would be interested in?

18  
19 **CHAIRMAN GREENE:** Discussion? Dr. Crabtree.

20  
21 **DR. CRABTREE:** I think, at some point, you have to recognize  
22 that, given the patterns in the fishery, the private buffer,  
23 effectively, can't be larger than some amount, because, at that  
24 point, there is no season in the EEZ, and saying it's going to  
25 be larger is rather meaningless. I don't know exactly where  
26 that is, and I don't know how stable that is, but, as a  
27 practical matter, there does seem to be an amount that it  
28 couldn't really go over.

29  
30 **CHAIRMAN GREENE:** Thank you. Is there further discussion?  
31 Okay. I don't see any further discussion. Mr. Diaz.

32  
33 **MR. DIAZ:** I think the goal for today was to let staff know if  
34 the alternatives in the document were sufficient and if the  
35 document needed additional things to move on, and so I'm not  
36 really sure that we have accomplished that goal to get where the  
37 staff knows exactly where we're at with this document.

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

40  
41 **MR. BANKS:** I would say it again, and I would look for the other  
42 members to let me know whether this would be useful or not, but  
43 it seems like that -- I don't know which of these alternatives  
44 are best at this point, because I don't know that it really gets  
45 us to where I was hoping we would go, and that would be to help  
46 the charter/for-hire sector be able to have more access, because  
47 they have been under their ACT for three straight years. I will  
48 ask again. Would it be advantageous to have the SSC weigh-in in

1 September? Is that possible? I would think it would be, but I  
2 may be missing something.

3

4 **CHAIRMAN GREENE:** Mr. Gregory.

5

6 **EXECUTIVE DIRECTOR GREGORY:** It is possible, yes. If the  
7 council would -- We would like to have a motion, so we can put  
8 it on the SSC agenda.

9

10 **CHAIRMAN GREENE:** Mr. Banks.

11

12 **MR. BANKS:** I would like to make that motion, to ask the SSC to  
13 review this and provide some guidance. I wasn't prepared,  
14 really, to make a motion, and so somebody can help me with the  
15 wording, please. To review the alternatives outlined in the  
16 document and provide an SSC recommendation, I guess, or even  
17 additional alternatives.

18

19 **CHAIRMAN GREENE:** Mr. Gregory.

20

21 **EXECUTIVE DIRECTOR GREGORY:** It may be possible that the SSC  
22 could recommend a preferred approach, but, more than likely,  
23 they would just comment on the feasibility of maybe the  
24 different alternatives.

25

26 **CHAIRMAN GREENE:** Okay. That document would be the Allocation-  
27 Based Management for Federally-Permitted Charter Vessels, I  
28 assume. We need to put that in there. I think everybody  
29 understands that's what we're trying to do. Is there a second  
30 for this motion? It's seconded by Dr. Frazer. Is there further  
31 discussion?

32

33 Okay. We have a motion on the board, and everybody is clear on  
34 the motion, and staff is clear on what the intent of this is,  
35 and everybody understands what we're doing? Okay. There is a  
36 motion on the floor before you. **Is there any opposition to the  
37 motion before you? Seeing no opposition, the motion carries.**

38

39 Anything else before we leave this item? We are going to take a  
40 fifteen-minute break and pick back up in fifteen minutes.

41

42 (Whereupon, a brief recess was taken.)

43

44 **CHAIRMAN GREENE:** We will pick up where we left off, which will  
45 be the Presentation on the Grouper-Tilefish IFQ Five-Year  
46 Program Review, Tab B, Number 9, and Dr. Diagne and Dr. Stephen.  
47 It looks like Dr. Stephen is making her way to the table now,  
48 and so, as a reminder, this will be Tab B, Number 9.



1 remembering the shares and allocations, and so, going through  
2 this, each share is a percentage of the commercial quota, and  
3 remember that all shares must sum to 100 percent. Allocation  
4 results from shares. It's the shares times the quota, and  
5 that's given to the shareholder in their account. That  
6 allocation is what they use to harvest species, and it's annual  
7 allocation. That means that it expires when we get to the end  
8 of the year.

9  
10 Just, again, this is an illustration that we've used in the  
11 past. If you have 1 percent of the share, depending on what the  
12 quota is, you will get a different amount of allocation. In the  
13 first example, it was 1 percent of the share, and the quota was  
14 around three-million pounds. That results in an allocation of  
15 30,000 pounds. If, in the next year, the quota drops to one-  
16 million pounds, you still have 1 percent of that quota, but now  
17 it only results in 10,000 pounds.

18  
19 In the grouper-tilefish program, we have five different share  
20 categories. We have two single-species share categories, red  
21 grouper and gag, and then we have three multispecies share  
22 categories of deepwater grouper, which contains yellowedge  
23 grouper, snowy, warsaw and speckled hind, and tilefish, which  
24 contains golden, blueline, and goldface, and then the shallow-  
25 water groupers, which contain black grouper, yellowmouth,  
26 yellowfin, and scamp.

27  
28 I would like to point out a few things on this slide. You see  
29 some of the species listed in the multispecies categories have a  
30 line through them, and these were species in the program in  
31 2010, but they were dropped out in 2012.

32  
33 Red grouper and gag have what we call a multiuse category, and I  
34 will go into that next, and then warsaw, speckled hind, and  
35 scamp have a flexibility measure, which I will also talk about.

36  
37 Keep in mind, with the multiuse and flexibility measures, this  
38 was put in place in order to help reduce discards, and that was  
39 the purpose behind it. For multiuse, which exists in red  
40 grouper and gag, when we release the quota, we automatically  
41 create two new categories, a red grouper multiuse category and a  
42 gag multiuse category, and what these are is they are a  
43 percentage of what would have been the red grouper or gag  
44 allocation that gets converted to multiuse. This has always  
45 been done, since 2013, on a formula, and the formula works with  
46 using the ACL of both of these species, that you can never  
47 exceed for the ACL for either one species.

48

1 Multiuse allocation can be used to either land gag or red  
2 grouper, although there are very specific ways in which that's  
3 done, and I will get to that shortly. For example, if you had  
4 red grouper shares, that converts behind the scenes, in our  
5 system, to red grouper allocation. Then, based on the formula,  
6 we take that and break it into red grouper allocation and red  
7 grouper multiuse. In this example here, the formula would have  
8 said that 4 percent was multiuse, and we take then 4 percent of  
9 each individual person's shares and allocation and convert that  
10 to multiuse.

11  
12 Similarly, the same thing happens with gag. In this example, I  
13 want to note that, in the formula for one of the years, we had  
14 gag multiuse that was higher than gag, and so that can occur,  
15 where 70 percent of the gag allocation was converted to  
16 multiuse.

17  
18 With the flexibility measures for speckled hind and warsaw  
19 grouper, if you have run out of all of your deepwater grouper  
20 allocation, you can then land them under shallow-water, and the  
21 reverse is true of scamp. If you're out of shallow-water  
22 grouper, you can land them under deepwater. I want to point out  
23 that the system controls how you use this. It's not something  
24 the fishermen decide in and of themselves.

25  
26 Now, they can probably figure out ahead of time what the system  
27 will do and make sure their account is correct, but you can only  
28 use the flexibility and multiuse measures after you have  
29 exhausted the primary category. Therefore, you can't use red  
30 grouper multiuse to land red grouper until all of your red  
31 grouper allocation is empty, and you cannot use it to land gag  
32 until all of your gag and gag multiuse allocation is empty.

33  
34 There is different types of accounts in the IFQ system, and  
35 we've gone over these before as well. There is the shareholder  
36 account, and this is an account type, and it is always created  
37 by unique entities for it, and it may or may not hold shares and  
38 allocation. It's just capable of holding them.

39  
40 The shareholder account is used to transfer shares and  
41 allocation, and it's frequently associated with vessel accounts,  
42 and so you can think of the shareholder account as a parent  
43 company to the child vessel accounts. The other stipulation for  
44 a shareholder account is that you must be a citizen or permanent  
45 resident alien.

46  
47 The vessel account is related to the shareholder account, and it  
48 has to have the same names on the permit that is associated with

1 that vessel account as a shareholder account. That's actually  
2 how we created shareholder accounts in the first five years of  
3 the program.

4  
5 The vessel account needs to have sufficient allocation put on  
6 that account prior to landing. All landing transactions go  
7 between the vessel account and the dealer account. The dealer  
8 accounts must be associated with a federal reef fish permit, and  
9 what the dealer does is they initiate the landing process  
10 through the dealer account. It's verified by the vessel  
11 account, by entering the vessel account pin, and then the dealer  
12 completes the transaction. Upon completion of that transaction,  
13 allocation is deducted out of the vessel account.

14  
15 The dealer account also collects the cost recovery fee from the  
16 fishermen, and I want to be very clear on this. The cost  
17 recovery fee is being paid by the fishermen at the time of  
18 landing and being collected by the dealer. The dealer then  
19 submits that to NMFS on a quarterly basis.

20  
21 The other important thing with dealer accounts is that they  
22 cannot hold shares or allocation, and so, if a dealer wanted to  
23 participate by holding shares or allocation, they would have to  
24 obtain a shareholder account. In those first five years, they  
25 would need a permit, a reef fish commercial fishing permit, in  
26 order to obtain a shareholder account and then in order to  
27 acquire shares or allocation.

28  
29 Each shareholder account is held by a unique set of entities,  
30 and they can be either a single individual or multiple  
31 individuals jointly owning it, and so you can think of John  
32 Smith by himself owning it, and maybe John and Jane Smith own an  
33 account.

34  
35 They could also be single or multiple businesses, and think of  
36 John Smith LLC as an example of a business, or it can be a  
37 combination of individuals and businesses, and so, when we talk  
38 about entities involved in these accounts, an entity can be  
39 related to more than one account, and so, using kind of the John  
40 Smith example, John Smith has an account by himself. He is the  
41 unique entity on that account, similar to as we were talking  
42 earlier today about permit entities.

43  
44 John and Jane Smith might have an account that is a unique  
45 entity, but it is related, because John Smith is involved in  
46 both, and, if John Smith has a company, John Smith LLC, if he is  
47 a shareholder in that company, he is related both to the John  
48 and the John and Jane Smith accounts. I point this out because



1 this idea of related accounts will play into analysis as we get  
2 further into this.

3  
4 Just to remind you what people can do with their share and  
5 permit combination, if you have a permit, regardless of whether  
6 you have shares or not, you're allowed to harvest fish, and, in  
7 the first five years, you're allowed to obtain more shares or  
8 allocation.

9  
10 If you have shares and don't have a permit, you can no longer  
11 obtain more shares or allocation in the first five years, nor  
12 can you harvest, and, if you have no shares and no permit, which  
13 is very rare in the early first five years of the system, you  
14 can't obtain shares or allocation nor fish. Most people who  
15 fell into this category are people who were selling their shares  
16 and selling their permit and then just neglected to close their  
17 IFQ account.

18  
19 IFQ is a joint management of the program, and so we have the  
20 limited access privilege program branch that runs the program,  
21 for the most part, and so we have customer support during  
22 business hours. These people help answer questions about how to  
23 set up an account, in order to set up an account, and we also do  
24 QA/QC on the data, audit the data, and we do any kind of  
25 analysis, like the annual reports that are created every year.  
26 This branch is also involved in any kind of program development  
27 or improvements to the program.

28  
29 We work hand-in-hand with Information Technology System, and  
30 they are the people who help maintain the online database and  
31 the behind-the-scenes database, and we work with the answering  
32 service. This is a twenty-four-hour answering service for pre-  
33 landing notifications, paid for by cost recovery fees. A final  
34 piece to this is law enforcement, which does dockside and at-sea  
35 monitoring and controls the VMS.

36  
37 I want to remind you how we go fishing with the IFQ system, if  
38 someone wanted to go out fishing. The first thing they need to  
39 do is declare a fishing trip prior to leaving, and they can do  
40 that through VMS or through VMS's call service center, which is  
41 different than the call service system that I was talking about  
42 earlier.

43  
44 They go out and they go fishing, and they need to do a pre-  
45 landing notification, or what we call an advance landing  
46 notification. This must be done three to twenty-four hours in  
47 advance. For the first few years of the program, it was three  
48 to twelve hours, but we changed that a couple of years ago.

1  
2 Landing notifications can be done through their VMS unit,  
3 through the IFQ website, or through the SERO call service  
4 center. They can then land at approved locations. They can  
5 land at approved locations twenty-four hours a day. There is no  
6 limit on when the landing can occur. They cannot offload their  
7 fish except for between the daylight hours of 6:00 a.m. to 6:00  
8 p.m.

9  
10 The dealer then completes that landing transaction. That  
11 transaction must be completed on the day of offload or within  
12 ninety-six hours of the notification, whichever occurs sooner.  
13 At the time of the dealer landing transaction, the allocation  
14 has been deducted from the account. I am going to take a brief  
15 stop there and see if there's any questions about the structure  
16 of the IFQ before we get into the analysis.

17  
18 **CHAIRMAN GREENE:** Thank you. Mr. Boyd.

19  
20 **MR. BOYD:** Just a process question. Is the IFQ program for  
21 grouper-tilefish managed within the same system that the other  
22 IFQ programs are?

23  
24 **DR. STEPHEN:** Yes, that's correct. The red snapper and grouper-  
25 tilefish are in one system, and they actually use one account  
26 for anyone who is participating in both programs, and, in the  
27 whole database system, there is not a real way to distinguish  
28 both. We distinguish participation by activity, and so someone  
29 who has shares or has landings of something tells us whether  
30 they function in the grouper-tilefish versus red snapper system.

31  
32 **MR. BOYD:** Thank you.

33  
34 **CHAIRMAN GREENE:** Further discussion? I don't see any, Dr.  
35 Stephen.

36  
37 **DR. STEPHEN:** Okay. So, a lot of this information stuff, we  
38 also publish in our annual reports, and you can go there if you  
39 need to see further information on it. The first thing I wanted  
40 to talk about was what accounts actually have shares, and so, if  
41 you notice overall, there's been a decrease in the number of  
42 shareholders overall and within each share category.

43  
44 You will notice, in the next few slides, we're going to have a  
45 very similar setup. I will show each share category by itself  
46 and then show the total, if it's applicable for the program as a  
47 whole, in the bottom right-hand corner.

48

1 The other thing I want to point out is that the majority of  
2 accounts are what we call small shareholders. They are holding  
3 less than 0.05 percent of the shares individually, and I just  
4 want to point out that most of the decreases we see in  
5 shareholder accounts occur in the small shareholder account and  
6 sometimes in the medium shareholder account, and this isn't  
7 necessarily unexpected, as we expected some consolidation to  
8 occur.

9  
10 You also notice that a lot of the first consolidation of  
11 accounts occurred within the first year of the program, and so  
12 the initial line you see there is what was given to them on  
13 January 1, 2010, and that's somewhat representative of what  
14 their past history had been, because that's how we decided who  
15 got what amount of shares from it.

16  
17 What I showed you before is how many people hold accounts, and  
18 it's interesting also to look at how much of the total shares  
19 they hold. In here, for those most part, you see the medium and  
20 large shareholders are holding the majority of the shares in the  
21 program, and, again, that's not necessarily unexpected when you  
22 consider the size of how we broke down small, medium, and large  
23 shareholders.

24  
25 As I said before, this is a multi-share category program, and so  
26 what we also did is take a little look at, well, how many people  
27 hold shares in more than just one share category, and what you  
28 will see is the bulk of the people who participate in the  
29 program hold shares in at least three categories, if not all  
30 five categories. This percentage has changed a little bit over  
31 time, but not really significantly. We have a very small  
32 percentage that only holds shares in one or two categories.

33  
34 Now I'm going to move on to accounts with allocation. As  
35 mentioned before, you don't need shares to get allocation.  
36 Shares give you the original allocation, but then we have a lot  
37 of transfers of shares that occur throughout the year, and one  
38 thing you will notice here is that the accounts with allocation  
39 are greater than the accounts with shares, showing that  
40 allocation is moving to those accounts that do not have shares  
41 as well.

42  
43 Overall, the number of allocation holders has decreased over  
44 time, slightly, and what I put in here was what percentage of  
45 those accounts, and this is number of accounts, are also  
46 associated with shares, and, in the start of the program, about  
47 94 percent of all the accounts that had allocation also had  
48 shares, and we've seen a slight decrease in this over time.

1  
2 I do want to caution you that that decrease needs to be looked  
3 at further with respect to related accounts, as I mentioned  
4 earlier, and there's been kind of movement of some fishermen of  
5 separating their assets or getting different accounts that are  
6 not necessarily related to their account with shares or their  
7 account, per se, with the permit.

8  
9 Looking at dealers over time, we have seen a reverse trend from  
10 share and allocation holders, where the number of dealers has  
11 increased over time. Most of our dealers are what we consider a  
12 small dealer. They're only landing, at that dealer, about 1  
13 percent of the total landings for grouper-tilefish. There are a  
14 handful of larger dealers who land greater than 3 percent.

15  
16 We did see kind of an increase, in 2014, of more of the smaller  
17 dealers, and a lot of this might be driven by some fishermen  
18 deciding to become their own dealer as well, and so kind of  
19 cutting out the middle-man, so to speak. We did see an increase  
20 both in the red snapper and grouper-tilefish program, at some  
21 point in time, that, through discussions with some industry  
22 members, indicated that's what they were doing.

23  
24 When we look overall at the number of vessels, I am going to  
25 point out that the first slide is our pre-IFQ counts of vessels,  
26 and that's an average from 2007 through 2009, for comparison,  
27 and so, when the IFQ program started, the number of vessels  
28 decreased, and it has kind of continued to decrease overall, as  
29 a whole, and, in different areas, that decrease was more  
30 significant than others.

31  
32 I think, in tilefish, we saw one of the larger decreases. In  
33 general, that amount of decrease in vessels was around 30  
34 percent, and that is working towards our goal of reducing  
35 overcapacity.

36  
37 Delving a little bit more into those accounts that actually hold  
38 shares, what we can do is we can break them out into accounts  
39 who hold shares and hold a permit and accounts who hold shares  
40 within a permit. Overall, the bulk of the accounts hold a  
41 permit and hold shares together. We have seen a slight  
42 increase, over time, in those accounts that hold shares, but do  
43 not hold a permit.

44  
45 As of 2014, still three-quarters of the accounts held shares  
46 with a permit, and, again, a little caution on just taking too  
47 much into this, in that we do have, again, those related  
48 accounts, and that's at play when we start looking at what's

1 going on with the non-permitted shareholders.

2  
3 You will see, when we get to 36B, that I think roughly around 50  
4 percent of all IFQ accounts are related to each other, and, of  
5 those for what we're calling the public participant in that one,  
6 those people without a permit, about 20 percent of those, in  
7 2014, were related to another account, and that compares fairly  
8 similar to the 26 percent of accounts that had shares without a  
9 permit.

10  
11 If we want to look at how many accounts had shares without a  
12 permit, and we wanted to look at how much of the shares are  
13 held, by far the majority of shares are still held in accounts  
14 that have both a permit and shares in every share category, and  
15 so there's only a minority of shares being held by these  
16 accounts without a permit.

17  
18 We can also look at what's occurring with landings based on  
19 their share status, and, again, we see the majority of landings  
20 are coming from accounts that also hold shares, although the  
21 amount coming from accounts that do not hold shares has  
22 increased over time. In particular, with tilefish, you see that  
23 there's actually a greater number of accounts in 2014 coming  
24 from those without shares than with shares.

25  
26 Looking at annual landings over time, for the most part, we've  
27 come pretty close to the quota for every share category and as a  
28 whole in the program. The exception, of course, will be 2010,  
29 which was Deepwater Horizon, and so it's understandable that not  
30 as many landings were created in those years. Shallow-water  
31 grouper is another share category where we tend to have a lower  
32 percentage of the quota landed over time.

33  
34 Another thing I want to point out to you is discard ratios, and  
35 so this information was taken solely from the Reef Fish Observer  
36 Program and not from discard logbooks, and so we will have  
37 additional information in October combining the two together,  
38 and the Reef Fish Observer Program began in 2007, and so we're  
39 limited, with our pre-IFQ comparison, to those years.

40  
41 If you look overall for red grouper, we see that the IFQ program  
42 years have shown a lower discard ratio for red grouper for both  
43 vertical lines and longlines as well as by region, in Florida as  
44 well as the Other Gulf.

45  
46 We did the same analysis for gag grouper. In gag grouper, we  
47 see a little bit different of a story, and one thing that I want  
48 to point out are the numbers in 2011 that seem rather high, and

1 I want to remind you that there was an extreme quota drop, from  
2 about 1.4 million pounds to 0.1 million pounds for the first  
3 half of the year, and then, for the second half of the year, and  
4 I think it was around June 1, we raised it to 0.4 million  
5 pounds.

6  
7 That's most likely driving these high discards, because we  
8 weren't allowing them to catch a lot of gag, and so their  
9 allocation was much less than the previous year, and,  
10 thereafter, as the gag quota increases, we see some discard  
11 ratios that are more in line with what we expected. Overall  
12 though, we did see an increase in discard ratios for gag grouper  
13 in the longlines, the Florida Peninsula area, as well as a  
14 slight increase in the Other Gulf regions.

15  
16 When it comes to ownership caps, we do have a share cap for the  
17 grouper-tilefish program, and that share cap is by share  
18 category, and I have listed the share caps down there below for  
19 you to see.

20  
21 They range from as small as around 2 percent with gag to as high  
22 as almost 15 percent in deepwater grouper, and then we have an  
23 allocation cap, which is the combined allocation across all  
24 share categories, in order to create that allocation cap, and  
25 that is done on a single point in time and not a cumulative  
26 basis. I am going to turn the rest of this over to Assane.

27  
28 **DR. DIAGNE:** Thank you very much, and we will try to talk about  
29 transfers and prices and touch on a few studies that have been  
30 conducted for this review. I will start with transfers.  
31 Overall, what we see here is a decrease in the number of share  
32 transfers, but the average size of those transfers has been  
33 going up for most of the categories. If you look overall,  
34 essentially the number of share transfers were divided by two  
35 between 2010 and 2014, but the average size increased.

36  
37 When it comes to allocation transfers, one thing we would have  
38 to keep in mind is that the percentage of the quota is going to  
39 be more than 100 percent, because one pound of quota can be  
40 traded multiple times, if you would, and that is what we see  
41 here, and, over time, the percentage of the quota traded has  
42 gone up, showing essentially the activity, the level of  
43 activity, in the transfer market when it comes to allocation.

44  
45 Let's look at the share prices, and we have the prices in  
46 nominal terms as well as in inflated-adjusted, or real, terms.  
47 Overall, we see an increase in prices as the time goes, and,  
48 essentially, that signifies many things, changes in quotas as

1 well as the level of confidence in the programs as we move  
2 forward.

3  
4 In terms of allocation price, these really would be a  
5 reflection, if you would, of the expected ex-vessel price that  
6 one would get when one harvests a pound of fish and sells it,  
7 but, over time, we have seen, depending on the species, some  
8 increased and some decreased, reflecting, if you would, the  
9 abundance and the desirability of the various species.

10  
11 Looking at the ex-vessel prices that we just mentioned, these  
12 are the market price, if you would, collected, and they just  
13 reflect the overall demand for the different species here, but  
14 that's all that I wanted to mention on this slide.

15  
16 Let's look at the few studies that were conducted, and the first  
17 one looked at the impact of IFQ programs on ex-vessel prices.  
18 In this study, a system of demand was estimated and some of the  
19 species included for this analysis were red grouper, red  
20 snapper, other groupers, dolphin in the Gulf as well as in the  
21 South Atlantic, and the imports for snappers, groupers, and  
22 dolphin imports.

23  
24 Monthly data for 1997 to 2014 were used, and the main conclusion  
25 of this study was that the IFQ programs, after you account and  
26 control for other factors, have not had a significant influence  
27 on ex-vessel prices.

28  
29 There is also no evidence on long-term trend in prices in the  
30 Gulf of Mexico, of course, after controlling for other factors,  
31 and so the prices did go up, but, essentially, the price  
32 increases were due to other factors. For example, after the  
33 economic downturn of 2008 or so, everything went up. All the  
34 prices went up, and that was captured here, and so the time  
35 trend would show some of that.

36  
37 The study did highlight limited seasonal changes in demand for  
38 some of the species. For example, we have a higher demand for  
39 red snapper in the February and March timeframe, and the demand  
40 for red grouper appears to be relatively low between let's say  
41 February and April.

42  
43 Another study conducted looked at market power at the landings  
44 level, at the shares level, and at the allocation level.  
45 Essentially, market concentration and activity at those three  
46 levels were looked at for red snapper and the grouper-tilefish  
47 IFQ programs, for both programs, essentially. The major  
48 conclusion here is no evidence of market power has been found,

1 at the landings level, at the shares level, as well as at the  
2 allocation level.

3  
4 A third study conducted within this review looked at fishing  
5 capacity and technical efficiency. The study was based on  
6 multi-output, looking at the five share categories that we have  
7 in the grouper and tilefish program, and multi-gear, vertical  
8 versus bottom longline, and several input production functions,  
9 if you would. Just to make sure that we are talking about the  
10 same thing, we included, on this slide, definitions for fishing  
11 capacity, capacity utilization, and overcapacity.

12  
13 In terms of the conclusions of this study, they were in line  
14 with a previous study that was conducted for red snapper. There  
15 were similar conclusions so far, namely the average technical  
16 efficiency scores were higher post-IFQ, after the implementation  
17 of the program.

18  
19 Number two is the gains in technical efficiency is primarily  
20 driven by the exit of the least-efficient vessels, essentially  
21 those who typically choose to sell their share and exit the  
22 fishery.

23  
24 The IFQ program is expected to result in some cost savings for  
25 the operators, because they have more flexibility in making  
26 adjustments over their input mix and what it is that they choose  
27 to harvest. In addition, the program has been found to have a  
28 positive impact on capacity utilization. What we noted was that  
29 fishermen begun taking fewer trips, but longer trips, during the  
30 IFQ program.

31  
32 Another study conducted within this review looked at safety at  
33 sea and the IFQ programs. As you know, commercial fishing is a  
34 very dangerous operation. It is the second-most dangerous  
35 occupation in the U.S. The average fatality rate for fishermen  
36 is about 80.8 deaths per 100,000 full-time equivalent workers,  
37 and the national average for all occupations is on the order of  
38 3.3, and so many orders of magnitude higher.

39  
40 The major conclusions of this study would be that both IFQ  
41 programs, the red snapper IFQ program as well as the grouper-  
42 tilefish, reduced the number of fatalities. For the red  
43 snapper, the reduction was on the order of 1.25 fatalities per  
44 100,000 FTE, and, for the grouper-tilefish, it was much larger,  
45 about five times larger, let's say seven fatalities per 100,000  
46 FTE.

47  
48 For the grouper-tilefish IFQ, we have to note that, in 2010, the



1 Coast Guard passed what is known as the Coast Guard  
2 Authorization Act, which tightened, really, security  
3 requirements and safety requirements, if you would, for vessels,  
4 and so this reduction in fatalities is partly due to the 2010  
5 Coast Guard Authorization Act.

6  
7 The study also highlighted that, once you implemented the IFQ  
8 programs, captains' attitudes toward risk changed. Essentially,  
9 captains became more risk-averse, if you would. I think that  
10 was the last study that we had included in this presentation,  
11 and perhaps we will stop here and take questions and finish by  
12 talking about our proposed timeline to complete the review.  
13 Thank you.

14  
15 **CHAIRMAN GREENE:** Thank you, Dr. Diagne. Any questions or  
16 comments? Mr. Boyd.

17  
18 **MR. BOYD:** Assane, a question about share prices and allocation  
19 prices. In 2010, share prices were at \$5.35. In 2014, it's  
20 \$30.18. Do you know what they are in 2017?

21  
22 **DR. DIAGNE:** We should have 2016, and maybe Dr. Stephen will  
23 tell you in a minute.

24  
25 **MR. BOYD:** Okay, and the same question for allocation price. In  
26 2010, it was \$1.18. In 2014, it was \$2.04.

27  
28 **DR. DIAGNE:** Do you have a particular species in mind? Was it  
29 gag?

30  
31 **MR. BOYD:** Gag. I'm sorry. I just pulled gag out.

32  
33 **DR. DIAGNE:** Okay.

34  
35 **DR. STEPHEN:** I have 2015 with me. Gag's share price in 2015  
36 was around \$21.97, and so it actually decreased slightly from  
37 what we see in the 2014. The allocation price also decreased in  
38 2015, to about \$1.90, and, previously, it was around \$2.06. We  
39 will have the 2016 out within another month or so in the annual  
40 report.

41  
42 **CHAIRMAN GREENE:** Ms. Bosarge.

43  
44 **MS. BOSARGE:** Assane, when you looked at 2010 prices, did you  
45 weigh into that that could be somewhat of an outlier? I will  
46 say that I'm not sure from the snapper or the grouper  
47 standpoint, but from a commercial shrimping standpoint, that was  
48 a pretty rough year. What do you think?

1  
2 **DR. DIAGNE:** Absolutely, yes. 2010 was a pretty rough year for  
3 everybody pretty much, but, here, what we have done was just  
4 presented the prices. We haven't really derived any conclusions  
5 whatsoever, but, in the report, we will discuss, perhaps, the  
6 fluctuation.  
7  
8 **MS. BOSARGE:** I will just follow-up, if I may. For example, as  
9 a fisherman, and this may seem unrealistic now, in hindsight,  
10 but, during that period, there is an oil spill, and they shut  
11 down all fishing and shrimping and the like, and, honestly,  
12 fishermen were wondering will I ever be able to fish again and  
13 is this something that damaged the ecosystem to a point where,  
14 oh no, I can't make a living the way I have always made a  
15 living, and I would imagine that would have some influence on  
16 share prices for that year. If you're uncertain if that is  
17 going to be worth anything in the future, it surely had an  
18 impact on the price.  
19  
20 **CHAIRMAN GREENE:** Thank you. Is there further discussion?  
21 Captain Walker.  
22  
23 **MR. WALKER:** I was just going to make that comment. I  
24 personally know, as far as in the snapper -- During the oil  
25 spill in 2010, I know of some folks who panicked about  
26 everything that we were up against and sold their shares for  
27 less than what the value of what they were before the oil spill.  
28  
29 Sometimes these like grouper -- I know the shares have dropped  
30 some and the price, the lease price, and a lot of it was  
31 availability. You've got some good fishermen that couldn't  
32 catch the fish, and so, when they couldn't catch the fish, there  
33 was actually more allocation left around, and so the price  
34 dropped as the year went along, and it became harder to catch  
35 the fish.  
36  
37 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.  
38 Walker.  
39  
40 **MR. WALKER:** I just have a question. Maybe it's a Doug question  
41 or -- Do we still have a grouper ad hoc panel for the grouper  
42 species, any type of ad hoc panel?  
43  
44 **DR. DIAGNE:** I am not sure. Some of the panels have been  
45 disbanded, and so I'm trying to remember, but we can look and  
46 get back to you with that.  
47  
48 **MR. WALKER:** I was just saying, if not, I think, as we get

1 further into this, I would like to convene that panel to look at  
2 some of this as well. I am talking about the IFQ grouper.

3  
4 **EXECUTIVE DIRECTOR GREGORY:** No, we do not. We have an IFQ red  
5 snapper ad hoc panel, but we do not have a grouper-tilefish ad  
6 hoc panel.

7  
8 **MR. WALKER:** For industry, that may be something that we need to  
9 look at forming, to have that industry come together as a group  
10 and forming a grouper ad hoc panel to look at these.

11  
12 **EXECUTIVE DIRECTOR GREGORY:** A bird told me that someone was  
13 interested in having a combined red snapper and grouper IFQ  
14 panel, such as disbanding the red snapper, but reconvening and  
15 re-advertising for a combined red snapper and grouper IFQ panel,  
16 and that's doable.

17  
18 **CHAIRMAN GREENE:** Mr. Walker.

19  
20 **MR. WALKER:** So maybe we can hear some testimony. I think there  
21 are some grouper fishermen and red snapper fishermen here that  
22 we can get some testimony on the ad hoc.

23  
24 **CHAIRMAN GREENE:** Okay. Dr. Lasseter.

25  
26 **DR. AVA LASSETER:** I was just going to point out that that is  
27 actually on the agenda for under 36B, but, if you wanted to go  
28 ahead and discuss that under the review, that would be fine,  
29 but, yes, we do have the ad hoc red snapper one, and that is a  
30 point of discussion for the next agenda.

31  
32 **MR. WALKER:** Then we can just wait until the next agenda.

33  
34 **CHAIRMAN GREENE:** Okay. Thank you. All right. Is there  
35 further discussion?

36  
37 **DR. DIAGNE:** Yes, Mr. Chair. The discussion here reminded us  
38 that there is one extra step that we would have to consider.  
39 Essentially, our proposed timeline would be to take a draft  
40 report to the SSC for discussion and then present the SSC  
41 recommendations and suggestions to you at the following meeting.  
42 Then take your suggestions and rework the report.

43  
44 Here, it says to bring it back for final approval, but the line  
45 of questions that we just went through reminded us that, before  
46 we do the final, final approval, we would perhaps need to  
47 convene the AP, whichever AP is designated, to review this also  
48 and add their voice and suggested revisions and recommendations

1 to this, and so, essentially, we would add one step to this, AP  
2 review, and bring those also to you before final approval.  
3 Thank you.

4  
5 **CHAIRMAN GREENE:** Thank you. Is there further discussion?  
6 Okay. I am not seeing any. Assane, does that wrap up  
7 everything?

8  
9 **DR. DIAGNE:** Yes, Mr. Chair. Thank you.

10  
11 **CHAIRMAN GREENE:** Okay. That will wrap up the grouper-tilefish  
12 IFQ five-year review, and we will move on to our last agenda  
13 item of the day, which will be Revised Options Paper, Amendment  
14 36B, Modifications to Commercial IFQ Programs. This will be Tab  
15 B, Number 10, and Dr. Lasseter will lead us through it.

16  
17 Just reading through the rest of the agenda items, the Fisheries  
18 Service will respond regarding referendum requirements and we'll  
19 have a discussion of ad hoc IFQ AP, and so, with that, I will  
20 turn it over to Dr. Lasseter.

21

22 **REVISED OPTIONS PAPER - AMENDMENT 36B - MODIFICATIONS TO**  
23 **COMMERCIAL IFQ PROGRAMS**  
24 **NMFS RESPONSE REGARDING REFERENDUM REQUIREMENTS FOR AUCTIONS**

25

26 **DR. LASSETER:** Thank you, Mr. Chairman. We have brought you  
27 back the options paper for Amendment 36B, located at Tab B,  
28 Number 10, and, at the last meeting, as a refresh, you did pass  
29 a couple of motions, the first of which was to request a formal  
30 written determination as far as the use of auctions for IFQ  
31 programs. I wanted to let you know that I was informed by NOAA  
32 GC that the written determination is still in the review process  
33 and was not ready in time for this meeting.

34

35 **REVIEW OF AMENDMENT 36B**

36

37 The only other motion that you passed at the last meeting was to  
38 add a potential alternative to the document, and we have done  
39 so, but we really haven't made many more changes to the  
40 document. Especially Chapter 2 is pretty much the same. In  
41 Chapter 1, we've done some revision of the text, and added some  
42 literature review, but, essentially, the document is really the  
43 same.

44

45 What we're really looking for from the committee is some further  
46 guidance on these goals and objectives, and so, if we could turn  
47 to pages and 17, we have expanded on this section to talk about  
48 considerations for new red snapper IFQ and grouper-tilefish IFQ

1 program goals.

2

3 There is a bit of a literature discussion here, and then, if we  
4 scroll down, to about the top third of page 17, this is what  
5 we've kind of pulled out, the little bulleted list here. We  
6 have pulled this out from your discussion, and we did discuss  
7 these items. They were in the committee report from the last  
8 meeting as well.

9

10 These are kind of some themes that we're hearing you talk about,  
11 but we haven't really determined if these are the goals or if  
12 this is the purpose of what you're trying to do through this  
13 amendment, but let's review them.

14

15 The first one was reducing discards from the expanding red  
16 snapper population, especially in the east. Requiring  
17 shareholders to actively participate in fishing, and I want to  
18 stop here and pause on this one for a moment, because we hear  
19 this phrase "actively participate in fishing" a lot, but this is  
20 going to be really difficult for us to define, and staff would  
21 definitely need some more clarification as to what you are  
22 meaning by this.

23

24 Are dealers considered people that actively participate in  
25 fishing? Are you talking about people that are actually on the  
26 water? If we pursue this goal, we're going to want to develop  
27 this more and perhaps be a little more refined in how we're  
28 discussing this.

29

30 There is definitely a body of literature that identifies the  
31 idea of leasing and whether or not people are actually on the  
32 water as a social impact of IFQ programs, but I don't find any  
33 literature that talks about how people have addressed this  
34 successfully, and so I see criticism of this elsewhere, but it's  
35 difficult for staff to find ideas to present to you for this as  
36 well.

37

38 We do cite a paper in this document, and it's actually about a  
39 program that Mr. Chris Oliver's council developed, and so I  
40 think he is a great resource for us here this week as well, to  
41 pick his brain about how they have addressed some of this. When  
42 they implemented their program, they actually began with some  
43 active participation measures, but, again, that was at the time  
44 the program was developed, as opposed to five, seven, or eight  
45 years down the line implementing them, and so it would be  
46 different effects as well.

47

48 Let's move on to the next one then, assisting the next

1 generation's entrance to the IFQ programs. We're hearing that  
2 as well, and then, finally, the extracting resource rent through  
3 auctions or royalties, which I have just provided you the update  
4 on the NOAA GC determination there.

5  
6 Currently, our purpose and need on this action, we're not really  
7 sure where to go. Right now, we're talking about reviewing and  
8 considering updates to the IFQ programs goals and objectives,  
9 and you have just received a preliminary review for the grouper-  
10 tilefish program, and, more or less, the results are similar, in  
11 terms of overcapacity has been reduced.

12  
13 Of course, further capacity could be achieved, and safety at sea  
14 has been improved, but the actions you're considering in this  
15 amendment, some of which are supported by existing programs and  
16 goals and some of which are not, or we're not clear where you're  
17 trying to go with that.

18  
19 I am going to pause there for just a moment and see if there's  
20 any discussion on the goals and objectives and see if you want  
21 me to go through these potential actions or should we try and  
22 connect some of your ideas for goals and objectives to these  
23 potential actions, and let me just pause there for a moment.

24  
25 **CHAIRMAN GREENE:** Is there discussion? Ms. Bosarge.

26  
27 **MS. BOSARGE:** Ava, tell me -- There is two bulleted lists, like  
28 when you look at 16 and 17. There is four bullets on page 16,  
29 and there is four bullets on page 17. What is the difference  
30 between the two sets of bullets exactly?

31  
32 **DR. LASSETER:** The first section, this is -- In a sense, it's a  
33 literature review. It's kind of tying together things that  
34 we're hearing here from the public and from the council members,  
35 and then I went and found similar issues in some of the  
36 literature and tried to connect that.

37  
38 Especially in this first bulleted list, I have provided a  
39 citation there. Dr. David Griffith and a team was contracted by  
40 the Science Center to produce this study, and these are some of  
41 the major points that came about from his study, which included  
42 access to shares and allocation by those actively fishing,  
43 including the small participants, and that was also similar to  
44 the red snapper IFQ program five-year review. It was really the  
45 small participants that were struggling, of course, and were not  
46 as positive in their views of the program as were the larger  
47 shareholders and such.

1 Dr. Griffith and his team noted the changing relationships in  
2 the fishery, such as between dealers and fishermen, and these  
3 new participation roles, and, of course, people can participate  
4 in multiple ways in the program, and so being a broker is just  
5 one way that a person could be participating, and then this was  
6 one of their specific results in their executive summary, was  
7 that the profits were accruing to shareholders who did not  
8 assume that physical and economic risks of fishing, which were  
9 taken by captains and crew.

10  
11 Now, on the flip side of that, that's also been pointed out  
12 that, prior to the IFQ program implementation, permit holders  
13 were not necessarily fishing. You have owner/operators who are  
14 holding permits who are actually fishing, but, even before the  
15 IFQ program, you had permit holders who hired captains and owned  
16 the vessels or just even they held the permit, but not  
17 necessarily a vessel, but they had an arrangement with a vessel  
18 owner. I do want to emphasize that, before the program, we did  
19 have this distinction, and this does exist in other IFQ programs  
20 as well, and I will pause there.

21  
22 **MR. WALKER:** I was just going to say, back then, with the  
23 permits, before the IFQ system, there was leasing going on back  
24 at that time, too. There was people actually leasing their  
25 permits out to some folks.

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

28  
29 **MS. BOSARGE:** Thank you, sir. Yes, I guess I do have a little  
30 bit of angst about that last bullet item. I mean, profits  
31 accruing to shareholders who do not assume the physical and  
32 economics risks of fishing, which are taken by captains and  
33 crew, I don't know. I mean, I see that as like a -- I can look  
34 at that even outside the IFQ system and have angst with that,  
35 almost like somehow the owner of the company takes no risk  
36 because he's not out there. I don't know.

37  
38 I have an issue with that. I would assume that the shareholder  
39 -- Yes, he's probably got some risks somewhere. Maybe he owns  
40 the boat, and that, in itself, is a risk. He had to take -- Is  
41 that what we're talking about here, because the shareholder is  
42 not on the boat actively fishing and it's the captain and crew  
43 that are taking all the risks and not the man that may own the  
44 boat and have worked the boat previously? Is that what we're  
45 saying?

46  
47 **DR. LASSETER:** Okay. I am going to point out that I am taking  
48 this directly from Dr. Griffith and his group's report. This

1 was one of their conclusions, and my understanding from that  
2 report was he is speaking about shareholders that maybe do not  
3 own a vessel, and so somebody buys -- I would have to go back  
4 and look at his report for what specific examples he was citing,  
5 but shareholders that have bought shares or are investing in  
6 shares or are leasing the allocation associated with those  
7 shares do not own any of the physical capital associated. They  
8 just lease the allocation, if I remember the report correctly.

9  
10 **MS. BOSARGE:** Okay. Well, that may be a different scenario,  
11 but, if that is that is the case, maybe we should clarify that  
12 bullet a little bit more, because I could see where that could  
13 get confusing, and we could go down a road that maybe we don't  
14 want to go down.

15  
16 **CHAIRMAN GREENE:** Mr. Walker.

17  
18 **MR. WALKER:** I was just going to add, if you are a vessel owner  
19 and your captain or crew does some kind of violation or  
20 something illegal, it's more likely that the vessel owner is  
21 going to end up with the fines and not the captain and the crew,  
22 and the captain and crew change quite often, at least on a lot  
23 of vessels.

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

26  
27 **MR. ANSON:** I guess, I mean, I don't want to derail any other  
28 discussion on this, but Ava had asked how we want to proceed  
29 relative to the purpose and need section and trying to clean  
30 that up and maybe marrying that with the proposed action items  
31 that are in here, is that maybe we proceed down that line, with  
32 an eye toward trying to refine the purpose and need statement to  
33 better define what it is the council would like to do with this  
34 document, the amendment, and I think that's what I would suggest  
35 we do.

36  
37 **CHAIRMAN GREENE:** Okay. Further discussion? Okay. I don't see  
38 any further discussion, and so I guess we'll pick that up on  
39 Thursday, I guess, about the purpose and need. Is that the only  
40 thing that you need?

41  
42 **DR. LASSETER:** Well, I -- Okay. I guess, to carry on with  
43 Leanne, I will clarify that bullet point to say "profits  
44 accruing to non-vessel-owning shareholders", and that might have  
45 been Dr. Griffith's point. Then, to carry on with Kevin,  
46 although I just saw his hand, and let me pause. I'm sorry.

47  
48 **CHAIRMAN GREENE:** Mr. Anson.



1  
2 **MR. ANSON:** Unless I missed something or the Chair has some  
3 other plans, I thought that we still had time to go through the  
4 document now, rather than Thursday.

5  
6 **CHAIRMAN GREENE:** No, I was speaking specifically to the purpose  
7 and need and modifying it at this point. I still intend to go  
8 through the rest of the document.

9  
10 **MS. BOSARGE:** Yes, and I'm okay with that. I just am not sure  
11 that it's the place of this council to start delving into who  
12 gets what profit. I can understand participation and having  
13 people enter the fishery and this and that, but, when we start  
14 trying to dictate profit margins and such as this, I think that  
15 might be a little beyond our scope, but that's my only comment.

16  
17 **CHAIRMAN GREENE:** Okay. Anything else on the purpose and need?  
18 Okay. Then we'll continue on, Dr. Lasseter.

19  
20 **DR. LASSETER:** Okay. Hopefully, through further discussion, it  
21 will help staff to revise this purpose and need. You have seen  
22 all of these potential actions in here, but we'll go through  
23 them, hopefully with the focus of the second bulleted list and  
24 this idea of the general issues that could be goals and  
25 objectives, or perhaps some new ones will arise through the  
26 discussion.

27  
28 On page 18 is the beginning of Chapter 2, our potential actions,  
29 and the first one, again, this label of Program Participation,  
30 we have incorporated two of the items from your original list,  
31 which were, one, reconsidering the requirement for shareholders  
32 to have a commercial reef fish permit, and, two, considering a  
33 restriction on the amount of shares and/or allocation that may  
34 be held by a shareholder without a commercial reef fish permit.  
35 Again, we're on page 18.

36  
37 **MS. BOSARGE:** Ava, can I interrupt you for just a second? Did  
38 we actually read through the purpose and need? We went through  
39 the body of the document that leads up to the purpose and need,  
40 but I am thinking that Kevin wanted to actually read through the  
41 purpose and need and maybe make some comments there. I do think  
42 we -- You did read it all the way through? Okay. Sorry. I  
43 guess I was still on the bullets. All right. Go ahead.

44  
45 **DR. LASSETER:** I apologize. I summarized it. Basically, it  
46 says -- I explained that, currently, the purpose of this action  
47 is that we're reviewing and considering updates to the IFQ  
48 program goals and objectives and that staff is going to need

1 further feedback from the committee and the council on this, so  
2 that we can properly develop a purpose and need for the  
3 amendment. At the moment, the purpose and need states the  
4 purpose of this action is to review and consider updates to the  
5 goals and objectives.

6

7 **CHAIRMAN GREENE:** Mr. Anson.

8

9 **MR. ANSON:** To help frame, I guess, people's minds around the  
10 table, as you go through the document and we start looking at  
11 these individual actions, you mentioned the statement that staff  
12 feels like the items that are already in here for purpose and  
13 need may not make the cut, in regards to providing an  
14 informative purpose and need or a purpose and need that meets an  
15 amendment-level type of thing, or what is it that staff is  
16 looking for, because there are some certain things in here, and  
17 they happen to match what you described on 16, for the most  
18 part, that have been issues that have been identified in other  
19 programs, and so I think we're trying to get there, and are  
20 there specific items that are in the purpose and need statement  
21 on page 17 that conflict with one another that causes some  
22 umbrage among staff, or I guess I'm needing some more of what is  
23 it that you're looking for, what more.

24

25 **DR. LASSETER:** The last paragraph and bulleted list before the  
26 purpose and need contains some themes that we have pulled from  
27 your discussion over several meetings. At the last meeting, I  
28 strongly urged, with all due respect, for motions that kind of  
29 tell us directly that you do want to refine the objectives from  
30 the goals, as stated, or you want to add some, and so I've heard  
31 these themes, but I don't have consensus. I don't have motions  
32 from the council to know is this the direction we're going.

33

34 That's why the actual purpose and need statement does not  
35 include those. Right now, we're not sure what of these you were  
36 trying to do, and I will throw out an example here. Currently,  
37 you have the goal to reduce overcapacity. The first item under  
38 the potential actions, requiring people to have a permit again,  
39 that could be very much in support of your existing goal and  
40 objective, and so that would -- If you retain that you and you  
41 do make that requirement, we can work with that. We can develop  
42 a purpose and need from that. That's clear.

43

44 If you want to officially make a goal to reduce discards from  
45 the expanding red snapper population, that's a little more in  
46 conflict, potentially, with your goal to reduce overcapacity,  
47 because what you're actually trying to do, under that, would be  
48 to provide some allocation, I think, to people that maybe don't

1 have it, potentially increasing capacity.  
2  
3 That's why, right now, we're not sure which of these bulleted  
4 lists you really do want to go forward with and make official  
5 goals. Do you want to officially make them goals? We would  
6 definitely need some more definition for "actively participate  
7 in fishing". Then there is other ideas also that you've talked  
8 about, in terms of providing allocation for small shareholders.  
9 We get into that later on in the document too, and so I guess  
10 that's where I'm going.  
11  
12 We have kind of put this together with issues and problems and  
13 perceptions of problems, what we're hearing from you all and  
14 from the public, and these are some themes, and now we're trying  
15 to get some formal guidance from you as to how to move forward.  
16  
17 Maybe this will make more sense if we get into the actions.  
18 Let's look again at the Program Participation on page 18. I  
19 just read off the two items that made it into this document,  
20 and, just to refresh everyone, when we first started working on  
21 36, before A and b were split, the council had compiled a list  
22 of items, and they also came from the red snapper IFQ five-year  
23 review, and we took that list of items, and we gave it to NOAA  
24 GC, and they made determinations of which ones we could pursue  
25 in an amendment and which ones would not, unless it triggered a  
26 referendum, and so these are a couple of the items that were  
27 left in that list, and we felt they were related, and so we are  
28 presenting them in this first potential action labeled "Program  
29 Participation".  
30  
31 There is three potential sub-actions within this, and I'm going  
32 to kind of go over them generally first. The first considers  
33 what people would need a permit to do, what shareholders would  
34 be required to have a permit in order to participate in the  
35 program, and so they would have to have a permit in order to  
36 participate in the program in certain ways. The next one  
37 addresses who would need a permit, and then the third one would  
38 address exceptions to that, and I will come to that in just a  
39 moment.  
40  
41 As I just noted, in terms of the bulleted list, the idea of  
42 requiring a permit again is not necessarily in conflict with  
43 this goal to reduce overcapacity, and so, here, we're on more  
44 solid ground, in terms of goals and objectives.  
45  
46 Now, this is not going to reduce discards in the east. If you  
47 do want to pursue that as a goal, then you may not want to  
48 pursue this action, or there may be certain alternatives that

1 you would want to consider that would be consistent with such an  
2 objective. Let's go through each one of these potential sub-  
3 actions a little more thoroughly, and so the first one starts on  
4 the bottom of page 18. I will pause.

5  
6 **MR. DIAZ:** I don't want to get too far off, but we're talking  
7 about discards, and I think that's an important thing for us to  
8 consider. The current program probably reduces some discards,  
9 by virtue of having some leasing programs, but I do remember  
10 having a conversation with a gentleman when we met in Florida,  
11 and I don't remember his name, but, basically, his boat carried  
12 about 5,000 pounds, and his expenses were pretty high, and he  
13 couldn't afford to ice down too many red snapper, and he had to  
14 lease, with his capacity, and so, I mean, for him, he couldn't  
15 afford to -- It didn't make sense to try to ice down a bunch of  
16 red snapper, and I don't know how many he caught, but that  
17 wasn't something that was economically viable for him, for what  
18 he was having to pay to lease them, based off of what he made  
19 after the sale, and so, anyway, if there's a way for us to have  
20 that as a goal in here, I think that's a worthwhile goal.

21  
22 **CHAIRMAN GREENE:** Mr. Riechers, did you wish to weigh in at this  
23 time, or are you going to wait?

24  
25 **MR. RIECHERS:** I just think we're getting a little torn between  
26 some possible tension in purpose and need, and the reality of  
27 where we are in the document now is we have these broader  
28 categories, and we're trying to figure out how we're going to  
29 put them in a document, or if they're going to survive into that  
30 document, and the specific example you have used twice is the  
31 notion of we would be increasing capacity if we find a way to  
32 maybe reduce these discards.

33  
34 We would be not necessarily -- I mean, you could call it  
35 increasing capacity, but, since you're in an IFQ program, you're  
36 not really increasing capacity, to the extent that you're  
37 increasing catches, but you're just going to find some way to  
38 maybe allocate those into places where you reduce discards, if  
39 you try to do that, and so I don't think we should get hung up  
40 on those minor tensions at the moment, and we need to try to  
41 figure out what are some of the things we're going to do, and  
42 then we can write a purpose and need broad enough to -- I mean,  
43 in some respects, the purpose and need is to review the programs  
44 and come forward with any changes that the council and National  
45 Marine Fisheries Service sees that we need to make now.

46  
47 **CHAIRMAN GREENE:** Thank you. Is there further comments or  
48 discussion? Dr. Lassetter.

1  
2 **DR. LASSETER:** Okay. I am not sure -- I am going to maybe come  
3 back to the idea of discards then, but I think that would be  
4 great if we could come back to that. Going back to the first  
5 potential sub-action, our status quo is that, currently,  
6 shareholders are not required to possess a valid or renewable  
7 commercial reef fish permit, and, as we recall, for the first  
8 five years of each permit, a permit was required to obtain  
9 shares, to get additional shares, to buy them or to open an  
10 account and get shares in that respective program.

11  
12 People that already held shares were not required to maintain  
13 their permit within those first five years. Before that first  
14 five years was up for each program respectively, you as a  
15 council did publish a control date notifying the public that you  
16 could be exploring this in the future, and so that's all kind of  
17 summarized in that little background section there.

18  
19 With that understanding as that being our current situation,  
20 what you're now wanting to consider is to require shareholders  
21 to possess a permit, but what exactly do you want to require  
22 them to have a permit to do?

23  
24 At the top of 19, here is some potential alternatives to require  
25 shareholders to possess a valid or renewable commercial reef  
26 fish permit to open an account, just obtain a shareholder  
27 account, or you could require them to have the permit to possess  
28 the shares, including the ones that they already hold, or just  
29 to obtain additional shares, or to require shareholders to  
30 possess that permit to obtain or transfer allocation. Again,  
31 this first one, the theme is kind of what a permit would be  
32 required to do and how you could participate in the program, the  
33 way you could participate in the program.

34  
35 Our next potential sub-action, moving into the middle of page  
36 19, addresses who would need the permit, and so, again, I went  
37 over kind of the current status quo. Potential alternatives for  
38 this could be to require all shareholders to possess the permit,  
39 or you could require all shareholders who enter the program  
40 after January 1, 2012, and so that being the date of when red  
41 snapper opened to public participation, or the date that the  
42 grouper-tilefish went open to public participation, January 1,  
43 2015, as another potential alternative.

44  
45 Finally, all shareholders who enter the program following  
46 implementation of this amendment, and so kind of grandfathering  
47 everybody in until this document is implemented and then, from  
48 there on, requiring shareholders to have a permit. That's the

1 second potential sub-action under Program Participation.

2  
3 Then the third one is to provide exceptions for this, and we  
4 talked about this some last time as well. There are  
5 shareholders, captain, and even crew, we're hearing, that do not  
6 own the vessel, that do not own a permit, but are seeing their  
7 livelihoods involved in the industry, and they're buying  
8 incrementally small amounts of shares, and so there may be --  
9 That's one example who you may want to exempt from the  
10 requirement from a permit, people who are small shareholders  
11 that are working on building up their investments in the  
12 fishery.

13  
14 Some potential alternatives here could be shareholders that can  
15 demonstrate direct participation in the fishery. Again, we  
16 would have to define that. They may not be required to possess  
17 the permit.

18  
19 On the next page, the top of page 20, you could put this in  
20 terms of proportion, the size of the shareholdings, and so  
21 shareholders that hold less shares than some determined amount,  
22 and we would provide those as options for you. You could not  
23 require a permit for those people that are the small  
24 participants.

25  
26 There, we could provide a range of share values. It could be a  
27 percentage of shares or the equivalent pounds of allocation  
28 represented by those shares, and we would need to specify if  
29 this applies to a particular share category of IFQ-managed  
30 species or is it going to apply to all share categories across  
31 both programs, and then also we would need to define the scope  
32 of how people are related to other shareholder entities. Again,  
33 this gets into the related accounts issue that Dr. Stephen  
34 touched on during the grouper-tilefish five-year review  
35 presentation.

36  
37 Then there is several tables provided that go into the number of  
38 accounts and proportion of shares that are held in these  
39 accounts with and without permits, and then there is also  
40 several tables that go into these related accounts and public  
41 participant accounts, which we're defining as people that do not  
42 have a permit attached associated with their shareholder  
43 account. I am going to pause there for those three sub-actions,  
44 potential sub-actions, and see if there is any discussion.

45  
46 **CHAIRMAN GREENE:** All right. Is there discussion? Mr. Anson.

47  
48 **MR. ANSON:** Ava, I don't want to jump ahead, but I'm going to be

1 jumping ahead here to the next action, and that is the Phase-In  
2 Commercial Reef Fish Permit Requirement/Divestment of Shares. I  
3 guess what you're proposing here, in this first action you have  
4 just reviewed, is to allow somebody to continue to possess  
5 shares and be able to utilize those through leasing and such in  
6 an environment where they're not actively fishing in that,  
7 whereas, the second one, you're going to do the same thing,  
8 except potentially have the fishing requirement as part of that,  
9 and is that correct?

10

11 **DR. LASSETER:** Really, whatever you are interested in looking  
12 at, we can work into it. This is just how we tried to  
13 operationalize the two items that you were interested in  
14 considering. To require shareholders to have a permit, who did  
15 you mean? There may be situations that you may want to exempt,  
16 or maybe you don't, and so you want to remove that completely.

17

18 Also, there is many ways that people participate in the program,  
19 and so we provided you some potential alternatives there too,  
20 but these are all still potential sub-actions and potential  
21 alternatives. This is staff trying to, again, operationalize  
22 the items we heard you mention, and so, if there's anything in  
23 here that you want us to expand on, or if there's anything that  
24 you definitely don't want to consider, some guidance on that  
25 would be great.

26

27 **CHAIRMAN GREENE:** Further discussion?

28

29 **DR. LASSETER:** Okay. Hearing none, and, as Mr. Anson just  
30 briefly touched on, 2.2 begins on page 30, and this is directly  
31 related to the previous section, and so, if you're going to  
32 pursue requiring shareholders to have permits, again with all  
33 those different potential sub-actions and ways to implement it,  
34 you also may want to consider a phase-in period for the  
35 requirement.

36

37 Currently, again, shareholders are not required to possess the  
38 permit, and so some potential alternatives could be that a  
39 commercial reef fish permit must be obtained and associated with  
40 a shareholder account on the effective date of the final rule  
41 implementing this amendment or giving some grace period, before  
42 the beginning of the calendar year following the effective date  
43 of the amendment, within one year, within three years following  
44 the effective date. These are just potential alternatives.

45

46 What would not really be a decision, but how NMFS would probably  
47 likely treat this is that any account not having that commercial  
48 reef fish permit by the period, as determined, if we pursue

1 this, the shares and allocation would be reclaimed by NMFS, and  
2 then there is potential actions later on in the amendment where  
3 we're also addressing how you're going to redistribute shares  
4 that were reclaimed to these non-activated accounts, as you  
5 accomplish in 36A, and so there is ways to explore distribution  
6 of any kind of reclaimed shares.

7  
8 Again, this action addresses a bit of a time period, a phase-in,  
9 for that requirement for obtaining a commercial reef fish  
10 permit, and I will stop there for a moment for questions or  
11 discussion.

12  
13 **CHAIRMAN GREENE:** Any discussion? Dr. Crabtree.

14  
15 **DR. CRABTREE:** I agree, if we did this, there would have to be a  
16 phase-in period, because you would have to give people time  
17 enough to find a permit, and they would have to buy a boat and  
18 all those kinds of things.

19  
20 A lot of shareholders -- My understanding is a lot of people  
21 have multiple accounts, and they may have shares in one account,  
22 but they have other accounts that don't have any shares in it,  
23 and it seems like what we would want to do is make sure that,  
24 for a shareholder, somewhere he has a reef fish permit, but not  
25 necessarily every account he has has to have a reef fish permit,  
26 and do you follow what I am saying?

27  
28 **DR. LASSETER:** I think the IPT kind of assumed that, if you had  
29 this requirement, people with related accounts would likely  
30 consolidate these accounts. If the council wanted to allow this  
31 diversification of assets to continue, then maybe there is a way  
32 we could rephrase it, in terms of allowing that associated  
33 accounts. There is probably, I am assuming, ways that your  
34 staff -- That we could work this out.

35  
36 **DR. CRABTREE:** Right, and then the other concern I have with  
37 this is that my understanding is that there are a number of  
38 dealers who have an account and then they will lease shares out  
39 to people who sell to the fish house to cover fish that they  
40 caught and didn't have enough, but that dealer may not  
41 necessarily have a vessel or a permit, but it seems like, in a  
42 sense, they're providing a valuable service that may reduce  
43 discards and those kinds of things, and so this is one of those  
44 things that your initial reaction is that, yes, it sounds good,  
45 but then, when you start getting into how the fishery is set up,  
46 it's a lot more complicated than it sounds at first blush.

47  
48 **DR. LASSETER:** Actually, the dealer example, I did want to point



1 that out. In terms of this expression "actively engaged in  
2 fishing", are dealers included in that? That would need to be  
3 defined. That would need to be a determination by the council.  
4 Do you consider dealers actively engaged in fishing?

5  
6 Now, from that report from Dr. Griffith, the study that was  
7 done, he noted that participants in the fishery, even those who  
8 were leasing all of their allocation, were actually okay with  
9 dealers leasing them, being shareholders without permits and  
10 leasing them fish, because they felt like they were engaged in  
11 the fishery.

12  
13 I am not sure if that sentiment is shared amongst the council  
14 and others as well, but that was a point made in the study, was  
15 that they did feel that dealers were, but that would be  
16 something for the council to decide. Are they actively  
17 participating in the fishery, and what exactly do you mean by  
18 "actively fishing" or "actively participating in fishing"?

19  
20 **CHAIRMAN GREENE:** Is there further discussion?

21  
22 **DR. CRABTREE:** Then it gets complicated, because I think anyone  
23 can get a dealer permit. I think you have to have a physical  
24 address, but I don't think there is any minimum amount of fish  
25 you have to sell or anything like that, and so, again, it gets  
26 complicated.

27  
28 **CHAIRMAN GREENE:** Dr. Lasseter.

29  
30 **DR. LASSETER:** Okay. I do agree that it's very complicated.

31  
32 **DR. CRABTREE:** Thank you.

33  
34 **DR. LASSETER:** Moving on to the next potential action, the next  
35 section, 2.3 begins on page 32, and this was your item about  
36 quota redistribution or quota set-aside, and so, of course, if  
37 you are pursuing this item, several issues would need to be  
38 addressed. First, you would have to determine how much quota  
39 and from which share categories would be set aside and who would  
40 be the recipients of this quota.

41  
42 We have a series of potential alternatives, which would also  
43 likely be sub-actions as well, and so, again, currently, annual  
44 allocation is distributed to shareholders by January 1 each year  
45 or at the time of an in-season quota increase.

46  
47 Some potential alternatives are we would need to determine the  
48 share categories to which the redistribution or set-aside is

1 going to apply, and you could set a threshold of quota, above  
2 which this redistribution of set-aside occurs. The threshold  
3 could be based on future increases to the commercial quota,  
4 quota at the time the program was implemented, the largest quota  
5 within a selected time period. Again, these are just potential  
6 alternatives that we're throwing out for you and hoping to get  
7 some feedback on.

8  
9 Next, you would need to determine the recipients of the quota  
10 and are shares or allocation only going to be distributed.  
11 Recipients could be small shareholders, and, in Amendment 36A,  
12 we did work on defining small shareholders. We actually had a  
13 sub-action that was exploring that that was moved to Considered  
14 but Rejected in 36A, and so the IPT could definitely bring that  
15 back to you to start working from again.

16  
17 The next generation of fishermen, allocation-only account  
18 holders with a commercial reef fish permit and landings in 2015,  
19 and we have added "or the most current year", for that share  
20 category. Again, these were all options that were considered as  
21 the recipients of shares held in the non-activated accounts.  
22 Remember back from 36A that you had the one action that closed  
23 those non-activated accounts in each respective program, and  
24 NMFS will be holding the shares until you finalize this  
25 amendment and determine how to distribute those, but these were  
26 options for distributing those at the time.

27  
28 Then determining the method of distribution. How are you going  
29 to do it? Again, inherent in this is whether you're talking  
30 about shares or allocation only. Distribution methods could be  
31 equally amongst all eligible recipients, whoever you define as  
32 the eligible recipients, or the method of distribution could be  
33 an annual or multi-year cycles, based on fishing participation,  
34 and this was something that you expressed interest in at the  
35 last meeting. Developing a quota bank or a lottery is another  
36 potential alternative.

37  
38 This is how the IPT is conceptualizing this potential idea for a  
39 quota redistribution or quota set-aside, but none of this is  
40 directly related to either reducing overcapacity or increasing  
41 safety at sea, and so we're wondering if there's a way that we  
42 could maybe have a discussion on what is a potential goal and  
43 objective here, and then maybe we could even incorporate that  
44 into potentially new goals and objectives, and so let me pause  
45 there for discussion.

46  
47 **CHAIRMAN GREENE:** Thank you. Is there discussion? Dr.  
48 Crabtree.

1  
2 **DR. CRABTREE:** I think what we're trying to get at is providing  
3 some more economical way to get quota into small participants or  
4 new participants hands, and so this is like a quota bank, right?  
5 If you held a set-aside of some percentage of the quota, and  
6 that goes into this, and then you had some qualifying set of  
7 criteria that someone would have to meet, and then they could  
8 apply, and then that amount of quota would be distributed out to  
9 those guys, based on some sort of formula on it.

10  
11 Essentially, they would get allocation, but they wouldn't have  
12 to pay anything for it. Now, the tricky part of all of this, of  
13 course, is the amount you set aside is coming out of the  
14 shareholders pockets, essentially, and then you would need to  
15 think about what impact would this have on the price of leasing.

16  
17 I guess, if you set enough quota aside, it would drive down the  
18 price of leasing allocation, and I don't know if you want to do  
19 that or not, and then it does seem to me that the allocation  
20 that went out from a quota bank would be that whoever gets it  
21 has to fish it on their vessel and they can't sell it or trade  
22 it or lease it out to anyone.

23  
24 That could end up in some allocation never being fished, and I'm  
25 not saying I think this is a good idea or not a good idea, but  
26 we did get a couple of letters in our comments that were  
27 interested in doing some of this, but it might be a way of  
28 addressing some of the issues with leasing that have been  
29 raised, but it's not clear to me how much you would have to set  
30 aside to have enough pounds of allocation to really have a  
31 noticeable impact on the fishery, and I'm not quite sure how to  
32 get at that.

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

35  
36 **MR. ANSON:** To Dr. Crabtree's comment, it brought to my mind  
37 that we had asked for a letter to be generated by staff and sent  
38 to NOAA legal counsel asking some specific instances that would  
39 kind of be tied in with this document relative to referendum  
40 requirements on quotas and charging for quotas and such, and do  
41 you have -- What's the status of that letter? Does anybody  
42 know?

43  
44 **DR. LASSETER:** I apologize, but I think I started with that. I  
45 was most recently informed by NOAA GC that it is in the NOAA GC  
46 review process, and it just was not ready for this meeting.

47  
48 **MR. ANSON:** Thank you. I missed that.

1  
2 **CHAIRMAN GREENE:** Mr. Walker.  
3  
4 **MR. WALKER:** This has the question of would this trigger the  
5 referendum?  
6  
7 **DR. LASSETER:** All of the items that are currently considered in  
8 here were reviewed by NOAA GC for not requiring a referendum.  
9  
10 **DR. CRABTREE:** I think, if the quota you set aside in this, if  
11 you then said we're going to auction it off, that's a different  
12 situation, or if you said we're going to sell it, and that would  
13 then be a royalty, and that's likely a different situation.  
14  
15 **CHAIRMAN GREENE:** Dr. Mickle.  
16  
17 **DR. MICKLE:** To Roy's point about having these shares and then,  
18 within this 2.3, I think I'm going to wait and maybe make a  
19 motion when we get to 2.4, but to understand that, in 2.4, it's  
20 a lot more clear, and I'm sorry for jumping ahead, but, when  
21 these shares are potentially lost, such as in 2.4, the  
22 distribution of non-active accounts, I think it becomes more  
23 clear, and so I think I will wait for my discussion, but I am  
24 probably going to make a motion, when we get to 2.4, to instruct  
25 staff to draft a document that explores reef fish allocation  
26 banks for species under IFQ management. I apologize for getting  
27 ahead, but, again, it's the same conversation, but I think it  
28 becomes a little easier with the next section, and so we'll  
29 wait.  
30  
31 **CHAIRMAN GREENE:** Thank you. Mr. Riechers.  
32  
33 **MR. RIECHERS:** Roy, I don't know if you're foretelling the  
34 letter from GC with your recent comments, but that's an  
35 interesting take you had, because you said, if it's an auction  
36 or a different way of basically distributing the shares -- It  
37 seems to me that the litmus-test question is does taking new  
38 quota and distributing it in some way into new entrants, no  
39 matter how you choose to distribute it, is kind of the litmus of  
40 whether or not a referendum would go forward and not the  
41 mechanism you use to do that distribution, but I will wait on  
42 GC's letter of response to us.  
43  
44 **DR. CRABTREE:** If I could just quickly -- Except that there's  
45 specific language in the statute that is unique to auctions and  
46 royalties, and so I think that's the key thing, but I haven't  
47 seen whatever draft legal opinion has been written. All I have  
48 had is the benefit of what our previous advice has been,

1  
2 **CHAIRMAN GREENE:** Further discussion? Dr. Lasseter.

3  
4 **DR. LASSETER:** If I can kind of repeat back a little bit of what  
5 I heard, especially from Dr. Crabtree, it's suggested that a  
6 potential goal or objective of what you're trying to do here  
7 could be providing for the next generation or for small  
8 participants.

9  
10 If that is something that you identify and you feel is a  
11 problem, feel is an issue, I would consider -- I would encourage  
12 you to consider that as a potential goal for the program that  
13 could support pursuing this action. If that is something that  
14 you're interested in, staff would love to have motions about  
15 this.

16  
17 Then, just on another note, another of these potential issues  
18 that were in that bulleted list of something that you could be  
19 doing with the redistribution or some amount of set-aside  
20 through a quota bank, however you distribute it, would be to  
21 address the red snapper bycatch, additional bycatch, in the  
22 eastern Gulf. That was one of those other potential issues.  
23 That could be foundation for pursuing something like this, and I  
24 will pause there for a moment.

25  
26 **CHAIRMAN GREENE:** Dr. Crabtree.

27  
28 **DR. CRABTREE:** Yes, because I think one of the scenarios you  
29 spoke of earlier, where someone didn't want to use up space in  
30 the hold with red snapper, because they had to lease and so the  
31 profit margin is less, possibly is changed by this, depending on  
32 how much quota you put aside.

33  
34 **CHAIRMAN GREENE:** Thank you. Further comments? Mr. Anson.

35  
36 **MR. ANSON:** Ava, your comment relative to the motion, the  
37 document has been created, and are you looking to go basically  
38 action-by-action, or section-by-section, and make a motion to  
39 say, okay, of this particular page that you're on, we want to go  
40 forward with quota banks and lottery. Are you looking for that  
41 specific, or are you just saying this is the document and we  
42 would like to proceed with these items as written, or I mean how  
43 -- How much direction are you looking for?

44  
45 **DR. LASSETER:** We're really looking for goals and objectives.  
46 We're really looking for what you want to do, because that will  
47 shape the alternatives. Staff will be able to craft a range of  
48 alternatives that could be more applicable to what you're

1 specifically trying to do.

2  
3 It might be different if -- Alternatives might be different if  
4 you're trying to provide allocation for the next generation and  
5 small shareholders versus trying to provide allocation for  
6 additional bycatch in the eastern Gulf, and so I guess we're  
7 wanting to know, for each one of these -- One goal could have  
8 multiple actions.

9  
10 We don't need a distinct goal for each one, but staff has a list  
11 of things you want to do, but now we need the why behind them,  
12 or the problem behind them, so that we can label those as goals  
13 and objectives and have that drive the actions and alternatives,  
14 and so we're not so much looking for you to scale down the  
15 potential alternatives, although, if there are things that  
16 additionally you want us to add or you definitely don't want to  
17 consider, feel free to do so, but we really are trying to get  
18 you to focus on goals and objectives.

19  
20 **CHAIRMAN GREENE:** Dr. Crabtree.

21  
22 **DR. CRABTREE:** I tend to agree with Ava. It's not entirely  
23 clear to me what we're trying to do, and so, if our goal is to  
24 provide an avenue for new entries to get in with less upfront  
25 capital, okay, and maybe this quota bank idea is the way that --  
26 If your goal is to reduce the profits from just leasing your  
27 quota, then maybe there's a way in this to reduce the cost of  
28 leasing, so that it's less profitable.

29  
30 It's not clear to me, for example, what our goal is by requiring  
31 shareholders to buy a vessel. I mean, I understand the visceral  
32 feeling about it, but it's not clear to me exactly what that  
33 actually accomplishes. I think Ava is right that we haven't  
34 really been very clear about what it is we're trying to do here  
35 and what the specific problems in the program are, and I think  
36 that makes it difficult to come up with a range of alternatives.

37  
38 **CHAIRMAN GREENE:** Okay. Mr. Anson.

39  
40 **MR. ANSON:** Relative to that then, I would like to make a motion  
41 that, in the Modifications to Commercial Individual Fishing  
42 Quota Programs Document, that we identify quota set-asides to  
43 address small entrants and new entrants. I think that's all I  
44 will leave it at for right now. **Small participants and new**  
45 **entrants.** Thank you.

46  
47 **CHAIRMAN GREENE:** They're going to go ahead and get the motion  
48 up on the board, and it will be in this document. The motion is

1 to identify quota set-asides to address small participants and  
2 new entrants. Is there a second for this motion? It's seconded  
3 by Mr. Banks. Is there discussion? Dr. Crabtree.

4  
5 **DR. CRABTREE:** I am, generally speaking, okay with that, and I  
6 might offer a little more detail, that we relate this to issues  
7 relating to discards, replacement fishermen, small shareholders,  
8 and then a way to get at that would be some type of quota bank  
9 that would include the revoked shares that we have as a result  
10 of 36A, possible consideration of quota set-asides, and maybe  
11 making it clear that additional accounts that are closed out or  
12 quota that's revoked would go into it and that kind of thing,  
13 but I think that's right along with the things you're thinking  
14 about here. I don't know if that mirrors your kind of thoughts,  
15 Kevin, or --

16  
17 **CHAIRMAN GREENE:** Mr. Anson.

18  
19 **MR. ANSON:** It does.

20  
21 **CHAIRMAN GREENE:** All right. Dr. Mickle.

22  
23 **DR. MICKLE:** Ava, this is directed towards you, and so that  
24 would be a really long motion, and so does this give you the  
25 directive enough to approach what Roy said, with the detail of  
26 quota banks and having that entry of dealing with discards and  
27 all these different issues that we've talked to today? This  
28 motion, does that engage your direction for preparing something  
29 to bring back?

30  
31 **DR. LASSETER:** I think there's two things that were touched on  
32 there. First, what I heard was that a potential new goal would  
33 be that this document -- A new goal would be to assist small  
34 participants and new entrants. Then I heard from Dr. Crabtree  
35 some ways to go about doing that, and I am not sure if all of  
36 that needs to be in the same motion, and so I guess we would  
37 like some clarification.

38  
39 A potential goal could be to assist the small participants and  
40 new entrants, and then this action could be supported by that  
41 goal and objective. The next action that we're about to get to  
42 could potentially be -- Well, actually, the next one is already  
43 -- We have already reclaimed the shares, and that was a  
44 recommendation of the red snapper IFQ program five-year review,  
45 and so that was the purpose of that one.

46  
47 Other things that we could do that are proposed in this  
48 amendment could support that as a new goal, but what we're

1 looking for is a motion, an approved motion, of a potential new  
2 goal, and I do see that here.

3

4 **CHAIRMAN GREENE:** Dr. Crabtree.

5

6 **DR. CRABTREE:** Kevin, would you be willing, as just a friendly  
7 amendment, to add reducing discards as a potential benefit of  
8 this?

9

10 **MR. ANSON:** Yes, and I didn't include it in this motion right  
11 now, because I didn't know how well that would be received, and  
12 I didn't want it to kill it, but I would certainly -- As you  
13 look at the Gulf, as the stock is rebounding, there is more  
14 access and more issues related to discards in the eastern Gulf,  
15 and so it would be more focused on the eastern Gulf,  
16 potentially, with this.

17

18 If that's the desire of the rest of the council, is go towards  
19 that road and that you would potentially be identifying those  
20 new entrants and small participants that are just in the eastern  
21 Gulf, and so I didn't know if that would necessarily cause some  
22 folks not to agree with that, but I can accept it and we can go  
23 with the vote and see how it goes.

24

25 **DR. CRABTREE:** If I could, I am not meaning to suggest this gets  
26 limited to the eastern Gulf at all, but it's just that one of  
27 the things we would take into account, as we look at this, is  
28 potential benefits in terms of reducing discards, but I am not  
29 at all suggesting that this be regionally limited.

30

31 **MR. ANSON:** Then, yes, go ahead and include addressing or  
32 reducing discards.

33

34 **CHAIRMAN GREENE:** We have a friendly amendment. We're going to  
35 add some additional text, if the seconder agrees with that. All  
36 right. I had a couple of people on the list before this motion  
37 came up. I had Patrick and Dr. Frazer. Are your comments  
38 relative to the motion? Okay. Dr. Frazer.

39

40 **DR. FRAZER:** Thank you. I mean, what I was wondering, Kevin, is  
41 whether this motion was specific to this Action 3, and I think  
42 that's what we're trying to get, and that's why it gets a little  
43 confused with the language that Roy added, because I think it's  
44 very specifically addressing new participants or small  
45 shareholders, I guess, and new participants, and is that  
46 correct? Yes.

47

48 **CHAIRMAN GREENE:** Mr. Walker.



1  
2 **MR. WALKER:** I was just going to mention that I have heard some  
3 groups offer to do that, from the industry standpoint, and it  
4 could be run very efficiently, and, as Roy added, it's not just  
5 the eastern Gulf. Look where the biomass is. Is it a bigger  
6 problem in the eastern Gulf or could it become a proportionally  
7 larger problem in the western Gulf? The industry has  
8 volunteered to take this upon itself, and it's already working  
9 on some of these bycatch issues.

10  
11 **CHAIRMAN GREENE:** Okay. Mr. Anson.

12  
13 **MR. ANSON:** I appreciate their efforts toward that goal, but I  
14 think the -- As I have seen it, a quota bank, as it's been  
15 presented to me, continues, and potentially exacerbates, some of  
16 the problems that we have identified to be in the fishery  
17 relative to ownership and the profiteering, if you will, and so,  
18 if we have a quota bank that's established outside of the  
19 shareholder realm, that we could potentially reduce or curtail  
20 or circumvent some of those very issues, and so I see it as, if  
21 that's the incentive for some to look at this, that would  
22 potentially -- If we talk about royalty rents, then the royalty  
23 rents would go to the government, and that's certainly an issue  
24 that some people have brought up that they would be interested  
25 in, whereas the setting it up by the shareholders would  
26 potentially continue on with those very issues that have been  
27 discussed here.

28  
29 **CHAIRMAN GREENE:** Thank you. Is there further discussion about  
30 the motion? Mr. Swindell.

31  
32 **MR. SWINDELL:** I guess I am a little concerned about identify  
33 quota set-asides to reduce discards. That doesn't seem to go  
34 well with the whole purpose of what you originally proposed, and  
35 so I guess I would probably vote against this, because I don't  
36 see how quota is going to be there to reduce discards.

37  
38 **CHAIRMAN GREENE:** Dr. Crabtree.

39  
40 **DR. CRABTREE:** Imagine someone who is a new fisherman and has  
41 gotten into the reef fish fishery and doesn't have any capital  
42 and can't afford to lease, and so he fishes for vermilion  
43 snapper and other things, but he catches some snapper, but  
44 discards it, because he doesn't have the capital to lease it.

45  
46 If we had a quota bank that made it available to him without the  
47 upfront cost, that seems to me that it would increase his  
48 profits and reduce his need to discard, right? At least that's

1 my thinking with it, and we're just coming up with things to  
2 analyze right now, but I think there are ways that it could be  
3 helpful, and there are parts of the Gulf, and I guess it's more  
4 in the eastern Gulf, where, during the qualifying periods for  
5 the initial distribution, we really didn't have red snapper, and  
6 so that's also another part of it, but I think, as David said,  
7 there could be problems in the western Gulf as well.

8

9 **CHAIRMAN GREENE:** Mr. Walker.

10

11 **MR. WALKER:** I would just like to mention that a lot of folks  
12 haven't been around here for the inception of the IFQ and how it  
13 worked and the years that were chosen, and a lot of that was  
14 either the -- The industry has asked for the first ten years or  
15 the last ten years, and the council took it and said any ten  
16 years. Well, all of a sudden, we became very diluted, and a lot  
17 of people said, well, we got back to 9.12.

18

19 Well, we really didn't get back to 9.12 until we got to the  
20 twelve-point-something million, what we were actually catching  
21 at the time, and so I think industry is all in support of  
22 helping address these discards, and they're working, I think,  
23 successfully to -- Maybe, when you get -- I don't know, but I  
24 would like to hear from industry on where we get to a certain  
25 threshold or something, but a lot of folks don't understand  
26 that.

27

28 When you say that they went from 9.1 to twelve, and twelve  
29 really got us back to where we were, because most people took  
30 close to a 30 percent cut at the time, and so, actually, when we  
31 got back to twelve, a lot of guys -- Because it had been  
32 diluted, and I just want to make sure that a lot of folks knew  
33 that that weren't on the council when it was developed.

34

35 **CHAIRMAN GREENE:** Thank you. We've still got a couple more  
36 sections to go in here, and it's 5:20. Madam Chair, how would  
37 you like to proceed?

38

39 **MS. BOSARGE:** Well, I just checked, and our social is not until  
40 6:30 tonight, and so let's see if we can make it through these  
41 last three action items, because, for once, we are actually  
42 having a conversation about this, and we're making a little  
43 headway and actually communicating, and so I'm excited about  
44 that. I did let you have a lunchbreak today, and so count your  
45 blessings.

46

47 **CHAIRMAN GREENE:** Okay. We have a motion on the floor. Is  
48 there any more comments germane to the motion we have before us?

1 All right. Any opposition to the motion on the floor before  
2 you? One in opposition, and the motion carries. Dr. Crabtree.

3  
4 **DR. CRABTREE:** Just, Ava, some things that I think that staff  
5 ought to look at, along with this motion, is the sources for the  
6 quota bank could include the revoked shares from 36A, possible  
7 set-aside of quota, and then consideration of additional  
8 revocation of shares from accounts that haven't been active in  
9 say a period of three or four years or something like that in  
10 the future, so that it would just kind of automatically happen  
11 and then the shares would go over, and so that's just some  
12 thoughts that I have about things to look at.

13  
14 **CHAIRMAN GREENE:** Is there further discussion? Mr. Walker.

15  
16 **MR. WALKER:** One thing I kind of thought about was the goals and  
17 objectives was overcapacity, and has the overcapacity been  
18 reached? There's so many questions and so many variables and so  
19 many different things to take into consideration.

20  
21 **CHAIRMAN GREENE:** Thank you. Dr. Lasseter.

22  
23 **DR. LASSETER:** Thank you, Mr. Chairman. If we move on to  
24 Section 2.4, which begins on page 36, this addresses  
25 distributing the shares from non-activated accounts and  
26 reclaimed shares, and so this exact action was removed from 36A,  
27 at your April meeting this year, and you moved it here to  
28 consider it further, and so you had selected a preferred  
29 alternative, and then there was public testimony, and your final  
30 discussion, before you moved it, was, well, we want to have a  
31 little more time to think about how to do this, how we could do  
32 this, and, hence, the action is now here.

33  
34 As Dr. Mickle noted, this action could also be combined with  
35 what we're -- It's similar to what we're doing in 2.3, in terms  
36 of distributing the shares, and so, currently, when Amendment  
37 36A is approved and implemented, the shares from those non-  
38 activated accounts would be removed and held by NMFS until the  
39 distribution system is developed and approved through this  
40 action, through this amendment, and so these potential  
41 alternatives are the alternatives from the 36A action.

42  
43 Alternative 1 would be to do nothing. The accounts are closed  
44 and the shares are held, but they would continue to be held by  
45 NMFS. Alternative 2 was your preferred in Amendment 36A, before  
46 you moved it to this document, and it was to redistribute the  
47 shares from each share category equally among all shareholders  
48 of the respective share category.

1  
2 Alternative 3 is redistribute the shares from each share  
3 category according to the proportion of shares held by  
4 shareholders of that share category at the time the shares are  
5 redistributed by NMFS, and so 2 is equal and 3 is proportional,  
6 meaning those who already hold more shares in a respective share  
7 category would get more and those who hold less would get  
8 respectively less, but I do want to remind you that, even at the  
9 time we finished 36A, the amount of pounds held in those still  
10 non-activated accounts was continuing to decrease, and it was  
11 quite small, and so we're not talking about a large volume of  
12 quota here.

13  
14 Alternative 4 is redistribute the shares equally from each share  
15 category to the allocation-only account holders, those without  
16 shares, with a commercial reef fish permit and landings in 2015  
17 for that share category, with the caveat that those allocation-  
18 only account holders are not related to other accounts with  
19 shares, and so this would take some work for NMFS to identify  
20 these related accounts.

21  
22 Then some other potential alternatives would be to add these  
23 shares considered under this action that are being reclaimed by  
24 NMFS from those non-activated accounts, for example to a quota  
25 bank, as explored in the previous potential action, 2.3, or  
26 another potential alternative is to distribute them through a  
27 lottery. The Table 2.4.1 on the next page, page 37, provides  
28 you the amount of shares and quota that were held in those  
29 accounts as of mid-December, 2016, and so I will pause there for  
30 discussion.

31  
32 **CHAIRMAN GREENE:** Thank you. Is there discussion? Dr.  
33 Crabtree.

34  
35 **DR. CRABTREE:** As I have thought about this over time, I have  
36 become more favorably inclined towards the quota bank idea, and  
37 it seems, to me, if that's where we wanted to go towards, then  
38 this action could essentially be rolled into 2.3 and be a  
39 starting point for a quota bank.

40  
41 The lottery idea is sort of a one-time deal, but I think the  
42 quota bank might be more effective at addressing some of the  
43 long-term issues, but I think the main thing with the quota bank  
44 is deciding how much to put in it, but, if that's where people  
45 are inclined to go, I think rolling this into the previous  
46 action seems reasonable.

47  
48 **CHAIRMAN GREENE:** Mr. Riechers.

1  
2 **MR. RIECHERS:** I was going to say the same thing, in some  
3 respects, because, really, the quota bank and the lottery are  
4 the delivery system, and then this is just whether we're going  
5 to take this out of these shares and move them over there.

6  
7 **CHAIRMAN GREENE:** Thank you. Mr. Walker.

8  
9 **MR. WALKER:** I was just going to add, again, I think the  
10 industry-run quota bank could be a good idea, and the reason I  
11 say this, and it was opposed to the other one, and I think the  
12 industry should run this, and I'll just give you an example. I  
13 know someone who leased some snapper to someone. The guy called  
14 him and said, I need some snapper to get by for the year, and  
15 the guy said, well, I will try to help you out and how much do  
16 you need, and he said, I need 5,000 pounds, and that will  
17 address my bycatch for the rest of the year. The guy said,  
18 okay, and so that's good, and I might need some of your grouper  
19 or whatever.

20  
21 Anyway, this guy leases this guy the snapper. Well, about three  
22 or four weeks later, he calls the same guy up again and goes,  
23 listen, I need some more snapper. He said, what do you mean?  
24 Then said, well, I got out there and I was having some engine  
25 problems, and I couldn't catch vermilion, and I knew where some  
26 snapper were, and I went over and targeted some snapper and  
27 caught my 5,000 pounds in one trip.

28  
29 I mean, these are things that a lot of people are not going to  
30 know unless you're in the industry, and so I'm just thinking  
31 that it would be more efficiently run if the industry had more  
32 input on how the quota bank -- However it was explained to  
33 Kevin, maybe that could be worked out, but I just think an  
34 industry-run could be of much more efficiency.

35  
36 **CHAIRMAN GREENE:** Mr. Anson.

37  
38 **MR. ANSON:** To that point, Dr. Crabtree, I know we've talked  
39 about this at prior meetings, and is there agency action that is  
40 required for the shareholders to set up a quota bank? I mean,  
41 is there something that has to be done, regulatorily, that would  
42 allow them to set up a quota bank? I mean, do you have to  
43 account for something internally to track that, or can they just  
44 go out and do that on their own anyway now?

45  
46 I know there was an issue with the funding and trying to get,  
47 through the federal government, some kind of like small business  
48 program and such, that entrants could access that, but, I mean,

1 in my mind, I think they can go and set up a quota bank that  
2 would be independent of the one we're talking about here, and am  
3 I incorrect?

4  
5 **DR. CRABTREE:** My understanding is they've already done that and  
6 there already is, and, David, correct me, but I think they  
7 already have an industry-run quota bank.

8  
9 **MR. WALKER:** Maybe we can get Eric to give us a little more  
10 testimony, or someone from the shareholders to give us more  
11 testimony on it. I'm not involved in the quota bank, but I am  
12 familiar, somewhat, that they're having success with it. When  
13 it's industry keeping an eye on the industry and trying to help  
14 out the industry, and they can't help out everyone.

15  
16 They have to interview people and talk to them and try to  
17 address it, but there are things outside of this quota bank that  
18 I have heard, as I just explained, that people are taking  
19 advantage of it. They're just using it to get some allocation,  
20 and they're not using it for bycatch. They are using it for a  
21 directed fishery.

22  
23 **CHAIRMAN GREENE:** Ms. Bosarge.

24  
25 **MS. BOSARGE:** Thanks. Ava, I'm not sure what shape the document  
26 is going to take, just because of all the different motions, but  
27 if we, at some point, start working on the next generation of  
28 fishermen, or new participants or small participants, I did like  
29 that Alternative 4 that was in here, where we redistribute  
30 shares to the allocation-only account holders that aren't  
31 shareholders, and so it's essentially the man on the water  
32 that's been out there fishing and landing the fish, but has no  
33 long-term ownership in the fishery.

34  
35 I don't know where that would fit in at all as you develop this  
36 document, but, if we do end up going down a road like that, I do  
37 like that as one of our options.

38  
39 **CHAIRMAN GREENE:** Dr. Lasseter.

40  
41 **DR. LASSETER:** Thank you, Mr. Chairman. Actually, that's  
42 perfect, because, in Section 2.3, under the Determine Recipients  
43 of Quota, under the quota redistribution set-aside, we have that  
44 listed, allocation-only account holders with a commercial reef  
45 fish permit and landings in 2015, and so, yes, absolutely. They  
46 could be the eligible recipients under a quota bank. I mean,  
47 these are multiple sub-actions.

48

1 To Dr. Crabtree's point, yes, rolling this into 2.3, I think  
2 that could streamline the document as well. We, of course,  
3 would need a motion for that, and let me say one thing about  
4 quota banks.

5  
6 We had a presentation on quota banks, and it may have been a  
7 year ago now, and it was during 36A, but I believe Eric Brazer  
8 actually gave a presentation on the Shareholders Alliance quota  
9 bank, and I think we had Paul Parker down here from New England  
10 also, and I provided a presentation on some of the other quota  
11 banks around the country, and we can include that in the  
12 briefing book for the next document, as kind of a refresh for  
13 everybody, if they would like.

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

16  
17 **MR. WALKER:** I was just going to add that we have public  
18 testimony tomorrow, if some folks have some questions about how  
19 the quota bank runs. I'm sure Eric could explain it.

20  
21 **CHAIRMAN GREENE:** Thank you. I am looking around the room, if  
22 somebody needs to make a motion, and we've got two more sections  
23 to go, and so who is ready to make a motion or move on?

24  
25 **DR. CRABTREE:** Are we looking for a motion to roll this action  
26 in with the previous one? This is Action 2.4, and we're going  
27 to roll it into 2.3? All right. **I would make a motion that we**  
28 **combine Action 2.4 into Action 2.3.**

29  
30 **CHAIRMAN GREENE:** Okay. We have a motion to combine Action 2.4  
31 into Action 2.3. Is there a second for this? It's seconded by  
32 Dr. Frazer. Is there discussion? I think everybody is pretty  
33 good with everything we're trying to do here. **Any opposition to**  
34 **the motion? Seeing none, the motion carries.** Dr. Lasseter.

35  
36 **DR. LASSETER:** Great. Thank you, Mr. Chairman. The next  
37 section begins on page 41, and this is Section 2.5, Restrictions  
38 on Share and Allocation Transfers, and so this section is  
39 probably the most vague.

40  
41 The last feedback we got from the council was to bring you a lot  
42 of information, ways to look at the data tables, and so we have  
43 done that. There is a lot of information in this section. If  
44 we start on page 43, Section 2.5.1, we'll start with the share  
45 transfers.

46  
47 Currently, there are no restrictions on the transfer of IFQ  
48 shares. Any U.S. citizen or permanent resident can open a

1 shareholder account and can hold and transfer shares and/or  
2 allocation, but we'll get to that part. They can transfer  
3 shares between accounts, as long as the account is not in a  
4 suspended status, and we define suspended status there, and that  
5 refers to people who have not submitted or updated their address  
6 and citizenship information, which is required every two years.

7  
8 This is the one where we were most unsure about where you're  
9 trying to go with it and what is your potential goal and  
10 objective, and so some of these potential alternatives -- I  
11 wouldn't even really call these potential alternatives, because  
12 they're not quite specific enough, and you will see that some of  
13 them are also related to that commercial reef fish permit, and  
14 Dr. Crabtree has noted this before as well.

15  
16 What you're trying to accomplish here, does the first section,  
17 the program participation and requiring a permit, are you  
18 addressing it under that requirement? If not, what aspect of it  
19 and what new goal and objective are you trying to -- What  
20 problem are you trying to solve, and so what goal or objective  
21 might we want to add to the programs?

22  
23 Thinking in terms of the new entrants and next generation and  
24 small participants, as you just passed a motion, do you want to  
25 restrict share transfers, some amount of share transfers, to  
26 that body, to those people? That would be a way that you're  
27 taking a goal that you have identified now and then trying to  
28 relate it to this action that you're potentially taking, and so  
29 that's what we're really looking for here, is what are you  
30 trying to do. Then that will help us craft a range of  
31 alternatives.

32  
33 Just what we're throwing out here as potential alternatives,  
34 restrict the transfer of all IFQ shares. Well, we need a little  
35 more specifics there, of course, and do you want to restrict the  
36 transfer of IFQ shares by shareholders not actively engaged in  
37 fishing? For example, shares could only be transferred to an  
38 account that is associated with a vessel account with landings  
39 in recent years, and that would be a way that we could  
40 operationalize it.

41  
42 Restrict the transfer of IFQ shares to only those entities that  
43 possess a commercial reef fish permit and restrict the transfer  
44 of IFQ shares to only those entities that possess a commercial  
45 reef fish permit with which IFQ landings have been made in  
46 recent years, both of these are specifically provided as those  
47 potential alternatives in that first section under one of those  
48 potential sub-actions, and so you can see where there appears to



1 be a lot of overlap here.

2  
3 Finally, restrict the transfer of IFQ shares to allow transfer  
4 only to entities defined as small participants, and so, again,  
5 these would not be stand-alone alternatives on their own. We  
6 would definitely need a little more guidance about the direction  
7 and the scale, the scope, how large of share transfers might be  
8 restricted by this.

9  
10 Let's look at the allocation one, and then I will turn it over  
11 for discussion, and so that's 2.5.2, Restrictions on Allocation  
12 Transfers, and that begins on page 47. We have that same little  
13 gap right there of potential goals and objectives. Again, for  
14 allocation, similar to the shares, currently, there are no  
15 restrictions on the transfer of IFQ allocation.

16  
17 IFQ program participants can transfer allocation from their  
18 shareholder account to their associated vessel account for  
19 harvest or transfer it to another account that may or may not be  
20 a related account or to another shareholder's vessel account.

21  
22 Again, our potential alternatives are very similar to the  
23 previous section. Restrict the transfer of IFQ allocation. I  
24 mean, that's just broad, and we definitely need to refine that  
25 and define that.

26  
27 Restrict the transfer of IFQ allocation to shareholders not  
28 actively engaged in fishing, just like the previous one. For  
29 example, allocation could only be transferred to an account that  
30 has landings in recent years. Restrict the transfer of IFQ  
31 allocation to allow transfer only to entities that possess the  
32 permit with which IFQ landings have been made in recent years.  
33 Again, these are tied, again, to those permits.

34  
35 This is the one item that staff needs the most guidance on, in  
36 terms of what you're trying to do, what specific problem you're  
37 trying to solve, and that would enable us to craft a more  
38 refined range of potential alternatives, and so I will stop  
39 there for both of these sub-sections.

40  
41 **CHAIRMAN GREENE:** Okay. Are there questions? Mr. Anson.

42  
43 **MR. ANSON:** Ava, in my mind, when you're trying to relate this  
44 particular item or action in with the permit requirement, in my  
45 mind, I was trying to get to a place where -- To provide some  
46 stability in the fishery or get back to ground-zero, if you  
47 will, of the fishery, where the initial shareholder distribution  
48 was based on your historical landings. You had landings, and

1 you were a fisherman.

2  
3 The program has morphed into something that's gone beyond that,  
4 and it goes with the long-term ownership of the shares, as it's  
5 currently set up, and so, in my mind, you're asking a couple of  
6 questions here, and so tying those two sections together, I  
7 would think -- You have to have a permit in order to harvest  
8 fish, and I think that would be straightforward and easy for  
9 folks to understand.

10  
11 I realize that there are now more shareholders, potentially,  
12 than there are permits, but, in regards to allocation then, and  
13 I haven't seen it, but this idea that was brought up in  
14 Amendment 41 of cyclical redistribution, and so you can set it  
15 up whereby you can have, over a certain period of time, those  
16 shareholders that either cannot get a permit or don't want to  
17 get a permit, in order to go and fish those shares, and they  
18 could still utilize those shares over a certain time period,  
19 but, over time, those shares would migrate back into actual  
20 fishermen, and so that, I think, gets to some of the aspect of  
21 this.

22  
23 The red snapper fishery is different than other fisheries that  
24 have used the IFQ program, and those are more of corporation  
25 type, large companies that have a lot of investment in capital  
26 to do the vessels and to prosecute the fishery.

27  
28 In the red snapper fishery and other Gulf fisheries, we don't  
29 have that situation, and that's not to say that we don't have  
30 individual shareholders who have several vessels that are a part  
31 of their particular shares and their operation, but we have  
32 basically individual fishermen that are going out here and  
33 prosecuting the resource, and so, in my mind, that's what I was  
34 going to try to get to, and there is certainly several different  
35 ways that you can go about doing that.

36  
37 There is certain timelines that you can go about doing that, but  
38 that's where I thought it potentially could be brought up for  
39 discussion, is having the use or the requirement for a permit,  
40 which would then be -- Obviously you would have to go harvest a  
41 certain percentage of that permit in order to maintain your  
42 shares, but, over time, that those shares could be redistributed  
43 back to fishermen who are going to be engaged in the fishery,  
44 and so that's what I would like to do.

45  
46 Now, to answer your question or try to get us to that point, I  
47 think that's where I would like to go, is to have that permit  
48 tied in with use. You mentioned the use-it-or-lose-it here in

1 this section, and that would be tied in with some sort of  
2 cyclical redistribution formula, to give folks that, again,  
3 don't want to get a permit some time to try to get a permit or  
4 have some residual benefits that they would be able to acquire  
5 in the transition timeline, from them to go from shareholder  
6 amount to no shareholder amount.

7

8 **CHAIRMAN GREENE:** Dr. Crabtree.

9

10 **DR. CRABTREE:** The way I am thinking about this -- The issue I  
11 hear about has to do with the absentee ownership or shareholders  
12 without a vessel or a permit, and I know there's another action  
13 in here that gets at that, but one way to get at this, and what  
14 I would do with this action, would be to have just only one  
15 thing here, and that's restrict transfers to entities that have  
16 a commercial reef fish permit.

17

18 I think it's -- This is about allocation transfers, but share  
19 transfers as well, and this was a big source of the debate when  
20 the program was put in place, and David was there. The  
21 commercial guys, by and large, wanted to keep the requirement  
22 that you have to have a reef fish permit, and we didn't do that,  
23 and it phased out after five years, and that's resulted in the  
24 problems, but, if we only allow transfer of allocation to an  
25 entity with a permit, and I guess there's another action that  
26 will look at transfers of shares, but, if we require that you  
27 have to have a reef fish permit to do that, it seems, to me,  
28 over time, everyone who is in the fishery would have a permit in  
29 some way.

30

31 When we've talked about use-it-or-lose-it kinds of things, it  
32 always gets really complicated, and I worry that we're getting  
33 into folks' business too much, but I do think that looking at  
34 that restriction on transfers, that you have to have a reef fish  
35 permit, is a reasonable thing to look at and might address some  
36 of the concerns, and it might be easier than coming in and  
37 trying to phase in a permit requirement on the existing  
38 shareholders. This would be more over time, as shares are  
39 transferred, to address the problem.

40

41 **CHAIRMAN GREENE:** Dr. Lasseter.

42

43 **DR. LASSETER:** What I just heard Dr. Crabtree outline is also  
44 contained within that Section 2.1, and so there is a potential  
45 sub-action that would talk about what people would need a permit  
46 to do to obtain additional shares, and so I am not sure that we  
47 would need this as a separate section, because that could be  
48 contained in 2.1.

1  
2 Then, to reference something that Mr. Anson also talked about,  
3 that recycling of the shares, you requested that to be added to  
4 the document, through a motion. You did request that to be  
5 added to the document, and we put that in 2.3, and so, under  
6 this quota redistribution and quota set-aside, determining the  
7 method of distribution, you have in annual or multiyear cycles,  
8 based on fishing participation.

9  
10 I have heard you guys mention some of these ideas before, and I  
11 am seeing them maybe more appropriately explored in these other  
12 potential actions, and so I will stop there for a moment.

13  
14 **CHAIRMAN GREENE:** Further discussion? Mr. Walker.

15  
16 **MR. WALKER:** I am just going to try to -- I was going to try and  
17 stay silent on all of this, but just take everyone back to years  
18 ago, before the IFQ. I can bet you there was 100 percent of the  
19 folks that were just about unhappy with it, and I can tell you  
20 one thing, that you're never going to make everyone happy.

21  
22 We got together, as an industry, and developed a program that we  
23 thought would work really well for the fishery, for the  
24 industry, and we had input and we had meetings and everyone  
25 came, and everyone had to give up some things, and allocation  
26 was a big thing, just like it was on the state management, but  
27 we all came together, and we worked it out, because we knew  
28 where we were heading -- We were heading probably to a zero-day  
29 fishery.

30  
31 Fishermen, since then, were given something that was changed  
32 from what they actually asked for and some of the things that  
33 were complained about today, and I know that I've said this  
34 before, but fishermen also learned how to adapt to these things,  
35 whether it was leasing or whatever it was, and they learned how  
36 to adapt and make it work for the industry, and it's been  
37 successful.

38  
39 I can tell you that I've been here a long time and looked at a  
40 lot of FMPs for different sectors, when you're talking about  
41 reef fish and red snapper, and I see that the charter industry  
42 has tried to come together and do something, and the charter  
43 industry has tried to get support for it.

44  
45 The commercial industry, we've been there before. People say it  
46 looks like the commercial industry is driving this, and, yes, I  
47 guess we were. We were behind those folks. We were behind the  
48 charter folks, and we were also behind the private angler folks.

1 We tried to get them to form an AP to come up with solutions.  
2 We would try to come up with things of what they want, and, no,  
3 we don't want that. Well, what do you want? Well, we can't  
4 decide on what we want.

5  
6 Well, then they blame it on the council and say it's the  
7 council's fault. It's not the council's fault, and was to a  
8 point where it took a long time to form an AP, until we got the  
9 right blend of folks on this council to move forward and give  
10 these people an opportunity to develop some profiles for a  
11 private angler fishing management plan that would give them more  
12 access, give them more things that they're looking for, just  
13 like the charter industry is looking for it.

14  
15 Then I guess you just have to sit back and listen to testimony  
16 and hear from other folks too, but the record reflects -- I have  
17 been on this council, other than trying to hold onto the  
18 allocation that belonged to the nation, to the net benefit of  
19 this nation, the way I feel, and, other than that, we have tried  
20 to help these private anglers, and it's been disappointing.

21  
22 I've had people say things to me that weren't true, and I've had  
23 a lot of ugly things said about me, but, you know, when it comes  
24 down to the end of the day, pick up the record, and you can look  
25 and see where David Walker voted. Did he vote against the  
26 private anglers, to try to hurt them? No. I tried to support  
27 them, and I will continue to support them when I'm off this  
28 council.

29  
30 I want them to have something better, and I will be in this  
31 audience, trying to come here and talk to this council and move  
32 forward for a plan for the charter boats and the private  
33 anglers, and I guess what I'm getting down to is fishermen have  
34 adapted to this. Let them come forward to the ideas and approve  
35 it. They have come forward with these quota banks, with a loan  
36 program.

37  
38 We have offered a lot of things to move forward and be  
39 successful, and so just listen to the testimony. I know the  
40 commercial industry wants to improve their program, but we've  
41 already had a program, and we're up for review, for some tweaks.  
42 We will bring it to you, but, like I said, we have already  
43 adapted. I appreciate the time that I've had here, and I do  
44 look forward to continuing working with you when I'm in that  
45 audience.

46  
47 **CHAIRMAN GREENE:** Thank you. Is there further conversation?  
48 Mr. Riechers.

1  
2 **MR. RIECHERS:** Ava, based on your past comments regarding these  
3 two sections, moving back into that other section, do you -- I  
4 mean, I think we are all in agreement that those sections can  
5 umbrella under there. You don't necessarily need a motion for  
6 that? Will you just do that on those two sections?

7  
8 **DR. LASSETER:** If I can say that I have consensus from the  
9 committee to remove Section 2.5, because it is reflected in  
10 previous sub-actions, and I am seeing nodding around the table,  
11 and so I am satisfied with that. Thank you very much.

12  
13 I will just go ahead and roll right into the last sub-action,  
14 which is 2.6, which addressed allocation caps. There is an  
15 allocation cap in the grouper-tilefish IFQ program. It was not  
16 required at the time, and it's not required. You need to  
17 explore it. You should explore it. I should use careful  
18 language.

19  
20 You don't currently have one in the red snapper IFQ program, and  
21 so this potential action is provided for you to evaluate whether  
22 you would like to put an allocation cap on the red snapper IFQ  
23 program.

24  
25 Some potential alternatives would be to cap the amount of red  
26 snapper IFQ allocation that could be landed either by a single  
27 vessel over a year or to cap it that could be held in an account  
28 over the course of the year or the account at any point during  
29 the year.

30  
31 For background for the grouper-tilefish program, the allocation  
32 cap is set equally, and it equals the sum of the maximum  
33 allocations associated across all five share categories in the  
34 grouper-tilefish program, and it's in terms of it could be held  
35 in an account at a single point of time, and, to provide an  
36 example, in 2015, the final allocation cap for the grouper-  
37 tilefish program was 540,967 pounds. It was very large. I will  
38 stop there for a moment and turn it over for discussion.

39  
40 **CHAIRMAN GREENE:** Is there discussion? Dr. Crabtree.

41  
42 **DR. CRABTREE:** It's not clear to me why we need this and what  
43 positive would come out of it. I guess, unless I hear some need  
44 to do this, my feeling is that this isn't something we need to  
45 look at any further. I would be curious what David thinks.

46  
47 **MR. WALKER:** I have heard from both. I have heard some people  
48 complain, but I have heard a lot of them complain. Maybe we

1 could wait until we get a little testimony at Full Council with  
2 it, but I don't see -- For every action you take, there is a  
3 reaction, and there will be ways around it. There will be ways  
4 to adapt to it, and so maybe we can hear some public testimony  
5 on it from the industry.

6  
7 **CHAIRMAN GREENE:** Okay. Is there further discussion?

8  
9 **DR. CRABTREE:** I am okay with hearing testimony and coming back  
10 to it.

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

13  
14 **DR. LASSETER:** That is the last sub-action, and so I am  
15 finished, if there's no more discussion.

16  
17 **CHAIRMAN GREENE:** All right. Madam Chair, I will hand it back  
18 to you, a smooth hour late. My apologies to everyone.

19  
20 **MS. BOSARGE:** In my world, you're five minutes early, because I  
21 was going to cut you off at six o'clock, and so you ended up at  
22 5:55, just under budget. I like it. All right, guys. You're  
23 done for the day. Let's see what time we come back tomorrow.  
24 8:30. I will see you all at 8:30 in the morning.

25  
26 (Whereupon, the meeting recessed on August 8, 2017.)

27  
28 - - -

29  
30 August 9, 2017

31  
32 WEDNESDAY MORNING SESSION

33  
34 - - -

35  
36 The Full Council of the Gulf of Mexico Fishery Management  
37 Council reconvened at the Marriott Plaza, San Antonio, Texas,  
38 Wednesday morning, August 9, 2017, and was called to order by  
39 Chairman Johnny Greene.

40  
41 **CHAIRMAN GREENE:** Good morning. We will go ahead and get  
42 started where we left off yesterday. We did not get all the way  
43 through the Amendment 36B agenda as it was written, and so we're  
44 going to pick up with the Discussion of Ad Hoc Red Snapper IFQ  
45 AP and/or Grouper-Tilefish AP. Ms. Bosarge.

46  
47 **DISCUSSION OF AD HOC RED SNAPPER IFQ AP AND/OR GROUPE-TILEFISH**  
48 **AP**

1  
2 **MS. BOSARGE:** Guys, this is something that I brought up at the  
3 last meeting, and I was supposed to bring it back up at Full  
4 Council, to get some more input from you all, and I just forgot,  
5 and so I put it back on the agenda for us to discuss, and you  
6 may need to think about it again until Full Council, but we have  
7 our reviews that we're working for the red snapper and grouper-  
8 tilefish IFQs, and we have a document that we've started on with  
9 the 36B.

10  
11 At some point, we're probably going to need to get some feedback  
12 from -- We have an existing -- I'm not sure what exactly it's  
13 titled, maybe Red Snapper Ad Hoc IFQ, and so we do have one  
14 group that was formed years ago, and we can probably get that  
15 membership up on the board, but we'll need to take a look at  
16 that and see if that is going to be sufficient for what we're  
17 needing to do and if that group has both red snapper membership  
18 and people that operate in the grouper-tilefish IFQ or if we  
19 need to look at having two separate groups, use that old one  
20 plus a new one for grouper-tilefish, if we don't think that  
21 there's enough coverage there, or re-advertising both of them,  
22 and so there's a lot of options on the table.

23  
24 Essentially, what I thought we would do is kind of put the names  
25 on the board for the existing ad hoc and let you kind of look at  
26 them. You may be familiar with many of these people and know  
27 their background, if they operate in red snapper or if they  
28 operate in grouper, or if they don't operate in either one of  
29 those. They may be some of those new entrants that we're  
30 thinking about, and I don't know. Maybe we have some dually-  
31 permitted people on there. There is the list.

32  
33 Take a look at that, and let's think about it, and, this time, I  
34 won't forget to come back to you at Full Council, and let's see  
35 if we can decide how we want to advertise it or if we want to  
36 advertise it, if we want to stick with what we have or do we  
37 need to re-advertise, do we think we have the coverage that we  
38 need. Were there any questions? Yes, sir, Mr. Anson.

39  
40 **MR. ANSON:** When was this committee membership last voted on and  
41 when was the last time they met?

42  
43 **EXECUTIVE DIRECTOR GREGORY:** I am not sure. Carrie.

44  
45 **DR. SIMMONS:** Thank you, Mr. Chairman. I am not exactly sure  
46 when they were formed, but I know that we convened them in  
47 November of 2013, when we first started working on 36, before we  
48 split it into A and B, and I believe that's in the back of 36B,



1 the report that they had. We would have to look it up, when  
2 they were formed.

3  
4 **EXECUTIVE DIRECTOR GREGORY:** My understanding, Madam Chair, is  
5 you would like to make sure that this committee or the new  
6 committee is made up of a mixture of snapper and grouper-  
7 tilefish IFQ holders, so it can address all aspects of 36B.

8  
9 **MS. BOSARGE:** Yes, and I definitely -- Whether we do it one  
10 group or two, I think, yes, we need to make sure that we have  
11 coverage for both of those. If we're going to end up reviewing  
12 both of them, we need input from people that operate in both of  
13 those.

14  
15 **EXECUTIVE DIRECTOR GREGORY:** It would certainly be inefficient  
16 to have two different committees, given our experience with  
17 separating people. It's better to keep them together, so you  
18 can get full input. Otherwise, they tend to go off in different  
19 directions and sometimes conflict.

20  
21 **CHAIRMAN GREENE:** Dr. Crabtree.

22  
23 **DR. CRABTREE:** I would like to see it a little bit broader than  
24 necessarily than just shareholders. I think some folks who  
25 lease and are small operations, I think it's important to give  
26 them a chance to have some voice.

27  
28 **MS. BOSARGE:** Thank you, because I think that was part of my  
29 discussion and our discussion during the last meeting as well,  
30 and so just be thinking about this. I don't expect you to make  
31 a decision right this second, because I know we didn't have  
32 anything really in the briefing book to give you, per se, but  
33 think about it between now and Full Council, and I am going to  
34 put it on my agenda, do I do not forget during the committee  
35 report, and we will and try nail this down, so that we can -- If  
36 we need to advertise, we can go ahead and advertise, because  
37 that's going to take a couple of meetings before we would ever  
38 actually be able to meet these groups. Mr. Boyd.

39  
40 **MR. BOYD:** Has staff sent this out to us or do you want us to  
41 just look it up on the website?

42  
43 **EXECUTIVE DIRECTOR GREGORY:** Yes, we have it on the website as  
44 well, with their names, and I don't think the contact  
45 information is available on the website. What is the link to  
46 get to that?

47  
48 **MR. BOYD:** So we can download a copy of it, just so we can look

1 and see who is on there. Thank you.

2  
3 **EXECUTIVE DIRECTOR GREGORY:** They will send out a link to it.

4  
5 **CHAIRMAN GREENE:** Okay. It looks like they're sending an email  
6 out now that will have that link. All right. Any further  
7 discussion about the APs? Seeing none, we will get back on  
8 track on our regularly-scheduled deal for day two, and so we'll  
9 start off on Options Paper, Status Determination Criteria and  
10 OY, and Mr. Atran. This will be a presentation, followed by the  
11 options paper, and this will be Tab B, Number 11(a) for the  
12 presentation. The document will be Tab B, Number 11(b). Mr.  
13 Atran.

14  
15 **OPTIONS PAPER - STATUS DETERMINATION CRITERIA AND OY**

16  
17 **MR. ATRAN:** Thank you, Mr. Chairman. This options paper is  
18 addressing four of the biological reference points that we're  
19 required to address either under the Magnuson-Stevens Act or the  
20 National Standard 1 Guidelines.

21  
22 We have actually kind of been working on this, off and on, for  
23 several years, more off than on, but, recently, it's been  
24 elevated to a higher priority, and so we're trying to get back  
25 to this, and we did address a portion of this just recently, in  
26 Amendment 44.

27  
28 This is going to examine our MSY proxies, maximum fishing  
29 mortality threshold, minimum stock size threshold, and our  
30 definition of optimum yield for all of our reef fish, and also,  
31 at the moment, we're also including red drum in this, because it  
32 looks like red drum also have these issues.

33  
34 If you want to leave red drum in this, it will become a joint  
35 amendment, a joint Reef Fish FMP/Red Drum FMP, and that's one of  
36 the questions that the IPT would like to get some clearance from  
37 you on, whether to do that as a joint or only address the reef  
38 fish on this.

39  
40 I am going to start out, and there's four actions in here  
41 dealing with each of those reference points. We're at a fairly  
42 early stage on putting the options paper together, and the SSC  
43 has not had a chance to look this over yet. They will look it  
44 over in September, and so what the IPT felt was that, as an  
45 introductory presentation, we just kind of briefly go over each  
46 of these references, and I will give you what we currently have  
47 for options, but these may change in the next iteration of that.

1 Starting with MSY proxies, the definition of maximum sustainable  
2 yield in the National Standard 1 Guidelines says it's the  
3 largest long-term average catch or yield that can be taken from  
4 a stock or stock complex under prevailing ecological,  
5 environmental conditions and fishery technological  
6 characteristics, such as gear selectivity and the distribution  
7 of catch among fleets, and so, basically, it's the maximum yield  
8 that can be taken under conditions.

9  
10 The Science Center uses a more conservative definition of MSY.  
11 They feel that, under this definition, it's possible that --  
12 Well, first of all, it's possible that you could end up with  
13 discard mortality accounting for the entire maximum yield.  
14 Secondly, you tend to get maximum sustainable yields at SPR  
15 levels that are very low.

16  
17 In fact, they calculated it for red snapper, and it would  
18 maximize red snapper at 12 percent SPR, which the SSC and the  
19 Science Center felt was too low of an SPR, and so they use what  
20 they call a global MSY, where they calculate what the yield  
21 would be if you held off on harvesting the fish until they were  
22 some optimal size and then you caught all of them and you had no  
23 bycatch mortality, no catching the fish above or below that  
24 size.

25  
26 That yield is unrealistic, but it is realistic to try to attain  
27 the biomass or the egg productivity that's in the ocean that  
28 could theoretically achieve that, and so we have a problem also  
29 when trying to define maximum sustainable yield. It depends  
30 upon some additional data.

31  
32 Probably the biggest item is that we need a reliable estimate of  
33 the stock recruitment curve, and we usually don't have that.  
34 There is very few stocks where we have enough data. Most of the  
35 time, we either don't have enough data or the data has a lot of  
36 volatility, a lot of variability, or it only covers a very  
37 narrow range of the potential stock abundance.

38  
39 While the computer models can generate some stock-recruit  
40 relationship, the Science Center folks and the SSC usually don't  
41 have a whole lot of confidence in that, and so, rather than use  
42 an actual estimate of MSY, they prefer to use a proxy.

43  
44 The other thing to think about, when you think about MSY, is  
45 that there is two components to maximum sustainable yield.  
46 There is the maximum part, and there is the sustainable part.  
47 As I indicated just a moment ago, the scientists really don't  
48 have a lot of confidence in their ability to be able to reliably

1 tell you what the maximum yield is, and so they focus more on  
2 the sustainable yield, and there is a body of published  
3 literature that has looked at stocks from all over the world and  
4 lots of different species that suggest that, in general, if you  
5 keep your SPR levels at between 20 percent and 40 percent SPR,  
6 that your stock will be sustainable over that range of SPRs.

7  
8 Just before I get too much into the alphabets, I think most of  
9 you know this, but SPR is spawning potential ratio. A lot of  
10 people think of it as a biomass ratio, but, actually, the way  
11 it's used, it's a measure of productivity. It's a measure of  
12 egg production, and so it's how many eggs are being produced on  
13 an annual basis by the stock currently compared to the estimate  
14 of how many eggs would be produced if there were no fishing. A  
15 lot of times, that's related to the biomass ratio, but it's not  
16 exactly the same.

17  
18 When we're setting up proxies, there is different types of  
19 proxies that can be used. We generally use a proxy that's based  
20 upon some aspect of fishing mortality, such as the yield when  
21 fishing at F 30 percent SPR, or, for at least one of our stocks,  
22 we use maximum yield per recruit, in which case we call it the  
23 yield when fishing at Fmax.

24  
25 Sometimes we don't have an estimate of fishing mortality,  
26 especially if we don't have a stock that has had a stock  
27 assessment. The assessment is used to calculate a fishing  
28 mortality rate. It's not something that you can just go out and  
29 measure, and that's with a lot of our data-poor stocks, and so,  
30 in those cases, we might be able to calculate an MSY that's  
31 based upon the yield from one of the data-limited methodologies.

32  
33 For example, many of our data-poor stocks, we have used Tier 3a  
34 of our ABC control rule, where we've looked at the average catch  
35 over about a ten-year period and calculated some standard  
36 deviations and said that ABC is one standard deviation above  
37 that average and OFL, the overfishing limit, is two standard  
38 deviations. We don't know if that's maximum or not, but we're  
39 assuming that it's a sustainable yield. Since, in that case,  
40 the OFL doesn't fluctuate from year to year and it's a constant,  
41 it could be used as a proxy for the maximum sustainable yield  
42 for those data-poor stocks.

43  
44 Then, also, the National Marine Fisheries Service has what they  
45 call their data-limited methods toolkit, and it's a series of  
46 methodologies to try to assess the status of stocks where there  
47 is very limited data. It does require more information than  
48 what our Tier 3 of our ABC control rule uses, but they're more

1 sophisticated methods. They can't be used with all of the data-  
2 poor stocks, but they can be used with some of those.

3  
4 You're going to set your MSY proxy based on SPR, and that's what  
5 we've generally done for most of our stocks. Again, I said that  
6 the literature supports using proxies that are between 20 and 40  
7 percent, and so that's what we'll set this at, and this is just  
8 kind of a hypothetical line.

9  
10 It's loosely based upon some information that we got a couple of  
11 years ago from the Science Center on what the yields would be  
12 for red snapper at different SPR levels, and, as it turned out,  
13 in the case of red snapper, the lower the SPR, the higher the  
14 yield. At some point, this is going to turn around. They said  
15 a 12 percent SPR, but, as I said before, below 20 percent SPR,  
16 the scientists feel that that is a very dangerous level to go  
17 to, and so they don't endorse going below 20 percent.

18  
19 What I am trying to show with this graphic is that you're  
20 trading yield for risk when you decide what SPR proxy to use.  
21 If you use a very conservative proxy, such as 40 percent SPR,  
22 you have got relatively low risk. In this case, risk means  
23 having recruitment failures, having a lack of spawn, or maybe  
24 having that over multiple years, and so you end up with a  
25 depleted stock, because you're not producing enough offspring.

26  
27 At 40 percent SPR, the risk is relatively low, but the reward,  
28 which would be the yield, is also relatively low. As we go to a  
29 lower SPR, we're producing fewer eggs, and so the risk of  
30 recruitment failure is increased, but, in return, the yield is  
31 increased.

32  
33 I was hoping to be able to come up with some sort of a risk-  
34 reward ratio so we could quantify this and you could actually  
35 use some numbers to figure out what your optimum risk level is,  
36 and, unfortunately, I haven't been successful in doing that, and  
37 I'm going to ask the SSC if they have any ideas. Otherwise,  
38 it's just, in general, realize that you've got a higher risk for  
39 a higher yield when you set your SPR.

40  
41 In most cases, we have set the SPR right in the middle of this  
42 range, at 30 percent SPR. With red snapper, we had a little bit  
43 of additional analysis that was done in previous years, most  
44 recently in 2005, that suggested 26 percent SPR was a  
45 sustainable yield.

46  
47 What we've got for alternatives at the moment in the options  
48 paper is three alternatives. Alternative 1 would be no action,

1 leave the MSY proxy undefined for many stocks, and we can't do  
2 that under the Magnuson-Stevens Act, because we need an MSY  
3 proxy in order to do the next step, which is to calculate the  
4 maximum fishing mortality rate thresholds and minimum stock size  
5 thresholds.

6  
7 Alternative 2 would be to define an MSY proxy for all reef fish  
8 and red drum on a stock-by-stock basis. I am not going to go  
9 directly into the options paper, but I've got a table that's in  
10 that options paper that lists every one of the thirty-one or so  
11 reef fish plus red drum, and there are columns to check-off at  
12 40 percent SPR, 30 percent, 25 percent, 20 percent, or use one  
13 of the data-limited methods.

14  
15 The idea I had in mind was that we would get recommendations  
16 from the SSC on each individual stock of where to set the SPR  
17 level and then come back to the council and, when you take  
18 action, when you select the preferred alternatives, you would go  
19 through it and then see if you agree with the SSC or would  
20 prefer a different SPR level or data-limited option, and you do  
21 that for every single stock.

22  
23 Alternative 3 would be to take some of the stocks and group them  
24 together. You could use Alternative 3 along with Alternative 2,  
25 and we already have some stock aggregates, for the purposes of  
26 setting ACLs, for example the deepwater grouper complex and the  
27 mid-water snapper complex and the jacks, other than greater  
28 amberjack, and there is a couple of others.

29  
30 We could group these stocks where we have fish that have  
31 something in common and then either come up with a group MSY or  
32 select one of the stocks where we do have an assessment and use  
33 that as an indicator stock for that particular group, and so  
34 that's an option, if we wanted to try to reduce the number of  
35 MSYs that we're trying to keep track of.

36  
37 As I said, those are where we're going, and, although we do have  
38 MSY proxies for some of the stocks, I have included those stocks  
39 in with the ones that you might want to consider. I know, a  
40 year or so ago, the council was specifically interested in  
41 possibly revisiting the MSY proxy for red snapper, and so I  
42 decided to put all of the stocks that we have proxies in there  
43 for you to consider.

44  
45 The next item is minimum stock size threshold, and I don't think  
46 I really need to go over too much on this. You just dealt with  
47 minimum stock size threshold for seven stocks that already had  
48 that threshold assigned. We reassigned it to 50 percent of

1 BMSY, and what this amendment would do would be to address MSST  
2 for all of the remaining reef fish stocks and for red drum.

3  
4 Just as a reminder, the minimum stock size threshold is a  
5 requirement under the National Standard Guidelines. We allow  
6 the biomass level, or the egg production level, of a stock to  
7 drop below its MSY level, under the assumption that it may  
8 fluctuate during the natural fluctuations and come back on its  
9 own, but, if it gets too far below the MSY level, then it would  
10 be declared overfished, and we would have to put a rebuilding  
11 plan into place, and so the question is how far below that MSY  
12 level should we put the minimum stock size threshold?

13  
14 What happens is, as I said, is the stock would be declared  
15 overfished when it drops below the threshold. As it rebuilds,  
16 when it comes back up above the threshold, the overfished  
17 designation would be removed, but the stock would still be in a  
18 rebuilding plan. It would still be required to be rebuilt until  
19 it gets back to the MSY level.

20  
21 The schools of thought for where to set MSST would be, number  
22 one, the conservative school of thought would be to just allow  
23 enough of a buffer between MSY and MSST to allow for these  
24 natural fluctuations, and, if we get below that, then catch that  
25 decline early and get the rebuilding plan in place and built it  
26 back up to the MSY level.

27  
28 That could lead to a lot of instances where a stock might be  
29 declared overfished, and, when we need to be in a rebuilding  
30 plan, the council has less flexibility in what it could do than  
31 when we're not in a rebuilding plan.

32  
33 The other school of thought would be to put a wide buffer in and  
34 just make sure that we avoid what's called recruitment  
35 overfishing. The initial form of overfishing, which is growth  
36 overfishing, means that we're catching the fish before they have  
37 reached the size that would produce maximum sustainable yield.

38  
39 It's not necessarily a dangerous level of overfishing, but it  
40 means we're making an inefficient use of the resource, but, as  
41 the stock abundance and egg productivity drops lower and lower,  
42 we get more and more into a situation where the stock may not be  
43 able to produce enough new fish to be able to keep itself  
44 sustainable, and some of the literature that's out there  
45 suggests that this capability becomes impaired if we drop below  
46 50 percent of the MSY levels, and so the National Standard  
47 Guidelines set that as the floor. That's the lowest we can go,  
48 and, in Amendment 44, that's where you went with those seven

1 stocks that we addressed.

2  
3 Previously, we had been using a formula of one minus M times  
4 BMSY, where M is natural mortality rate. For a stock with a  
5 very low mortality rate, such as red snapper, which is somewhere  
6 around 0.1, or actually a little lower than that, that would put  
7 the MSST very close to the MSY level, maybe so close that we  
8 might not even be able to significantly tell a significant  
9 difference between those two levels.

10  
11 In Amendment 44, we were trying to get a wide enough buffer that  
12 we knew that we had a separation between MSY and MSST, and,  
13 ultimately, the council decided to go down to 50 percent SPR, in  
14 order to have the maximum flexibility to address any declines  
15 before you get forced into a rebuilding plan.

16  
17 When you go down that low, basically, you are counting on being  
18 about to use the fishing mortality rate requirements to control  
19 the stock, and the requirements for the fishing mortality  
20 threshold are more stringent than they are for the biomass.  
21 You're not allowed to have that buffer, and so, if we're  
22 successful in controlling fishing mortality rate, we will never  
23 get down to the 50 percent biomass rate. The question is how  
24 successful are we going to be in controlling the fishing  
25 mortality rate?

26  
27 That is basically what I said, and I'm getting ahead of myself  
28 on these slides, but, if we set the MSST too close to MSY, we  
29 might not be allowing for natural fluctuations, and we might not  
30 be able to really tell the difference between an overfished  
31 stock and one that's just right about at MSY. If it's too far -  
32 - We don't know exactly where that recruitment overfishing level  
33 actually is. That 50 percent is just a rule of thumb, and so  
34 we're assuming that we're avoiding the recruitment overfishing  
35 threshold if we go down that low, and we're also assuming that  
36 we can control the stock through fishing mortality thresholds  
37 alone.

38  
39 If we do get the stock down below 50 percent of BMSY, then the  
40 overfished designation kicks in, and we would have a more  
41 restrictive rebuilding plan requirement than if we had the MSST  
42 at a higher level.

43  
44 One other thing is, as I said before, we have a lot of stocks  
45 where we have no stock assessment, and that means we really  
46 don't have anything that I could come up with to use as a  
47 biomass estimate or some proxy of a biomass estimate.

48



1 As I said, for the MSY levels, we could use OFL from the data-  
2 poor methods as a proxy, but, as far as what we're leaving in  
3 the water for biomass, I couldn't think of anything, and I'm  
4 going to ask the SSC if they have any ideas. If not, then, for  
5 those data-poor stocks, setting MSST would basically be just  
6 using it a placeholder, until such time as we are able to get  
7 stock assessments on some of these, either data-poor stocks or  
8 stocks that we just haven't gotten around to having an  
9 assessment on.

10  
11 Again, this is just a graphical representation of what the MSST  
12 levels look like. The top line there is your MSY biomass. If  
13 we're using the formula, with a stock that has a low natural  
14 mortality rate of one minus M, we end up with an MSST threshold  
15 that's only slightly below BMSY.

16  
17 75 percent of BMSY, which is what the council had considered, is  
18 a wider buffer. It's a definite buffer, but it's still not that  
19 far away from the MSY level. Then the 50 percent of BMSY level,  
20 which you used in Amendment 44, gives you the maximum buffer  
21 that you're allowed under the National Standard Guidelines.

22  
23 It gives you the most flexibility to end some declines, if you  
24 see them occurring, but it also ends up with having to put in  
25 the most restrictive rebuilding plans, if you do drop below that  
26 level, and so, for alternatives in this section -- At the  
27 moment, what I have put in is the same alternatives that are in  
28 Amendment 44. There are six alternatives there.

29  
30 The IPT felt, and I agree with them, that we probably don't need  
31 all of these in this amendment, and so one of the guidance that  
32 we would kind of like to get from the council is if we can  
33 remove some of these alternatives, and what we were thinking of  
34 was Alternative 3 that you see up there is kind of a  
35 combination. It's an either/or alternative. It says you either  
36 use the formula of one minus M times BMSY or 75 percent of BMSY,  
37 whichever gives the wider buffer.

38  
39 That adds kind of a level of complexity, and I don't think we  
40 really need that in here, and so we were thinking about just  
41 eliminating that Alternative 3. Then Alternative 4, which would  
42 set the MSST at 85 percent of BMSY, that's a little bit closer  
43 than what we had been looking at. It was requested by a council  
44 member to be included in the Amendment 44, but, if we're trying  
45 to get a wide enough buffer to be able to definitely tell the  
46 difference, the 85 percent doesn't seem to do a whole lot, and  
47 so what we were thinking about doing was eliminating those two  
48 alternatives, 3 and 4, and keeping the remainder ones.

1  
2 The no action, where MSST is undefined, we have to leave that in  
3 place, but it doesn't comply with the Magnuson-Stevens Act. Use  
4 the formula, Alternative 2, because, historically, that's what  
5 we have used. Alternative 5 would set the buffer at 75 percent  
6 of BMSY. Then Alternative 6, which was the one adopted in  
7 Amendment 44 for seven stocks, would set it at 50 percent of  
8 BMSY, and so we were thinking about going with just those four  
9 alternatives instead of the six that we currently have in place.

10  
11 The next item is fishing mortality threshold, and the fishing  
12 mortality threshold is the other controlling factor. We have  
13 two controlling factors when managing stocks, the biomass  
14 threshold, which was the MSST, and the fishing mortality  
15 threshold, which is the MFMT. What we want to do is try to keep  
16 the fishing rate from exceeding this level. If it does, then we  
17 consider overfishing to be occurring, and we need to drop it  
18 down.

19  
20 Now, we do have estimates of MFMT for all of our reef fish  
21 stocks. For most of them, they have been defined as F 30  
22 percent SPR. For some of them, there's been a little bit  
23 different definition, but, if we start changing some of our MSY  
24 proxies in Action 1, then that definition of overfishing doesn't  
25 match up with the MSY proxy, and so we might want to look at  
26 adjusting these proxies, plus there's another item that I wanted  
27 to point out.

28  
29 Well, first of all, we determine overfishing one of two ways.  
30 If we have a stock assessment and have a current estimate of  
31 what the fishing mortality rate is, overfishing is the current  
32 rate that exceeds whatever this threshold is. If we don't have  
33 a stock assessment, then we use the overfishing limit, the OFL.  
34 That theoretically is what the catch would be if you fished at  
35 the maximum fishing mortality threshold, and so it can be used  
36 as a substitute for MFMT, and, if we exceed the OFL, then  
37 overfishing is occurring.

38  
39 One problem, and one that I was kind of hoping to get the  
40 council interested in addressing, is that when we're in a  
41 rebuilding plan, setting the maximum fishing mortality threshold  
42 equal to the MSY level is not going to get us rebuilt within our  
43 timeframe.

44  
45 If you look at this graph, we've got two curves on the graph,  
46 and this is just some theoretical stock that's overfished and we  
47 are rebuilding it by a certain date. If you look at the lower  
48 line, that would be fishing at FMSY, which is how we currently

1 define maximum fishing mortality threshold, and, yes, we would  
2 eventually rebuild the stock, but we would not rebuild it by  
3 what our deadline is. We would still be below that, and so we  
4 have another reference point that's called F rebuild, and, if we  
5 fish at F rebuild, which is a lower fishing mortality rate, then  
6 you can see we would rebuild by our deadline. Then we go above  
7 our rebuilt status, unless we made adjustments once the stock  
8 was completely rebuilt.

9  
10 We have got a situation where we could have a stock that  
11 technically is not undergoing overfishing, because the fishing  
12 mortality rate is below FMSY, but it's above F rebuild, which  
13 means that, even though we're not undergoing overfishing, we're  
14 not going to meet our rebuilding target, and so one way to get  
15 around that is to say that, when we're in a rebuilding plan, the  
16 maximum fishing mortality rate would be F rebuild, and, in all  
17 other cases, when we're not in a rebuilding plan, then it would  
18 be FMSY or the proxy.

19  
20 The alternatives that we have right now in here for MSST is  
21 Alternative 1, no action. As I said, we do have current  
22 definitions of MFMT for all of our stocks, but we could just  
23 continue to go with those.

24  
25 Alternative 2 would be to set the maximum fishing mortality  
26 threshold at the F proxy that you adopt back in Action 1 for  
27 each stock. I think, in most cases, that isn't going to change  
28 things from Alternative 1, but, in a few cases, it may.

29  
30 Then Alternative 3 would be what I was just talking about. If  
31 you've got a stock that's not in a rebuilding plan, then MFMT  
32 would be F proxy, and, if you do have a stock that's in a  
33 rebuilding plan, it would be F rebuild, and so your maximum  
34 fishing mortality rate would always be at a level that would  
35 allow you to either rebuild or maintain the stock at a healthy  
36 condition.

37  
38 Finally, I wanted to talk about optimum yield. We have been  
39 asked to have definitions of optimum yield for all of our  
40 stocks. That is one of the fundamental parts of the Magnuson-  
41 Stevens Act. It says that we're supposed to manage stocks based  
42 on optimum yield, and we have kind of forgotten about that,  
43 because, with all of the ABCs and ACLs and ACTs, we have gotten  
44 kind of caught up in some of the other benchmarks, but we do  
45 need to define optimum yield.

46  
47 Optimum yield, there is two types of optimum yield. The one  
48 that we need to be concerned with is a long-term average,

1 similar to maximum sustainable yield, which is a long-term  
2 average of the maximum yield that you can get on a sustainable  
3 basis, OY would be a long-term optimum yield. The annual OY,  
4 which is the one that we're not really going to get too  
5 concerned about, would be the level of yield on an individual  
6 year if you fished at the FOY level, and that could fluctuate  
7 from year to year, whereas this long-term average doesn't.

8  
9 OY, according to the Magnuson-Stevens Act, it's based on maximum  
10 sustainable yield as reduced by relevant economic, ecological,  
11 or social factors. You will hear the social scientists refer to  
12 EES on this, and so that's why I put that in there.

13  
14 One of the issues that we have is that, right now, where we do  
15 use an OY definition, we have simply set it to some formula, 75  
16 percent of FMSY, for example, and we're not even talking about  
17 these economic, ecological, and social factors. We're just  
18 assuming that they're in there.

19  
20 We could possibly go ahead and do that, or we could explicitly  
21 account for them, and so what we've got for alternatives right  
22 now in the options paper, Alternative 1, the no-action  
23 alternative, where OY would remain undefined for many of our  
24 stocks, but we need to try to get some OY definitions in place.

25  
26 Alternative 2 would be that we use a formula, such as 75 percent  
27 of MSY, and we state that we are implying that that accounts for  
28 all of these social and economic and ecological considerations.  
29 We're not going to explicitly state them and how they interact,  
30 but we're just going to say that, yes, by setting a wide enough  
31 buffer, we have accounted for all of these.

32  
33 Alternative 3 would be to find some way to explicitly account  
34 for some of these concerns, by putting together a decision  
35 table. One thing we could do is we are working on a stock  
36 prioritization table tool that does consider a lot of the  
37 considerations that would go into OY.

38  
39 It does consider the importance of the fishery, the economics of  
40 the fishery, and these are things that would fall in with how OY  
41 is to be defined, and so we would need to look at it a little  
42 bit more, but possibly we could develop a tool based on the  
43 stock prioritization tool that would explicitly account for some  
44 of these factors and come up with some OY that does actually  
45 account for these, and so, basically, it's either do nothing,  
46 use a formula that implicitly accounts for these other factors,  
47 or use some sort of a decision tool that explicitly accounts for  
48 them and enumerates their importance.

1  
2 Basically, that's what we've got. As I said, the options paper  
3 is in an early stage. We will have the SSC look at it at their  
4 September meeting. As I indicated, there are some places that I  
5 really want to get some input from the SSC, on appropriate MSY  
6 proxies, on possible proxies for the data-poor stocks, and, if  
7 you have any input that you would like us to consider as we move  
8 forward with developing this, we would welcome your guidance.

9  
10 Right now, the two things that we really would like are, number  
11 one, should we leave red drum in this and keep it as a joint  
12 reef fish/red drum amendment, or should we only address reef  
13 fish? Then the other one is about simplifying the number of  
14 alternatives we have for minimum stock size threshold to just a  
15 few of the ones that we know you're likely to consider, and so,  
16 basically, that concludes the presentation. If you have any  
17 questions, I would be glad to answer them.

18  
19 **CHAIRMAN GREENE:** Okay. Thank you, Mr. Atran. Any questions?  
20 Ms. Bosarge.

21  
22 **MS. BOSARGE:** The slide we were just on, that stock  
23 prioritization tool, have you all looked at that? I am trying  
24 to -- I remember seeing something at one of the SSC meetings  
25 that kind of looked at that and prioritized stocks, and I think  
26 that was more for thinking about SEDAR schedules and things of  
27 that nature, but is that the same tool that you're talking  
28 about?

29  
30 **MR. ATRAN:** Yes, it is, and the SSC is going to be reviewing it,  
31 the current status, at their upcoming meeting, and I know Ryan  
32 is more familiar with the prioritization tool than I am, but it  
33 does -- As I said, it prioritizes stocks based upon, in part,  
34 some of the socioeconomic factors that we would be considering  
35 when setting OY, if we explicitly addressed those  
36 considerations.

37  
38 **MS. BOSARGE:** Thank you, and I wanted to say that's one of the  
39 best presentations on this, because it gets very technical very  
40 quickly, and that's probably one of the easiest presentations  
41 that I've ever sat through on this, and I think I probably  
42 learned more from it than most of the others.

43  
44 One suggestion that I would have, as we go through the section  
45 and develop it in this document for the MSST decision, is you  
46 said that, if the MSST gets too far from BMSY, then the stock  
47 can become in danger of recruitment collapse, and you said that  
48 a lot of that is dependent upon the fishing mortality rate and

1 how confident we are that we're going to hold that fishery to  
2 that fishery mortality rate.

3

4 As we develop that section, if we could see some historical  
5 information on those specific stocks, where maybe we haven't  
6 been holding the fishermen to their quota and that our  
7 management style is not keeping them within that quota, I would  
8 think that that would have some bearing on how much risk we want  
9 to take for those particular stocks in setting that MSST too far  
10 from that BMSY. Thank you.

11

12 **MR. ATRAN:** Thank you. I'll see what we can find. What I was  
13 really trying to get at is, when we set MSST, we're allowed to  
14 set it below the MSY level, to a certain point, and so we're  
15 allowed to be a little less conservative than declaring the  
16 stock overfished as soon as it drops below MSY.

17

18 When we're looking at the fishing mortality threshold, we can't  
19 set a buffer. We can't say that we can wait until the fishing  
20 mortality rate gets 10 percent above FMSY. As soon as it  
21 exceeds it, we're overfishing, and so that's what I was getting  
22 at when I said the fishing mortality rate. If we can enforce it  
23 properly, it's a more stringent criteria than the MSST  
24 threshold.

25

26 **CHAIRMAN GREENE:** Dr. Crabtree.

27

28 **DR. CRABTREE:** Steve, could you back up to the yield/risk figure  
29 you had? I think it was PDF 7. I think this a little  
30 oversimplifies things. I don't think it's accurate that the  
31 lower SPR necessarily means higher yields.

32

33 It seems, to me, that's only the case if there is no stock-  
34 recruitment relationship, and, in the case of red snapper, the  
35 assessment uses an average level of recruitment, and sort of the  
36 assumption is there is no stock-recruitment relationship, but  
37 that's not necessarily true. There very well could be one, but  
38 it's just that we haven't detected it yet, and that may be  
39 because we have never collected much data when the stock was  
40 actually at those high biomass levels.

41

42 If you fish at a low SPR, meaning a high fishing mortality rate,  
43 the stock may never rebuild to the levels where those higher  
44 recruitments would occur, and so you could, in fact, if the true  
45 FMSY is closer to 40 percent SPR, but you manage assuming it's  
46 20 percent SPR, you could actually give up potentially millions  
47 of pounds of yield every year because you're fishing too hard  
48 and you never allowed the stock to actually rebuild.

1  
2 I think whether that holds or not really is dependent on what  
3 the underlying shape of the spawner-recruit relationship is, and  
4 part of the reason we don't know what that is is, for a lot of  
5 these stocks, like red snapper, they were fished down in the  
6 1960s and 1970s, and our data collection programs really didn't  
7 get started until maybe the early 1980s, at best, and so we  
8 really don't know what we would see, in terms of recruitments,  
9 if the stock was really fully rebuilt.

10  
11 I just want you to understand that there is risk of fishing too  
12 hard that's not necessarily just the risk of whether it's  
13 sustainable or not, but you could, if you're wrong about your  
14 assumption, you could give up quite a bit of yield by doing  
15 that.

16  
17 **MR. ATRAN:** Yes, and, just to that point, I was thinking about  
18 red snapper when I put this together. That line does not go up  
19 indefinitely. There is going to be some point at which it turns  
20 around and starts going down, and that might occur somewhere  
21 within that range for other stocks. For red snapper, it didn't,  
22 but you're right, Dr. Crabtree, that it might occur at a  
23 different level for other stocks.

24  
25 **DR. CRABTREE:** It's only that way with red snapper because of  
26 what we're assuming about not having a spawner-recruit curve,  
27 but we really don't know if that's right or not.

28  
29 **CHAIRMAN GREENE:** Thank you. Mr. Diaz.

30  
31 **MR. DIAZ:** Thank you, Mr. Atran. I also want to commend you on  
32 that presentation. I think that was an excellent presentation,  
33 and you explained it on a level where I think a good many of us  
34 could understand most of the stuff, and so it's very complex  
35 topics, and I appreciate that.

36  
37 I am trying to -- You had asked about whether or not to leave  
38 red drum in the document or take it out of the document, and can  
39 you talk a little bit about the pros and cons of leaving it in?

40  
41 **MR. ANSON:** I don't really know that there is any problem with  
42 leaving it in. Both the Red Drum FMP and the Reef Fish FMP are  
43 solely council FMPs. I wouldn't want to include the mackerels  
44 or the coastal pelagics in this, because it would complicate  
45 things by bringing the South Atlantic Council into this, plus I  
46 think those stocks already have definitions for their various  
47 biological reference points.

48

1 What we could do, since, at least for finfish, the reef fish and  
2 the red drum cover pretty much all the other finfish that we  
3 manage, and I think we could leave it in, and, unless Doug knows  
4 of some complication of having a joint amendment, I don't think  
5 there's really going to be any problem with leaving red drum in.

6  
7 One thing I would like to point out is, since we don't have a  
8 recent red drum stock assessment, and I don't know if we're  
9 going to get one, and I forget what happened with red drum being  
10 in the data-poor methodologies, but, for some of these proxies  
11 we're talking about, we may have to use placeholders, because we  
12 don't have the information to set a definite FMSY or MSY proxy  
13 or BMSY proxy. We would have to see what's available on red  
14 drum.

15  
16 **CHAIRMAN GREENE:** To that point, Mr. Diaz?

17  
18 **MR. DIAZ:** Thank you for that, Mr. Atran. Based on your answer,  
19 I think I would be in favor of leaving red drum in the document.  
20 I believe we tried to do a data-poor assessment on red drum and  
21 the SSC told us that there just was not enough data to do the  
22 data-poor assessment.

23  
24 It's my hopes that we can start working through some sources of  
25 grant money to collect some of this data that we need and  
26 eventually evaluate the stock, to where we could make some  
27 decisions on it in the future, based on some information.  
28 Anyway, that's one reason that I hate to see us even talk about  
29 shutting down a stock, because I worry, if we ever shut down a  
30 stock, we might not ever get it opened back up, because we  
31 stopped the flow of data, and so thank you, Mr. Atran.

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

34  
35 **MR. RIECHERS:** Steve, as I am recalling the genesis of this  
36 document, it was we were out of -- For lack of a better term, we  
37 were out of favor with National Standard Guidelines on these  
38 stocks. Either we previously hadn't set these thresholds or the  
39 guidelines changed and we now weren't meeting the guidelines,  
40 and is that correct, more or less?

41  
42 **MR. ATRAN:** Yes, and what happened was the Sustainable Fisheries  
43 Act of 1996 gave us a lot of new guidance as to what we needed  
44 to do as far as setting these reference points, and we tried to  
45 do a generic amendment. Well, we did a Generic SFA Amendment in  
46 1999, where we tried to identify MSY proxies and overfishing and  
47 overfished and OY definitions for everything that we managed,  
48 and, when we submitted it to the National Marine Fisheries



1 Service, they accepted all of our proposals for fishing  
2 mortality rate proxies, but, for biomass proxies, we were saying  
3 things like the MSY proxy is 30 percent SPR, I think we said 30  
4 percent static SPR.

5  
6 NMFS said, no, you can't use SPR purely as a proxy for biomass  
7 and they're not really related. It's possible for SPR and the  
8 absolute biomass to go in opposite directions, under some  
9 conditions, and so they rejected all of our biomass-based  
10 estimates.

11  
12 Since then, they have accepted it when we've said the yield when  
13 fishing at F 30 percent SPR, and so that's how we're still able  
14 to use SPR as a proxy, but, after those were rejected in 1999,  
15 we just decided to go on defining the proxies on an as-needed  
16 basis.

17  
18 Now, in more recent years -- Originally, it was just a slight  
19 nudging, reminding us, every once in a while, that we haven't  
20 really complied with the Magnuson-Stevens Act on getting all of  
21 these proxies in place, but we haven't really needed them for  
22 management, and then, in more recent years, that nudging has  
23 become a little bit more intense that, yes, we really need to  
24 get all these proxies in place and bring ourselves into  
25 compliance with the Act.

26  
27 **MR. RIECHERS:** I appreciate that explanation, and I'm going to  
28 try and move this along, if I can. **Under Action 2, I would move**  
29 **that we remove Alternative 3.**

30  
31 Steve, there's a question, and I hate to do this before a  
32 second, but do you remember who had asked or when the 0.85 was  
33 asked for, Alternative 4?

34  
35 **MR. ATRAN:** It was the meeting before the one at which we took  
36 final action. We had received letters from a couple of the  
37 environmental groups, and they had asked us to consider 85  
38 percent of BMSY as an alternative.

39  
40 That would widen the buffer for just a couple of stocks, red  
41 snapper and I think one other stock. For some stocks, it would  
42 actually narrow it, and they felt that that was a wide enough  
43 buffer to be able to tell the difference between a stock that  
44 was at BMSY and one that was at MSST and was a conservative  
45 estimate of the overfishing threshold, and so we were asked -- A  
46 council member requested that we include that, and I don't  
47 recall if it was in the form of a motion, and I think it was,  
48 but we did include that when we went to the final version of the

1 amendment.

2  
3 **MR. RIECHERS:** Since we never have had a second yet on the  
4 motion, I will add to move Alternative 3 and 4 to Considered but  
5 Rejected.

6  
7 **CHAIRMAN GREENE:** Okay. We have a motion on the floor of, in  
8 Action 2, to move Alternatives 3 and 4 to Considered but  
9 Rejected. Is there a second to this motion? It's seconded by  
10 Dr. Stunz. Dr. Mickle, did you have discussion?

11  
12 **DR. MICKLE:** I think that was why my hand was raised, to include  
13 4 for a friendly amendment, but Robin took care of it. Thank  
14 you.

15  
16 **CHAIRMAN GREENE:** I thought that's where you were going with it,  
17 but I just wanted to make sure that you didn't have any  
18 comments. Any discussion about this motion? Mr. Swindell.

19  
20 **MR. SWINDELL:** Is any of this work being coordinated with any  
21 other of the council scientific staff?

22  
23 **MR. ATRAN:** We are working with the SSC. As I said, this has  
24 been on and off over a few years, and I know the SSC is very  
25 interested. Last year, we did have a meeting, or I think it was  
26 last year, in which we reviewed some of the more current  
27 literature, and the SSC was talking about maybe setting the MSY  
28 proxy based upon characteristics of the life history of the  
29 stock, the resilience of the stock, whether it's long-lived or  
30 short-lived or high-fecundity or low-fecundity.

31  
32 They were looking at those sorts of things, and so, yes, I am  
33 planning to get as much input as I can from the SSC on this. By  
34 the way, the motion says "move to Considered but Rejected", but,  
35 since this is still at an early options paper stage, I think we  
36 can just remove it and not have that Considered but Rejected  
37 area.

38  
39 **MR. SWINDELL:** Steve, how about other councils? Do you have any  
40 contact with other councils that are working on similar  
41 proposals, if this indeed was for being short-sighted by not  
42 meeting the Act, in any of this stuff? I assume other councils  
43 are also working on it, and do you have any idea of where they  
44 are on this kind of stuff?

45  
46 **MR. ATRAN:** I would have to defer to the NMFS folks, but I think  
47 the South Atlantic Council had gotten all of their requirements  
48 in place sometime ago, and I'm not sure about the other

1 councils.

2

3 **CHAIRMAN GREENE:** Dr. Crabtree.

4

5 **DR. CRABTREE:** Steve is right that, at the South Atlantic  
6 Council, we made a shift in the MSSTs to I think 75 percent for  
7 a lot of them. Otherwise, I think what the South Atlantic  
8 Council has on the books is pretty similar to what we've been  
9 doing, but there is discussion at the South Atlantic Council  
10 about OY.

11

12 Of course, at the Caribbean Council, we don't have biomass  
13 estimates for anything, and we don't have fishing mortality  
14 estimates for anything, and so it's more of a theoretical  
15 exercise, because we can't really calculate everything. I am  
16 less familiar with what's going on at the other councils outside  
17 of our area.

18

19 **CHAIRMAN GREENE:** Mr. Swindell.

20

21 **MR. SWINDELL:** I guess I get a little concerned about are we  
22 then leading the way here in doing this or have other councils  
23 already addressed these things and come up with a system that  
24 maybe saves us a lot of time and a lot of digging into things of  
25 this nature?

26

27 **CHAIRMAN GREENE:** Mr. Gregory.

28

29 **EXECUTIVE DIRECTOR GREGORY:** No, we're not in the lead. We're  
30 probably following. The northern councils, the North Pacific  
31 and the Pacific and the New England Councils, have a long  
32 history of, even prior to the council system, of international  
33 management, international treaties, ICNAF and NAFO in the  
34 Atlantic and the Halibut Commission and the Salmon Commission in  
35 the Pacific.

36

37 They have had a longer history of data collection and stock  
38 assessments. In fact, Alaska had trip tickets before it was  
39 even a state. We didn't have trip tickets in the Southeast  
40 until 1984.

41

42 The concept of 50 percent BMSY, I think, came out of the  
43 northern area, because of their experience. That is like, boom,  
44 you get to that point and you're at risk of a stock collapse or  
45 recruitment failure.

46

47 Those of us in the Southeast weren't as familiar with that type  
48 of management, and, when this first came out, I think in 1996,

1 there was concern that the councils, based on their history of  
2 always exceeding the scientifically-recommended quotas, that the  
3 councils needed to be more constrained and not let populations  
4 fall down to as low as 50 percent.

5  
6 The truth of the matter was that we were below that, or at 50  
7 percent, when we started management in the 1980s, and so it  
8 wasn't like we were driving anything down. We were rebuilding  
9 anyway, but one minus M was the default recommendation, here in  
10 the south, because it was very conservative and, historically,  
11 the scientific literature kind of considered fishing below the  
12 biomass of MSY as being, quote, overfished.

13  
14 The Magnuson Act changed that. There was actually two  
15 definitions of overfished, one historically in the science and  
16 the other is based on Magnuson, and it was surmised that  
17 populations will fluctuate naturally, because of natural  
18 mortality, and it should fluctuate around BMSY naturally.

19  
20 What we're seeing also is, with that fluctuation, you can go in  
21 and out of being declared overfished more frequently, and it  
22 doesn't really fit the concept of being overfished as being a  
23 very serious condition for the population, and so I think the  
24 South Atlantic Council has adopted 75 percent of BMSY as like an  
25 intermediate area.

26  
27 The other problem is natural mortality is probably the most  
28 difficult thing to estimate of any of the parameters in a stock  
29 assessment, and, most recently, a formula has been used that  
30 pretty much sets natural mortality based on how many ages you  
31 have in the population, and natural mortality for red snapper is  
32 very low, because, in the 1990s, some people found fifty-year-  
33 old fish.

34  
35 Most of our estimates of natural mortality probably fall between  
36 0.15 and 0.2. In fact, historically, the assumption is 0.2,  
37 until proven otherwise, and so 0.85 is within that range of  
38 natural mortality, and so 0.85 is not really that different from  
39 one minus M, and I think that's why there is some concern about  
40 it being added. It really doesn't offer any distinction,  
41 whereas 75 percent has the history, with the South Atlantic  
42 Council choosing it, based on analyses by the Southeast  
43 Fisheries Science Center.

44  
45 Then the 50 percent BMSY was actually in the regulations as the  
46 lowest you can go, and I think it's because of the history of  
47 stock assessments and population management in the northern  
48 climates, and so that's, I think, the history, as far as I know,

1 and I hope that helps to explain where the 85 might have come  
2 from and why it may not be something that distinguishes from one  
3 minus M that much.

4  
5 **CHAIRMAN GREENE:** Mr. Swindell.

6  
7 **MR. SWINDELL:** I guess I was just a little concerned that, when  
8 we first started the council system, everyone was kind of on  
9 their own at establishing all of this stuff, but you finally got  
10 together and worked out, I thought, some good parameters of what  
11 things meant and how things were going to be, and I was just  
12 wondering if we're not -- If you don't still have a system  
13 amongst all councils that get together, for Steve and others, to  
14 address just what are you doing and how are you getting to these  
15 points. I guess that's where I was trying to get to.

16  
17 **CHAIRMAN GREENE:** To that point, Mr. Gregory?

18  
19 **EXECUTIVE DIRECTOR GREGORY:** Yes, and the Council Coordinating  
20 Committee has been creating workshops that bring together the  
21 staff and SSCs of all eight councils, I think since 2005 or  
22 2007, but, because of the reauthorization in 2006, most of those  
23 efforts have concentrated on the ACL, how to calculate ACL, the  
24 ACL control rule, the ACT control rule.

25  
26 There is a workshop coming up that's being hosted by the Pacific  
27 Council, and that's going to concentrate more on management  
28 strategy evaluations, and so there has been this coordinated  
29 effort, but not with something, quote, as mundane as MSST.

30  
31 It's been for the more challenging aspects of fisheries  
32 management, because 2006 really, along with the NMFS guidelines  
33 of using uncertainty and other things, have made the scientific  
34 aspect of this more complicated, and the councils have really  
35 worked, and the SSCs have worked, together to try to come up  
36 with some commonality, but there is still differences among  
37 councils, based on the characteristics of the fisheries and the  
38 history of the scientists.

39  
40 **CHAIRMAN GREENE:** Ms. Bosarge.

41  
42 **MS. BOSARGE:** I think I'm okay with this motion. I was just  
43 trying to think ahead, and we don't know yet, I guess, if we're  
44 going to determine these on a species-by-species basis or if  
45 sometimes we may have several species together and we determine  
46 it that way, and I was thinking maybe that Alternative 3 may  
47 come in handy if we go that direction, but I understand, for  
48 purposes of analysis and such, if we want to go this route now

1 and then, as we get further and we see how we're going to  
2 evaluate each of these, if we need to add that back in, if we  
3 see that could be useful, then we can do it at that point, but I  
4 don't think I have any issues with the motion as it stands, for  
5 now.

6  
7 **CHAIRMAN GREENE:** Okay. Thank you. Is there further  
8 discussion? Mr. Swindell.

9  
10 **MR. SWINDELL:** Mr. Riechers, can you explain a little bit why to  
11 eliminate any of the alternatives? I guess I'm looking at  
12 alternatives here, and I just don't know what would make one not  
13 fit what we're looking for and why any of this does fit what  
14 we're looking for.

15  
16 **MR. RIECHERS:** Well, I will give my kind of high-level overview.  
17 Then, if Steve wants to jump in here as well, he certainly can  
18 do that. First of all, both of these are bracketed by other  
19 reference points that we're considering in this suite of  
20 alternatives.

21  
22 You still have, even though it's an "or" there, you have one  
23 minus M times BMSY as an alternative, and you also have 0.5  
24 BMSY, and so you're going to have information and data, or at  
25 least discussion, surrounding both of those, and, as you  
26 suggest, if we want to bring them back in or create a multiple  
27 preferred, we can do that.

28  
29 Then, obviously, with the 0.85 BMSY, we already have the 0.75,  
30 and Steve had already had some discussion about how close that  
31 was to BMSY and some of the issues there, and so that was my  
32 rationale, is that we have it bracketed, if we want to come back  
33 in and there's really a reason to specifically use one of those  
34 target references. We will have some more information coming  
35 about that.

36  
37 **CHAIRMAN GREENE:** Thank you for that explanation, Mr. Riechers.  
38 I was glad he asked, because I was kind of curious where you  
39 were at on that as well. Is there further discussion? **Seeing**  
40 **no further discussion, is there any opposition to the motion on**  
41 **the floor before you? Seeing no opposition, the motion carries.**  
42 Ms. Bosarge.

43  
44 **MS. BOSARGE:** I am not going to make any motions, but I would  
45 say, in Action 2, I don't know how comfortable I am with having  
46 an alternative that takes us to possible collapse, that maximum  
47 level, that 0.5 of BMSY. I am not sure how comfortable I am  
48 getting to that point.

1  
2 Personally, I would like to see that the most risk we would take  
3 would be slightly above that, maybe a 0.6 BMSY. That wouldn't  
4 be adding another alternative, and that would be replacing  
5 Alternative 6 with 0.6 of BMSY instead of 0.5. If that 0.5 BMSY  
6 is recruitment overfishing, I don't know about that.

7  
8 **CHAIRMAN GREENE:** Dr. Crabtree.

9  
10 **DR. CRABTREE:** Well, bear in mind that none of this precludes  
11 you from taking action, and, presumably, if it's overfishing  
12 driving the stock size down, you would have already corrected  
13 that, because, overfishing, you're not allowed to do.

14  
15 This only is the point where it triggers going through all of  
16 the bureaucratic exercise of constructing a rebuilding plan and  
17 doing projections that often go out for twenty or thirty years  
18 and all of those kinds of things, but it's not like this is  
19 saying that you're going to sit idly by and watch the stock  
20 decline until it gets to that level. I would think that we  
21 would never do that.

22  
23 **MS. BOSARGE:** I guess, in a perfect world, we wouldn't, but I  
24 think sometimes those triggers are pretty important to get us  
25 moving or to make other things happen that do make changes, and  
26 so --

27  
28 **DR. CRABTREE:** I would just point out that I think the MFMT  
29 trigger is much more significant, because, if you're assuming  
30 that you're only going to reach these levels if you're  
31 overfishing, and so it's the overfishing threshold that's going  
32 to force your action, and it's presumably going to force action  
33 before you would ever hit one of these stock size thresholds, it  
34 seems to me.

35  
36 **MS. BOSARGE:** But there are certain other triggers that only  
37 happen when you're overfished and not just overfishing.

38  
39 **DR. CRABTREE:** Well, the only one I can think of though is just  
40 the putting together of a rebuilding plan and going through that  
41 process.

42  
43 **MS. BOSARGE:** What about paybacks?

44  
45 **DR. CRABTREE:** That's at your discretion. You can have a  
46 payback for every stock you have if you choose to do that. Now,  
47 we have chosen to have the payback tied to being overfished, but  
48 that's a council choice.

1  
2 **MS. BOSARGE:** Right, and I guess that was made for a reason, and  
3 that's kind of what I'm getting at. If our paybacks are tied to  
4 that overfished condition, then it does become important what we  
5 decide is overfished or not.

6  
7 **CHAIRMAN GREENE:** Mr. Gregory.

8  
9 **EXECUTIVE DIRECTOR GREGORY:** Two things. One, I just wanted to  
10 reinforce what Roy is saying. MFMT is the fishing mortality  
11 rate at BMSY, our estimate. If we're not overfishing, we're  
12 going to be trying to keep the population at MSY, and so we  
13 would never drive the population down to 75 percent or 50  
14 percent. Those are just safeguards at this point.

15  
16 When we started management in the 1980s, we were below these  
17 points, and they actually became our targets. Then, later, they  
18 became our limits, and BMSY became a more obvious target. With  
19 regard to red snapper, a curious thing happened with that. In  
20 the amendment that we passed, we said the payback was tied to  
21 the rebuilding of red snapper, which means that the payback  
22 would still be in place, because we're rebuilding red snapper,  
23 even though it's not overfished.

24  
25 However, the codified text that the council approved said  
26 overfished, and so there was a discrepancy between what we wrote  
27 into the amendment and what we approved in the codified text,  
28 and that's how the payback got tied to being overfished rather  
29 than in a rebuilding schedule.

30  
31 Then, when gray triggerfish was approved, the same concept of  
32 overfished was both in the codified text and in the amendment,  
33 and so that kind of evolved, and the council can go back to that  
34 if they wanted to, but it will take an explicit effort to do  
35 that.

36  
37 **CHAIRMAN GREENE:** Thank you. Is there further discussion?  
38 Okay. We have some other actions in this document, and so are  
39 we ready to move on down through this? He was looking to  
40 simplify the number of alternatives as well, and so I'm just  
41 asking if anybody wants to go through it item-by-item, or how  
42 would you like to proceed? Okay. I am not seeing anybody  
43 jumping up and down, and so I assume that we accomplished what  
44 we were wanting to do. All right.

45  
46 With that, I guess that will complete this portion of the  
47 agenda. We will move into our next agenda item, which will be  
48 Draft, State Management of Recreational Red Snapper, and this



1 will be Tab B, Number 12 accordingly, as per the state, and so  
2 the first one will be Louisiana, which will be -- I am sorry.  
3 Back up. Dr. Lasseter has Tab B, Number 12(a). Dr. Lasseter.

4  
5 **DRAFTS - STATE MANAGEMENT OF RECREATIONAL RED SNAPPER**  
6

7 **DR. LASSETER:** Thank you, Mr. Chairman. We actually have four  
8 documents for you, as noted in the agenda, and so you have Tab  
9 B, Number 12(a), (b), (c), and (d). Before we go through all of  
10 the alternatives in each action, I am going to talk about the  
11 structure overall of what we have brought you.

12  
13 This was really a challenge to organize for the IPT, and so what  
14 we've come up with is Tab B, Number 12(a) is like a programmatic  
15 amendment. It's called State Management Program for  
16 Recreational Red Snapper, and this amendment includes those  
17 actions that would affect all states, whether or not they're  
18 even participating in state management, and so, also, those  
19 decisions need to be consistent across all of the independent  
20 amendments as well.

21  
22 Then (b), (c), and (d) are the individual state amendments, as  
23 requested through the motions made at the April meeting, and so  
24 we're going to take a look first at the table of contents of  
25 each of these, just so I can lay out what we've brought you.  
26 It's on Roman numeral page iii in Tab B, Number 12(a), and so if  
27 we scroll down to the table of contents there.

28  
29 This programmatic amendment contains three actions, and,  
30 essentially, this is establishing the parameters of the program.  
31 The first action would address components of the recreational  
32 sector to include in state management programs, and so,  
33 currently, your recreational ACL, red snapper ACL, is divided  
34 into component ACLs, and so this action would address into what  
35 pieces -- How the recreational ACL will be divided, in order to  
36 enact this program for state management.

37  
38 The next action, Action 2, addresses how to apportion the  
39 recreational ACL among the states, and so this action addresses  
40 how much quota goes into each of those pieces that you decide on  
41 in the Action 1, and so they work together, and, when we go  
42 through those, I hope that will make a little more sense.

43  
44 Then, finally, in this action, Action 3, it proposes to -- You  
45 can evaluate whether or not you wish to modify the federal  
46 recreational minimum size limit, and staff would be very open to  
47 removing this if you were not interested in modifying this, but  
48 we brought you this, one, because in the Louisiana draft plan

1 that they provided to the council, they did note what their  
2 recreational minimum size limit would be, and it's consistent  
3 with what it currently is.

4  
5 If we remember from discussions in Amendment 39, due to issues  
6 with the stock assessment and biological concerns, all states  
7 participating in regional management, now state management,  
8 would need to adopt the consistent minimum size limit, in order  
9 to have their plan be consistent, and so, if the council wishes  
10 to allow any of the states, under their state management  
11 programs, to adopt a different minimum size limit than sixteen  
12 inches total length, this is where that decision would need to  
13 be made.

14  
15 If none of the states are interested in modifying that, again,  
16 the IPT would be very happy to remove this action, but we did  
17 bring it to you to emphasize also that this is an action that  
18 would need to be in this programmatic amendment. It cannot be  
19 decided at the state level.

20  
21 Now let's flip to -- We will use Louisiana's amendment, and so  
22 Tab B, Number 12(b), and the table of contents as well. This is  
23 the Louisiana management for recreational red snapper, and Tab  
24 B, Number 12(c) is Mississippi, and Tab B, Number 12(d) is  
25 Alabama, and these three amendments are virtually identical,  
26 except for the name of the state is substituted in each  
27 amendment.

28  
29 Again, the table of contents is up on the board, and so we do  
30 have three actions here as well. In organizing these documents,  
31 we tried to give you -- We have tried to provide the most  
32 flexibility for decisions to be made at the state level, but,  
33 for the first one I'm going to go into, we're thinking it's  
34 going to be too complicated to have different decisions for each  
35 of the states, and, really, we imagine -- We're assuming that  
36 this may be a consistent decision across all of the states, but  
37 we'll go into that a little bit more when we get to the  
38 alternatives, but this one addresses the delegation or CEPs and  
39 whether or not you would use the technical review committee, for  
40 those of you that were here for 39.

41  
42 Action 2 would be the sunset provision, which, again, does  
43 provide an alternative for not having a sunset, but this was  
44 another potential action that was in Louisiana's plan, and so we  
45 have provided that here. Then, finally, post-season  
46 accountability measures, again, that also would likely be  
47 similar, or the same, for all of the states.

1 I guess, while we're trying to provide -- We tried to come up  
2 with the actions that could be decided at the state level. If  
3 we think about any of these, they are really, one, likely to be  
4 the same for all of the states and don't necessarily need to be  
5 in separate amendments, and so we might want to be thinking  
6 about that as we go through this.

7  
8 Having one amendment that just establishes the program could  
9 potentially provide the most flexibility. If you adopted then -  
10 - If a state wanted to employ the CEP process, the conservation  
11 equivalency plan process, you get to make the most decisions  
12 within that application process. That might be confusing for  
13 those of you who weren't here for 39, and so let's start back  
14 again. That's kind of the overview of the structure, and let's  
15 go back to the first one, and we'll go through these actions.

16  
17 Now we're back to Tab (a), and we'll go to the Action 1. This  
18 action addresses the pieces into which the recreational sector  
19 ACL will be divided. Alternative 1 is always our no-action  
20 alternative, and that would be to retain management as it  
21 currently is and, currently, the recreational sector ACL is  
22 divided into a federal for-hire and a private angling component  
23 ACLs.

24  
25 Alternative 2 is, for a state with an approved state-management  
26 program, the state would manage its private angling component  
27 only, and the state would be responsible for constraining its  
28 landings to the states private angling component ACL, which will  
29 be determined in a subsequent action, Action 2.

30  
31 The federal for-hire component would continue to be managed  
32 Gulf-wide, and this is a similar statement for all three of the  
33 remaining alternatives. For states without an approved state  
34 management program, a private angling fishing season will be  
35 estimated using the remainder of the private angling component  
36 ACL, and, of course, reduced to the ACT.

37  
38 These plans would end when the separate private angling and  
39 federal for-hire ACLs end, currently 2022, and, again, we have  
40 this action because you have the ACL divided into two parts, but  
41 now you want to divide it a different way, we may be dividing it  
42 a different way for a potential state, and so this is addressing  
43 how many pieces, which pieces, that ACL will be divided.

44  
45 Alternative 3, again, for a state with an approved state  
46 management program, the state would manage both its private  
47 angling component and federal for-hire components, and then the  
48 same language follows, must constrain its state landings.

1  
2 Alternative 4 is very similar to Alternative 3, but it gives the  
3 state the option to choose whether to manage the private angling  
4 component only or to manage both private angling and federal  
5 for-hire components. 3 and 4 are the most similar, and 3  
6 specifies that the state would take both, and 4 provides the  
7 flexibility to choose which one they may want to manage.

8  
9 Under both of them, because those separate component ACLs are  
10 still in place, the states would be required to manage those  
11 separate components under the respective ACLs. I will pause  
12 there for just a moment.

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

15  
16 **MR. BANKS:** I understand why you've broken them out into two  
17 documents, but, in a situation like this, where one of the  
18 alternatives allows the states to choose, why wouldn't that just  
19 be in the individual state documents? Does that have to be a  
20 decision that we would make upfront as a council?

21  
22 **DR. LASSETER:** You would be able to choose yourself, at a state  
23 level, if the council selects that, which one you would manage,  
24 but this action determines how NMFS is going to divide that  
25 recreational ACL, and it would be divided the same way in 3 and  
26 4. We would expect that the council would possibly choose  
27 Alternative 4, providing the most flexibility, which gives you  
28 that option, but, here, we have to specify how to divide the  
29 ACL, because it's going to affect all the other states.

30  
31 By you cutting one piece out or taking both pieces, it affects  
32 how the rest of the ACL will be divided and how it's going to be  
33 applied to the rest of the states, and that's why that's here,  
34 and it's also integrated into Action 2, which is how much of the  
35 quota each of those pieces get.

36  
37 **CHAIRMAN GREENE:** Ms. Guyas.

38  
39 **MS. GUYAS:** Ava, I am just trying to think this through, now  
40 that we've kind of had a situation where different states can do  
41 different things. If we chose Alternative 4 here, where states  
42 could choose whether they're managing private or for-hire or  
43 both or whatever, and, later in the document, let's say a state  
44 chose the delegation option, when or how often would we, I  
45 guess, be revisiting this? I'm wondering if a state starts in  
46 one situation and then decides, well, hey, maybe we actually  
47 want to manage both sectors.

48

1 I mean, that, obviously, affects how the federal season, I  
2 guess, for other states, or maybe the rest of the Gulf as a  
3 whole, would be calculated for charter/for-hire, and I'm just  
4 trying to work through all of that in my head. Do you have an  
5 idea for how that would work?

6  
7 **DR. LASSETER:** That is where it gets a little bit complicated,  
8 and all of those decisions would need to be made. Is there a  
9 sunset provision or not? In the states, if they do the CEP,  
10 they would be specifying how long that plan should be in effect,  
11 one or two years, which may or may not be applicable if a sunset  
12 is selected, and so a lot of these decisions, depending on what  
13 decisions are made in subsequent actions, will determine some of  
14 the answers to your questions.

15  
16 There was the sunset, and then, really, in delegation, my  
17 understanding is that the delegation would be in effect until  
18 modified, and so you would need to modify it by coming back to  
19 the council, and I'm going to pause there and verify with NMFS  
20 is that is accurate, as far as the delegation. My understanding  
21 is that it stays active unless it's modified, but, in order to  
22 modify it, we would have to go through the council process, and  
23 would that be correct?

24  
25 **DR. CRABTREE:** I think you would delegate defined aspects of  
26 management of the fishery to the state, and then, until either  
27 the council decided to do something else or, I guess if the  
28 Secretary determined that what the state was doing didn't comply  
29 with the Magnuson Act, I think the delegation would be in  
30 effect.

31  
32 **CHAIRMAN GREENE:** Ms. Guyas.

33  
34 **MS. GUYAS:** I mean, I'm not trying to describe a situation where  
35 somebody is trying to skirt Magnuson, but I can see a scenario  
36 where we choose Alternative 4 here, and that allows the state to  
37 choose whichever one they want to do, right, however they want  
38 to manage, private anglers, for-hire, or both. Then they also  
39 are working within the outlines of their delegation, which at  
40 least, if we fast-forward to these other amendments, is setting  
41 those seasons and bag limits.

42  
43 I mean, according to those options, they would have the ability  
44 to choose which one, and it doesn't say that they can't change  
45 their choice. Do you know what I'm saying? They're still  
46 working within that framework, and I'm just trying to understand  
47 how that would go down.

48

1 **DR. LASSETER:** I understand. I got a little bit more now. If  
2 you're not doing CEPs -- We really worked more with the CEPs at  
3 the end. If you are doing delegation, I would assume that the  
4 state has to work very closely with NMFS, if they were to change  
5 which of the components they were going to manage, because NMFS  
6 would then need the opportunity, the time, to estimate the  
7 resulting season for respective components, depending on how  
8 that's modified, and so I think that definitely would require  
9 communication, I'm assuming, between the respective state and  
10 NMFS.

11  
12 **CHAIRMAN GREENE:** Mr. Anson.

13  
14 **MR. ANSON:** So a similar question, Ava, and maybe to Dr.  
15 Crabtree, but relative to where in the process, if a state, for  
16 instance -- You mentioned ACLs in Action 2, and so I'm assuming  
17 that's the ACL that's currently set up for the whole fishery,  
18 but, as we go through time, and the states are working on their  
19 own programs to monitor their landings and come up with  
20 estimates of harvest, the data collection system itself, the  
21 timeliness of it, all those things might afford a reduction or  
22 an increase in the allowable catch each year, a reduction to the  
23 ACL, and so I'm wondering, under the delegation or the CEP  
24 environment, would both of those -- Would either one of those  
25 have to go through the council or would they both have to --  
26 Under those situations, will they go through the council or  
27 would it just be simply the agency review to kind of sign off on  
28 if a state, again, could show that they're able to monitor those  
29 landings and still stay within a certain -- You know, their  
30 quota, but, yet, they don't need a 20 percent buffer. They can  
31 go to a 10 percent buffer or something like that, and how would  
32 that kind of shake out?

33  
34 **DR. LASSETER:** Okay. We did not address modifying the ACTs in  
35 these documents. It does always refer to that the state must  
36 manage towards the ACT, which is reduced from the ACL, by the  
37 established buffer, and we deliberately kept that language in  
38 there, because that could change.

39  
40 We have not incorporated an action to potentially modify the ACT  
41 at the regional level. I think that would be a committee  
42 discussion, and that would be important there, and, if it is  
43 potentially an action that could be added, that is something  
44 that staff could do.

45  
46 **CHAIRMAN GREENE:** Dr. Crabtree.

47  
48 **DR. CRABTREE:** A lot of this would be up to the council and how

1 they wanted to do it, but, to me, if we did a delegation, we  
2 would have an overall Gulf ACL, and, as long as we stayed under  
3 the Gulf ACL, we would look at that it's delegated to the state,  
4 and it's the state's responsibility to figure out how to do it.  
5 If you think you need a buffer, then you would have a buffer.  
6 If you think you can do it without a buffer, then I think we  
7 would just be -- Our main concern was if the overall catch -- I  
8 don't think, if we went over it one year out of several, that  
9 probably is going to happen, but, as long as we have a  
10 reasonable track record of staying with the ACL, I think that  
11 would be mostly our concern and not how the states achieve it.

12  
13 In terms of the data that the states use, I would think, for  
14 example, if Snapper Check gets certified later this year, then  
15 that would be acceptable for you to use.

16  
17 **CHAIRMAN GREENE:** Mr. Banks.

18  
19 **MR. BANKS:** I would like to make a motion to make Alternative 4  
20 the preferred.

21  
22 **CHAIRMAN GREENE:** Lieutenant Commander McNeer.

23  
24 **LCDR STACY MCNEER:** Thank you, Mr. Chair. Just real quick, I  
25 have to make mention here that I see some, as described, some  
26 foreseeable enforcement concerns, from the Coast Guard  
27 perspective. It sounds like, effectively, you are making states  
28 have authority out to 200 miles, and so I just want to put that  
29 out there and make sure everybody understands the enforcement  
30 implications presented here.

31  
32 **CHAIRMAN GREENE:** Thank you. We've had some discussion  
33 previously, and we looked into that, and that was brought up by  
34 previous Coast Guard personnel. We have a motion going on the  
35 board to make an alternative preferred, and it was seconded. Is  
36 there any discussion? **Seeing no discussion, is there any**  
37 **opposition to the motion on the floor before you? Seeing no**  
38 **opposition, the motion carries.** Mr. Grimes.

39  
40 **MR. GRIMES:** Thank you, Mr. Chairman. I would just note, at  
41 some point, you're going to need to develop some rationale to  
42 support why that would be preferred over the other alternatives  
43 and include that in the document or in the written record to  
44 support it eventually. Thank you.

45  
46 **CHAIRMAN GREENE:** Would you like for us to do that now or at  
47 some point?

48

1 **MR. GRIMES:** I think, generally speaking, you do it at the time  
2 you make the motion, and we would have some discussion over it  
3 and it would support the decision, but you're going to see this  
4 again, and you can think about it and do it now or later, and I  
5 would say that's up to you.

6  
7 **CHAIRMAN GREENE:** Mr. Banks.

8  
9 **MR. BANKS:** I think Ava said it correctly, is that this provides  
10 the states with the flexibility we need to make those kinds of  
11 decisions, and, additionally, this is something we already  
12 generally do with our state season. We manage the harvest  
13 coming out of both components of the recreational sector, and I  
14 feel like that we could do that out to 200 nautical miles just  
15 as easy as we can do it out to nine miles, and we would like to  
16 have the option to choose to retain both of those components  
17 within our plan, whereas another state may choose not to retain  
18 one of those components, and I think it gives the states the  
19 flexibility we need to make those individual decisions. Thanks.

20  
21 **CHAIRMAN GREENE:** Further discussion? Dr. Lasseter.

22  
23 **DR. LASSETER:** Okay. Thank you, Mr. Chairman. Moving on to  
24 Action 2, Action 2 begins on page 13, and so you have just  
25 selected a preferred alternative for how to divide what pieces  
26 what pieces the ACL is going to be divided into, and now Action  
27 2 decides how much quota goes into each of those pieces, and so  
28 this is apportioning the recreational ACL among the states.

29  
30 Of course, our Alternative 1 is no action. We retain status  
31 quo, and Alternative 2 provides a series of years, a time  
32 series, with which you could establish an allocation of the  
33 recreational sector ACL that may be used for state management  
34 programs by apportioning both the private angling ACL and the  
35 federal for-hire ACL among the states, and then there are your  
36 potential time series.

37  
38 Option 2a is the longest time series, 1986 through 2015, and  
39 Option 2b is 1996 to 2015, and so backing off ten years, and  
40 Option 2c is 2006 to 2015, and then Option 2d is our little 50-  
41 50, using half of the average historical landings for the  
42 longest time series, 1986 to 2015, and half of the average  
43 historical landings for the most recent time series, 2006 to  
44 2015.

45  
46 Alternative 3 provides some options to exclude various years,  
47 and so, in calculating state apportionments, exclude from the  
48 selected time series, and Option 3a is landings from 2006. If



1 you remember, this was following the year of the multiple  
2 hurricanes. Option 3b is 2010 landings, which are currently not  
3 available and not provided in the document, and those landings  
4 were excluded from the sector separation decision as well.

5  
6 Then Options 3c and 3d, we provided options to exclude landings  
7 from 2014 and 2015, respectively, for a couple of different  
8 reasons. Previously, or in section separation, you allocated  
9 through 2013. Also, in 2014 and 2015, the state water seasons  
10 were different off of different states, and so there could be  
11 reasons why you would want to exclude those or include them, and  
12 so we provided Alternative 2 to incorporate all of those years,  
13 and then we provide Alternative 3, the options to exclude those  
14 years, if you intended to do so.

15  
16 Let's take a look, before I turn it over for discussion, at the  
17 tables that follow. Table 2.2.1 would apply if you had a -- I'm  
18 sorry. Table 2.2.1 on page 14 provides the resulting  
19 percentages of dividing just the private angling ACL among the  
20 states based on historical landings time series of Alternative  
21 2, and so those are Options 2a through 2d, for the private  
22 angling component only.

23  
24 That is why each row across totals 100 percent, 100 percent of  
25 that 57.3 of the private angling ACL. That's how that would be  
26 divided, and that would apply also if you selected only  
27 Alternative 2 in Action 1, which is not currently your  
28 preferred.

29  
30 Then let's turn the page to Table 2.2.2. Here are your  
31 resulting percentages to divide both the federal for-hire ACL  
32 and the private angling ACL among the states. Again, those are  
33 time series, the options under Alternative 2, and then the very  
34 last row provides removing all four of those years for  
35 exclusion, 2006, 2010, 2014, and 2014. For simplicity, we just  
36 provided one row with all of them removed.

37  
38 This is the table that would be used to show the resulting  
39 proportions of the ACL for each of the components under either  
40 Alternative 3 or 4 in Action 1, and so this is the table that  
41 you would use, given the current preferred alternative the  
42 committee just selected in Action 1, and so you can see how the  
43 two actions work together. You had to decide how you were going  
44 to divide the pieces, and then here is which years you're going  
45 to use to decide how much quota goes into each of those pieces.  
46 I am going to pause there for discussion.

47  
48 **CHAIRMAN GREENE:** Mr. Riechers.

1  
2 **MR. RIECHERS:** I would say we pause there, and, before we get  
3 too wrapped up in discussion here, I went back to the Table 1 in  
4 the back part of the document, because I was just recalling that  
5 the numbers in 39 were quite a bit different than this, and I  
6 realize we may have added one more year, 2015, as opposed to  
7 when we dropped that, and I appreciate the fact that my  
8 colleagues from Mississippi might want to look at that table as  
9 well, but, almost in every one of those years, from the 1986 all  
10 the way to 2015, we have quite a bit more landings than my -- My  
11 good colleagues from Mississippi, they have also questioned  
12 their numbers in the past, but our percentage here is lower, and  
13 so, somehow, we've made a mistake in transferring those numbers  
14 up into these tables.

15  
16 Like I said, before we get too wrapped up around numbers, we've  
17 had trouble with these numbers since we started this process,  
18 and we better get it right in this document, if we're going to  
19 go back into and start considering these.

20  
21 **CHAIRMAN GREENE:** Dr. Lasseter.

22  
23 **DR. LASSETER:** That's actually a good point, and I believe that  
24 we've had the MRIP recalibration that has -- I am going to look  
25 to NMFS to help confirm that, but since the numbers that we used  
26 in 2013, and so I thought that these are revised, updated  
27 numbers, and I did just obtain them from NMFS as well, but had  
28 the MRIP recalibration, going back to those earlier years, had  
29 that been completed when we were working on 39?

30  
31 **DR. CRABTREE:** I don't recall the exact timing of all of that.  
32 I mean, I am looking at the table that Robin referenced, and it  
33 does -- When you look at the Table 1, the Texas catches are  
34 quite a bit higher than Mississippi catches, but then, when you  
35 look at 2.2.1, the percentages are quite similar, and so I can't  
36 reconcile that, and maybe it's calibration. I just don't know.

37  
38 **MR. RIECHERS:** If it's calibration issues, then we may want to  
39 consider looking at all of those, but, either way, we can't have  
40 that kind of discrepancy in the document.

41  
42 **DR. CRABTREE:** I agree, but the calibration would have changed  
43 the MRIP estimates upwards, but it wouldn't have changed the  
44 Texas estimates, but I don't know. I can't explain it.

45  
46 **CHAIRMAN GREENE:** Mr. Banks.

47  
48 **MR. BANKS:** Dr. Lasseter, remind me now exactly which of our

1 options equals what was agreed to in Amendment 40, just so I'm  
2 clear.

3  
4 **DR. LASSETER:** Amendment 40 was the 50-50, and so it was 50  
5 percent average historical landings from 1986 through 2013 and  
6 50 percent 2006 to 2013, with only 2010 removed.

7  
8 **MR. BANKS:** Okay, and so that would be Option 2d under  
9 Alternative 2 as well as Alternative 3, Option 3a, 3c, and 3d.  
10 I'm sorry. Option 3a.

11  
12 **DR. LASSETER:** 3b.

13  
14 **MR. BANKS:** 3b. Okay.

15  
16 **CHAIRMAN GREENE:** Further discussion? Seeing none, Dr.  
17 Lasseter. I'm sorry, Mr. Diaz.

18  
19 **MR. DIAZ:** I think this is so important. I mean, the big thing  
20 for 39 that was the problem was how to allocate it and what to  
21 do with charter boats. That was the two big things that we  
22 couldn't get past, and I really think we've got to take a good,  
23 hard look at this. We've got to get the numbers right and make  
24 sure all of that is correct, to satisfy Mr. Riechers, but I  
25 would hope that everybody that is looking at this realizes that  
26 we all can't think that we can get the biggest numbers for our  
27 state.

28  
29 We've got to figure out what could we live with and do better  
30 for our citizens and solve a very important problem that we have  
31 in this recreational fishery, and so I just would urge everybody  
32 to try to not do what we human beings do and try to look at  
33 what's the very best for us. What can we live with to make the  
34 best decision for the entire Gulf of Mexico? Please try to look  
35 at it that way. Thank you.

36  
37 **CHAIRMAN GREENE:** Thank you. Dr. Mickle.

38  
39 **DR. MICKLE:** Thank you, Mr. Chair. I am glad we hit allocation  
40 on day one, clearly. I think it's a good thing to discuss, but  
41 I just -- I represent my state, Mississippi, and I want to talk  
42 about the things that rattle around in my agency, as I talk to  
43 my biologists, and understanding what allocation means and  
44 getting it through to our data capabilities and understanding  
45 what's going on in my state, and I think I am always just going  
46 to speak for my state in this arena for as far as allocation  
47 especially and understanding where we come from and what we've  
48 done with our landings program, identifying how accurate we can

1 be, and also with our NFWF studies going on to direct stock  
2 assessment to the species of red snapper.

3  
4 I know what percentage of allocation, turned into pounds, is  
5 sustainable in my state. It's not a Gulf-wide quota, but it's a  
6 quota in my state, and Patrick has done a lot of work on his  
7 end, in Louisiana, identifying what they think is sustainable,  
8 and I've got the number in my head, and, when allocation gets  
9 down to it, that number is going to precede any decision and  
10 motion that I may make.

11  
12 Dale, that was a good thing to talk about of bringing in the  
13 for-hire and the allocation and understanding, from where we  
14 come from, of seeing what that sustainable number is, as far as  
15 poundage, between the two sectors. In my state, it's a clear  
16 line, and so that's the one I'm going to work around, and so  
17 thank you.

18  
19 **CHAIRMAN GREENE:** Mr. Banks and then Dr. Crabtree.

20  
21 **MR. BANKS:** Both of those comments are very, very good, and,  
22 like Dr. Mickle, we've done similar type of work, and we  
23 actually feel like that the percentages ironed out in here are  
24 actually far below what we believe is sustainable off of  
25 Louisiana, but we have to look at, as Dale correctly pointed  
26 out, the entire Gulf and not just the fish, but the fishery, and  
27 so that's why we felt like that a three-year sunset on something  
28 that we could all try works really, really well in this  
29 situation, because we may find out some of these states -- That  
30 it didn't work as well as we had hoped, and then we can come  
31 back to the table and maybe find a different way.

32  
33 With all of that being said, and Dr. Mickle talking about  
34 sustainability and stock assessments and things like that, I  
35 would like to see some sort of an option that included a biomass  
36 component.

37  
38 I don't exactly know how to do that, and I don't know, Dr.  
39 Lasseter, if you guys can work that in as an option somehow and  
40 give us some ideas on how we may factor in biomass, certainly  
41 since we seem to have those numbers for the western Gulf and  
42 then the eastern Gulf, and see if there's a way we could work in  
43 that in some way. Thank you.

44  
45 **CHAIRMAN GREENE:** To that point, Dr. Lasseter?

46  
47 **DR. LASSETER:** Thank you, Mr. Chairman. We did have this  
48 discussion during Amendment 39, and there was an alternative

1 that would have established two allocations, an eastern and  
2 western Gulf, and that was based on as close as you could come  
3 to a biomass estimate that came out of the stock assessment.

4  
5 However, because here we're talking about individual states, and  
6 Louisiana has requested an amendment, but not Texas, and your  
7 two states were combined into that western, and we did not know  
8 how to provide that type of an alternative, and so I'm actually  
9 going to see if Dr. Crabtree could potentially speak to is there  
10 any way to craft an alternative like that at the state level.

11  
12 **DR. CRABTREE:** I don't think you can get to it out of the stock  
13 assessment, but there was a paper published recently by  
14 Karnauskas et al. that looked at habitat types and where the  
15 fish are, and it had fish density estimates, geographically,  
16 across the Gulf that maybe you could use for something like  
17 that, and I don't know.

18  
19 If I could come back to Mr. Riechers's comment about the seeming  
20 disparity, I think, if you look at the Table 1 in the appendix,  
21 that includes for-hire landings, and particularly headboat  
22 landings. If you compare the private catches between Texas and  
23 Mississippi, they are similar, but the vast majority of the  
24 landings in Texas are coming from headboats, and the headboat  
25 landings are much higher in Texas than they are in Mississippi,  
26 and so I think that's some of what you're seeing in that table,  
27 Robin.

28  
29 Then I thought Dale's comments were right on-point. My real  
30 wish this is that we could -- I think this allocation issue is  
31 the whole ball of wax here, and I would love it if we could come  
32 to an agreement on the allocation and then delegate management  
33 of the recreational fishery or portions of it to the states and  
34 move forward, but I think this is really where we got stuck last  
35 time, and I think it's the most difficult part of it this time  
36 too, but I think we're all seeing that where we are right now is  
37 not a very good place, and I really feel that some form of  
38 delegation of management to the states is something we ought to  
39 really give careful consideration to, and it might be a way to  
40 make things better.

41  
42 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.  
43 Frazer.

44  
45 **DR. FRAZER:** Thank you, Mr. Chair. I also appreciate the  
46 comments that Dale made, and I took to heart what Patrick said  
47 and then what Paul said and what Roy said. I think allocation  
48 is going to be the crux of this issue, and it's a tricky thing,

1 and I have also, over the last year, listened to a lot of  
2 comments and concerns from the recreational sector talking about  
3 and using words like "accessibility" and, I guess,  
4 "opportunity", and so fish move.

5  
6 They redistribute themselves all the time, and certainly over  
7 time. In my opinion anyways, just to look at historical catch  
8 records or landings is somewhat problematic, and it's led to a  
9 lot of the issues that we had before.

10  
11 I would like to see a little more flexibility here with regards  
12 to number of, perhaps, licensed anglers or potential people that  
13 might access the resource in the future, because I think what's  
14 going to have to happen is that the state representatives are  
15 going to have to talk to one another before they come back at  
16 the next council meeting, or a subsequent council meeting, to  
17 have their ducks in a row.

18  
19 Otherwise, we're just going to be wasting a lot of our time, and  
20 I really feel strongly about that, and I would encourage all of  
21 the states and the representatives to think about what types of  
22 options would allow them to agree on an allocation before it  
23 comes back to this council.

24  
25 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.  
26 Diaz.

27  
28 **MR. DIAZ:** This is going in a slightly different direction, but  
29 I want to just say something on the record, based off of  
30 Patrick's comments about looking at biomass. Whenever we start  
31 talking about the east Gulf and the west Gulf, I always like to  
32 say this.

33  
34 The State of Louisiana and the State of Mississippi meet at a  
35 ninety-degree angle, and, if there is ever a consideration of  
36 east or west, I feel strongly that the State of Mississippi and  
37 the State of Louisiana have to be in the same zone, or it will  
38 just be terribly confusing to all of our constituents, because  
39 the people that look south of Mississippi, they view that as the  
40 federal waters of Mississippi, and the people that look east off  
41 the State of Louisiana, they view those as the federal waters  
42 off the State of Louisiana, and I just don't see any other way  
43 to do it, and so I wanted to make sure that we get that on the  
44 record. Thank you, Mr. Chair.

45  
46 **CHAIRMAN GREENE:** Thank you. Further discussion? Mr. Banks.

47  
48 **MR. BANKS:** Just to that point, Dale, and it's a valid point,

1 the way I would envision it is that would be certainly  
2 applicable in the distribution of allocation, but, in terms of  
3 the actual way the process would work, it wouldn't really  
4 matter. You wouldn't even have to draw lines. It's wherever  
5 the fish was landed. That's where it gets counted against the  
6 allocation, or that's at least how I envision it.

7  
8 If one of our guys wanted to travel all the way off of Tampa Bay  
9 and catch the fish and come all the way back and land it in  
10 Louisiana, we would count it against our quota. That's how I  
11 would envision that.

12  
13 **CHAIRMAN GREENE:** Dr. Mickle.

14  
15 **DR. MICKLE:** I agree with that statement. It's where they're  
16 landed, and Patrick and I have leaned over tables on maps in the  
17 past and talked about these things, and, again, it's  
18 understanding -- I think we've gotten over this hurdle in 39,  
19 and I don't think -- I was worried about the map when we got on  
20 39, but it seemed like the map fell in the wake of allocation,  
21 of course.

22  
23 I think, when we start talking about maps, I think it's law  
24 enforcement that I think needs to be contributing a lot to that  
25 and how feasible it is and the capabilities and logistics of the  
26 lines, but, again, when constituents approach me about the  
27 issue, it's where they're landed, and then I let them respond  
28 and bring up more issues on that and how that can be affecting  
29 them, and so agreed, Patrick, and thank you.

30  
31 **CHAIRMAN GREENE:** If, at any point, we start getting into  
32 drawing lines in the water, off of my state, I can go sixty  
33 miles and I can be off of four states. Now, I am not interested  
34 in that at all, and I'm just going to tell that right upfront to  
35 everybody, and so that's something that I think would be an  
36 enforcement nightmare, and I think it would be a logistics  
37 nightmare, for a lot of reasons, and so Mr. Banks and then Mr.  
38 Matens.

39  
40 **MR. BANKS:** Just to that point, Johnny, it is a valid point. In  
41 talking to our enforcement guys, they were not all that  
42 concerned about where you were at in federal waters. For  
43 instance, if Louisiana was open and Alabama was closed, and you  
44 came over to Louisiana and caught the fish, we probably wouldn't  
45 give you any kind of issue whatsoever.

46  
47 It would be when you would come back into your state waters  
48 where your guys would nab you, because your state was closed,

1 even though you're managing out to 200 nautical miles, and so at  
2 least that's the way our enforcement agents explained it to me  
3 of how they would handle it. If Louisiana was closed and you  
4 were open, if you tried to come into Louisiana waters to land  
5 that fish, then you would be illegal.

6  
7 **CHAIRMAN GREENE:** Well, to that point, the big concern is that,  
8 when you say you're going to manage out to 200 miles, and the  
9 Coast Guard has already let you know, several times, that they  
10 have some issues with that, that appears to be something a  
11 little different than what you're suggesting.

12  
13 If you're going to manage a resource out to 200 miles and you're  
14 going to enforce it and you're going to do all that stuff,  
15 that's one thing. If it's going to be purely landings-based,  
16 that may be something else, but I think that the discussion  
17 we're having now needs to tie in closely with the Coast Guard  
18 and make sure that everybody understands, because, if you assume  
19 all responsibility for 200 miles and, looking at this map right  
20 there, you look at the State of Louisiana, is that straight up  
21 and down or how does that go? Are you going to handle just  
22 Zones B through D or how do you go through that?

23  
24 The lines in the water are something that I personally have an  
25 issue with, but, if it is just solely landings-based, that's one  
26 thing, because, if you're out to 200 miles, then there is no  
27 more three miles or nine miles. It's whatever, and so it's one  
28 of those things that I just want to make sure that we have a  
29 good understanding, and so I know there was some concern with  
30 the Coast Guard, as he brought up earlier. Mr. Matens, you were  
31 next.

32  
33 **MR. MATENS:** Thank you, Mr. Chair. I guess I have two comments.  
34 One is I like the concept of Patrick's concept of a sunset.  
35 Let's try this thing for some period of time and let's correct  
36 if it's necessary to correct. The issue of the lines in the  
37 Gulf, if you look at that chart very carefully, you will see  
38 that Louisiana is actually in two zones.

39  
40 It's the issue of the Mississippi state line and the Louisiana  
41 state line, which is, as my Mississippi friends point out,  
42 problematic, and I would hope that there would be an option  
43 here, should they wish to do that, that Mississippi and  
44 Louisiana could co-join here. Thank you.

45  
46 **CHAIRMAN GREENE:** Dr. Crabtree.

47  
48 **DR. CRABTREE:** Well, a couple of things. What we have now is an



1 enforcement nightmare. We have drawn lines in the Gulf of  
2 Mexico, and I guess they're at nine miles now, and, before that,  
3 they were a hodge-podge of nine and three miles, and I think we  
4 have a huge enforcement problem, and what we've set up now  
5 requires at-sea enforcement, which we don't have the capacity to  
6 do.

7  
8 If you think back to our discussions about Amendment 39, this  
9 was a landings-based program, and enforcement was going to occur  
10 at the dock, which is extremely easy to enforce, and so, if  
11 Alabama is open, we're going to make sure that people landing in  
12 Alabama adhere to whatever Alabama's rules are, but we're not  
13 worried about where they caught those fish.

14  
15 Now, if we only do this for three states, that's a lot more  
16 complicated, because we're going to, I guess, have a line at the  
17 Florida/Alabama border and a line at the Texas/Louisiana border,  
18 but, to me, if we could find a way to do this Gulf-wide, we  
19 essentially eliminate these lines, and I think we then have a  
20 much more enforceable system, because the reality is most  
21 enforcement of recreational regulations occurs at the dock, and  
22 so I think, if we do this right, it's much more enforceable than  
23 the situation we have right now, which I think all of us know is  
24 an extremely difficult situation to enforce.

25  
26 **CHAIRMAN GREENE:** Is there further discussion? Ms. Guyas.

27  
28 **MS. GUYAS:** I guess I would just want to see law enforcement  
29 engaged on this again. I know that they had some opinions about  
30 it, and I don't know that it's as simple as dockside  
31 enforcement.

32  
33 I mean, we certainly have people on the water, state waters and  
34 federal waters, but like, for example, if somebody is transiting  
35 through Florida state water, or whatever state waters, and they  
36 have not only red snapper, but they have other species on there,  
37 well then certainly they're -- If they're following limits that  
38 are not okay in Florida state waters or whatever state waters,  
39 then they're going to have an issue, and so I just think we need  
40 to be cognizant of some of those issues and, anyway, have law  
41 enforcement weigh in on this again.

42  
43 **CHAIRMAN GREENE:** I agree. Is there further discussion? Ms.  
44 Bosarge.

45  
46 **MS. BOSARGE:** Well, I mean, it's sort of on the point. I hate  
47 to hear comments like we don't have at-sea enforcement, because  
48 I guarantee you that we have at-sea enforcement. We're boarded

1 all the time, all the time, and, the for-hire guys, I've heard  
2 you all talk about it. You're boarded all the time, and so we  
3 do have at-sea enforcement, and that still would need to be the  
4 case. I just don't want to get in a situation where we're  
5 painting a picture like we're not going to board anybody at-sea  
6 and check you and we're just going to hope to catch somebody at  
7 the dock.

8  
9 **CHAIRMAN GREENE:** Mr. Banks.

10  
11 **MR. BANKS:** I agree, Leann, and that's a good point, and I will  
12 make a couple of points to that regard. One is an example that  
13 I heard from a charter fisherman who was doing some research in  
14 Louisiana, way off of our coast, off the western side, and he  
15 didn't see any boats out there while they were doing that  
16 research except our enforcement guys, and so I know our guys are  
17 out there. We do it through the JEA money that we get from the  
18 feds. Those guys are out to 200 nautical miles already, and  
19 they're doing enforcement out there.

20  
21 Another thing was Roy talked about an enforcement nightmare, and  
22 we were concerned about that under the thirty-nine-day  
23 extension. When our commission told us that you will continue  
24 to manage to a self-imposed limit, and you will close the  
25 season, we reminded them that we can't close the federal waters,  
26 but they said that you will close the state waters, and our  
27 enforcement simply said that we can enforce that, because, once  
28 that boat --

29  
30 Yes, he may be okay fishing in federal waters during that  
31 thirty-nine-day season, but, once he came into Louisiana waters  
32 and he had a red snapper, he was in violation, and that's how  
33 they did it, and so our enforcement guys figure out how to  
34 enforce these things.

35  
36 They're very good at it, and I agree with Roy that, at least  
37 early on, we thought that kind of situation would be an  
38 enforcement nightmare, but our enforcement guys figured out a  
39 way to handle it, and they do it, and they do a very good job on  
40 the water, and so I have confidence in that.

41  
42 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.  
43 Anson.

44  
45 **MR. ANSON:** Thank you, Mr. Chairman. On this enforcement issue,  
46 another thing that the states may want to consider, at least  
47 early on in the program, is when we're going to talk about  
48 minimum recreational size limit, and so we would be consistent

1 there.

2  
3 If we're consistent on bag limits -- I know, in your document  
4 for the state plan, you talk maybe of going to a three-fish bag  
5 limit, but, if each of the states stay consistent with the bag  
6 limit, then we're -- It's one more thing that's consistent and  
7 that they're beyond -- If they have more than two per person,  
8 they can be written up for that.

9  
10 If they're under fifteen inches, they can be written up for  
11 that, and so I mean there is going to be some enforcement out  
12 there, and it's just -- I understand the seasons might not be  
13 the same, and so there will be some discontinuity there, but  
14 there will be some, I think, some enforcement, if we can make it  
15 as consistent as possible.

16  
17 **CHAIRMAN GREENE:** Further discussion? Dr. Crabtree.

18  
19 **DR. CRABTREE:** Yes, and, just before we leave the allocation  
20 issue, you know Patrick brought up biomass as a possible way to  
21 look at it, and you also could -- So I guess you could argue  
22 that you should allocate the most fish where there are the most  
23 fish, and that's a western-Gulf-centric thing, because the  
24 biomass is higher in the western Gulf.

25  
26 Another way to look at it would be you should allocate the fish  
27 to where the fishermen are, and so you could look at number of  
28 trips, and I suspect, if you allocated based on number of trips,  
29 it would be very eastern-Gulf-centric, and probably the highest  
30 allocation would go to Florida.

31  
32 There might be some way though to mesh the two, where you're  
33 taking into account where the trips are as well as where the  
34 fish are and then you weight the two in some fashion that gets  
35 you to some reasonable allocation that maybe gets people to  
36 something they could live with, but I don't think it's realistic  
37 not to look at where the fishing trips are taking place and  
38 where are the fishermen in that equation too, and so that might  
39 be a different way to kind of come up with some options on  
40 allocation.

41  
42 **CHAIRMAN GREENE:** Mr. Riechers.

43  
44 **MR. RIECHERS:** I have sat on my hands here for a little bit and  
45 don't want to get too much into this discussion, but I think  
46 there is also a possibility, and I know that you guys have done  
47 a lot of talking about what your numbers are.

48

1 We've been tied to these landings streams that have certainly,  
2 in most recent years too, have been kind of a different set of  
3 seasons than we've maybe seen in the past, when we were fishing  
4 and having greater period of time to fish and people could get  
5 out, hopefully somewhat more equally across the Gulf, as far as  
6 weather patterns go and so forth.

7  
8 I agree with Tom. Obviously this is going to require some  
9 thought, and it's going to require us rolling up our sleeves  
10 again, if we're really going to get back into this discussion,  
11 and there may be some other ways to look at it than we have in  
12 the past, and those time series, of course, you have just added  
13 on two years from the past time series, and I understand that,  
14 but there may be some other alternative ways to do this.

15  
16 In the past, we have had to try to go with basically a -- Based  
17 on a landings history kind of notion, and maybe, given some of  
18 these other things, we can get past that a little bit, where it  
19 may be more reflective of reality, as well as maybe more  
20 reflective of how the fishery looked before we got into these  
21 very constrained times.

22  
23 **CHAIRMAN GREENE:** Dr. Crabtree.

24  
25 **DR. CRABTREE:** I would make a motion that we direct staff to  
26 construct some allocation alternatives that reflect spatial  
27 patterns in biomass and recreational trips with options for  
28 weighting the two. If I get a second, I will give a little bit  
29 of --

30  
31 **CHAIRMAN GREENE:** We have a motion, and it's seconded by Mr.  
32 Swindell. Your rationale, Dr. Crabtree?

33  
34 **DR. CRABTREE:** Well, we all know this is the whole ballgame  
35 right here. If we can't come to agreement on allocation, none  
36 of this goes anywhere, and we've had this tension between where  
37 the fish are and where the trips are, and, for better or for  
38 worse, where most of the fish are isn't where most of the  
39 recreational trips are taking place, and I think there is data  
40 available that would give us some ability to look at how numbers  
41 of fish vary among the states, and I know, with the MRIP  
42 program, we can look at where the trips are taking place off the  
43 states, and so I think it's worth spending some time taking a  
44 look at this, because I think this is the heart of the whole  
45 issue right here.

46  
47 **CHAIRMAN GREENE:** Mr. Anson.

48

1 **MR. ANSON:** So, Dr. Crabtree, for your spatial patterns in  
2 biomass, I would assume that peer-reviewed research would be  
3 eligible for including in that spatial biomass equation, part of  
4 the equation?  
5

6 **DR. CRABTREE:** Well, I'm thinking -- I'm aware of one study  
7 that's done that Gulf-wide and looked at it, and we had a  
8 presentation on that study at the Gulf States Marine Fisheries  
9 Commission, and so I know that study is there.

10  
11 There may be other things that I don't know of, but, to use it,  
12 the thing is that it would have to be Gulf-wide, and, of course,  
13 we're all aware that there is a considerable amount of money,  
14 close to \$10 million, that's been put aside by Congress to come  
15 up with an independent estimate of biomass in the Gulf of  
16 Mexico, and so, essentially, what that study is going to do is  
17 survey the Gulf and estimate biomass through the Gulf.  
18

19 Now, I don't think any of us want to wait until all of that gets  
20 done, but there's a lot of interest in doing these kinds of  
21 things, but I don't rule out any particular studies on it, but,  
22 off the top of my head, I'm aware of one study that has taken a  
23 look at this, and I'm happy to talk to folks at the Center, Clay  
24 and folks, and see what else they're aware of that might be  
25 useful. Understand too that it's going to be -- The state-by-  
26 state biomass is going to be approximate, but I think it will  
27 get you in the general ballpark of where these things are taking  
28 place.  
29

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

32 **MR. BANKS:** I like the motion, and I'm going to vote for it,  
33 because I think we should look at all kind of options here, and  
34 certainly I understand there is some concern about historical  
35 landings and things like that, but I do want to remind folks, at  
36 least for the recreational sector, certainly more so than you  
37 would find in commercial, but landings tends to tell you a lot  
38 about both of these things.  
39

40 Commercial fishermen, there is a variety of reasons why they  
41 might go and land fish that have nothing to do, necessarily,  
42 with the biomass, but, in the recreational sector, I think  
43 landings, more so, speaks to both of these issues, but I still  
44 think we should look at this, but there is some argument out  
45 there that the landings already do this.  
46

47 **CHAIRMAN GREENE:** Dr. Crabtree, to that point?  
48

1 **DR. CRABTREE:** There is. I think, though, we just have to be  
2 aware of the dynamics of the stock that have taken place as it  
3 has rebuilt. I mean, I live in the Tampa Bay area, and I can  
4 tell you, ten or fifteen years ago, we didn't have any red  
5 snapper, and so, as the stock has rebuilt, particularly in the  
6 eastern Gulf, places where red snapper vanished now have a lot  
7 of red snapper, and so, if you use a landings series or a  
8 biomass series that is heavily weighted towards fifteen or  
9 twenty years ago, that's not reflected in it, and so it doesn't  
10 capture the dynamics of what's happening, and, if we don't  
11 capture the dynamics of it, it will make it very difficult for  
12 some states to buy into this, because we are not reflecting the  
13 realities of what those states have to deal with.

14  
15 I think we all have to be sensitive to that, because,  
16 ultimately, we've got to come up with something, and Dale said  
17 it best, that nobody is going to get everything they want. The  
18 question is can we come up with something that everyone can live  
19 with though and give us a path forward on it?

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

22  
23 **MR. DIAZ:** This question is for Dr. Crabtree. As far as this  
24 motion is concerned, do you envision using these two things  
25 maybe in addition to landings or these two exclusively or how  
26 are you kind of thinking about that?

27  
28 **DR. CRABTREE:** I am thinking of this as staff comes up with a  
29 suite of alternatives to put in here in addition to the ones  
30 that are already in here based on landings. I am trying to come  
31 up with some additional things that we can look at.

32  
33 **MR. DIAZ:** So they could stand alone or they could be in  
34 combination with landings or --

35  
36 **DR. CRABTREE:** Or you could decide to do it with landings and  
37 that this didn't work, but we won't know until we take a look at  
38 it.

39  
40 **MR. DIAZ:** Right. As far as trips, trips would have to come  
41 from MRIP?

42  
43 **DR. CRABTREE:** No, they will have to come from a variety of  
44 sources, because we don't have MRIP for Texas, and so we'll have  
45 to rely on Texas Parks and Wildlife for that, and, if you want  
46 to use the recent time period, we'll have to use LA Creel, but I  
47 think, for Mississippi east, those would come from MRIP and  
48 headboats as well, the headboat survey.

1  
2 **MR. DIAZ:** Right, and I don't know what that would look like,  
3 and I think we need to do this and check and see how this comes  
4 out, but I have said this on the record before, and, as a small  
5 state, MRIP can swing very wildly in the State of Mississippi.  
6 In some years, it has it as 0.01 on our landings catch, and, the  
7 very next year, it might be 3 or 4 or 5 percent, and they don't  
8 swing that much, but it just depends on what intercepts hit  
9 during the time period.

10  
11 **DR. CRABTREE:** Right, and understand too that these won't be  
12 trips, necessarily, that are red snapper trips. They would just  
13 be -- You could look at recreational trips that went into the  
14 EEZ. We have that.

15  
16 You could only look at recreational trips in the EEZ in the  
17 months of June and July, because that's when red snapper has  
18 been open, and there are different ways you could slice this,  
19 but you can't really look at just red snapper trips. The  
20 advantage of that though is it probably will give you a lot of  
21 trips, and my hope is it gives you -- It avoids some of that  
22 wild swinging around, and I don't know if it will or not, but I  
23 think it might.

24  
25 **CHAIRMAN GREENE:** Dr. Mickle.

26  
27 **DR. MICKLE:** Thank you, Mr. Chairman. To those points of Dale  
28 and Roy, exactly, and so, when you have low numbers of  
29 intercepts, you have crazy variance. Low numbers of intercepts  
30 usually means low trip numbers, and so obviously Mississippi is  
31 going to have a large problem with this motion, but, as far as  
32 uncertainty, we don't even know how uncertain it is spatially or  
33 temporally, which Roy just said, looking at seasonality within  
34 it.

35  
36 The biomass issue, right now, we're referencing a single  
37 manuscript, and I was there for that presentation at the Gulf  
38 States meeting, and it's looking at biomass on a spatial level.  
39 It is, but it's bringing in types of reefs, natural reef and  
40 artificial reef and rigs, and it looks at all of those things,  
41 and the discussion is stemmed toward making those discussion  
42 points and inferences, and so, when you start talking about  
43 biomass, leaning on a single manuscript is an incredibly  
44 dangerous thing to do, and I just wanted to make that clear.

45  
46 **CHAIRMAN GREENE:** Mr. Gregory.

47  
48 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree, I was curious, what

1 do you mean by options for weighting the two? I mean, weighting  
2 -- I could see looking at catch by state, weighted by biomass,  
3 or weighted by trips, or do you mean saying the estimate will be  
4 50 percent biomass and 50 percent recreational trips?  
5

6 **DR. CRABTREE:** Yes, something along those lines. I am thinking  
7 back to I think it was Amendment 41, where we had geographic  
8 weighting and then other kinds of weightings, and we had  
9 formulas that applied this much, and so you could decide, for  
10 example -- I mean, Paul makes a good point that the biomass  
11 numbers are probably really uncertain, and so we're only going  
12 to give it so much weight and we're going to mostly look at  
13 trips.  
14

15 Exactly how you do that, I don't know, Doug, but it seems like  
16 there would be some way to mesh the two together a little bit,  
17 and Paul is right that there is going to be lots of uncertainty  
18 with all of this, but it's just another way to look at it that I  
19 think is worth exploring anyway.  
20

21 **CHAIRMAN GREENE:** Dr. Ponwith.  
22

23 **DR. PONWITH:** Thank you, Mr. Chair. The biomass question, the  
24 highest quality information we have on biomass is if you split  
25 the Gulf of Mexico east and west using the Mississippi, because,  
26 essentially, that's the way we've constructed the stock  
27 assessment, and so that's where we have the most certainty.  
28

29 The paper is a good paper. It's a peer-reviewed paper, and it's  
30 really looking at distribution and productivity in natural reef  
31 habitats relative to artificial reef habitats and the relative  
32 proportion of those two coarse types of habitat within the Gulf  
33 of Mexico, but it's true that it's one paper, and it was written  
34 really to look at that one issue.  
35

36 I think it would be informative in this question. Whether it's  
37 adequate to actually use it as the basis for dividing Gulf of  
38 Mexico biomass by geographic, by state boundaries, remains to be  
39 see, and so I think it will be informative, but we would really  
40 want to look carefully in terms of the ability to do that.  
41

42 **CHAIRMAN GREENE:** Ms. Guyas.  
43

44 **MS. GUYAS:** There's been a lot of talk about this paper. Can  
45 we, I guess if this motion passes, receive that paper and maybe  
46 have a presentation on it at our next meeting, so everybody kind  
47 of sees what we're talking about?  
48



1 **EXECUTIVE DIRECTOR GREGORY:** I don't know if we have it, and if  
2 somebody at the Regional Office could distribute it or give us  
3 the reference and we could find it.

4

5 **DR. STUNZ:** I've got it, Doug, and I will forward it to you.

6

7 **CHAIRMAN GREENE:** Mr. Anson.

8

9 **MR. ANSON:** Thank you, Chairman Greene. I know you're kind of  
10 past your time allotted, and I will be brief, but I have made  
11 comments in the past about concerns relative to using biomass.  
12 However, in the light of Dale's comments that not all of us are  
13 going to be happy, I know we, early on, were very supportive of  
14 trying to get regional management through, because we felt that  
15 provided our anglers the best opportunity to provide the maximum  
16 flexibility that's allowed, and so, in the spirit of trying to  
17 get more numbers out there for us to look at, to maybe find that  
18 magic sweet spot for everybody, or at least come close to it, I  
19 will support the motion.

20

21 **CHAIRMAN GREENE:** Mr. Riechers.

22

23 **MR. RIECHERS:** In this discussion about this paper, obviously  
24 SEDAR 31 is also one of our references there, and we may have  
25 some more references coming up by the time we would get moving  
26 on this, though I am not certain we would, given the time it  
27 takes to do the assessment, but I think we've got a couple of  
28 references.

29

30 I am like you, Kevin. In fact, I'm going to offer another  
31 motion in that same vein in a moment, and not that I'm wanting  
32 to create a lot of extra work for staff, and I will say it now,  
33 but, obviously, if we can get to some sort of conclusion, where  
34 we can look at this and come up with this kind of regional  
35 approach, we're all going to be much better off, and so I will  
36 suggest that I will be offering a motion, and it's not to change  
37 or suggest that it's the way we need to go, but it will be an  
38 option for us to look at some different numbers that I think  
39 have some reasonableness to them.

40

41 **CHAIRMAN GREENE:** Mr. Sanchez.

42

43 **MR. SANCHEZ:** I think we're on our way to making progress,  
44 because nobody is happy.

45

46 **CHAIRMAN GREENE:** Okay. Thank you. All right. Is there  
47 further discussion about the motion? **Seeing no further**  
48 **discussion, is there any opposition to the motion? One in**

1 opposition, and the motion carries. Mr. Riechers.  
2  
3 **MR. RIECHERS:** I would also offer a motion that we reconstruct  
4 the allocation landings tables and truncate that landings series  
5 at 2010. If I do get a second, I will give you some of my  
6 rationale.  
7  
8 **CHAIRMAN GREENE:** Okay. Let's make sure we get the motion on  
9 the board.  
10  
11 **EXECUTIVE DIRECTOR GREGORY:** Knowing that's the oil spill year?  
12  
13 **MR. RIECHERS:** It has nothing to do with the oil spill. You're  
14 saying go through 2009 and don't include 2010 because of the oil  
15 spill? Yes.  
16  
17 **MR. ANSON:** Second for discussion, if you need it, Johnny.  
18  
19 **CHAIRMAN GREENE:** Okay. Mr. Riechers.  
20  
21 **MR. RIECHERS:** If I may, I will give a little rationale, and,  
22 again, I'm trying not make a tremendous amount of work, because  
23 we could create --  
24  
25 **CHAIRMAN GREENE:** Hang on. Is your motion correct?  
26  
27 **MR. RIECHERS:** Yes.  
28  
29 **CHAIRMAN GREENE:** Okay. It was seconded by Mr. Anson. Mr.  
30 Riechers.  
31  
32 **MR. RIECHERS:** Okay. Certainly, and we've talked about it  
33 around this table a lot, in the western Gulf, the timing of the  
34 June 1 season really impacts the fishery in the western Gulf.  
35 This is the point in time where we started going to forty-five-  
36 day seasons and things were really changing dramatically, and  
37 the ability to get out during that timeframe could impact your  
38 landings series.  
39  
40 I am not certain what it does to percentages. I haven't  
41 calculated it, and I don't know, but I think, as we try to work  
42 through this issue, it may be worth looking at as well.  
43  
44 **CHAIRMAN GREENE:** Dr. Crabtree.  
45  
46 **DR. CRABTREE:** Robin, are you talking about adding some  
47 alternatives for allocations that only rely on landings through  
48 2009?

1  
2 **MR. RIECHERS:** Well, I was going to -- We could add them as  
3 alternatives, because, once you do the calculation, it's easy  
4 enough to put those as alternatives in the document, just like  
5 you have them now.  
6  
7 I don't think we're going to vote this out in October, and so I  
8 was going to let them come back with those numbers and let us  
9 take a look at that as well as with these new series as well.  
10 If you want me to make it a motion, where we add it as an  
11 alternative, I can certainly do that.  
12  
13 **DR. CRABTREE:** I think it would be better to look at some  
14 alternatives that don't go past that, because we're going to  
15 have to include alternatives that look at more recent years,  
16 because there are requirements in the statute to take into  
17 account past and present participation and things like that, but  
18 I don't have any problem with having some alternatives that only  
19 use those older time periods.  
20  
21 **CHAIRMAN GREENE:** Mr. Sanchez.  
22  
23 **MR. SANCHEZ:** Like we mentioned earlier, the Florida fishery is  
24 expanding as the biomass comes our way in recent history, and  
25 that is almost ten years.  
26  
27 **MR. RIECHERS:** No, and I hear you, John, and I certainly  
28 understand that, and that's why we have one that's going to take  
29 account of both the biomass expansion, possibly, as well as  
30 number of participants, and maybe trips is the better way to go  
31 on all of this, but I just think we have to recognize and  
32 acknowledge that our own management strategy has basically  
33 changed the way this fishery has been prosecuted, and certainly  
34 east to west it has made that change, based on that June 1 date.  
35  
36 I will suggest -- I will leave it up to you guys whether you all  
37 bring this back as an alternative suite outside or inside.  
38 That's really you all's call, but hopefully it passes, so that  
39 we will get to see some of those.  
40  
41 **CHAIRMAN GREENE:** Dr. Mickle.  
42  
43 **DR. MICKLE:** Robin, you justify, in this motion, to say that the  
44 volatility of the snapper recreational catch started after 2009,  
45 and is that the rationale? Am I missing something?  
46  
47 **MR. RIECHERS:** No, and I'm -- Certainly there has always been  
48 that volatility, and, as you suggest, there is always some

1 implications regarding people being able to get out, et cetera,  
2 but, when we truncate that season to a relatively shorter period  
3 of time, and certainly, in the most recent years, when we're  
4 talking about real short seasons, given weather vagaries in the  
5 western Gulf and the winds that we have, we're just going to get  
6 less participation with that June 1 start.

7  
8 For those who were on the council when we started hitting June  
9 1, you all know that this has been a discussion point that we've  
10 had since we started setting June 1 as the date, and so my  
11 notion is that, once we start hitting that forty-five-day  
12 period, you have really basically taken away some of the  
13 opportunities to spread out and find those better weather days.

14  
15 **CHAIRMAN GREENE:** Dr. Mickle.

16  
17 **DR. MICKLE:** Thank you, Mr. Chairman. Understood, and thank you  
18 for the clarification. I just want to get on the record that  
19 Katrina did hit in 2005, and our for-hire fleet and our private  
20 fleet is, literally, no exaggeration, just starting to get back  
21 on its feet, and so this motion will, I guess, envelope that and  
22 show it.

23  
24 **CHAIRMAN GREENE:** Thank you. Is there further discussion? All  
25 right. Any further discussion? **Seeing no further discussion,**  
26 **is there any opposition to the motion on the floor before you?**  
27 **Seeing four in opposition, the motion carries.** All right. Is  
28 there further discussion? Mr. Walker.

29  
30 **MR. WALKER:** I was just going to bring up something from my  
31 experience in the commercial industry and this allocation. When  
32 it came up, it was pretty hard. I forget how many members we  
33 had, maybe seventeen members, and we had seventeen  
34 recommendations on how the allocations should be split up, and  
35 so there were several things that came up, and then one thing  
36 that actually came up was either the first ten years or the last  
37 ten years, and it ended up being the ten consecutive years, but  
38 we used all of the years that were available from the logbooks.

39  
40 That way, everyone -- As Dale mentioned, a lot of folks are  
41 going to have to give up something, and so we all had to give up  
42 something, and we were all diluted, but everyone gave up  
43 something, and that was using all the years that were available,  
44 and maybe you could -- I am just suggesting that maybe you could  
45 look at all the years available for the records for recreational  
46 red snapper landings and then maybe look at using a consecutive  
47 ten-year period or something, and that's just a suggestion.

48

1 **CHAIRMAN GREENE:** Mr. Anson.  
2  
3 **MR. ANSON:** David, I recall, from the commercial side then,  
4 wasn't -- Maybe, Dr. Crabtree, you can chime in, but weren't  
5 there some allocation decisions that were based on using the  
6 best years that you had available, so each participant could  
7 basically go to their logbooks and then they picked the best  
8 years and then everybody coming to the table would have their  
9 best years and then that would be the basis for determining that  
10 percentage?  
11  
12 **MR. WALKER:** Yes, that's correct. I think it was maybe the  
13 computer picked the best ten years of your history, and that was  
14 determining what your allocation was based on, and there was a  
15 lot of these things -- You know, people had hardships. Maybe it  
16 didn't take place in the first year or the last year, and we  
17 took all of that into consideration.  
18  
19 We didn't have an oil disaster at the time, but it was hardship,  
20 and that was taken into consideration, and, like I said, the  
21 council took it and made it the best ten years, but, anyway,  
22 that gave us a long history to pick from, and it was all the  
23 history that we could pick from at the time.  
24  
25 **MR. ANSON:** I will make a motion then that maybe, in the spirit  
26 of getting more numbers out there, is that the allocation table  
27 include a formula which looks at the percentages based on using  
28 or looking at the best ten years from the period 1986 through  
29 2015 or 2009, and I will take that back. From 1986 to 2009 as  
30 the percentage of allocation. It will be ten years, and I'm  
31 sorry, but to look at the best ten years from the series 1986  
32 through 2009.  
33  
34 **CHAIRMAN GREENE:** We have a motion on the floor. Is there a  
35 second for this motion? It's seconded by Dr. Mickle. Dr.  
36 Crabtree.  
37  
38 **DR. CRABTREE:** If you want to look at something like that, why  
39 would you only look at it through 2009 and not include more  
40 recent years?  
41  
42 **MR. ANSON:** Only going back to Robin's point about -- I mean, I  
43 guess, if it's the best, it's the best, but, again, trying to  
44 get it to a point of -- Robin is going to, essentially, probably  
45 be getting the best ten years prior to 2009 anyways, but that's  
46 all.  
47  
48 **DR. CRABTREE:** But, in my view, anything that stops at 2009 is

1 never going to be acceptable to the other states, because it  
2 doesn't reflect the realities of the last decade, and so I'm  
3 just not sure that it's all that productive to go down that  
4 path.

5  
6 I mean, I'm fine with looking at it, and, you know, if your  
7 concern is about outlier years and things, there are other --  
8 Most of these are based on arithmetic means, which are highly  
9 influenced by big swings. If you used the geometric mean, it's  
10 much less sensitive to really high and really low things, and so  
11 there's lots of different ways that we could look at this, I  
12 think.

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

15  
16 **MR. SANCHEZ:** I could support it if we went to say 2015. Again,  
17 you're going to pick your ten years, and that would give a  
18 couple of different ten-year options out there, and that would  
19 bring it closer to home for us and be something we could  
20 embrace.

21  
22 **CHAIRMAN GREENE:** Mr. Banks.

23  
24 **MR. BANKS:** I just want some clarification. Kevin, are you  
25 talking about the best ten years, the highest ten years, of  
26 Gulf-wide landings or the best ten years of each state's  
27 landings? Certainly, if it's each state, that won't work.

28  
29 **MR. ANSON:** I was actually thinking -- Good point. I was  
30 thinking each state looking at their landings and then they pick  
31 the best ten years, and then you add all of those together, and  
32 then that formulates the percentage, basically, and so you're  
33 not going to come up to 100 percent of the pounds, necessarily,  
34 for each of those years, but, if you were at 15 percent or 12  
35 percent or 10 -- Not 15 percent, but you just add up the number  
36 of pounds that correlates with what you had harvested in your  
37 best ten years, and then that would be added to the pounds that  
38 Mississippi had and the pounds that Alabama had and all that.  
39 Then, whatever that percentage was, is what it would be.

40  
41 **CHAIRMAN GREENE:** Ms. Bosarge.

42  
43 **MS. BOSARGE:** I think staff just maybe clarified what Kevin's  
44 intent was there in that motion, because you want to do this on  
45 a state-by-state basis, and that's what I was going to bring up.  
46 I just wanted to make sure that your motion was going to be  
47 clear, the way you intended it.

48

1 Then I am not sure whether we want to go 2009 or we want to go  
2 further in time than that. I am going to leave that up to the  
3 council, but I do think we should probably make it clear that,  
4 whatever time series we go through, looking at this has a  
5 definitive cutoff.

6  
7 We would not go past 2016 and look at anything past that,  
8 because, if we do, then we are essentially creating a situation,  
9 as we trudge along with this document, where states are  
10 incentivized to like, for example this year, and you want to get  
11 your landings as high as you can if you think this is going to  
12 take us a couple of years, and so you open your season after the  
13 agreement that's been made with the Secretary of Commerce.

14  
15 I don't want to incentivize that kind of situation, and so I  
16 think we need to make sure that there's a cutoff of 2016 and  
17 we're not -- This says 2009, and that's fine, but I am just  
18 saying, in the future, if we go forward and try and do through  
19 2015, whatever you all decide, let's make that clear, that this  
20 isn't going any further than that. We don't want to incentivize  
21 something that's maybe not conducive.

22  
23 **CHAIRMAN GREENE:** Ms. Guyas.

24  
25 **MS. GUYAS:** A question and then -- Kevin, I assume here that the  
26 intent is truly the best ten and not like the best ten  
27 consecutive, right? Okay. **Actually, I want to make a**  
28 **substitute motion, which would basically be this motion, but**  
29 **substitute "2009" for "2015".**

30  
31 **CHAIRMAN GREENE:** Okay. We have a substitute motion, and it was  
32 seconded by Mr. Sanchez. The substitution motion is that the  
33 allocation table include a formula that looks at the percentages  
34 for the best ten years for each state from the time series 1986  
35 through 2015 as a percentage of allocation. Is there discussion  
36 about the substitute motion? Dr. Crabtree.

37  
38 **DR. CRABTREE:** I do think that is better, because there is  
39 language in the Magnuson Act with respect to allocations, and it  
40 does say that we have to take in current and historical  
41 harvests, and my worry would be, if you cut it off at 2009, how  
42 are you taking into account current levels of harvest, and so I  
43 think this is a better motion.

44  
45 **CHAIRMAN GREENE:** Mr. Walker.

46  
47 **MR. WALKER:** Thank you, Chairman Greene. I know, in the  
48 commercial industry, we decided to go with consecutive, instead

1 of people just picking and choosing the best ten years, if we  
2 were worried about it diluting it anymore, and our thought was  
3 that we had older fishermen who had a history that was maybe  
4 heavier in the early years, and then you had some younger  
5 fishermen that maybe were heavier in the latter years, but  
6 that's what it was.

7  
8 We were just afraid of people picking and choosing too many  
9 years and diluting it too much, but the ten-year average was  
10 used because it was sort of like, if you get tenured in a job,  
11 you've had ten consecutive years in a job, and so that was kind  
12 of our thoughts on it, but we all supported the consecutive ten  
13 years. Of course, I like extending the years from 1986, and I  
14 don't see any problem including 2016, but I like the using more  
15 years.

16  
17 **CHAIRMAN GREENE:** Okay. Thank you. Is there further discussion  
18 on the substitute motion on the board? **Seeing no further**  
19 **discussion, is there any opposition to the motion on the board?**  
20 **Seeing no opposition, the motion carries.** Is there further  
21 discussion? Dr. Lassetter.

22  
23 **DR. LASSETER:** Thank you, Mr. Chairman. I wanted to respond  
24 also in regards to some of the law enforcement concerns. There  
25 is the upcoming Gulf States Commission meeting in October, and I  
26 believe Mr. Atran is already compiling an agenda for that, and  
27 we were planning to include this for their review as well, and  
28 so we'll be able to bring that feedback to you in January from  
29 the Law Enforcement Technical Committee.

30  
31 If there is no more discussion on the Action 2, let's move into  
32 Action 3, which begins on page 16, and this is the action to  
33 potentially modify the federal recreational minimum size limit.  
34 Again, this was considered in Amendment 39, and Mr. Banks did  
35 include this as a potential action in Louisiana's  
36 conceptualization of state management, and so we did include  
37 this in the document.

38  
39 However, if you are not interested in modifying the federal  
40 minimum size limit Gulf-wide, we are hoping that you would  
41 remove this action, but let me go over the alternatives first.  
42 Of course, Alternative 1, again our no action, would retain the  
43 current sixteen-inch total length minimum size limit.

44  
45 Alternatives 2 and 3 would reduce the federal minimum size limit  
46 to fourteen inches or fifteen inches total length, respectively,  
47 and Alternatives 4 and 5 would increase the federal minimum size  
48 limit to seventeen and eighteen inches total length,



1 respectively, and, again, we always need a reasonable range of  
2 alternatives, and that's why we had provided you previously both  
3 increases and decreases to the current federal minimum size  
4 limit, and so I will pause there and see if there's any  
5 discussion on this action.

6

7 **CHAIRMAN GREENE:** Mr. Banks.

8

9 **MR. BANKS:** Just a question, Dr. Lasseter. You had made a  
10 statement earlier on, when describing the overall document,  
11 about the impact of a different size limit in different states  
12 across the Gulf and the impact on the stock assessment.

13

14 Knowing that Texas currently has a state-water size limit of  
15 fifteen, and commercial having a size limit of fifteen, and then  
16 everything else being sixteen, don't we already have that issue,  
17 and so why -- I guess I'm confused as to is it truly still an  
18 issue, because it seems that it already is an issue, and we're  
19 dealing with it.

20

21 **DR. LASSETER:** I believe it is an issue. I know, in our IPT  
22 calls, it was the stock assessment people from the Science  
23 Center that were very concerned about potentially modifying this  
24 in different parts of the Gulf. I would need someone to speak,  
25 one of our biologists that is more familiar with what the  
26 specific issues are with the stock assessment, and, Sue or John,  
27 can you potentially discuss more of the implications of having  
28 the different size limits across the Gulf?

29

30 **DR. FROESCHKE:** Well, you just really have to run it through the  
31 stock assessment. I don't know, off the top of my head, how  
32 that would play out.

33

34 **CHAIRMAN GREENE:** Mr. Banks.

35

36 **MR. BANKS:** I guess where I was going was it just seems like  
37 that it's already an issue, and so I don't know why we would  
38 need to try to limit it at this point. It seems like each state  
39 having that flexibility wouldn't make the situation any  
40 different than it already is, and so I certainly prefer to have  
41 no action and keep the sixteen-inch, but I don't want to tell  
42 the other states what they should do. If the situation didn't  
43 already occur, I can understand it, but the situation is already  
44 there.

45

46 **CHAIRMAN GREENE:** Dr. Mickle.

47

48 **DR. MICKLE:** Just from a scientist's point of view and doing

1 stock assessments within my state, when the data is going in the  
2 models, they're designed to go in as fleets, and, to Patrick's  
3 point, there is a size difference with Texas and the rest of the  
4 Gulf, and so they're compensating for that, so it can be done,  
5 but, if you have all these different states with different  
6 lengths, you're creating more fleets, so to speak, more and more  
7 and more fleets, and so it convolutes the model when you have  
8 these streams going in in different fleets, so to speak.

9

10 **CHAIRMAN GREENE:** Dr. Crabtree.

11

12 **DR. CRABTREE:** That was going to be my comment, with Paul. If  
13 you end up with a hodge-podge of size limits in the Gulf, you're  
14 going to have different selectivities off of each state, and  
15 then it definitely will interject more uncertainty into the  
16 assessments, I think.

17

18 **CHAIRMAN GREENE:** Mr. Riechers.

19

20 **MR. RIECHERS:** That is, as I recall the conversation, the issue.  
21 It was actually compiling the data for the stock assessment and  
22 trying to work with it, is what the stock assessment scientists  
23 were concerned with.

24

25 I just might remind folks that the reason we're at fifteen is  
26 because the yield per recruit is maximized at that level. We  
27 went to sixteen here at the council level, I believe at one  
28 point, and I'm not completely recalling all the rationale, but  
29 then we got the yield per recruit, and that's why the commercial  
30 has dropped back down to fifteen, or never moved. We stayed at  
31 fifteen, and, for whatever reason, the council has chosen to  
32 stay at sixteen for the rest of federal waters.

33

34 **CHAIRMAN GREENE:** Mr. Gregory.

35

36 **EXECUTIVE DIRECTOR GREGORY:** It's confounded by the greater  
37 magnitude of the population that is affected by the disparate  
38 size.

39

40 **CHAIRMAN GREENE:** Is there further discussion? Mr. Walker.

41

42 **MR. WALKER:** I just want to mention, when we reduced our size  
43 limit to thirteen inches, it addressed a lot of our discards of  
44 -- Observers have gone before and said, well, you guys don't  
45 have any discards, and so, when you're fishing in 120 or 150 or  
46 200 foot or wherever you're fishing, the survival rates are not  
47 very good for any size limit.

48

1 Then I would like to mention -- I have asked before, which it  
2 never really went anywhere at the council, to look at some type  
3 of -- If you're catching smaller fish and people are landing  
4 these fish and they're not releasing them back to the water,  
5 but, if they kept these fish, it could actually reduce the size  
6 limit, the actual weight of the fish, and that could give you a  
7 longer season, and I think that was actually found out in the  
8 headboat industry, because they found out that their fish were  
9 actually smaller and that they were able to get a longer season,  
10 and so I just always thought that looking at a smaller size  
11 limit was something of value.

12  
13 **CHAIRMAN GREENE:** All right. Is there further discussion?  
14 Okay. I don't see any further discussion. Dr. Lasseter.

15  
16 **DR. LASSETER:** Thank you, Mr. Chairman. This is the final  
17 action in this programmatic amendment, the overview, the  
18 umbrella amendment, if you will, and so the next three  
19 amendments are the Louisiana, Mississippi, and Alabama,  
20 respectively, (b), (c), (d), that are identical and each include  
21 three actions, but I am actually going to pause here for a  
22 moment, given the time constraints, and see if we want to carry  
23 on with this in committee.

24  
25 **MS. BOSARGE:** I think if we can wrap this committee up by 11:25  
26 -- That gives me five minutes to make it through about the first  
27 three or four things on the Full Council agenda, and I think I  
28 can do that. I think I can speed through that, but, having said  
29 that, I don't think that we can get through one of the state  
30 amendments in that period of time, but we did have two items  
31 under Other Business that we might could make it through and  
32 have the state discussion during Full Council, during the  
33 committee report, but I see some hands raised, and so that is my  
34 game plan, unless you all convince me otherwise.

35  
36 **CHAIRMAN GREENE:** Okay. Before we leave this portion, does  
37 anybody else have anything? Mr. Banks.

38  
39 **MR. BANKS:** I would make a motion to make Alternative 1 the  
40 preferred. Hopefully I will get a second.

41  
42 **CHAIRMAN GREENE:** We have a motion to make Alternative 1 the  
43 preferred, and it was seconded by Mr. Sanchez.

44  
45 **MR. BANKS:** The rationale is just to try to -- Based on the  
46 discussion, and you guys were very good at explaining to me what  
47 was going on, and it sounds like, to me, we don't want to make  
48 the problem for the stock assessment any worse, and so I would

1 just as soon keep the size limit where it is. Thank you.

2  
3 **CHAIRMAN GREENE:** Okay, and this would retain current federal  
4 regulations for the minimum size limit for recreational red  
5 snapper in federal waters to the minimum size limit of sixteen  
6 inches total. Is there further discussion? Mr. Anson.

7  
8 **MR. ANSON:** I hope this passes or carries, but I will make a  
9 substitute motion that we move Action 3 to Considered but  
10 Rejected, because that will just save on the writing and all of  
11 that for staff.

12  
13 **CHAIRMAN GREENE:** We have a substitute motion to move Action 3  
14 to Considered but Rejected. Is there a second for this motion?  
15 It's seconded by Mr. Swindell. Ms. Gerhart.

16  
17 **MS. GERHART:** Like before, this is a very early stage of this  
18 document, and so I don't think that it needs to go to Considered  
19 but Rejected, but just be removed from the document.

20  
21 **MR. ANSON:** I am seeing a nod, and so if you can just amend  
22 that, for clarity then, just to remove Action 3 from the  
23 document. Thank you.

24  
25 **CHAIRMAN GREENE:** Okay. We have a substitute motion to remove  
26 Action 3 from the document. It was seconded. Is there further  
27 discussion? Seeing no further discussion, is there any  
28 opposition to the motion? Seeing no opposition, the motion  
29 carries. Dr. Lasseter.

30  
31 **DR. LASSETER:** Thank you, Mr. Chairman. Did I just understand  
32 that we were going to -- That is the end of the umbrella  
33 document, and we're going to continue on with the individual  
34 amendments in Full Council? Okay. Great. That is the end of  
35 this amendment, and so I will turn it back over to you, Mr.  
36 Chairman.

37  
38 **CHAIRMAN GREENE:** Okay. We had two other items under Other  
39 Business that were notified yesterday. Mr. Sanchez had a  
40 yellowtail issue.

41  
42 **OTHER BUSINESS**  
43 **YELLOWTAIL SNAPPER DISCUSSION**

44  
45 **MR. SANCHEZ:** Yes, and Martha as well. Again, we had a request  
46 from Michelle Duval, the Chairperson of the South Atlantic, and  
47 it was regarding the, I guess, the reoccurring closures of the  
48 yellowtail commercial fishery on the south side, and then there

1 was a request maybe to -- As much as I really am not a fan of  
2 these joint plans, to kind of combine forces with us and see if  
3 we couldn't get some relief doing that.

4  
5 I would like to see if we could just formulate some discussion,  
6 some options, for the next meeting, so we can try to avoid this  
7 continuing problem from happening again, because that is a very,  
8 very important species to the Keys, to restaurants, and to the  
9 fishermen, and I would ask Martha to chime in, because she's  
10 heard from the same folks as well.

11  
12 **CHAIRMAN GREENE:** Ms. Guyas.

13  
14 **MS. GUYAS:** Hopefully everybody saw that letter. It came a few  
15 weeks ago, and we also got a letter, earlier this week, and I  
16 think it maybe at least went to the Chair and a couple of us,  
17 from Bill Kelly. He couldn't be at this meeting this week.  
18 It's the start of lobster season in the Keys, but he is  
19 supportive of moving forward with this concept.

20  
21 I think, the last time we actually talked about this as a  
22 council, we approved a motion to do this, and then the South  
23 Atlantic had to kind of stall, I think at some point, but we  
24 keep having this conversation, over and over and over again, and  
25 I feel like we need to work with the South Atlantic and try to  
26 see if we can come to some kind of resolution here, because this  
27 has been an ongoing issue for several years now.

28  
29 **CHAIRMAN GREENE:** Mr. Gregory.

30  
31 **EXECUTIVE DIRECTOR GREGORY:** We got the letter too late to  
32 include it on the agenda for this meeting, and so we were  
33 planning on pulling together the information that the South  
34 Atlantic Council provided, plus some landings data, to have a  
35 discussion at the October meeting and have it on the agenda for  
36 the October meeting.

37  
38 It basically boils down to the South Atlantic Council has  
39 developed sector allocations, recreational and commercial, and  
40 we have not, and that's going to be the crux of the issue. Do  
41 we want to create sector allocations and then combine them with  
42 theirs, or do we want to ask them to combine their sector  
43 allocations and combine it as a whole with ours? We will have  
44 all of that information for you in October.

45  
46 **CHAIRMAN GREENE:** Ms. Guyas.

47  
48 **MS. GUYAS:** That sounds great. Just, I guess, also, given that

1 this issue -- Whether the Gulf Council ends up taking it up or  
2 not, it affects us as Florida either way, South Atlantic or  
3 Gulf. I mean, our agency is going to be working closely with  
4 the fishermen down there to try to come to a solution that  
5 everybody can live with here, and so I appreciate the effort for  
6 us reviewing this.

7  
8 **CHAIRMAN GREENE:** Thank you. Any further discussion on the  
9 yellowtail issue? All right. With that, we will move into our  
10 last noted Other Business item and Dr. Crabtree.

11  
12 **NINE-MILE BOUNDARY FOR MANAGEMENT OF REEF FISH**

13  
14 **DR. CRABTREE:** You may recall that, in the 2016 budget, there  
15 was language regarding state-water jurisdictions off of  
16 Louisiana, Mississippi, and Alabama, and the budget extended  
17 state waters off of those states out to nine miles, and that  
18 language has been carried over.

19  
20 We have consulted with the attorneys as to whether that  
21 jurisdictional change is only in effect for the duration of the  
22 budget or is it permanent, and the determination has been that  
23 the change in jurisdiction, for reef fish management purposes,  
24 is permanent until Congress changes it.

25  
26 It has an impact on some of the regulations that we have in  
27 place. We have a seasonal closure for the recreational sector  
28 for shallow-water grouper, and we have a stressed area, and we  
29 also have, I think, the longline gear boundary, and we have  
30 plotted these out, and, around the mouth of the Mississippi  
31 River, there are some places where the stressed area and some of  
32 our things actually cross into state waters.

33  
34 We're going to need to go back into our regulations and change  
35 the location of the inner boundary of the EEZ on some of these  
36 to reflect our jurisdictional boundaries and do that, and I am  
37 talking to NOAA Office of General Counsel as to whether we can  
38 just make a change to the numbers in the regulations or whether  
39 the council will have to do something, and we'll work with  
40 Doug's staff on that and keep you apprised of it, but we do need  
41 to make that change.

42  
43 I think there are also questions coming from fishermen about  
44 where is the boundary line and some of those, and so we've drawn  
45 some charts and things that show it, and I don't know that NOS  
46 is going to change the navigational charts to reflect this or  
47 not, but I just wanted to bring this to your attention.

48

1 I don't think there's a lot of consequence to these issues, in  
2 terms of our overall management of the fisheries, but I just  
3 wanted you to be aware that some of these changes will need to  
4 be taken care of.

5  
6 **CHAIRMAN GREENE:** Okay. Thank you, sir. Any discussion about  
7 Dr. Crabtree's information? Okay. That completes our schedule,  
8 as modified, and is there any further business? Mr. Boyd.

9  
10 **MR. BOYD:** Just a question, Mr. Chairman. At some point, we're  
11 going to reconvene the private recreational AP, and I didn't  
12 know if this was a point where we wanted to talk about that or  
13 in Full Council, and just get it back on the agenda sometime,  
14 and I don't know if you're going to leave that up to staff to  
15 call it or we need a motion. I know the private recreational AP  
16 said they needed to meet again, and they would like to have a  
17 report on data and a description of process and things like that  
18 from the Science Center, and so I just thought I would bring it  
19 up here.

20  
21 **MS. BOSARGE:** Actually, I had talked to Doug about that a little  
22 bit, and we're trying to figure out what that schedule is going  
23 to look like, because the other AP, I think, that requested was  
24 the -- Is it the for-hire AP? They had also requested another  
25 meeting at the end of the year.

26  
27 Now, obviously, we're going to have to look at some budget  
28 issues and some timing, especially on that private angler AP. I  
29 think there's some people that it would be really helpful to  
30 have at that meeting, like scientific and stock assessment type  
31 people, to answer those questions that they were asking.

32  
33 That way, they can talk directly to the people that conduct  
34 those, and I think that would be very helpful, and so I want to  
35 get with those people and see what their schedule looks like too  
36 and make sure that they can attend them, but, yes, we are  
37 working on it, and I think our discussion revolved around would  
38 those two meetings happen this fall, and so sometime between now  
39 and the end of the year, or would they actually be sometime  
40 early next year, but we haven't come to a conclusion yet, based  
41 on all of those issues that we just talked about with the  
42 scheduling of the people that we want to be there to answer  
43 their questions and budget constraints, but, yes, we are working  
44 on that, and we do intend to meet those. Am I correct on that,  
45 Mr. Gregory?

46  
47 **EXECUTIVE DIRECTOR GREGORY:** Right, but we weren't planning on  
48 having the Reef Fish AP, the for-hire AP, the headboat AP, and

1 the private AP all meet this year. We were definitely, and,  
2 Carrie, correct me, but planning on having the Reef Fish AP meet  
3 this year. That was the only thing that we have definitely  
4 planned and have, I think, in our schedule. Carrie, is that  
5 correct?  
6

7 **DR. SIMMONS:** We budgeted for all of those meetings. The  
8 question is can we get them all done by the end of the year,  
9 based on where we are with the actions that the council is  
10 working on, or is it appropriate to wait, and so I think we were  
11 kind of waiting for this meeting, to see how things moved  
12 forward, as far as the state management plans and 41 and 42 and  
13 the timing of those and when it was appropriate to put those  
14 documents back before the various APs.  
15

16 I think the way we left the private angler AP discussion was  
17 staff's understanding was we were going to try to reconvene that  
18 group in the fall and try to get all the appropriate folks  
19 together and potentially put the state documents before that  
20 group as well, depending on where the council was with that,  
21 but, again, we were waiting to see what happened at this council  
22 meeting.  
23

24 **CHAIRMAN GREENE:** Thank you. Mr. Sanchez.  
25

26 **MR. SANCHEZ:** I definitely would like to convene the joint for-  
27 hire AP, because we heard earlier this week, when we were trying  
28 to address the referendum items, that we weren't far enough  
29 along in those documents and we hadn't picked preferreds, and I  
30 would like them to convene before the end of the year so they  
31 can pick preferreds, both headboats and for-hire respectively,  
32 and then bring that back to us, so we can do something and move  
33 forward.  
34

35 **MS. BOSARGE:** As we said, both of those are on our radar, but  
36 we're just going to have to look at some scheduling and timing  
37 to see, you know, when we'll be able to meet them, but, yes,  
38 they are both in the works. Just bear with us, and we'll try  
39 and keep you posted on when the actual schedule transpires.  
40

41 **CHAIRMAN GREENE:** Okay. Any further business to come before the  
42 Reef Fish Committee? Madam Chair, we stand adjourned.  
43

44 (Whereupon, the meeting adjourned on August 9, 2017.)  
45

46 - - -  
47