

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

REEF FISH MANAGEMENT COMMITTEE

Marriott Courtyard Gulfport, Mississippi

April 17-18, 2018

VOTING MEMBERS

- 10 Johnny Greene.....Alabama
- 11 Kevin Anson (designee for Scott Bannon).....Alabama
- 12 Patrick Banks.....Louisiana
- 13 Leann Bosarge.....Mississippi
- 14 Doug Boyd.....Texas
- 15 Roy Crabtree.....NMFS
- 16 Dale Diaz.....Mississippi
- 17 Phil Dyskow.....Florida
- 18 Tom Frazer.....Florida
- 19 Martha Guyas (designee for Jessica McCawley).....Florida
- 20 Campo Matens.....Louisiana
- 21 Paul Mickle (designee for Joe Spraggins).....Mississippi
- 22 Robin Riechers.....Texas
- 23 John Sanchez.....Florida
- 24 Bob Shipp.....Alabama
- 25 Greg Stunz.....Texas
- 26 Ed Swindell.....Louisiana

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- 29 Dave Donaldson.....GSMFC
- 30 LT Mark Zanowicz.....USCG

STAFF

- 33 Steven Atran.....Senior Fishery Biologist
- 34 Assane Diagne.....Economist
- 35 Matt Freeman.....Economist
- 36 John Froeschke.....Fishery Biologist-Statistician
- 37 Douglas Gregory.....Executive Director
- 38 Morgan Kilgour.....Fishery Biologist
- 39 Ava Lasseter.....Anthropologist
- 40 Mary Levy.....NOAA General Counsel
- 41 Ryan Rindone.....Fishery Biologist & SEDAR Liaison
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- 43 Camilla Shireman.....Administrative and Communications Assistant
- 44 Carrie Simmons.....Deputy Director

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- 48 Greg Ball.....Galveston Professional Boaters Association, TX

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46

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12 [PAGE 67](#): Motion to defer any decision on state management of
13 federally-permitted for-hire vessels in the red snapper fishery
14 in federal waters no later than the 2020 season. [The motion](#)
15 [failed on page 75.](#)

16
17 [PAGE 88](#): Motion to modify the agenda and discuss Amendment 41
18 before Amendment 42. [The motion carried on page 90.](#)

19
20 [PAGE 94](#): Motion in Action 2, in all five individual state
21 amendments, to modify the language in (Preferred) Alternative 2
22 to read: Preferred Alternative 2: If the combined Mississippi
23 recreational landings exceed the Mississippi recreational ACL,
24 then in the following year reduce the total recreational quota
25 and Mississippi's ACL by the amount of the ACL overage in the
26 prior fishing year, unless the best scientific information
27 available determines that a greater, lesser, or no overage
28 adjustment is necessary. If appropriate, the Mississippi
29 recreational ACT (or component ACTs) will be adjusted to reflect
30 the previously established percent buffer. [The motion carried](#)
31 [on page 102.](#)

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38 program review report. [The motion carried on page 164.](#)

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40 [PAGE 183](#): Motion to accept the Ad Hoc Red Snapper and
41 Grouper/Tilefish IFQ AP's recommendation for program
42 participation to not require a reef fish permit to be a
43 shareholder thereby retaining the current regulations. [The](#)
44 [motion carried on page 187.](#)

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46 [PAGE 195](#): Motion to create a quota set-aside from non-activated
47 accounts to run a NOAA quota bank for addressing commercial
48 discards. The council shall create an industry steering

1 committee to provide advice in the administration of the
2 program. [The motion carried on page 198.](#)
3
4 [PAGE 199](#): Motion to move Section 2.3.1, the lease-to-own
5 provision, to Considered but Rejected. [The motion carried on](#)
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7
8 [PAGE 199](#): Motion to add an action to Amendment 36B regarding
9 the LEC/LETC's concerns with the accuracy of landing estimates
10 provided in advance landing notifications in the commercial IFQ
11 programs due to law enforcement observations of under-reporting.
12 [The motion carried on page 203.](#)
13
14 [PAGE 204](#): Motion to include in the allocation scoping document
15 requested at the January 2018 council meeting information
16 regarding the overages by the recreational sector, and the
17 private angler component in particular, and the de facto
18 reallocations to the recreational sector that have resulted, the
19 dollar value of losses to the commercial sector, including all
20 levels in the supply and distribution chain that has occurred as
21 a result of this de facto reallocation, recreational sector
22 discards and discard mortality, management uncertainty in both
23 the for-hire and private angler components, and information
24 regarding the consumer demand for and supply chain of
25 commercially-caught red snapper, including an assessment of the
26 number and location of end users of commercially-caught Gulf red
27 snapper. [The motion failed on page 207.](#)

28
29 - - -
30

1 The Reef Fish Management Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Marriott Courtyard, Gulfport,
3 Mississippi, Tuesday afternoon, April 17, 2018, and was called
4 to order by Chairman Johnny Greene.

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

10 **CHAIRMAN JOHNNY GREENE:** Good afternoon. I will call the Reef
11 Fish Management Committee together. As you all know, it's a
12 committee of the whole, and we certainly have enough for a
13 quorum. With that, we will look at Adoption of the Agenda. Is
14 there any additions, deletions, subtractions, or modification to
15 the agenda as written? Seeing none, we will consider it adopted
16 as written. Any changes to the minutes? Mr. Anson.

17
18 **MR. KEVIN ANSON:** Just one. I believe, on page 51, line 18, it
19 needs to be changed from "popular" to "unpopular", I believe.

20
21 **CHAIRMAN GREENE:** Any other additions while we're getting this
22 one corrected? Okay. We will make a note of that and pick it
23 back up a little later. We're kind of running behind schedule
24 here, and so, with that, we'll go on to our next agenda item,
25 which is the Action Guide and Next Steps, and that is provided
26 for your reference. That is Tab B, Number 3. Thank you, Mr.
27 Atran, for a thoughtful document there. Our next agenda item is
28 Review of Reef Fish Landings, and this will be Tab B, Number 4,
29 and someone from the Center, I believe, will try to walk us
30 through this document. Ms. Gerhart.

31
32 **REVIEW OF REEF FISH LANDINGS**
33

34 **MS. SUSAN GERHART:** Thank you. This is just the regular
35 landings report that we do for you. This is Tab B-4, and we
36 have the commercial landings for both the preliminary for 2018
37 that we've had so far through the beginning of this month and as
38 well as mostly final complete 2017 landings as well. Because
39 all the other major species are in an IFQ program, you only see
40 the triggerfish and amberjack.

41
42 For last year, we were very close to the ACL for both of those
43 species. They were closed down in -- The triggerfish was in
44 November and the amberjack was in June. For this year, we have
45 already announced that greater amberjack will not reopen after
46 the spawning season closure, which ends June 1, because we have
47 exceeded the ACT and come up close on the ACL as well.

1 For the recreational, we don't have any landings for 2018 yet.
2 We haven't gotten the Wave 1 complete yet, and so we only have
3 the 2017 final landings on there, and you can see the results of
4 those in that table.

5
6 The second page of this does -- Well, I guess it's the third
7 page, but it shows also the mackerel landings, which obviously
8 aren't in the reef fish, but, if you're interested, you can take
9 a look at those as well. Any questions?

10
11 **CHAIRMAN GREENE:** Questions? Ms. Guyas.

12
13 **MS. MARTHA GUYAS:** Just because I feel like I'm going to get
14 asked this at some point, on amberjack for the recreational
15 side, since there was an opening at the beginning of this year,
16 and that will be part of the May fishing year, so to speak, if
17 you -- Once you get the MRIP landings, if you have them in time
18 before the May opening, do you think -- It looks like the season
19 would need to be shortened, and would you be announcing that in
20 advance? What do you think about that?

21
22 **MS. GERHART:** Well, if we get the landings back from those few
23 days that we were open in January and they're close to the
24 quota, then we would probably do some sort of projection, but,
25 right now, we're not expecting that, and we're planning to open
26 May 1 and be open all of the month of May.

27
28 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
29 Okay. We're done with that, and we will go back to the
30 modification to the minutes that Kevin had referenced, and I saw
31 them typing it up in there. On page 51, line 18, to change
32 "popular" to "unpopular". Is there anyone that has any
33 objection to this modification to the minutes? Seeing none,
34 then we will make that modification as requested.

35
36 With that, we'll pick back up on our next agenda item, which
37 will be Update on State Management of Recreational Red Snapper
38 EFPs, and this will be Tab B, Number 5, and I guess Dr. Crabtree
39 will run us through this.

40
41 **UPDATE ON STATE MANAGEMENT OF RECREATIONAL RED SNAPPER EFPs**

42
43 **DR. ROY CRABTREE:** Yesterday afternoon, we issued five EFPs, one
44 to each of the Gulf states. We went over these with you at the
45 last council meeting, and the most substantive change to the
46 request made by the states was that we did not include the for-
47 hire sector in any of the EFPs. Texas and Louisiana had
48 requested that, but we didn't feel that was workable, for a

1 variety of reasons, all of which we talked about at the last
2 council meeting.

3
4 There were some tweaks and language tweaks to all of them that
5 I'm not going to go into now. There were some changes made to
6 the Florida EFP over the course of the weekend. They had
7 requested some additional quota. In the original EFPs, we had
8 issued 97 percent of the ACL out in EFPs, and we went ahead and
9 issued an additional 146,815 pounds to Florida, and so we have
10 now issued all of the ACL out to the states. Florida also
11 requested -- They wanted to reduce their buffer from 20 percent
12 to 10 percent, which is similar to what the other states have
13 done, and that was included in their EFP.

14
15 I want to thank everybody for working with us, all of the
16 states, to do this. There's been a great deal of interest in
17 trying a regional management approach, and so that's going to
18 happen this year, and we look forward to working with the
19 states, and we will report back to you at subsequent meetings,
20 as we see how this progresses.

21
22 **CHAIRMAN GREENE:** Mr. Banks.

23
24 **MR. PATRICK BANKS:** I want to thank you guys for approving those
25 EFPs. We're excited to be able to go in front of our commission
26 in a couple of weeks and try to set that season, but I do have a
27 question about that extra 3 percent and how that came about to
28 be issued just to Florida and not evenly distributed throughout
29 the Gulf, and can you walk us through that decision-making
30 process, please?

31
32 **DR. CRABTREE:** Essentially, we were looking at Florida having a
33 significantly shorter season than any of the other Gulf states,
34 and I think their request was to try and bring their season
35 closer into line with what occurred in the other states.

36
37 **CHAIRMAN GREENE:** Mr. Riechers.

38
39 **MR. ROBIN RIECHERS:** I certainly want to echo Patrick's thank
40 you for us working through the EFPs, and certainly we want to
41 make note of, and we don't have to go back into it, why Texas
42 and Louisiana both -- I will speak for Texas here, but we wanted
43 to keep the charters in, and certainly we had, I think, ample
44 reason to do that, even though you suggest there is some reasons
45 not to.

46
47 I guess I'm going to back on Patrick's suggestion here, and,
48 while I understand Florida needing extra days and extra

1 poundage, I think, as we all saw that percentage out there, and,
2 in fact, there was the inconsistency in how we treated the
3 charter boat fleet and where you had to pull landings from, as
4 opposed to the private recreational landings, as we heard those
5 discussions through time, and we're not going to beat a dead
6 horse here, but, as we had quota on the -- We had some
7 additional quota that could have been had.

8
9 There might have been other ways to talk about that, where all
10 five states were involved, as opposed to one state. Again, I am
11 not begrudging Florida doing what they needed to do to get their
12 seasons the way they need to get them, but I think, as we try to
13 work through these issues, our ability to look to all states and
14 try to create a situation that considers all those needs,
15 whether it's charter boats, whether it's extra poundage and
16 extra days, I think we just need to -- Again, we've got the EFPs
17 signed, and we're going forward, but, maybe as we think to the
18 future, we think about looking to try to satisfy all those needs
19 and not just one state or the other, and maybe creating that
20 kind of -- Whether it's real or not, it looks as if you're
21 possibly doing something for one state that you're not willing
22 to consider to do for another when it comes to some of these
23 things.

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

26
27 **DR. CRABTREE:** Yes, and I failed to mention also in part of the
28 changes to the Florida EFP that they did add a payback provision
29 in there, should they go over this year. I hear the concerns
30 that Mr. Riechers raised, and this EFP is a test run, and it's a
31 two-year EFP, but, if you're dissatisfied with how the fish are
32 allocated, then I would ask you as a council to set up state-by-
33 state allocations and let's figure this out and let's get a
34 permanent solution to this problem put in place.

35
36 Until the council takes some action to set in place these state-
37 by-state allocations, I suspect there will continue to be this
38 type of thing, and so we need to come in -- We've got these
39 amendments to come up with a permanent solution on this, and I
40 believe we're going to be moving on to those momentarily, and so
41 let's make some progress, and let's find a permanent solution to
42 fix this problem.

43
44 **CHAIRMAN GREENE:** Is there further discussion? Ms. Bosarge.

45
46 **MS. LEANN BOSARGE:** I am excited about this, and I wanted to
47 echo the thanks to everybody. I'm sure there was a lot of hard
48 work that went into it. I'm glad that the council's input was

1 heard when we reviewed those, and I'm excited to hear that
2 Florida is going to have a payback provision. I think that's
3 going to be important.

4
5 I did want to mention one thing. I believe we're supposed to
6 get a report at the end of the first year, kind of like a little
7 update on how it's going and how these are progressing, and I'm
8 assuming that's from each state, I guess, and they're going to
9 give us some feedback on how the EFP is progressing, sort of
10 like we got with the headboat EFP, and I wanted to mention that
11 Mississippi is actually looking at the enforcement piece that
12 goes along with the data collection side and the exempted
13 fishing permit to show that you have this rate of compliance
14 with your data collection system, which reduces your uncertainty
15 and shows that you are managing it in an accountable way.

16
17 I just wanted to kind of throw that out to the other four
18 states, hoping that, when we see your reports on your feedback
19 from your first year, that there will be some enforcement piece
20 in there where you can maybe show us the number of boardings,
21 either at landings sites or offshore, for that particular season
22 and that particular species, versus what you're figuring your
23 total trips are, your total effort, so we can kind of see what
24 kind of compliance we're looking at with whatever regulations
25 that you all put in place.

26
27 **CHAIRMAN GREENE:** Dr. Crabtree.

28
29 **DR. CRABTREE:** Yes, and I certainly think some sort of report to
30 the council from each of the states as to how it went and what
31 was caught would be appropriate when we're able to do that. I
32 also want to talk about the next step with this, and so we will
33 be sending a Federal Register notice to the Federal Register
34 sometime in the near future which will close the EEZ to the
35 private component of the fishery and exempt people fishing under
36 the state EFP programs.

37
38 We also, in that same Federal Register notice, will announce the
39 for-hire season this year, and our analysis that we have right
40 now indicates the for-hire season will be fifty-one days.
41 That's not official yet, because it's not at the Register, but I
42 don't anticipate that changing, and then we will put out a
43 Fishery Bulletin at some appropriate time formalizing the for-
44 hire season and also, in that, giving contact points for each of
45 the states for private recreational anglers, so they will know
46 where to go to find out what the season is in the state they're
47 landing in.

48

1 **CHAIRMAN GREENE:** Dr. Mickle.
2
3 **DR. PAUL MICKLE:** Dr. Crabtree, just real quick, just assuming a
4 June 1 start date for federal for-hire?
5
6 **DR. CRABTREE:** That's correct.
7
8 **DR. MICKLE:** Thank you.
9
10 **CHAIRMAN GREENE:** Is there further discussion? Ms. Guyas.
11
12 **MS. GUYAS:** Do you have a timeline of when you're going to
13 announce the federal for-hire season? I've been getting a lot
14 of questions just within the last twenty minutes or so.
15
16 **DR. CRABTREE:** Well, we need to have it published in the Federal
17 Register by May 1, and so I'm going to try and get this done as
18 quickly as I can, but I can't tell you exactly how long it will
19 take. We could not send the notice until the EFPs were
20 approved.
21
22 **CHAIRMAN GREENE:** Okay. Thank you for that explanation. Is
23 there further discussion? Yes, sir.
24
25 **LT. MARK ZANOWICZ:** Good afternoon. With this being such an
26 obviously large change in the management regime for the fishery,
27 I just wanted to emphasize that obviously the state agencies and
28 us in the Coast Guard are going to have to make sure to work
29 really well cooperatively to ensure that we're all on the same
30 page as far as what the seasons are going to be to ensure
31 effective enforcement both from the different state agencies and
32 from the Coast Guard, and I did have a question with regard to
33 the EFPs.
34
35 In the official Coast Guard comments that we submitted, we
36 discussed making sure that recreational anglers have the
37 physical copy of the EFPs onboard, and is that something that is
38 going to be occurring, or is there going to be a database?
39
40 **CHAIRMAN GREENE:** Ms. Gerhart.
41
42 **MS. GERHART:** We aren't requiring that the EFP itself be
43 onboard, because that was issued to the state, but they have to
44 have the appropriate licenses or permits from the state in which
45 they intend to land, and, of course, that state has to have an
46 open season when they're out there fishing.
47
48 **CHAIRMAN GREENE:** Further discussion? Okay. With that, we will

1 move on to our next agenda item, which will be Public Hearing
2 Draft of Reef Fish Amendment 48/Red Drum 4, Status Determination
3 Criteria and Optimum Yield, Tab B, Number 6, and this will be a
4 presentation, B-6(a), from Mr. Atran.

5
6 **PUBLIC HEARING DRAFT - REEF FISH AMENDMENT 48/RED DRUM 5 -**
7 **STATUS DETERMINATION CRITERIA AND OPTIMUM YIELD**
8

9 **MR. STEVEN ATRAN:** Thank you, Mr. Chairman. Last week, Sue
10 Gerhart noticed that Red Drum Amendment 4 has already been
11 assigned. One of our Generic EFH Amendments has assigned
12 amendment numbers individually, and so that was already taken,
13 and I didn't realize that, and so this is actually going to be
14 Reef Fish Amendment 48 and Red Drum Amendment 5, and that's just
15 a minor change.

16
17 This is our status determination criteria and optimum yield
18 amendment. It goes through a number of very technical items,
19 and even I have trouble trying to keep things straight on these
20 when I get away from it for a while, and so what I tried to do
21 is go through the amendment, and I have a series of slides just
22 to basically try to explain what it is we're talking about and
23 then what the various alternatives are that is in the amendment.

24
25 There is basically four sections, four actions, one for setting
26 MSY proxies, one for minimum stock size threshold, and one for
27 maximum fishing mortality threshold. Those are, collectively,
28 the status determination criteria reference points. Then there
29 is another one for defining optimum yield.

30
31 The question, first of all, is what is an MSY proxy and why do
32 we use it? Well, an MSY is defined as the largest long-term
33 average catch or yield that can be taken from a stock or stock
34 complex. The problem is that we rarely can actually define that
35 maximum with any certainty, due to issues with the data and due
36 to issues with uncertainties about the inputs, about the
37 spawner-recruit curve, and so, instead of focusing on what is
38 maximum, we tend to focus on what is sustainable and still
39 allows a fairly high yield level, and so spawning potential
40 ratio is what we use. We're trying to figure out how many eggs
41 need to be produced in order to sustain the stock while still
42 allowing a reasonable catch level.

43
44 As I said, it's intended to provide a sustainable yield with an
45 acceptable level of risk, and that's a very vague term. I have
46 been trying to figure out some way to quantify or at least, on a
47 qualitative level, figure out how to describe acceptable level
48 of risk, and I really haven't been able to come up with anything

1 yet. Maybe at some point in the future we'll have some way of
2 doing that.

3
4 There is a body of evidence, of publications, scientific
5 reports, that have looked at SPR over a variety of stocks that
6 have different life histories, and, for the most part, where
7 SPRs can be calculated, yields that were in the range of 20
8 percent to 50 percent SPR are generally considered sustainable,
9 with the lower SPRs having a higher risk of -- In this case,
10 risk means being able to sustain over a long period of time.

11
12 When SPR is unknown, and we have a lot of stocks where we can't
13 calculate an SPR, and it really takes a stock assessment, and we
14 don't have the data to do that, what we have been doing for
15 setting our catch limits has been using yields that are based
16 upon past landings plus whatever biological data is known and
17 basically the data-limited methodologies in order to calculate a
18 yield that has been sustained in the past.

19
20 That doesn't mean that it's maximum sustainable yield. It's
21 something that just, from observation, seems to be a sustainable
22 yield, and we need to think about that for a lot of our stocks
23 where we don't have stock assessments.

24
25 The first action, as I said, deals with MSY proxies, and we have
26 divided this into separate sub-actions, because we might need to
27 treat some of these separately. The first one deals with red
28 snapper, and that's in its own category, because the council
29 specifically asked to consider changing the MSY proxy on red
30 snapper.

31
32 There is seven stocks, and I believe it was Amendment 44, or 43,
33 or previous amendments, where we have MSY proxy in place, where
34 we're not really looking to change the proxy for those
35 particular stocks other than red snapper, but, for red snapper,
36 that was a specific request from the council.

37
38 Then Action 1.2 is for assessed stocks. In many cases, we've
39 got stock assessments, and the status determination has been
40 based upon what the assessment scientists and the SSC felt was
41 an appropriate MSY proxy to use, but that proxy was never
42 actually put into the FMP. According to NOAA General Counsel,
43 while they can recommend what to use, it's actually the
44 council's responsibility to officially designate these proxies.

45
46 Sub-Action 1.3 deals with stock complexes, and I will get to
47 that when we get to it, and that is the possibility of combining
48 several stocks together for a single MSY estimate on the complex

1 rather than on individual stocks, and then Sub-Action 1.4 is
2 unassessed stocks. Again, these are the stocks which we have no
3 stock assessment for, and so we have no estimate of SPR, and
4 then the question is, is it appropriate to set an MSY proxy
5 based on SPR or based upon something derived from historical
6 yield levels?

7
8 As I said, we have current MSY proxies for several stocks, gag,
9 red grouper, red snapper, vermilion snapper, gray triggerfish,
10 and greater amberjack. Most of them, the proxy is defined as
11 the yield when fishing at F 30 percent SPR. Gag was defined as
12 the yield when fishing at Fmax, which means maximum yield per
13 recruit, and red snapper is currently at an MSY proxy of the
14 yield of F 26 percent SPR.

15
16 As I said, of these stocks, we're only going to be looking at
17 red snapper in this amendment, and so the red snapper sub-
18 action, Sub-Action 1.1, we have two alternatives. Alternative
19 1, no action, we would retain the MSY proxy of fishing at F 26
20 percent SPR. Alternative 2 provides a number of alternative
21 proxies. Option 2a would go down to F 20 percent SPR, and
22 Option 2b would be 30 percent SPR, which is where most of our
23 stocks are set at, and Option 2c would be the yield when fishing
24 at F 40 percent SPR.

25
26 20 percent SPR is basically the bottom level that we're
27 considering. Based upon the information we've gotten from the
28 Science Center and from the SSC folks, they feel that that is
29 about the lowest that we could safely go, and my understanding
30 is they probably would not endorse any attempts to set a lower
31 SPR. As I said, F 30 percent SPR has been where we've set most
32 of our MSY proxies in the past, mainly because that's just in
33 between the range of SPRs that we're allowed to use and it seems
34 like an appropriate midpoint to use, unless more information is
35 known.

36
37 F 40 percent SPR is generally where we've been setting the upper
38 limit of where we have considered SPRs. There is a paper that
39 the Science Center recently came out with, and I think there's
40 also something that was published in years past, that basically
41 it's suggesting that, for a species that don't change sex, F 40
42 percent SPR is the best approximation of MSY, and, for the
43 hermaphroditic species, those that do change sex, F 50 percent
44 SPR might be more appropriate.

45
46 That paper, I believe, is still in press, and I don't think it's
47 gone through a complete peer review yet, but, because we have
48 that paper and some others that have suggested we consider as

1 high as F 50 percent SPR, we will consider that in some of the
2 future actions here, but, for red snapper, we're just looking at
3 either 20, 30, or 40 percent SPR or retaining the current proxy
4 of F 26 percent SPR.

5
6 **CHAIRMAN GREENE:** Hang on a second, Steven. Dr. Crabtree.

7
8 **DR. CRABTREE:** Do we want to talk about these now or go through
9 them? Okay. I would like to ask Clay to comment on what the
10 lower bound of this might be, because I think there is some new
11 science that's been published recently, and so, if I could, I
12 would ask Clay to comment on that, and then I would make a few
13 comments on the action.

14
15 **CHAIRMAN GREENE:** Dr. Porch.

16
17 **DR. CLAY PORCH:** Thank you. First, I would point out that that
18 F 20 percent SPR, as is written in this footnote here, would be
19 if you were trying to account for total removals, and so that's
20 including dead discards, and, when I last checked, we weren't
21 trying to maximize the discards per recruit, and so, really,
22 that's a fairly poor proxy for MSY, and we recently had a paper
23 come out in the *North American Journal of Fisheries Management*
24 where we calculated things like the true overall MSY with
25 different spawner-recruit relationships, and we found that the
26 minimum SPR that could be associated with a true value of MSY
27 for red snapper would be 24 percent, and so that's the lower
28 limit, and so we wouldn't support anything that goes below that.

29
30 Most likely, the SPR associated with MSY is some value higher
31 than that, and I think it was -- I would have to look at the
32 paper again, but, if you had a little bit of bend in the
33 spawner-recruit relationship, those of you know the steepness is
34 a steepness of 0.85, then that value would be an SPR
35 corresponding to MSY somewhere around I think it was 28 percent,
36 and so 26 percent was right in the middle of the lower limit and
37 what some would perceive as a more reasonable estimate of
38 steepness. The bottom line is, for red snapper, what we've
39 calculated now is a reasonable lower limit for the SPR
40 associated with MSY is 24 percent.

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

43
44 **DR. CRABTREE:** Yes, and so just, realistically, I don't think
45 any of you are contemplating raising the reference point to 30
46 or 40 percent, and, science-wise, the lower bound seems to be 24
47 percent, and I would question whether -- Do we really want to
48 continue with this alternative?

1
2 It seems to me we're in a pretty good place at 26 percent, and
3 I'm not sure it's worth going through all of the work it would
4 take to evaluate changing it, and so I guess that would be my
5 question to you. If 24 percent, scientifically, is the lowest
6 we could possibly go, do we really want to pursue this option?

7
8 **CHAIRMAN GREENE:** Mr. Atran.

9
10 **MR. ATRAN:** One thing I left out, and I don't think it's worth
11 putting into here, but I went back and I checked the specific
12 motion that the council had made when they asked for this, and
13 the council was actually asking for the option to set the MSY
14 proxy at Fmax, and some information that had been reviewed by
15 the SSC that came out of the Science Center suggested that that
16 would correspond, for red snapper, to, if I remember correctly,
17 20.2 percent SPR.

18
19 I didn't put it in here, and it's so close to Option 2a that I
20 don't think it's worth putting in, but it was a specific request
21 to the council, and so we can add that in as another option if
22 you want.

23
24 **CHAIRMAN GREENE:** I had Mr. Riechers. Dr. Porch, is it to that
25 point? Then go ahead, Dr. Porch.

26
27 **DR. PORCH:** Again, that would be Fmax, where you're trying to
28 compute the maximum landings plus dead discards per recruit, and
29 you're really not wanting to maximize your discards per recruit,
30 and so the corresponding value to a true global Fmax, based on
31 landings, is 24 percent, the number I cited earlier.

32
33 **CHAIRMAN GREENE:** Is it to that point, Mr. Gregory?

34
35 **EXECUTIVE DIRECTOR DOUG GREGORY:** Yes.

36
37 **CHAIRMAN GREENE:** Go ahead, Mr. Gregory.

38
39 **EXECUTIVE DIRECTOR GREGORY:** This is a publication that just
40 came out probably in the last couple of weeks, and so I think
41 the SSC needs to take a look at it and provide some input. I
42 mean, that's what we have the SSC for. Now, this publication
43 came from the Science Center, and they have the ultimate
44 authority on what's the best available science, but, still, I am
45 more comfortable with things being reviewed by the SSC before
46 the council takes action on the scientific information.

47
48 **CHAIRMAN GREENE:** Mr. Riechers, thank you for patiently waiting.

1
2 **MR. RIECHERS:** No problem, and I don't know who is the best
3 person to ask this of, and it may be either Steve or Clay, but,
4 in Option 2, of course, you talk about the eastern and western
5 Gulf stocks, where one under the 20 percent basically converges,
6 and then the SPR declines, and then, in the western Gulf, at an
7 SPR level between 20 and 40, you continue to increase. Any
8 explanation as to why we may be seeing those distinct
9 differences in those two stocks at this point in time, as you
10 talk about them here?

11
12 **MR. ATRAN:** Basically, it's just a higher fishing pressure in
13 the east, which is driving down the stocks. The Science Center,
14 when they do a red snapper stock assessment, they actually do
15 two stock assessments, one for the east and one for the west,
16 and then they combine the results for basically an average over
17 the entire Gulf, and so, whatever we set as our goal, when we
18 reach it, we're actually going to be above it in the west and
19 below it in the east.

20
21 **CHAIRMAN GREENE:** Is there further discussion? Dr. Crabtree.

22
23 **DR. CRABTREE:** I guess, just to get some discussion, I will make
24 a motion to remove Sub-Action 1.1 to Considered but Rejected.

25
26 **CHAIRMAN GREENE:** We have a motion to remove Sub-Action 1.1 to
27 Considered but Rejected. It was seconded by Dr. Shipp, and
28 we'll get it up on the board. The motion is to remove Sub-
29 Action 1.1 to Considered but Rejected, and it was seconded by
30 Dr. Shipp. Mr. Riechers, you had your hand up, I believe?

31
32 **DR. SHIPP:** I just want to comment on -- If my recollection is
33 right, and I worry about that these days, but I think I was on
34 the council in 2014 when this came up, and my memory is a little
35 different than Steve's. I thought it was 22 percent was Fmax,
36 but it could well be 20.2. In either case, the difference in
37 the bottom line is not that much, and I agree with Dr. Crabtree.
38 To go through all the hassle of changing it for a couple of
39 points -- It doesn't translate to much difference in the final
40 harvest, and so I would support his motion.

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

43
44 **MR. ATRAN:** In response to Dr. Shipp, I was going from memory,
45 not realizing that I had the information actually up on the
46 slide, but it said on that Fmax equivalent that it would
47 correspond to F 20.4 SPR if it included total removals, and so
48 if it included dead discards as well as retained catch, and, if

1 it was based on landed catch only, it would be 22.4 percent.

2
3 As I recall, the SSC at the time, they were recommending no
4 change from what you had now, but they said if the council
5 wanted to go to an Fmax proxy that it use the version that was
6 based on landed catch only, which would have been the 22.4
7 percent.

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

10
11 **MR. RIECHERS:** Thank you, Chairman Greene, and I would agree. I
12 mean, I don't think there's a large difference here, but the
13 only thing I would suggest is that we not preclude our SSC from
14 going ahead and evaluating the paper that you talked about,
15 Doug, as far as -- You obviously have already had a chance to
16 look at it, and others of us haven't gotten it yet at this
17 point, or seen it yet, and so I think that would be a good -- At
18 least to send it out and get their feedback on it as well, just
19 their review of that particular paper and how it relates to
20 this.

21
22 **CHAIRMAN GREENE:** Okay. I don't feel that there's any objection
23 around the table to doing that. Does anybody have an issue with
24 the SSC going through that document? Okay. Seeing none, then
25 we'll just make sure that that gets put in the next SSC, as it
26 comes about. Is there further discussion? Okay. Mr. Atran.

27
28 **MR. ATRAN:** Has the motion been accepted? I didn't notice.

29
30 **CHAIRMAN GREENE:** Yes, we've got to vote on it. I was kind of
31 getting ahead of myself there. My apologies. All right. We
32 have a motion on the board in Action 1 to remove Sub-Action 1.1
33 to Considered but Rejected. **Is there any opposition to the**
34 **motion on the floor before you? Seeing none, the motion**
35 **carries.**

36
37 We also had the discussion about the SSC reviewing the paper,
38 and we will make sure that's done. Anything else before we
39 leave this part? Okay. I don't see anything. Thank you for
40 the prompt, Mr. Atran, and you are up next.

41
42 **MR. ATRAN:** Thank you. That brings us to the next sub-action,
43 Action 1.2, which deals with assessed stocks, and the list that
44 you see are those stocks for which we have stock assessments,
45 but we have never formally accepted the MSY proxy in a plan
46 amendment, and that's black grouper, yellowedge grouper, mutton
47 snapper, yellow snapper, and tilefish. Those SEDAR numbers are
48 the most recent assessments, at least to date, and, in each of

1 those, the MSY proxy that was used was the yield at F 30 percent
2 SPR.

3
4 This is fairly simple. Alternative 1 is no action, and the MSY
5 proxy would remain undefined. Alternative 2 would use the MSY
6 proxy from the most recent SEDAR assessment, which, in each of
7 these cases, would be the yield at F 30 percent SPR.

8
9 There is one more alternative here. Then Alternative 3, and
10 this is based upon the paper that I had mentioned before, and I
11 don't think it's the one that Dr. Porch was discussing, but it
12 was one that looked at SPR yields, and it was looking at
13 hermaphroditic versus non-hermaphroditic stocks. As I said, it
14 suggested that the most appropriate MSY proxy for hermaphroditic
15 species is the yield at F 50 percent SPR, and, for
16 gonochoristic, the ones that don't change sex, the yield at 40
17 percent SPR.

18
19 Now, one thing is this paper also regarded all groupers as
20 hermaphroditic, and I'm not sure if that's backed up or not with
21 the prevailing science. We have a few species that we know are
22 hermaphroditic, such as gag, but, some of the others, I don't
23 know if they've been established to definitely be so, but,
24 because this did appear in a paper that was discussed by the
25 SSC, I felt it was necessary to include this particular
26 alternative in this action.

27
28 **CHAIRMAN GREENE:** Any discussion on Section 1.2? I don't see
29 any. Mr. Atran, please carry on.

30
31 **MR. ATRAN:** Thank you, and so no preferred alternative at this
32 time. Action 1.3 deals with setting MSY on a stock complex, a
33 group of stocks, rather than on a single stock at a time, and
34 this is something that the National Standard 1 Guidelines allow
35 us to do. When we do it this way, when we establish the stock
36 complex, we can establish a criteria, and it can either be based
37 upon selecting one of the stocks as an indicator stock, to
38 represent everything that's in the complex, or we can come up
39 with some proxy that represents all of the stocks.

40
41 Even if it's an indicator stock, if we exceed the maximum
42 fishing mortality rate for that particular stock, then the
43 entire complex is considered to be undergoing overfishing and
44 not just the individual stock, and so the alternatives here are
45 Alternative 1 would be no action, don't use the stock complexes,
46 and then we have a series of alternatives that would establish
47 the proxy for each particular stock complex, and what I used
48 here for the stock complexes were the ones that we used in the

1 Generic ACL and AM Amendment when we were setting annual catch
2 limits, in some cases on stock complexes rather than individual
3 stocks.

4
5 Alternative 2 would establish it for the tilefishes, and that
6 would be the golden tilefish, the blueline tilefish, and the
7 goldface tilefish. One of those, the golden tilefish, we have a
8 stock assessment, and I believe we have an SPR estimate, and so
9 Option 2a says that we could use golden tilefish as the
10 indicator species for this stock complex. Option 2b would be
11 use the MSY yield that's been estimated for that stock and then
12 use one of the data-limited methods to calculate a catch limit
13 that would represent OFL for the other stocks and just add those
14 together.

15
16 If we did that, for this particular stock complex, using the
17 average catch numbers that we used in the Generic ACL Amendment,
18 that would result in an MSY, in terms of pounds landed, of
19 approximately 747,000 pounds gutted weight, and, again, that's
20 if you choose to use the stock complex.

21
22 Alternative 3 would establish the shallow-water grouper as a
23 stock complex, and this would be the shallow-water groupers
24 other than red grouper and gag, black grouper, scamp,
25 yellowmouth grouper, and yellowfin grouper. Again, black
26 grouper, we have a stock assessment, and we have SPR estimates,
27 and so we have Option 3a, which would establish this complex and
28 use black grouper as the indicator species. The yield would be
29 at 30 percent SPR.

30
31 Option 3b would be to use the MSY yield that's estimated when
32 fishing at F 30 percent SPR for the black grouper and use data-
33 limited methods for the other species, again using the data that
34 was in the Generic ACL Amendment that would come out to an MSY
35 yield of approximately 710,000 pounds for this group, gutted
36 weight.

37
38 Alternative 4 would establish an MSY proxy for the deepwater
39 grouper stock complex, and that's yellowedge grouper, warsaw
40 grouper, snowy grouper, and speckled hind. By the way, these, I
41 don't believe, exactly match the designations that are used in
42 the IFQ fisheries. These are what were used, as I said, in the
43 Generic ACL/AM Amendment.

44
45 Now, again, the yellowedge grouper has a stock assessment SPR
46 estimate, and so we could use that as the indicator species
47 under Option 4a, or we could just use the resulting MSY yield at
48 that MSY proxy for yellowedge and the data-limited methods to

1 get a yield for each of the other stocks, and that would come
2 out to approximately 1.11 million pounds gutted weight.

3
4 Alternative 5 would look at the jacks complex, and these are the
5 jacks other than the greater amberjack, and it would be the
6 lesser amberjack, almaco jack, and banded rudderfish. We don't
7 have stock assessments on any of those, and so we don't have SPR
8 estimates, and so we don't have those options to use an
9 indicator stock. This would be purely based upon data-poor
10 methods to come up with an MSY yield and, based upon what was in
11 the Generic ACL Amendment, it would be about 372,000 pounds
12 whole weight for these stocks.

13
14 Alternative 6, and I think I'm getting to the last alternative
15 here, would look at what we called the mid-water snappers
16 complex, and that's silk snapper, wenchman, blackfin snapper,
17 and queen snapper. Again, none of these stocks have been
18 assessed, and so we don't have SPR estimates and no indicator
19 species, and so, if you wanted to create this complex, it would
20 be just the sum of the OFLs from the data-limited methods for
21 each species, and that would work out to approximately 209,000
22 pounds whole weight.

23
24 Basically, that's it. We've got Alternative 1 that says no
25 action, do not use the stock complexes, and then the other
26 alternatives -- Alternative 2 would create an MSY proxy for the
27 mid-water snappers, Alternative 5 for the jacks, Alternative 4
28 for the deepwater groupers, and Alternative 3 for the other
29 shallow-water groupers, and Alternative 1 for the tilefishes. I
30 apologize for spreading this out over multiple slides, but there
31 was no way to get all of this information into one slide.

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

34
35 **MS. BOSARGE:** I am wondering, Mr. Atran -- Were you wanting us
36 to have discussion and try to pick preferreds? I see this as
37 pre-public hearing draft, and so I didn't know where exactly we
38 were at on this.

39
40 **MR. ATRAN:** Well, yes, the intent is -- Unless you would prefer
41 to go to public hearing without preferred alternatives, I would
42 be to select preferred alternatives at this time and go to
43 public hearing and take final action in June. I called it a
44 pre-public hearing draft to differentiate it from what we go to
45 public hearing with, which will incorporate any preferred
46 alternatives that you select.

47
48 **CHAIRMAN GREENE:** Ms. Bosarge.

1
2 **MS. BOSARGE:** Well, in that case, I would like to put Dr. Porch
3 on the spot and maybe get some feedback on -- I mean, as a
4 scientist, how do you feel about some of these options? I mean,
5 can you give us some pros and cons?
6

7 **DR. PORCH:** To the extent any of these species are exploited
8 more or less in the same way by the same gears in the same
9 places, it makes some sense to designate an indicator species,
10 particular one that you actually can get a decent stock
11 assessment out of.
12

13 Then, as Steve said, once, whether it's a fishing mortality rate
14 or a catch level, OFL, is reached for that, then you would
15 assume that that target level of fishing mortality has been
16 reached for the other stocks associated with it, and so that's
17 a reasonable way to go, but, if it's a -- You would have to look
18 very carefully at the stocks in here.
19

20 For instance, golden tile and blueline tile, in some places, are
21 caught in the same places, but, in other areas, it's mostly
22 blueline, and so you might want to think twice before you link
23 those and call golden tilefish the indicator species for the
24 whole blueline fishery. Does that make sense? Am I answering
25 your question? In principle, I think we support the idea, but
26 it's just the devil is in the details in which stocks you link
27 with the indicator species.
28

29 **CHAIRMAN GREENE:** Ms. Levy, is it to that point?
30

31 **MS. MARA LEVY:** Yes, I have a question. These stock complexes
32 you said are based on the stock complexes that were used in the
33 generic amendment when we set the ACLs and such for these
34 complexes, right?
35

36 **MR. ATRAN:** Correct.
37

38 **MS. LEVY:** They also have OFLs associated with the complexes,
39 and is that correct?
40

41 **MR. ATRAN:** Correct, and, in fact, where we were adding up
42 numbers, we would be adding up the OFLs for those individual
43 stocks.
44

45 **MS. LEVY:** Then I know that I should know this, but I haven't
46 looked back at the ACL amendment. Then these indicator stocks
47 are identified in the ACL amendment, meaning we have already
48 identified them as indicator stocks, or that would be new here?

1
2 **MR. ATRAN:** That would be new here. I'm not sure all of these
3 indicator stocks were even assessed at the time the generic
4 amendment was completed, and so I went through and I looked at
5 the stock complexes that we had already established in that
6 amendment, and then I looked to see if any of the stocks have a
7 current assessment.

8
9 **MS. LEVY:** Okay, and I haven't thought about the implications of
10 this, but if we -- We already have ACLs and OFLs for these
11 complexes, and so I guess I'm just wondering if anybody knows
12 the implications of then not using the MSY proxy for the
13 complex, meaning, if we start assigning MSY proxies for the
14 species, how is that going to interact with our overfishing
15 levels and things like that? I don't know the answer to it, but
16 it just occurred to me.

17
18 **MR. ATRAN:** Well, maybe I should go on to Action 1.4, because it
19 discusses individual setting of MSY proxies for these stocks if
20 you don't want to use the complexes or if it's a stock that is
21 not in a complex, and that might help explain this section a
22 little bit better.

23
24 **MS. LEVY:** Well, maybe. I know what we're doing here, but I
25 guess I'm just wondering if there are any implications to the
26 council already using these complexes to set the catch levels
27 and the overfishing limit and then deciding not to use the
28 complex to actually establish the MSY proxy, and, again, I don't
29 know the answer to that. I am just raising it.

30
31 **CHAIRMAN GREENE:** Thank you. Ms. Guyas.

32
33 **MS. GUYAS:** When I was reading this, I guess kind of one
34 question I had, and it kind of gave me pause, was so we're
35 using, potentially, golden tilefish and black grouper and
36 yellowedge as our indicators, and I'm not sure when tilefish and
37 yellowedge were last assessed, but, for black grouper, we just
38 aborted an assessment on black grouper, and so it just seems
39 kind of odd that we're going to use those as our indicators and
40 base management potentially for groups of species on those,
41 because I'm not sure that we know really what's going on with
42 those species.

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

45
46 **MR. RYAN RINDONE:** Thank you, Mr. Chair. Yellowedge and
47 tilefish were last assessed in 2012 with data through 2010.

1 **CHAIRMAN GREENE:** Good point. Further discussion? Ms. Bosarge.
2
3 **MS. BOSARGE:** Mr. Atran, is there a chart in the document that
4 kind of lays out what Dr. Porch and Mara were talking about that
5 kind of shows us, okay, these species, in a chart format, where
6 I don't have to read all the verbiage, these species have
7 complex -- ACLs and such for the complex, and these have
8 individual ACLs, and then it maybe gives us some information on
9 the last stock assessment, so that we can kind of put all that
10 info in one place so we could really hone in on which one of
11 these options we might want to support.
12
13 **MR. ATRAN:** It's not in this amendment, but I believe there is
14 something like that in the generic amendment.
15
16 **MS. BOSARGE:** Okay. That might be helpful.
17
18 **CHAIRMAN GREENE:** Is there further discussion? Okay, Mr. Atran.
19 I will turn it back over to you.
20
21 **MR. ATRAN:** Okay. Thank you. By the way, black grouper, I
22 believe the last assessment was done sometime around 2003 or
23 2004, and so it's been a while. If you wanted to adopt this, I
24 think scamp is on the SEDAR schedule in a couple of years, and
25 so you could possibly use that instead of black grouper.
26
27 The next sub-action, the last one in this section, deals with
28 setting MSY proxies for unassessed stocks. Now, the problem is
29 you could set an MSY proxy based upon some SPR, but, without a
30 stock assessment, we really have no way of knowing whether that
31 SPR has been exceeded or whether we're below it or whatever. It
32 would basically just be a placeholder until we get more
33 information about the stock.
34
35 Under Action 1.4, unassessed stocks, Alternative 1 is no action.
36 The MSY proxy would remain undefined. Alternative 2 would state
37 that the MSY proxy for each unassessed stock would be selected
38 from the table below, which is this table here, and that's half
39 the table. It lists all of the stocks that we have no stock
40 assessment on that is in the Reef Fish FMP plus red drum, and
41 then, basically, my idea was that, if you wanted to adopt this,
42 you would go through the table, and you see each of these stocks
43 has a choice of an SPR yield at either 20 percent, 30 percent,
44 40 percent, or 50 percent SPR or an MSY proxy based upon one of
45 the data-limited methods.
46
47 Tier 3 of the ABC control rule was our original data-limited
48 method, and that's where we took about ten years of average

1 landings, and if, in the judgment of the SSC, the stock was not
2 in danger of undergoing overfishing, we would set ABC generally
3 one standard deviation above that mean and OFL two standard
4 deviations above that mean.

5
6 If the SSC felt there were concerns about the stock, we would
7 set the OFL at that mean level and then the ABC one standard
8 deviation below the mean, and so it's based purely on average
9 landings. The data-limited methods toolkit is the methodology
10 that was used in SEDAR 49 to attempt to assess I believe it was
11 about eight data-limited stocks. For various reasons, most of
12 those stocks turned out to be inappropriate for that method, and
13 I think lane snapper was the only one that we actually ended up
14 with an estimate on.

15
16 As I said, you can go through this and simply say which -- If
17 you wanted to use SPR, which would basically be a placeholder,
18 which SPR level you wanted to use, or, if you wanted to use the
19 data-limited method, that last column, it says Tier 3 or data-
20 limited method OFL, and my feeling would be to -- At this point,
21 it was going to be to let the SSC decide what was the most
22 appropriate way to set a data-limited OFL, but, if you wanted to
23 get more specific, we could. You can see we have goliath
24 grouper and several snappers and speckled hind, warsaw grouper,
25 snowy grouper, yellowmouth, scamp, yellowfin grouper, the
26 goldface and blueline tilefish, and the three jacks of lesser
27 amberjack, almaco jack, and banded rudderfish.

28
29 As I said, that's -- I think red drum was also supposed to be on
30 that list. I may need to add that to it, but, basically, those
31 are the stocks that we have no stock assessment for, or at least
32 no stock assessment that could derive an SPR estimate, and so
33 the question is how you want to deal with these data-limited
34 stocks when assigning an MSY proxy.

35
36 **CHAIRMAN GREENE:** Dr. Porch.

37
38 **DR. PORCH:** Thank you. I just want to point out that it's
39 possible to set an MSY proxy to say one of those values in the
40 first few columns, but, for some of those stocks, you won't
41 actually be able to get a value for the proxy, and so you can
42 have a proxy on the books, but you won't be able to say what
43 that will translate into in terms of catch.

44
45 For example, probably something like banded rudderfish or
46 yellowfin grouper, we'll never be able to do any kind of
47 assessment that would give a number there, and so it could be a
48 legitimate proxy, but no number would ever be associated with

1 it.

2
3 In some of them, they may barely make Tier 3, in that we don't
4 know the catches well enough, and so this is the reality of
5 having this sort of discussion, and that's the advantage, if you
6 could, with linking them to an indicator species, but, again,
7 you would need to be able to justify that the fishery that
8 catches the indicator species operates more or less consistently
9 with regard to the other species that you're linking it to.

10
11 **CHAIRMAN GREENE:** Dr. Simmons.

12
13 **DR. CARRIE SIMMONS:** Thank you, Mr. Chair. I was just going to
14 bring up something and try to get some feedback from Dr. Porch
15 on this. If the council sets let's say a yield at a fishing
16 mortality at 30 percent SPR for these unassessed stocks, and I
17 see gray snapper is in there, and that's on the books, at the
18 time we actually get an assessment, or we're in the process of
19 getting an assessment, the analysts are looking at the terms of
20 reference, and they're looking at that proxy, but the analysts
21 are also providing other potential proxies for the SSC to
22 review. Even though this may be on the books, it doesn't mean,
23 when we actually get an assessment, that that's the final thing
24 that has to be used, and is that correct? Is there any harm in
25 setting that, but then, once we get the assessments, it would
26 always be reevaluated?

27
28 **CHAIRMAN GREENE:** Dr. Porch.

29
30 **DR. PORCH:** So the question is, if let's say we had F 30 percent
31 in an FMP, is that the final value that must be used, and I
32 would think -- This is where I would punt over to Mara or the
33 Regional Office, but I would think the answer is yes, until you
34 change the FMP, but certainly a stock assessment can look at any
35 range of values, and so, if we're asked to do that, you can
36 build that in the terms of reference.

37
38 Sometimes, where it's not clear what the proxy is, we just look
39 at a range, so we give some options, and we express what the
40 implications are of different values, and so the shorter answer
41 is it's certainly entirely possible for an assessment team to
42 look at different proxies and give values, but I think I will
43 punt it over to my colleagues, where what are your options if
44 you already put say F 30 percent on the books.

45
46 **CHAIRMAN GREENE:** Ms. Levy.

47
48 **MS. LEVY:** I think that's essentially correct. If the council

1 is deciding what the appropriate proxy for MSY is in the FMP,
2 that's what it is for purposes of the FMP until you change it.
3 If there comes to be some scientific information that indicates
4 that perhaps another MSY proxy is more appropriate, based on
5 what happens in an assessment, then you come back and you look
6 at it and you decide that that's a more appropriate proxy.

7

8 **CHAIRMAN GREENE:** Is there further discussion? Mr. Atran.

9

10 **MR. ATRAN:** This is not only me, but several people have asked
11 Mara this question numerous times, I think, but could the proxy
12 be changed by the SSC or could it be changed in a framework
13 action, and the answer has consistently been no, I guess based
14 upon what the Magnuson-Stevens Act says as far as what is
15 required to be in a plan amendment. It requires the council to
16 set that proxy, and so it would require a full plan amendment to
17 change it.

18

19 **CHAIRMAN GREENE:** Mr. Gregory.

20

21 **EXECUTIVE DIRECTOR GREGORY:** In my mind, what that means is, if
22 we get a stock assessment on something, where we have set a
23 proxy, that stock assessment, by default, has to follow that
24 proxy, even though it may recommend a different proxy, and the
25 council would be forced into implementing regulations based on
26 the one it had already adopted, because a plan amendment would
27 take so long. You can change the regulations quicker than you
28 can change a plan amendment, and so it would be like a conundrum
29 there.

30

31 **MS. LEVY:** Well, you don't have to divorce them, right? You
32 would do it at the same time, and so, if something comes up and
33 there is new information that indicates that there is a more
34 appropriate proxy, in the same document or plan amendment, you
35 modify the proxy and you adjust your regulations. I mean, you
36 could split them out, but I don't know why you would do that,
37 because you would be addressing the same stock and management
38 for that stock, and so they don't have to be divorced from each
39 other. In fact, I don't think they should be divorced from each
40 other.

41

42 **EXECUTIVE DIRECTOR GREGORY:** Well, our recent experience, like
43 take amberjack, is we want to do things quickly. We want to fix
44 problems quickly, and so that's what I was thinking, but, yes,
45 you're right that it could all be done by a plan amendment and
46 be done over a period of a year or two years.

47

48 **MS. LEVY:** A plan amendment, per the statutory requirements, the

1 only thing that a plan amendment takes more time than a
2 framework action is the sixty-day NOA comment period, and so,
3 theoretically, you could get a plan amendment together fairly
4 quickly and have whatever type of appropriate public hearing you
5 think is appropriate and take final action and submit it.

6
7 There is a sixty-day comment period on the NOA, but we're not
8 talking about the fact that a plan amendment has to take a year
9 longer than a framework or something like that. It's just that
10 our plan amendments tend to be the more complex things, and so I
11 think that is why they end up generally taking longer.

12
13 **CHAIRMAN GREENE:** Further discussion? Roy, did you have a
14 comment? Okay. Further discussion? Mr. Atran.

15
16 **MR. ATRAN:** Okay. Thank you. That concludes the sub-actions.
17 As I said, Sub-Action 1.1, dealing with red snapper, you have
18 moved that to Considered but Rejected. Sub-Action 2 dealt with
19 setting the MSY proxies for stocks that have been assessed using
20 a proxy, but that proxy was never officially set in a plan
21 amendment, and you have not taken any action on that.

22
23 Alternative 3 was to use stock complexes either with or without
24 an indicator species, and there were some questions about that,
25 and so you haven't done anything on that, and Action 1.4 deals
26 with all the stocks that we don't have assessments for, and,
27 basically, the question here is whether you wanted to set an
28 SPR-based proxy that really couldn't be enforced until you do
29 get an assessment, or, if you wanted to use one of the data-poor
30 methods, which would give you an MSY proxy in terms of pounds,
31 where, if you exceed those poundages, overfishing would be
32 occurring. As of right now, you have no preferred alternatives
33 on this one either, and so I just wanted to make clear where we
34 are right now before moving on.

35
36 **CHAIRMAN GREENE:** Okay. Is there further discussion? Mr.
37 Banks.

38
39 **MR. BANKS:** I'm sorry, and I may have missed it when I stepped
40 out, but were there SSC recommendations at all for any of these,
41 other than the very first one, if I remember correctly?

42
43 **MR. ATRAN:** I don't recall, and Dr. Barbieri is shaking his
44 head. They looked at an earlier version of this amendment, and
45 they basically, if I recall, they kind of -- They more or less
46 approved the approach that was being taken, but they really
47 didn't comment on any specific recommendations.

1 **CHAIRMAN GREENE:** Ms. Bosarge.

2
3 **MS. BOSARGE:** I think that was -- I was listening in via
4 webinar, and that may have even been a webinar meeting that they
5 looked at it, and it was a very basic version of this document.
6 It wasn't quite developed to this point yet, and so maybe that
7 is a good idea, to hand it back to them again and -- Because
8 this is pretty technical, and maybe get some input on these
9 stock complexes and which species to tie other species to and
10 things of that nature, and that might be some good feedback that
11 could help us along on this.

12
13 **CHAIRMAN GREENE:** Okay. Well, I agree with that. Is there
14 further discussion? Dr. Crabtree.

15
16 **DR. CRABTREE:** I mean, we have normally used 30 percent SPR for
17 most of these things, and it's actually fairly rare that we get
18 an assessment that can estimate MSY with confidence, and so I
19 suspect, if we stick with 30 percent SPR, we are not likely to
20 get a lot of reasons to move away from that as we get new
21 assessments. I mean, you've got to have a spawner-recruit
22 relationship that you actually believe that you know something
23 about, and we just don't get that very often.

24
25 **CHAIRMAN GREENE:** Further discussion? Okay, Mr. Atran. When
26 you're ready.

27
28 **MR. ATRAN:** Yes, Mr. Chairman. We'll move ahead here. Action 2
29 deals with setting minimum stock size threshold, and we have
30 dealt with actions along these lines fairly recently, and I
31 believe it was Amendment 43, with a limited number of stocks,
32 and so, just as a reminder of what is the minimum stock size
33 threshold, it's the level below which the stock is declared to
34 be overfished, and we generally set it at some level below the
35 MSY level or the proxy for BMSY, and so, if the biomass falls
36 below that minimum stock size threshold, the stock is declared
37 to be in an overfished condition, and the council is required to
38 establish a plan to rebuild the stock back to the MSY level.

39
40 One thing is that, as it rebuilds, and we ran into this just
41 recently with red snapper, when the stock reaches the level
42 that's above MSST, but it's not yet at that full level, that
43 BMSY level, the designation of overfished is removed, and it's
44 changed instead to not overfished, but rebuilding.

45
46 We are still required to stay on the rebuilding schedule, but I
47 guess, from a management standpoint, probably the biggest change
48 is that, at least for the stocks that we are managing, if there

1 is a payback provision in effect while it's overfished, when the
2 overfishing designation comes off, the payback provision also
3 comes off. We just deal with adjustments as needed to try to
4 keep the stock within its ACL in future years.

5
6 Where to set MSST, basically there is two thoughts here. Number
7 one would be to set it fairly close to its MSY level, but far
8 enough apart so that natural fluctuations can occur without the
9 stock being declared overfished, and that would be the more
10 conservative way to go, and the second one would be to set it at
11 a low enough level, a much lower level, but still high enough to
12 avoid recruitment collapse. Recruitment collapse means that
13 you're removing the fish faster than the stock is able to
14 replace itself, and that will lead to a depleted stock if
15 nothing is done.

16
17 That depends upon the capacity of the stock to reproduce itself.
18 According to the literature, reproductive capacity is considered
19 to be impaired if the stock drops below 50 percent of BMSY,
20 which happens to be the absolute minimum that is allowed in the
21 National Standard 1 Guidelines, and that also happens to be the
22 level that was set for some of the other stocks.

23
24 Some of the concerns are, as I said, is, if MSST is set too
25 close to BMSY, if it doesn't allow for these natural
26 fluctuations, you could get some spurious declarations of
27 overfished and not overfished and overfished and not overfished,
28 and, if it's too close, and this was a concern with red snapper,
29 where we were at 91 percent of BMSY was the MSST, it may not be
30 detectably different from BMSY, if that's a word.

31
32 If, on the other hand, if we set it too far away, as I said,
33 recruitment becomes to be impaired at around the 50 percent BMSY
34 level, but that's just a rough level. We don't know actually at
35 what point a particular stock might get to that level, and so,
36 the closer we get to that and below, the more likely we are to
37 suffer a recruitment collapse.

38
39 If we wait until the stock has dropped to below 50 percent of
40 BMSY before we put a rebuilding plan in effect, it's going to
41 have to be a more restrictive plan than if we put a rebuilding
42 plan in effect at a much higher MSST.

43
44 The counterargument to that is that the stock is regulated not
45 only by the minimum stock size threshold, but also by the
46 overfishing threshold, and so, if we're forced to deal with
47 overfishing, and we successfully deal with that, hopefully we
48 would never get down to the MSST level. We have a question.

1
2 **CHAIRMAN GREENE:** Ms. Bosarge.

3
4 **MS. BOSARGE:** I was just wondering -- I don't think we're going
5 to look at the ones that we set recently, the MSSTs that we set
6 recently, in this document.

7
8 **MR. ATRAN:** No, and, in fact, I just listed them here to say
9 that we're not going to look at them.

10
11 **MS. BOSARGE:** Yes, and so I understand that we made that change
12 recently, but I think we're in a different situation now, being
13 that, before -- Now we have these EFPs, and so, essentially,
14 each state has its own quota, and, if they exceed that quota,
15 there is a payback for the next year, right? It's not all based
16 on this whole idea of what is the status of the stock anymore,
17 and it's simply just this is the quota, and you've got to try
18 and hold true to it. If you exceed it, it comes off the next
19 year, right?

20
21 There is not this huge negative aura surrounding what the status
22 is, and so I was wondering if the council had any heartache
23 about going back and looking at those MSSTs that we set in that
24 Amendment 44, because we went all the way to the extreme.

25
26 We went to that 50 percent number, which is where you get into
27 the possibility of a recruitment collapse, and so would the
28 council be willing to look at that again, now that it doesn't
29 really have the ramifications that it had before with
30 accountability, and see if we can't come to a slightly more
31 conservative estimate of what that MSST is and where that level
32 is at, so that we don't get ourselves in a position where we
33 fish that stock all the way down to that 50 percent level, 50
34 percent of BMSY or whatever it is, 50 percent of whatever, and
35 have such a horrible rebuilding plan in front of us at that
36 point, once we get down that low?

37
38 **CHAIRMAN GREENE:** Ms. Levy.

39
40 **MS. LEVY:** Well, just a couple of things. I mean, you could
41 certainly reconsider whatever you want, but I will note that
42 there are some stocks on here that don't have a payback
43 provision. I mean, they're not linked to that at all, and I
44 would not say that the reason for the change was because of the
45 payback provision, and so there was rationale for the change,
46 and you decided that 50 percent of BMSY or whatever for the MSST
47 was appropriate for the list of stocks, some of which had a
48 payback associated with their overfished status and some of

1 which did not.

2
3 I would just say, if you're going to reconsider it after you
4 just did it, let's at least have a good discussion about what
5 the basis was for doing it for all of these stocks in the recent
6 amendment and then what would be the basis for actually changing
7 it again, and so I'm just asking you to provide a good record
8 for the decision, if you decide to go down this path.

9
10 **CHAIRMAN GREENE:** Dr. Stunz.

11
12 **DR. GREG STUNZ:** Mara made part of my point, but I seem to
13 recall, when we had the discussion around the table, and maybe
14 it was Roy, and I don't really remember, but, before we approach
15 these benchmarks, we know that well ahead of time, and so there
16 is still time to deal with that, and then that would allow those
17 natural fluctuations, so as not to drop below it, if we had to,
18 or, if it came to that, it wouldn't trigger all of the other
19 stuff.

20
21 **CHAIRMAN GREENE:** Dr. Crabtree.

22
23 **DR. CRABTREE:** Yes, and I don't really want to revisit the MSST
24 issue. I mean, if you want to revisit your accountability
25 measure and put a more strict payback in, you could do that.
26 Remember that we have spent most of the last three decades below
27 50 percent BMSY for red snapper. In fact, we were way below it
28 for a long time, and we didn't see recruitment failure, even
29 when we were well below it.

30
31 The other thing about paybacks that always gives me heartache
32 is, if a stock is recovering ahead of schedule and more quickly
33 than you projected, unless you have pretty frequent stock
34 assessments, you are likely going to have overruns, particularly
35 in the recreational fishery, that are because you're maybe ahead
36 of schedule, and so coming in and paying -- Forcing a payback
37 for something like that troubles me.

38
39 Then I think, often times, we see overruns of quotas because
40 we've had a big recruitment event and there is more fish out
41 there than anybody anticipated and, because the landings aren't
42 timely enough, the recreational fishery runs over the quota
43 before we know it, and we end up putting in place a payback for
44 what is essentially a good event, really good recruitment.

45
46 There are downsides to paybacks. Yes, in some cases, they make
47 sense and might be beneficial, but what we've seen with red
48 snapper is an amazingly robust recovery, even with all the

1 overages and the issues we've had. The stock has just continued
2 to improve, and so I have mixed feelings about paybacks, and
3 sometimes they put us in really difficult positions, and, as
4 we've all seen over the last couple of years, those really
5 difficult positions have a lot of implications and create all
6 kinds of cascades of unanticipated consequences, but I think, if
7 your concern is the payback, then revisit the accountability
8 measure, but I don't really want to revisit the minimum stock
9 size threshold.

10
11 I think the way that the statute is structured now, with ending
12 overfishing immediately, rebuilding plans, I don't believe,
13 really bring all that much additional protections to these
14 stocks, and so I guess, from my perspective, revisit the
15 accountability measure, but I don't really want to go back and
16 redo the minimum stock size threshold, since we just set them
17 less than a year ago, I think.

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

20
21 **MS. BOSARGE:** Okay. That's fine, but, just for clarification, I
22 didn't want to focus on the payback. I was hoping that, if we
23 revisited the MSST again for a stock like red snapper, that
24 hopefully that whole payback idea wouldn't be in our minds
25 anymore, because that is operating under an EFP now, and that
26 has its own set of accountability rules, and it's no longer
27 tied, really, to this MSST for the next two years, and so 2018
28 and 2019, and not until 2020, I guess, could it possibly really
29 be tied to that again, and so I was hoping, if we reexamined
30 that MSST, there would be a little more focus on some different
31 ideas and what those ramifications are for the health of the
32 stock. I know Mara probably doesn't like anything I said. I
33 know what your qualms with it are, Mara, but it is what it is,
34 right?

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

37
38 **MS. LEVY:** Well, I just wanted to clarify that the EFPs didn't
39 exempt anybody from the payback. The payback is not applicable
40 right now, because the MSST -- The red snapper stock is no
41 longer classified as overfished. If it were still overfished
42 and we went over the total ACL, under the regulations, the
43 agency would be required to reduce the quotas via a payback, and
44 so it's not because of the EFPs that it's not applicable. It's
45 because of the status, is what I'm trying to say. The EFPs
46 didn't address the payback, because the status means it's not
47 applicable right now.

48

1 **CHAIRMAN GREENE:** Dr. Crabtree.
2
3 **DR. CRABTREE:** If we had substantial quota overruns for a string
4 of years, it's possible we would drop back down below 50 percent
5 of BMSY and the payback would kick in again at that point, and
6 so I don't think we're much above 50 percent of BMSY now with
7 red snapper. We are a little above it, but we just got there in
8 the last couple of years.
9
10 **CHAIRMAN GREENE:** Ms. Bosarge.
11
12 **MS. BOSARGE:** No, I'm done.
13
14 **CHAIRMAN GREENE:** Okay. Anybody else have further comments?
15 Okay. Mr. Atran, I will hand it back over to you.
16
17 **MR. ATRAN:** Okay, and, as I said before, the stocks that are on
18 the screen right now are the ones where MSST was changed to 50
19 percent of the BMSY proxy by Amendment 44. Prior to that, most
20 of these had used a formula that came out of some NMFS technical
21 guidance that used one minus M times the B proxy, where M is the
22 natural mortality rate, and so I put the natural mortality down
23 on these, and so, if you look at gag, which has an M of 0.13,
24 one minus 0.13 is 87, and so the MSST for gag is 87 percent of
25 Bmax. For red grouper, it's 80 percent of the B proxy. For red
26 snapper, it was 91 percent. That was one of the really close
27 ones. Vermilion snapper was 75 percent, gray triggerfish was 73
28 percent, and greater amberjack was 72 percent.
29
30 Hogfish, we had actually set a proxy of 75 percent in Amendment
31 43 and then almost immediately changed it to 50 percent in
32 Amendment 44, and the rationale for all of these was that we
33 could go down that low because we felt that the requirements to
34 avoid overfishing, to avoid going over the maximum fishing
35 mortality threshold, would prevent us from ever reaching this
36 MSST, and it would give the council the flexibility to rebuild
37 the stock without being subject to the restrictions of having to
38 be in a rebuilding plan.
39
40 Here, basically, we have more or less the same alternatives that
41 I had in Amendment 44, except I left out the combination ones
42 that say you can do either or, either the formula or some
43 minimum threshold level, and that just seemed to be a little
44 complicated.
45
46 Alternative 1 is no action. Stocks with MSST will retain the
47 MSST, and that's the stocks that I just put up. If they have an
48 undefined MSST, that will remain undefined until it's defined,

1 as needed, by a plan amendment. For stocks where MSST is
2 currently undefined, Alternative 2 would use the formula one
3 minus M times BMSY or its proxy, and so exactly where that ends
4 up depends upon what the natural mortality rate is for the
5 stock.

6
7 Alternative 3 would set a fixed level of 75 percent of BMSY for
8 all of the stocks, and Alternative 4 would set it at 50 percent
9 of BMSY for all of the stocks.

10

11 **CHAIRMAN GREENE:** Okay. Hang on. Dr. Crabtree.

12

13 **DR. CRABTREE:** But it's not really all stocks, correct? It's
14 the stocks that weren't changed in the recent amendment,
15 correct?

16

17 **MR. ATRAN:** Correct. It doesn't include those, but it includes
18 all the other reef fish stocks and red drum.

19

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

22

23 **MR. ATRAN:** Thank you. That brings us, I believe, to Action 3.
24 Action 3 deals with the maximum fishing mortality threshold, and
25 so just a reminder of what this is. This is a fishing mortality
26 rate which, if exceeded, means that the stock is declared to be
27 undergoing overfishing, and there is two ways a stock can be
28 declared to be undergoing overfishing, if the fishing mortality
29 rate exceeds MFMT or if the pounds landed exceed the poundage
30 associated with OFL.

31

32 It cannot be set -- The MFMT cannot be set higher than FMSY. We
33 normally do set it equal to FMSY. However, the Magnuson-Stevens
34 Act states that if a stock is determined to be approaching an
35 overfished condition or is overfishing, conservation and
36 management measures are needed to prevent the overfishing or end
37 overfishing and rebuild the fishery.

38

39 Now, one problem is that, if we've got a stock that's in a
40 rebuilding plan, the fishing mortality rate associated with that
41 rebuilding plan, which we call F rebuild, is usually going to be
42 a smaller fishing mortality rate than whatever FMSY is, and that
43 means it's possible to get a stock where the fishing mortality
44 rate is somewhere in between those two values. It's above F
45 rebuild, but below FMSY, and, if we set MFMT equal to FMSY in
46 that situation, it's possible that, officially, we're not
47 overfishing, but we are fishing at too high a rate to rebuild
48 the stock, and so we've got an alternative that deals with that

1 in just a second. I had to split these alternatives among
2 multiple slides again.

3
4 Alternative 1 is no action, the current definitions will be
5 retained, and this is a viable alternative, because we do have
6 MFMT definitions for all of our stocks, unlike the MSST, and,
7 right now, they're set at F 26 SPR for red snapper, F 50 percent
8 SPR for goliath grouper, F max for gag, and F 30 percent for all
9 of the other reef fish and for red drum.

10
11 One possible issue, although, as it turns out, I guess this is
12 not really an issue now, is that, in the past, there have been
13 times when the proxy used for setting MFMT has not matched the
14 proxy used for setting the overfished threshold, and so we had a
15 disconnection. Alternative 2 would state that MFMT equals the F
16 proxy for all stocks, where F proxy is the MSY proxy that you
17 select in Action 1.

18
19 If you use a biomass yield, which is one of the items that we
20 had suggested be considered for the data-poor stocks, rather
21 than a fishing mortality rate, then MFMT is the harvest rate
22 that results in exceeding that particular yield.

23
24 This alternative actually would not change any of the existing
25 MFMTs, but it would assure that in the future that both of those
26 reference points, the minimum stock size threshold and maximum
27 fishing mortality threshold, are tied to the same MSY proxy, so
28 that they are related to each other.

29
30 Alternative 3 would do the same thing as Alternative 2, but it
31 adds one change for a stock that's in a rebuilding plan. It
32 says that MFMT equals F rebuild for stocks that are in a
33 rebuilding plan. As I said before, right now, it's possible to
34 have a stock that's in a rebuilding plan. Because the fishing
35 mortality rate may be higher than the F rebuild, but lower than
36 FMSY, it may not be rebuilding, or at least not rebuilding
37 according to the schedule that we want, but it's not declared to
38 be undergoing overfishing.

39
40 MFMT can be set below FMSY, and so that's what this would do for
41 a stock in a rebuilding plan. It would assure that, if the
42 fishing mortality rate is too high to sustain the rebuilding
43 plan, that the stock would be considered to be undergoing
44 overfishing. That also seems to be consistent with what's in
45 the National Standard 1 Guidelines, although we haven't done it
46 up until now, and that's the last thing for Action 3, and I will
47 see if there are any comments on that.

48

1 **CHAIRMAN GREENE:** Is there discussion? I don't see any
2 discussion, Mr. Atran.

3
4 **MR. ATRAN:** Action 4, which is the last action in this document,
5 deals with defining optimum yield. We haven't paid too much
6 attention to optimum yield lately. We seem to be mainly focused
7 on what should the ACL and the OFL and, if we use it, the ACT
8 should be.

9
10 First of all, what is OY, optimum yield? The Magnuson Act says
11 it's the amount of fish that will provide the greatest overall
12 benefit to the nation, and it's based upon MSY as reduced by
13 relevant economic, social, and ecological factors, and then it
14 goes on to say, and I believe this is out of the Guidelines,
15 that, in the case of an overfished fishery, it provides for
16 rebuilding to a level consistent with reducing MSY in the
17 fishery, and it will maintain the long-term average biomass near
18 or above BMSY.

19
20 That second bullet is a bit of an issue, that OY is MSY as
21 reduced by relevant economic, social, and ecological factors.
22 There is a question of how do you actually incorporate economic,
23 social, and ecological factors into setting a biological
24 reference point, and we have kind of gone around and around on
25 that, and, before I get into that, the National Standard
26 Guidelines talk about two different types of OY.

27
28 The long-term, or the equilibrium OY, that's the average yield
29 or the desired yield on a continuing basis. It may fluctuate,
30 so that, in some years, yield may be above OY, but, in other
31 years, it will be below it. Over the long term, the average is
32 equal to OY.

33
34 There is also an annual OY, which is the yield in a given stock
35 at a given year when fishing at the FOY level, and that is
36 generally where we've set the ABC, or often where we've set the
37 ABC, and that changes each year based upon the stock size, but,
38 because we already have OFLs and ABCs that change on a year-by-
39 year basis, having an annual OY seems to be redundant, and so,
40 basically, we're thinking mainly about the long-term, the
41 equilibrium OY, when we're setting optimum yield, at least as
42 this is currently set up.

43
44 Alternative 1 is no action. For stocks with an undefined OY,
45 the reference point will be defined as needed for each stock by
46 a plan amendment. We do have some stocks where we have defined
47 it, but, in many of them, we have not.

48

1 Alternative 2 would set OY equal to some fixed percentage of
2 FMSY or some fixed percentage of the MSY poundage yield from the
3 data-poor stocks, and so Option 2a would use 50 percent. OY
4 would be the yield when fishing at 50 percent of FMSY proxy or
5 when catching 50 percent of the MSY yield, when you've got a
6 poundage yield, and the fishing mortality rate can't be
7 determined. That's the most conservative way to go.

8
9 Option 2b would set OY equal to 75 percent of the FMSY proxy or
10 75 percent of the MSY poundage yield. That typically is what we
11 have used occasionally in the past when setting an OY or its
12 equivalent, and then Option 2c would set the OY at 90 percent of
13 the proxy or 90 percent of the MSY poundage, and that would get
14 us pretty close to what the actual MSY is, but it would reduce
15 it a little bit to account for those economic, social, and
16 ecological factors.

17
18 We don't explicitly state those factors when we're using a fixed
19 percentage. Basically, we're saying that we think this
20 percentage implicitly accounts for all these factors that the
21 Magnuson Act says that we're supposed to be accounting for.

22
23 Alternative 3, if you wanted to go this way, we would need to
24 develop it a little bit more, but it states that OY is the
25 equilibrium yield that explicitly accounts for relevant
26 economic, social, or ecological factors by the use of a decision
27 tool that considers such factors when reducing OY from MSY.

28
29 We don't have that decision tool right now. My thought was that
30 the Science Center is in the process of developing a stock
31 prioritization spreadsheet, and some of the factors in that
32 spreadsheet include social and economic factors. If you wanted
33 to go this route, my thought was that perhaps we could modify
34 that stock prioritization spreadsheet to be an OY determination
35 control rule that explicitly accounts for these factors, but, as
36 I said, we don't have that decision tool right now.

37
38 Mainly, you have two alternatives, action alternatives. One
39 sets a fixed OY at a fixed percentage of FMSY, and it implies
40 that you are accounting for all of the factors, and Alternative
41 3 says to develop some sort of a tool that will allow us to
42 explicitly account for the factors and come up with some OY that
43 is reduced from MSY. If you have any questions about OY, I will
44 pause here.

45
46 **CHAIRMAN GREENE:** Is there discussion? Dr. Crabtree.

47
48 **DR. CRABTREE:** The only thing, it seems to me, is this

1 Alternative 3, since we don't have the decision tool, and I
2 think the plan is to vote this up in June, potentially?]

3

4 **MR. ATRAN:** It is, but my thought was that, if the council
5 wanted to go this way, we could develop the decision tool a
6 little bit later.

7

8 **DR. CRABTREE:** Well, that would mean delaying action on this
9 though, right, which I know GC has been anxious and encouraging
10 us to get this done, and so it seems to me this alternative is
11 not consistent with the timeline we're on for the amendment.

12

13 **CHAIRMAN GREENE:** Is there further discussion? Ms. Bosarge.

14

15 **MS. BOSARGE:** Steven, I am trying to follow your PowerPoint, and
16 you've done a great job of summarizing this, and so I'm not sure
17 exactly what stocks we're talking about when we're looking at
18 these alternatives, but I am just thinking that, if we're
19 thinking about some of these stocks where we really don't have
20 much information at all, except for average landings, and we're
21 kind of using some average landings as a proxy, I guess, for
22 maybe some sort of maximum sustainable yield or OFLs or things
23 like that, and then we're going to take an OY and somehow set it
24 50 percent below whatever those levels are, I guess I have some
25 hesitation about that.

26

27 If we start exceeding OY a good bit, are there any ramifications
28 to that? If all we really have are maybe some landings data to
29 go by, why would we assume that OY is somewhere below those
30 levels that we're using as proxies for other things?

31

32 **MR. ATRAN:** To me, that's actually a bit of confusion, also.
33 Over the years, we have adopted so many different reference
34 points. We've got OFL, and we've got ABC, and we've got ACL,
35 and OY is kind of the granddaddy. It's the one that's in the
36 Magnuson-Stevens Act, and the original idea was that an MSY
37 would be defined and then, in order to make sure that we're at a
38 safe level, a level that does take into account things beyond
39 purely what is the biological maximum that can be taken, we
40 would strive to achieve OY.

41

42 OY could be exceeded, and exceeded occasionally would not be any
43 problem. Exceeding it several times on an ongoing basis would
44 be an issue, but I don't think there is any required
45 ramifications to that other than the council being nudged to try
46 to take action to get the landings back to the OY level.

47

48 I mainly wanted to provide a full range of options in this

1 alternative, and so that's why I went from 50 percent to 90
2 percent, and, as I said, 75 percent is what has been used in the
3 past.

4
5 **CHAIRMAN GREENE:** Ms. Bosarge.

6
7 **MS. BOSARGE:** So then would it not be reasonable to have OY
8 equal to MSY as an alternative too, especially for these stocks
9 that we have very little information on? I would hate to see us
10 using average landings for some of these other things to kind of
11 get at maybe where some of our indicators should be and then
12 saying, arbitrarily, and, by the way, we're going to set OY at
13 50 percent of that and then we keep bumping up against it and
14 going over it, and we've just kind of, I don't know, backed
15 ourselves into a corner.

16
17 **CHAIRMAN GREENE:** Dr. Porch.

18
19 **DR. PORCH:** Thank you. I do think we need to think about this
20 one a little bit more, because, actually, if you read Magnuson,
21 the ultimate goal is OY, which is MSY as reduced by the relevant
22 social and economic factors, et cetera. All those catch limits
23 are actually to implement OY, and so the way it's framed here is
24 more like if you wanted to develop an annual catch target that
25 is sort of a buffer below the ACL, which helps keep you away
26 from having to invoke the accountability measures.

27
28 I think we're at a point where we should think carefully what we
29 mean, and so, effectively, the way we've been implementing
30 things in most of the FMPs, when we're developing an MSY proxy,
31 we're essentially saying OY is MSY, I think, as far as the Act
32 would be concerned, because, again, if you read the first lines
33 in Magnuson-Stevens, it talks about OY and mentions MSY I think
34 once, and it's just basically saying it's MSY as reduced.

35
36 **CHAIRMAN GREENE:** Mr. Gregory.

37
38 **EXECUTIVE DIRECTOR GREGORY:** In 1996, the Magnuson Act was
39 reauthorized and revised to, I think, say that National Standard
40 1 is the conservation and management measures shall prevent
41 overfishing, and that's what we've all been focusing on, but it
42 also says while achieving, on a continuing basis, the optimum
43 yield from each fishery for the United States fishing industry.

44
45 When I saw that, I thought that the new guidelines that National
46 Marine Fisheries Service would come out with would mandate that
47 the council manage according to optimum yield, rather than what
48 we were doing at the time, and that never came to pass, and I

1 thought, in 2002, when the Guidelines were revised, they would
2 come out and say something similar to what Dr. Porch just said,
3 that your ACT would be OY, which is somewhat less than your MSY,
4 which could be equivalent to OFL, but that's not what they did.

5
6 In my mind, and I welcome to be corrected, like Chairwoman
7 Bosarge says, you adopt something like this and then at some
8 time in the future your feet could be held to the fire, because
9 here it says we're supposed to manage by OY and not MSY or MFMT,
10 but it's never been enforced on us.

11
12 **CHAIRMAN GREENE:** Ms. Levy.

13
14 **MS. LEVY:** Well, so the goal is to achieve optimum yield on a
15 continuing basis. It's a long-term yield that you're supposed
16 to be achieving from the fishery. The mechanism that the agency
17 has adopted to do that and that the Act has adopted to do that
18 is using yearly annual catch limits, and so they're not
19 necessarily equivalent. The annual catch limits are supposed to
20 be in support of achieving optimum yield on a continuing basis,
21 and so, to me, they're two separate things.

22
23 Maybe it's not reasonable to have an OY that is reduced 50
24 percent from MSY. Maybe that's not something you want to do,
25 because we don't need to reduce it that much for social,
26 ecological, or whatever other things we're supposed to be
27 considering, but it's probably appropriate to have it somewhat
28 below the maximum sustainable biological yield from the fishery.

29
30 **CHAIRMAN GREENE:** Dr. Crabtree.

31
32 **DR. CRABTREE:** Yes, and it doesn't mean that you couldn't, for
33 example, set the annual catch limit higher than optimum yield
34 for a while. If you had a huge recruitment event that persisted
35 for a few years, you might be able to fish at a very
36 conservative fishing mortality rate and harvest more fish than
37 optimum yield, and, as Mara said, optimum yield is the long-term
38 thing you're trying to get at. It's not the driver for what you
39 do in any one particular year.

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

42
43 **MR. ATRAN:** I think what I was going to say may have already
44 been said. Dr. Porch had said that he thought OY was basically
45 equal to MSY, and I think actually, the way we use ACL, it's
46 probably more equal to ACL, if you wanted to consider it on an
47 annual basis, and we could do that, if you wanted to.

1 We could have an alternative that says OY equals ACL, but, first
2 of all, it would be an annual OY that's going to fluctuate from
3 year to year, and, secondly, as Mara had pointed out, the
4 purpose of OY differs from the purpose of the ACL. The OY is
5 MSY as reduced by relevant factors, and ACL is just a safe level
6 of harvest within the ABC, and so I don't know if you're really
7 achieving the intent of the Magnuson-Stevens Act if you were to
8 go that route, but, if you wanted, we could add that as an
9 alternative.

10
11 **CHAIRMAN GREENE:** Dr. Porch.

12
13 **DR. PORCH:** This is exactly why I said we need to spend some
14 more time thinking about this, because now we're kind of mixing
15 concepts in some of the interventions, but, for instance, OY
16 would almost never equal ACL, because OY is an equilibrium
17 concept, and ACL can vary from year to year with the changing
18 abundance of the stock, but, anyway, the point essentially is
19 that MFMT is supposed to be equal to FOY or FMSY, and I would
20 argue that, if you look at Magnuson, it should have been FOY,
21 and then that means your ACLs and all would be adjusted to the
22 fishing mortality rate that achieves, in the long-term, OY.
23 Does that make sense? Basically, it's everything we've done,
24 but replace "MSY" with "OY", but we're not there now, and so I
25 don't see us taking an action right here.

26
27 The way this is done after the fact is more consistent with the
28 logic to developing an annual catch target, where you're
29 introducing an additional buffer, the way it's framed right
30 here.

31
32 **CHAIRMAN GREENE:** Ms. Levy.

33
34 **MS. LEVY:** I just want to caution against saying somehow that an
35 annual OY automatically equals an ACL, because the Guidelines
36 and the response to the comments in the Guidelines are pretty
37 clear that although they can be conceptually compared to each
38 other, they have different definitions and cannot be
39 automatically equated to each other, and so let's just not
40 assume that we can automatically say an annualized OY equals the
41 OY just because they are equal.

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

44
45 **MS. BOSARGE:** Just for clarification and then we'll move on, but
46 I was proposing that we have an alternative that would allow us
47 to choose OY as equal to MSY, because I'm not sure that we're
48 ready to say why exactly -- What those economic factors -- That

1 there is some 10 percent economic factor out there that says
2 that you shouldn't go catch what you've been catching, that
3 maximum sustainable yield, and the basis for that was because a
4 lot of these are very data-poor, and we don't have a good feel
5 for what these things are except for landings, and so I hate to
6 start buffering landings down somehow if some of these other
7 criteria are based on landings.

8
9 **CHAIRMAN GREENE:** Dr. Crabtree.

10
11 **DR. CRABTREE:** The trouble with saying OY equal to MSY is that,
12 in the statute, in the definition of optimum yield, it's as
13 reduced, and so the implication of the statute is OY is a lower
14 yield level than MSY.

15
16 In a case where you're setting proxies based on average landings
17 though, it would not always be the case that you would use the
18 average landings to specify MSY. You could use something higher
19 than what you've seen in the average landings, but it just
20 depends on what sort of shape you think the stock is and where
21 the biomass is and things like that.

22
23 If you had a lightly-exploited stock, you could argue that the
24 biomass has been higher, and we've been through lots of
25 permutations of this down in the Caribbean, and so there are
26 ways to deal with it, but I think you have a problem with
27 setting optimum yield equal to MSY, because it doesn't seem
28 consistent with the way it's defined in the statute.

29
30 **CHAIRMAN GREENE:** Mr. Riechers.

31
32 **MR. RIECHERS:** Not that I am going to talk about how it's
33 consistent with what's in the statute, but the whole definition
34 of OY is basically -- It stems from the concept of MEY, maximum
35 economic yield, and what it basically -- On a traditional yield
36 curve, you reach a point where, to get that extra pound of fish,
37 it costs you more, and so that's why it's typically less than,
38 and then there is these other factors they're trying to throw in
39 when we talk about OY, and so that's -- I think that stems
40 mostly from the MEY perspective, but then they also throw in
41 other ecological and sociological factors, in kind of concept.

42
43 **CHAIRMAN GREENE:** Mr. Gregory.

44
45 **EXECUTIVE DIRECTOR GREGORY:** I will just try again to explain my
46 concern. Both OY and MSY in the Act are defined as a condition
47 on a continuing basis, but, after 2006, National Marine
48 Fisheries Service, in the Guidelines, annualized MSY in the ACLs

1 with the buffer to ACT. What my concern is, it's that, at some
2 point in the future, National Marine Fisheries Service could
3 annualize OY, just like they did MSY, because both are defined
4 in the same way as being on a continuing basis. There is no
5 difference in that with them, and so it could happen.

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

8
9 **DR. CRABTREE:** Yes, and I just don't agree with your whole
10 premise of that. I don't believe National Marine Fisheries
11 Service has annualized MSY or OY. I think it's always been
12 clear that the concept of MSY and OY are long-term averages.
13 The annualized component is the annual catch limit, which is
14 based on the yield you can get from whatever biomass is in the
15 water as it relates to a prescribed fishing mortality rate. It
16 may be higher than MSY, or it may be lower than MSY, and so I
17 just don't think we're redundant, but I don't think this
18 discussion is getting us anywhere at the moment, Mr. Chairman.

19
20 **CHAIRMAN GREENE:** I would agree. Okay. Mr. Atran, catch me up
21 on where we are. You've been through everything on Action 4,
22 and is that correct?

23
24 **MR. ATRAN:** Yes, and we've been through everything, and I was
25 just going to say that the next steps is we'll revise the
26 amendment to reflect the council's preferred alternatives, or it
27 sounds like we may get some additional guidance.

28
29 At this point, I'm not sure if you're going to consider the
30 amendment ready to go to public hearings. I am hoping you will,
31 but it doesn't sound that way. If you do, we felt that, because
32 of the technical nature of this, we would get practically no
33 turnout if we hold physical public hearings, and so we were
34 going to suggest holding a hearing via webinar and then come
35 back in June for final action.

36
37 **CHAIRMAN GREENE:** I don't see any reason to go to public
38 hearings. Does the committee feel the same way? Is there any
39 opposition to just doing a webinar? Okay, and so I think we're
40 good with that. We did have a request to let the SSC look at
41 this as well. Mr. Dyskow.

42
43 **MR. PHIL DYSKOW:** Thank you, Mr. Greene. I hope this is
44 received as a helpful comment, but what we've essentially done,
45 we as council members, for the last two hours is we've listened
46 to a dialogue between NMFS staff and Gulf Council staff.

47
48 Perhaps if there could be more of a consensus presentation to

1 us, we could participate more actively, and I'm not saying this
2 information needs be dumbed-down, but it needs to be refined to
3 the point where at least NMFS and the council staff are in
4 consensus and we're not just listening to a discussion between
5 the two, and, if I'm out of line, I apologize, but I would hope
6 we could structure these presentations a little differently in
7 the future, so that, number one, we can participate, and, number
8 two, we don't simply become observers to a dialogue between NMFS
9 and council staff. Thank you.

10
11 **CHAIRMAN GREENE:** Dr. Crabtree.

12
13 **DR. CRABTREE:** No, I probably agree with you, and I think, too
14 often, these reference point discussions and status
15 determination criteria discussions and control rule discussions
16 get so technical that it's confusing to everybody, and then, at
17 that point, it seems to me that we don't make much progress on
18 these, and so --

19
20 **CHAIRMAN GREENE:** Mr. Anson.

21
22 **MR. ANSON:** I agree with Mr. Dyskow, and I agree with Dr.
23 Crabtree, and maybe, for the next round, we could have a little
24 cheat-sheet that goes and kind of defines these terms and maybe
25 provides an example, with a little chart and such, and that
26 doesn't mean that necessarily we have to use it that time, but
27 can put it in our little folders and keep it for future
28 reference too, because it is quite technical, and, to some
29 degree, theoretical, and, to have at least some definitions and
30 a better definition or understanding of those, I think that
31 would help folks to be more comfortable to talking about these
32 topics. Thank you.

33
34 **MS. BOSARGE:** I have one more comment and then we'll move on.

35
36 **CHAIRMAN GREENE:** Chairwoman Bosarge.

37
38 **MS. BOSARGE:** I just want to say that, Steven, you did a great
39 job. Please don't take those comments as any kind of feedback
40 on your presentation. You put that in the simplest terms that
41 you could. I think the cheat-sheet though might be a great
42 idea, and we can kind of keep it in our back pockets, but you
43 did a wonderful job.

44
45 **CHAIRMAN GREENE:** I completely concur. Mr. Atran did a good
46 job. Okay. We're going to take a fifteen-minute break, and we
47 will pick back up on our schedule a little later in the day than
48 we had hoped with state management, but, when we come back in

1 fifteen minutes, we will get started.

2
3 (Whereupon, a brief recess was taken.)

4
5 **CHAIRMAN GREENE:** I believe we got through the last agenda item,
6 but, before we move on, I want to circle back one more time and
7 make sure everybody is good and that there's no more comments or
8 concerns in regard to the last two hours that we just spent on
9 that. Mr. Banks.

10
11 **MR. BANKS:** I just have a question about the SSC and would it be
12 valuable at all to bring that document that Mr. Atran went
13 through to the SSC for some guidance from them. It just seems
14 like, with all the uneasiness about it around the table, it
15 would be helpful to have them weigh-in on some of those options.
16 Any thoughts on that from anybody else around the table?

17
18 **CHAIRMAN GREENE:** Mr. Atran.

19
20 **MR. ATRAN:** It was my understanding, from the discussion, that
21 that's already what you wanted us to do, and so I was going to
22 put it on the agenda for the SSC meeting.

23
24 **CHAIRMAN GREENE:** Okay. Thank you. Anything else before we
25 leave that fun subject? Okay. With that, we will jump into the
26 State Management Program for Recreational Red Snapper, and this
27 will be Tab B, Number 7, (a) through (f), and Dr. Lasseter will
28 lead the charge here, if you're ready.

29
30 **STATE MANAGEMENT FOR RECREATIONAL RED SNAPPER**

31
32 **DR. AVA LASSETER:** Thank you, Mr. Chairman. Yes, I am. We are
33 going to start with the program amendment, which, again, is the
34 overview, and it has the overarching actions that apply to all
35 states for pursuing state management. Then, as you can see on
36 the agenda, then there is individual state amendments for each
37 of the five Gulf states.

38
39 The state management program amendment is located at Tab B,
40 Number 7(a), and we have not made changes, as far as I know, to
41 the Chapter 1, and so we'll go ahead and jump into our
42 management alternatives, our actions.

43
44 Action 1 begins on page 13. This action addresses the
45 components of the recreational sector to include in the state
46 management programs. Again, your Alternative 1 is no action,
47 and we would retain current federal management and not adopt
48 state management.

1
2 Alternative 2 would apply state management to the private
3 angling component only. Alternative 3 would apply state
4 management to both the private angling component and the federal
5 for-hire component, and Preferred Alternative 4, and you do have
6 a preferred for this action, would allow each state to decide
7 whether it will manage the private angling component only or to
8 manage both its private angling and federal for-hire components.

9
10 Now, we have added a little bit of text at the end of this
11 alternative, and this is for the state, as this is the preferred
12 -- When a state has its individual amendment ultimately
13 approved, that state needs to indicate to NMFS whether it will
14 manage private angling only or both components, and I will pause
15 there for just a moment. I saw a question.

16
17 **CHAIRMAN GREENE:** Mr. Banks.

18
19 **MR. BANKS:** Well, certainly we've already picked a preferred in
20 this case, and I'm happy with the preferred, but it does worry
21 me a little bit now that we seem to be going down the path with
22 this like we thought we were going down with the EFPs, where we
23 could choose whether we kept them in or kept them out, and now
24 I'm a little bit concerned that maybe this doesn't work for
25 NOAA. Any thoughts on that, Roy?

26
27 I mean, this is our preferred, and we're -- Robin can choose to
28 keep both components, and I can choose to keep both components,
29 and the other states can choose only one component, and will
30 that work in this case, when it didn't work in the EFP case? I
31 guess I am just a little bit concerned with that at this point.

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

34
35 **DR. CRABTREE:** Well, we have more flexibility in a plan
36 amendment as to how we do it. I do believe that this particular
37 alternative will greatly complicate the whole plan, and it's not
38 exactly clear to me how it will work. We will have to decide
39 how we identify the for-hire vessels that are managed under a
40 state and what happens if they run their boat to the neighboring
41 state, and I don't know how that will work.

42
43 My personal opinion of all of this has been, all along, that
44 what we mostly have is an issue with managing the private
45 vessels, and I have expressed, I think on a number of occasions,
46 I wish that's where we would go. I am not going to say that
47 this can't be done, but it would be much more complicated than
48 simply having this program apply to just the private component.

1
2 **CHAIRMAN GREENE:** Ms. Guyas.

3
4 **MS. GUYAS:** My comments, I guess, were kind of along those
5 lines, because, yes, exactly what Patrick said. Clearly this
6 has been an issue for the EFPs, and this was an issue the last
7 time we discussed this at the council level with Amendment 39.
8 I mean, this was an impasse for us.

9
10 We couldn't figure out where to go here, and I think we ended up
11 having to take out what was the analogous alternative to
12 Alternative 4, in that past iteration, and so, if there are
13 things that we are going to have to do, if we need to add other
14 actions that would have to support this, if we move forward with
15 this, but I guess we're going to need more detail here at some
16 point, if this is going to be continued to be in the document,
17 about how this would work and, if there are other decisions that
18 we would need to be making in this document, then I guess at
19 some point we'll have to add those.

20
21 **CHAIRMAN GREENE:** Mr. Dyskow.

22
23 **MR. DYSKOW:** Thank you, Mr. Greene. I have a question. I agree
24 with Roy Crabtree in that what we were trying to fix was the
25 private recreational segment. That's where we had all of this
26 angst, and that's where we had all of this confusion, and that's
27 where we had all of this frustration, and we have a pathway
28 defined to do that.

29
30 The charter and for-hire sector managed by NMFS under the
31 auspices of Amendment 40 is working pretty fine and everybody
32 likes it. If we took this path, where we would, on a state-by-
33 state basis -- Some of those charter and for-hire boats would be
34 under state management and some would be under federal
35 management, and how would something like Amendment 40 even work?
36 Would the states adopt that? I mean, it seems to me that we,
37 right now, with private recreational boats, we're trying to fix
38 something that's broken.

39
40 When we talk about charter and for-hire in this context, we are
41 trying to fix something that isn't broken, and I don't know how
42 the rest of you feel about that. Am I totally off-base, or --
43 If I'm wrong, just tell me.

44
45 **CHAIRMAN GREENE:** Dr. Crabtree.

46
47 **DR. CRABTREE:** No, I think you're dead-on, and it does open up a
48 lot of questions about if a state wants to manage the private

1 angling and the charter boat, does the state then have to
2 continue to recognize Amendment 40, in which case that means we
3 need allocations for both for each state? Then are we going to
4 draw lines out in the Gulf, so that when the charter sector is
5 open for one state that they have to fish within those lines?
6 That is not going to work for guys in Alabama or Mississippi,
7 because, when they go out in the EEZ, they are crossing those
8 lines.

9
10 It's very complicated to figure out how could this work, and I
11 agree with you that the problem we're trying to fix is a private
12 component problem, and I think we could get this whole thing
13 resolved much more quickly if we focused in on that and left the
14 charter boats out of it.

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

17
18 **MR. RIECHERS:** I agree that we are trying to fix a private
19 recreational angler problem, and there is private recreational
20 anglers fishing on all those for-hire vessels, and so, yes,
21 while this may complicate it, and I don't really think it does,
22 but we can certainly throw our hands up in the air about all the
23 reasons why we think it may complicate it, or we can try to find
24 whatever real solutions there are.

25
26 Certainly under the EFPs, we could have ran them consecutively,
27 as we discussed, and there were other ways, and, even outside
28 the EFP context, there is other ways to manage it if you need to
29 identify someone as a different kind of vessel, and that's been
30 done in other programs, and that's not a big hurdle.

31
32 While I certainly understand, all of a sudden, people raising it
33 regarding the EFP, we've got a few months to figure this out,
34 and I appreciate some folks trying to already bring up the
35 discussion about now excluding them, which many of us predicted
36 would happen if we excluded them from the EFPs.

37
38 It's interesting that it has happened so quickly, but I think we
39 have a different alternative, or we could make Preferred
40 Alternative 3 as an alternative, and we just all include them,
41 or we went for the one that allowed those states to make those
42 decisions. In Amendment 39, Martha, I think we did have it in
43 there, and, of course, we made it much more complex, because we
44 had diagrams, and we were trying to complex it up enough to make
45 it as confusing as it could be, but I think there is a way we
46 can get through this, and I think that's what we should work
47 towards and not work towards the easy solution.

48

1 **CHAIRMAN GREENE:** Mr. Anson.

2
3 **MR. ANSON:** I tend to agree with Robin. We started down this
4 road with trying to provide the most flexibility to everybody,
5 to the states at least, and, at that time, we had talked about
6 including both the charter boats and the private boats,
7 federally-permitted charter boats, and, although they weren't
8 included in the EFPs, there is still interest at the various
9 states for the federally-permitted charter boats to be included
10 with the state, because it provides them some flexibility that
11 currently isn't allowed in the federal system with having a
12 static season, or at least a continuous season, and so this is
13 why it was pushed, and it's been brought along, and I think it
14 ought to be explored a little bit longer.

15
16 I do hear you, Robin, on your comment about we've got a few
17 months, potentially, to kind of work those details out and try
18 to get to a better understanding and more comfort level, and
19 some of that understanding and comfort level will come in a few
20 months too, as we kick off the EFPs and people start to become
21 familiar with what is allowed or how the fishery will be managed
22 under the EFPs, and so I am thinking that I am still with the
23 preferred alternative as it's currently selected.

24
25 **CHAIRMAN GREENE:** Ms. Guyas.

26
27 **MS. GUYAS:** Just to be clear, I'm not saying we shouldn't choose
28 Preferred Alternative 4 here. I am saying it seems like there
29 are details about how this is going to have to work that are not
30 in the document, and it seems like we may have to make
31 subsequent decisions in other actions that don't exist in this
32 document yet to do this, and so, if we're going to keep this in
33 the document, which it sounds like that's kind of where we are
34 right now, then we need to, I guess, work on this action and
35 other actions that may need to go along with it, and that's all
36 I'm suggesting here.

37
38 **CHAIRMAN GREENE:** Mr. Banks.

39
40 **MR. BANKS:** Kevin just brought it up, and so did Robin, about
41 timing, and so my question is more to Dr. Lasseter about timing.
42 I know that we've talked about this almost at every meeting, but
43 remind us all about what our timing is. We have EFPs in place
44 that will help us with a season this year and next year, and so,
45 in order to have something in place for January 1, 2020, when do
46 we have to have preferreds picked and have a draft put out for
47 public hearings?

1 **DR. LASSETER:** I haven't worked backward to get your drop-dead
2 date, but, as staff, we've talked a bit about this. One, you're
3 not going to want to have public hearings, I'm assuming, in the
4 summer months, definitely not before August, and so I think it
5 could be reasonable, if you make some progress on some of these
6 discussions, that staff could bring you the Chapter 4, and so
7 the public hearing draft, in August and hopefully have some
8 preferred alternatives selected then at that meeting.

9
10 Then, subsequent to August, we could go out to public hearings,
11 and so that's kind of what -- I am getting some expressions from
12 NMFS staff down there, but comments from NMFS staff? No? Then
13 we would continue from there, but, again, I'm not sure where
14 your progress is on your allocation decision, and I'm not sure
15 if Ms. Guyas is thinking of some specific information that you
16 could suggest to us to include in the document that I am not
17 aware of.

18
19 **MS. GUYAS:** Well, no, but, I mean, obviously there is a lot of
20 intricacies to this issue, which is why Louisiana and Texas
21 didn't get what they wanted with the EFPs, and so clearly we
22 need to explore those issues here and come up with some kind of
23 solution, if this is going to move forward. Probably Dr.
24 Crabtree can speak to those issues more than I can.

25
26 **CHAIRMAN GREENE:** Dr. Crabtree.

27
28 **DR. CRABTREE:** Well, I mean, one issue you've got to decide is,
29 if a state opts that it's going to manage the for-hire vessels
30 and the private side, can it combine them and have them fish off
31 of a common allocation, or does it have to have separate quotas?
32 I don't think we've ever decided that, and then, if some states
33 are going to have the for-hire and not others, then we're going
34 to have some sort of Gulf-wide charter boat season, and so are
35 we going to draw lines in the Gulf, or do you want to try to do
36 this in a way that doesn't draw lines out into the Gulf, because
37 I think that's going to create problems.

38
39 There are all of these things that we've talked about, meeting
40 after meeting, but we've never really come to any decision on
41 it, and, if we're going to get this done, we've got to start
42 making decisions about how that's going to work.

43
44 **CHAIRMAN GREENE:** Dr. Lasseter.

45
46 **DR. LASSETER:** Thank you, Mr. Chairman. Dr. Crabtree, we
47 actually have addressed that in the document, as far as --
48 That's our interpretation through the IPT process, and so, if we

1 do need to modify that, that's an option, but the way it's
2 written now is that we understand that, through 2022, that there
3 are separate quotas, and so that's the way the document is
4 framed right now, is that those would have to be maintained,
5 unless there is some different direction that we would get, but
6 that's what we've gone on right now.

7

8 **CHAIRMAN GREENE:** Ms. Bosarge.

9

10 **MS. BOSARGE:** I just had an idea. It seems like the consensus
11 of the five states is that they definitely want to try and
12 manage the private anglers. You have EFPs that are starting you
13 down that path. If they work well, then I would imagine you're
14 going to come here and want us to implement those in the form of
15 a plan, and I'm excited about the EFPs. I think it's great. I
16 think that the private anglers have been asking for that for a
17 long time.

18

19 What I see in this document is that the for-hire fleet is
20 essentially going to hold that up. That's going to get slowed
21 down. Implementing state management for private anglers is
22 going to get slowed down by the for-hire fleet, because there is
23 some differences in that fleet across the Gulf and how they want
24 to be managed. Have we ever thought about taking this document
25 and splitting it into two and having a private angler state
26 management document and having a for-hire state management
27 document?

28

29 Then you can flesh out all of your options that you need for
30 for-hire and how you want to do that, if you can do it, state-
31 by-state, if you all have to be in or all have to be out, but
32 then you don't hold up the private anglers, and you can
33 implement their plan that they want.

34

35 **CHAIRMAN GREENE:** Mr. Banks.

36

37 **MR. BANKS:** Forgive my frustration, Madam Chair, but, two years
38 ago, I tried that. A motion was passed pretty darned strong,
39 after a lot of debate, in Clearwater Beach, and have we ever
40 seen that document? Never. That has been held up, and so I
41 don't see that as a viable alternative in this case.

42

43 **CHAIRMAN GREENE:** To that point?

44

45 **MS. BOSARGE:** Yes, and so, I mean, that motion kind of evolved
46 over time, and, yes, I think your motion did start out that you
47 just -- I think you just started out that you wanted private
48 anglers, and I don't remember, but there was a lot of discussion

1 there, and I had some angst about you go throw in that for-hire
2 fleet, and that's where we got hung up last time on state
3 management, and we never got anywhere, and I guess that's why
4 I'm throwing this option out there. If you want some sort of
5 path forward to implement this, at least for your private
6 anglers, in a quick fashion, I don't see any other way to do it.

7

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

9

10 **MR. BANKS:** Well, all I can say is this document right now has
11 gone way beyond that effort that happened two years ago. We
12 passed that motion to start a private recreational red snapper
13 management, and I couldn't even get it on the agenda for the
14 following meetings. We had to wait on some group to give us
15 recommendations that never materialized.

16

17 We had to wait on this, and we had to wait on that, and it was
18 just stall, stall, stall. In my opinion, this document has gone
19 much farther than that effort ever did, and so I hear that it
20 seems like it would be easier to go that route, but it hasn't
21 been around this council so far, and so I would like to continue
22 to try to keep the charters in there as an option, if it could
23 ever work.

24

25 **CHAIRMAN GREENE:** Dr. Frazer.

26

27 **DR. TOM FRAZER:** Thank you, Mr. Chair. When we were discussing
28 the EFPs at the last council meeting, I believe one of the
29 things that we talked about was maybe learning from just having
30 an EFP with the pure recreational side of things and then moving
31 on with a second EFP for the charter/for-hire.

32

33 That didn't really go anywhere either, but I think what Leann is
34 saying, at this point, is that, regardless of what happened two
35 years ago, we probably learned something, and our intent is to
36 move all of this forward, and, if we have to do it in a step-
37 wise fashion, then there is nothing really lost by doing that.
38 I think, again, we have to keep our eyes on the goal, and, if we
39 have to get their piecemeal, let's do it, but let's do it in an
40 effective way.

41

42 **CHAIRMAN GREENE:** Is there further discussion? Mr. Dyskow.

43

44 **MR. DYSKOW:** I am relatively new to the council, and so maybe
45 this discussion was had prior to my appointment, but I guess,
46 just because of my background, I totally understand the reasons
47 and the need to have state management of private recreational
48 red snapper fishing. I totally get it. I am unclear on why

1 some of the states want to manage charter and for-hire vessels.
2 Can somebody help me understand that? Has there been some
3 discussion?

4

5 **CHAIRMAN GREENE:** Mr. Diaz.

6

7 **MR. DIAZ:** I was trying to think through that a minute ago, Mr.
8 Dyskow, and, just to give you an example of some of the things
9 that I've thought of since we started talking about this, we
10 have had people, during public testimony, say these types of
11 things, but I have had them tell me this privately, and I've had
12 charter boat folks tell me, and this doesn't represent all, but
13 this is just some folks making comments like this, but that they
14 can sell a trip in the summertime, and especially in some of
15 these areas where there is a lot of tourists, because there is a
16 lot of people there, but they need something to sell outside
17 that summertime season, and so we've had those type of comments.

18

19 Like I said, it doesn't represent everybody, but it's just some
20 comments, and I have had people in the State of Mississippi tell
21 me that, in Mississippi, the very best red snapper fishing is in
22 the fall, and I've had charter boats tell me that they would
23 like to see a season in the fall, and I've heard Texas say many
24 times that June is a very windy month in Texas and it's not that
25 great for boats to be able to get out, and so that's just an
26 example of some of the type of things that people have said over
27 time. I am sure there is a lot more, but hopefully that helps a
28 little bit.

29

30 **CHAIRMAN GREENE:** Dr. Mickle.

31

32 **DR. MICKLE:** I think I'm going to address Mr. Dyskow's I guess
33 request, and I'm going to give a state perspective and speak for
34 Mississippi, the state that I know -- I'm going to stay in my
35 court, but, mostly, I'm going to speak for the federal for-hire
36 captains, which we don't have many at all, and so we get to talk
37 to all of them, and I get input from absolutely all of them.

38

39 The majority of them, exactly like Mr. Diaz said, they want
40 trips in the fall. We have casinos in our state, and so we have
41 a casino crowd, which is much different from the rest of the
42 Gulf crowd, and there is a point to all of this, but they want
43 to be out there when the private recreational are not. They
44 have voiced that. They prefer that. They like to be out there
45 when it's less crowded, and that makes complete sense, and they
46 want their permit to retain its value, their federal permit to
47 retain value.

48

1 Those are the major bullets that they've given me in their for-
2 hire taskforce. It's a very organized group that presents these
3 requests and interests, and I believe our state management
4 system can provide those. Maybe not to the full capacity which
5 they think, but, again, the abilities of our data program and
6 the potential allocation that Mississippi could account for and
7 justify as a sustainable harvest, those are met, in my mind, and
8 so, again, each state has to think about how do they meet the
9 requirements of their federal for-hire fleet.

10
11 My state has different interests and requests than other states,
12 and then the abilities of each state are different for the
13 different requests, and so it gets very complicated, and I think
14 that's why you see so much heterogeneity between the requests of
15 what federal for-hires want to be in and don't want to be in
16 within each state in the Gulf. Thank you.

17
18 **CHAIRMAN GREENE:** Mr. Anson.

19
20 **MR. ANSON:** Just to add to that, Mr. Dyskow, the other thing to
21 carry on what Dr. Mickle talked about was with the states' data
22 collection programs. Potentially, if they're certified, then
23 they have the ability then to record landings in near real-time
24 for some states, and that offers an opportunity for managing
25 that fishery, whether it's private recreational or for the
26 charter boats, to document that there is a bad-weather event and
27 that impacted landings and that those could be used later on in
28 the year, within the same year.

29
30 **CHAIRMAN GREENE:** Is there further discussion? Okay, Dr.
31 Lasseter.

32
33 **DR. LASSETER:** Okay. Thank you, Mr. Chairman. To come back to
34 this Preferred Alternative 4, because this alternative would
35 allow each state to decide the private angling only or to manage
36 both components, NMFS would need to know, upon approval of one
37 of those individual state amendments, what that state would like
38 to do.

39
40 This decision would not need to be made when this program
41 amendment is made, and I want to make that clear, but this
42 underlying sentence applies to what would happen when your
43 individual state's amendment is finalized. That says: A state
44 would indicate the component(s) it will manage through a letter
45 to NMFS that must be received within one month of the council's
46 vote to approve this amendment.

47
48 That timeline is for the purpose of -- Staff will be cleaning up

1 the amendment and getting it ready to transmit, and, at that
2 time, we would be able to transmit as well that information to
3 NMFS, and I see a question.

4
5 **DR. CRABTREE:** Is this viewed as a one-time determination? If
6 the state changed its mind, then they would have to come back in
7 front of the council and we would have to amend the plan to
8 allow that?

9
10 **DR. LASSETER:** As far as I know, this is a one-time decision.
11 The way delegation is set up is that you're delegating a one-
12 time event, and then NMFS is more or less done with that. Now,
13 under the CEP process, when they are doing that every two years,
14 perhaps there is some flexibility in there, but, the way we
15 understood it, through discussion, was, especially with
16 delegation, it's a one-time event.

17
18 **DR. CRABTREE:** Then possibly a way you would try to do this is
19 there would be a federal Gulf-wide charter boat season set, and
20 then we would say -- Say that Louisiana decides that they want
21 to manage their charter boats, but then we would say, except
22 vessels landings -- Federally-permitted charter boats landing in
23 the State of Louisiana have to abide by the regulations in the
24 State of Louisiana and can't fish outside of those regulations
25 or something along those lines.

26
27 That is the only way I can think about it. I mean, I'm pretty
28 sure that -- I know we have a map in here that draws lines in
29 the EEZ, but I don't think any of us think that is a viable way
30 to try and deal with this. Now, that has the complication that
31 it would be very difficult to enforce at sea, and you basically
32 have to ask where is the vessel going to land, and then, if a
33 vessel decided the Louisiana season is finished, then it's going
34 to run over to Alabama and fish out of Orange Beach, and you
35 could potentially have a lot of effort shifting issues, but
36 maybe that's a way you could do it.

37
38 **CHAIRMAN GREENE:** Well, the lines in the water bother me,
39 because, in our part of the Gulf, within about eighty miles, I
40 can be off of about four states, and that is extremely confusing
41 to a lot of people. The other thing is that, within one month,
42 that particular year, that is not going to leave a lot of time
43 for any of the for-hire boats to have any idea if they're going
44 to be in this plan or not, and they're never going to be able to
45 book trips with that type of lead time. However, I did have Ms.
46 Guyas and Ms. Bosarge on the list next.

47
48 **MS. GUYAS:** I guess, continuing this discussion, I guess what I

1 am trying to wrap my head around is what are those for-hire
2 vessels that get included, and are they home-ported in that
3 state, are they registered in that state, and like I guess those
4 are the types of decisions we're going to have to make. It
5 can't just simply be that they're going to land in Louisiana and
6 therefore they follow the season, because how is enforcement
7 ever going to know that?

8
9 Like you're saying, they could switch that day to day or trip to
10 trip, and so that's kind of what I'm -- Those are kind of the
11 details that I'm looking for in this document, or the decisions
12 that we would need to make.

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

15
16 **MS. BOSARGE:** So, I'm confused. So, you're saying, if I was a
17 federally-permitted charter boat, essentially, if I've got a
18 dock in all five states, whatever state season is -- I can go
19 out there and fish in federal waters, and I just need to go into
20 the dock for whichever state is open at that point.

21
22 **DR. CRABTREE:** Well, if you think about the king mackerel
23 commercial fishery, that's exactly what happens. You have the
24 traveling mackerel guys who go to different places and fish.
25 Now, maybe we could think of some way where the charter boat had
26 to -- They had to declare, or maybe we could change the permit,
27 but, I mean, these are significant complications when you start
28 trying to do those sorts of things.

29
30 If everybody -- If we decided the charter boats are either in
31 the state management or they're not for everybody, it would be
32 more straightforward then, I think, but you still have this
33 issue of fishermen moving. We're going to have that with the
34 EFP. A guy who lives near the Florida/Alabama line is going to
35 be able to trailer over and partake in both seasons and all
36 that.

37
38 **CHAIRMAN GREENE:** Mr. Banks.

39
40 **MR. BANKS:** I agree, and I understand that's some confusion, but
41 that happens today in Mississippi and Louisiana. I mean, as
42 long as they have the applicable licenses in that state, they
43 can go and fish over there and take those, and so, if Louisiana
44 is open and Alabama is not, if Johnny comes to Louisiana and
45 decides that he wants to land those fish in Louisiana, we're
46 going to check to make sure he has an out-of-state license
47 before he lands in Louisiana, because, if he doesn't, then he is
48 illegal, and so there is ways that it can work.

1
2 If our season is closed and Johnny comes into our state, even
3 though he caught those fish in federal waters when the federal
4 season was open, then he would be illegal to possess those fish,
5 and so there is ways, I believe, that it can be accomplished,
6 and you're right that it's not going to be easy, and I
7 completely agree with Roy that it's not going to be easy, but
8 there is ways that it can be accomplished.

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

11
12 **MR. SANCHEZ:** I think this might be easy. I think we're going
13 to get to the fun stuff when we talk about state-by-state
14 allocation.

15
16 **CHAIRMAN GREENE:** Okay. Is there further discussion? Dr.
17 Lasseter.

18
19 **DR. LASSETER:** Thank you, Mr. Chairman. I just wanted to
20 respond to Martha. I do understand now what you're talking
21 about, and, how it's going to actually work, there are a lot of
22 questions there that we are still aware of as well, and that was
23 part of the Law Enforcement Committee's discussion and NOAA GC's
24 response to them, and so thank you very much for raising that.
25 Yes, that is something that we do need to -- We are still
26 working through how to get it to work.

27
28 That is the only addition on the Action 1, was specifying how a
29 state would inform NMFS which components it would manage, and so
30 we can go on to Action 2, which begins on page 16. Mr. Sanchez
31 just introduced us to this, and so Action 2 is addressing
32 apportioning the recreational ACL, the quota, amongst the five
33 states.

34
35 You can see that the alternatives look a little different. We
36 did restructure them. All of the previous ones are still here,
37 and our Alternative 1, again, is our same no action, do not
38 establish an allocation of the ACL amongst the states.

39
40 The current Alternative 2 has combined previous Alternative 2
41 and 3. Before, the Alternative 2s all started in 1986 and ended
42 in different years, and the Alternative 3 started in 1996. I'm
43 sorry. The Alternative 2 ended in 2015 for all of the years,
44 and Alternative 3 ended in 2009 for all of those years, and so
45 we combined all of those options into just one Alternative 2.

46
47 You can see now that there is two options that begin with 1986,
48 and one ends in 2009 and the other in 2015, and that's 2a and

1 2b, and then the next pair of options, c and d, both begin in
2 1996, one ending in 2009 and the next 2015. Option e and f
3 follow the same pattern, backing off another ten years, where
4 they both start in 2006. Option e is only four years of
5 landings, ending in 2009, and Option f is in 2015.

6
7 Then, also, the g and h are those 50/50 of your longest time
8 periods and shortest for each of the respective time periods,
9 one ending in 2009 and the other in 2015, and combining them
10 with a shorter period as well, and, again, with -- A motion you
11 made at the last council meeting was to remove landings from
12 2010 from all alternatives, and so we also removed that from
13 what is now Alternative 3, which are the options to exclude
14 years from the time series, and so you will see that 2010 is no
15 longer there. It's just not part of any of these alternatives
16 or data series, and so now Alternative 3 provides three options
17 for years to exclude, the first one being 2006. Option 3b would
18 exclude 2014, and 3c would be 2015 landings.

19
20 Just for a little context, the b and c, removing 2014 and 2015,
21 would just allow you to pick an allocation time series that
22 would mirror what was selected in Amendment 40, and so you could
23 include those more recent years or not.

24
25 Alternative 4, this is your alternative that essentially lets
26 each state base its allocation on its ten best years, and so it
27 would establish an allocation of the recreational sector ACL
28 that may be used for the state management programs by
29 apportioning a private angling ACL and federal for-hire ACL
30 among the states based on each state's average of the best ten
31 years of historical landings for, again, the longest time series
32 that's provided, 1986 to 2015, with, again, only the landings
33 from 2010 excluded.

34
35 Then the last alternative is a little complex here, and so this
36 is your one where you wanted to look at the different time
37 series, but then you wanted to have weightings for trips and
38 biomass for those different time series, and so, of course,
39 we're not using the landings from that. We're going to be using
40 trip information for these.

41
42 You can see there is a through f are different time series, and
43 those time series -- You can see they are mirrored from
44 Alternative 2, and so we have 1986 to 2009, 1986 to 2015, 2006
45 to 2009, 2006 to 2015, and then two of these special fishery
46 management Boyle's Law approaches of longest time series of 50
47 percent and shorter time series.

48

1 First, you would select, for Alternative 5, one of these time
2 series to use. Then there is a second decision, under Options
3 5g to 5i, and you would select one of these, the biomass with
4 weightings from 25 percent up to 75 percent and then the inverse
5 recreational trips, 75 percent, 50/50, and then 25 percent.

6
7 We have also constructed tables for you for this alternative,
8 and let's take a look at that, since it's the first time you
9 will see these tables. The first one is on page 21. We have
10 provided -- Because, in your first action, a state could manage
11 -- Currently, your preferred alternative is either private
12 angling only or both components, and we have provided all of the
13 resulting allocations for each one of those decisions.

14
15 Here, this Table 2.2.5 would apply if, in Action 1, you selected
16 the private angling component only or, if under the Preferred
17 Alternative 4, your state was going to manage its private
18 angling component only, this would be the corresponding
19 percentage.

20
21 You can see, in the second column down, there is your trips with
22 the different weightings, and the options are provided on the
23 left, and then you can see the breakdown amongst the five
24 states. Each row of these allocations totals 100 percent, and
25 that is 100 percent of the private angling component's ACL,
26 which is 57.5 percent of the total recreational quota.

27
28 If we scroll down to the next page, page 22, it's a full page of
29 potential allocations, and this provides for breaking the ACL
30 down for both components by state. Again, you see the options,
31 and you see the different weightings, and then, for each pair of
32 rows, the private and for-hire, it will total 100 percent, and
33 each row will total that component's allocation of the
34 recreational sector ACL. I am going to pause there and see if
35 there is any questions or discussion.

36
37 **CHAIRMAN GREENE:** Is there discussion? Sue.

38
39 **MS. GERHART:** Thank you. Earlier, when you were talking about
40 timelines, and Dr. Lasseter sort of saw my face, this is what I
41 was thinking about. If you look at all these possible
42 combinations of these options, there is forty-four options. If
43 you think about the analysis that has to be done for each of
44 those options, if you're talking about doing it for private and
45 for-hire, that's eighty-eight sets of analyses that need to be
46 done for this action alone, not counting all the other actions
47 that are involved in this.

48

1 We would really appreciate some reduction in these options, if
2 possible. If not, then I would have to say that it's going to
3 take a little bit longer to do these analyses, and the analyses
4 I'm talking about aren't just what is the percent going to be,
5 but there is economic analyses that our economists have to do to
6 look at the impacts of each of these options on the fishery, and
7 that's a lot of work, and so anything that you could reduce out
8 of here would be greatly appreciated.

9
10 **CHAIRMAN GREENE:** Okay. Is there discussion? Ms. Bosarge.

11
12 **MS. BOSARGE:** I guess this is where I was going with my idea of
13 two separate amendments. We'll have an amendment for private
14 anglers for state management, and we'll have an amendment for
15 for-hire for state management, and you can delve into these
16 details, and maybe you could- get somewhere before the end of
17 your two-year EFP for your private anglers and try and make some
18 progress on that, and then you can actually have a good
19 conversation, where you hone in on only your for-hire component
20 and see how you want to proceed with that.

21
22 You may want to go down that road, and that's great, and you may
23 want to do it that some do it and some don't, but I don't see
24 how you ever get there with it all in one document. It's just
25 like right now. There is silence in the room, because it's
26 overwhelming.

27
28 **CHAIRMAN GREENE:** Mr. Banks.

29
30 **MR. BANKS:** I will break the silence.

31
32 **CHAIRMAN GREENE:** Well, at least we have somewhat a sense of
33 humor still this late in the afternoon. Okay, guys. Any
34 further discussion? Does anybody want to weigh-in? Dr.
35 Lasseter.

36
37 **DR. LASSETER:** I will be a little daring and just throw
38 something out. There is an option in here that would only
39 allocate based on four years, 2006 to 2009, and so maybe, if you
40 look into some of these different options a little closer, you
41 may want to think about would we really want to allocate based
42 on either such early times or such recent or just such a limited
43 amount of time, and maybe these are some of the things that
44 could help drive a decision. Thank you.

45
46 **CHAIRMAN GREENE:** Okay, and so, Dr. Lasseter, am I correct to
47 assume that Option 2g, just because it's on the screen, is the
48 one that -- That would be 2b that would be the most correctly

1 follows our allocation policy that we have outlined?

2
3 **DR. LASSETER:** I'm sorry, but follows -- I think your allocation
4 policy just is kind of like general guidance to you. Are you
5 speaking to Amendment 40, what was selected in Amendment 40?

6
7 **CHAIRMAN GREENE:** Well, if I remember correctly, in Amendment
8 40, we followed our allocation policy to derive what we came up
9 with, and I know it was 50 percent of the landings from 1986 to
10 a specific time and then 50 percent after that, but I just
11 didn't remember -- I think it was 2013, and so I guess it would
12 be 2h would be the one that's closest to our allocation policy
13 that we have outlined as a reference for us to use that we have
14 used in the past. Okay.

15
16 I just wanted to make sure that I understood, because, when we
17 went through Amendment 40, that was a tough situation, and we
18 had to do something, and I think Robin pointed out that it said
19 2013, and here it's been updated to 2015, and so I appreciate
20 that, and I was just curious which one mirrored our allocation
21 policy. Okay. Any other discussion? Mr. Anson.

22
23 **MR. ANSON:** Thank you, Chairman Greene. Dr. Lasseter, is there
24 not something on the council's website, a decision tool, that
25 also looks at these percentages? I know there's a lot of
26 different combinations already, but there is a decision tool
27 that's available, correct?

28
29 **DR. LASSETER:** That's correct, and Dr. Froeschke put it
30 together, and it's on our website. It essentially combines all
31 the tables that are in here, but you can play with them in one
32 place, just like Amendment 41 and 42 had these decision tools as
33 well, where you can pick your time series, and you can select
34 one or both components, and it allows you to pick the different
35 weightings as well, and it's very user-friendly, and we can
36 actually pop that weblink, perhaps, up on the board.

37
38 **DR. JOHN FROESCHKE:** If you go to our council briefing book
39 page, under Reef Fish, there's a little hyperlink right there,
40 or, also, they can bring up there as well. Just briefly, if I
41 may, this has been -- You saw this the last meeting, but it was
42 updated to reflect the current alternatives, and so, if you
43 visit the page, the alternatives, as they are structured under
44 Action 2, the alternatives are here.

45
46 If you scroll down, and, for example, select the options that
47 you want, the corresponding allocations are presented in the
48 table, and the data that were used to make the calculations are

1 provided in these charts here, and this works on essentially all
2 of the alternatives, and they mimic them. There is some
3 additional functionality here, if you're interested.

4
5 Alternative 5, this is the one that is more complicated, with
6 the biomass and the weights, and so the way this works is you
7 can select a sector, your time series, which mirrors what's in
8 the document, and, if you want to look at the preconfigured
9 alternatives that are in there, you can select these, and I'm
10 scrolling down, and so the resulting allocations would be here.

11
12 The weightings for the variables that inform this are here, and,
13 in this case, it's just biomass for each state would be weighted
14 at 25 percent, and the trips for each state would be weighted at
15 75 percent, and the total landings are available, but, in this
16 case, they wouldn't be used. If you wanted to do something more
17 custom, you could do that, and so, in this case, it would be 22
18 percent weightings for biomass, the 75, and the 3 percent for
19 landings, and so you can do any kind of combination plus what's
20 in the document.

21
22 Last time, it was requested that, if you wanted to use this
23 offline or something and compare multiple alternatives, if you
24 had something like this, and, these values here, you can just
25 select them and add to a report, and what it will do is it will
26 make a little chart of the values that you have selected, and
27 then it will keep track of them over here, and, if you get done,
28 you can just save this summary report, and it will make a little
29 report of the alternatives you looked at and what you got and a
30 little chart and a table kind of thing, and so that is hopefully
31 of some use to you all, and we welcome your feedback.

32
33 **CHAIRMAN GREENE:** Thank you, John. Good job on that. That's
34 pretty informative. Ms. Levy.

35
36 **MS. LEVY:** I just wanted to clarify that your allocation policy
37 doesn't tell you how to allocate. Like, it doesn't say use the
38 longest time series, use 50 percent. It provides guidelines,
39 and it provides suggested methods for determining allocations,
40 but it doesn't give you a formula that you are supposed to or
41 that you've stated you're going to follow in every circumstance.

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

44
45 **DR. FRAZER:** Thank you, Mr. Chair, and I would agree with Mara.
46 We have a bunch of scenarios out there, but no guiding
47 principles, and, as a consequence of that, everybody adheres to
48 what is best for them, and, until we can get over that, we're

1 not going to make any progress.

2

3 **CHAIRMAN GREENE:** Further discussion? Mr. Banks.

4

5 **MR. BANKS:** Well, in the spirit of trying to make some progress,
6 I am going to make a motion, please. **The motion is to move**
7 **Alternative 2e in Action 2 to Considered but Rejected.** If I can
8 get a second, I will explain.

9

10 **CHAIRMAN GREENE:** We have a motion going up on the board, and
11 let's get it up on the board and get everybody where they need
12 to be. We have a motion in Action 2 to move Alternative 2e to
13 Considered but Rejected. I guess everybody has had a chance to
14 scroll to that, and I know they're going to try to get it up on
15 the board, as they usually do, but everybody is there? Okay.
16 Is there a second for this motion?

17

18 **MR. ANSON:** I will second it for discussion.

19

20 **CHAIRMAN GREENE:** It's seconded for discussion by Mr. Anson.
21 Mr. Riechers.

22

23 **MR. RIECHERS:** Can I ask Patrick a question? Patrick, I just
24 noticed that, in 5, there is also a 2006 to 2009, and
25 throughout, and it's not just 5, but it's in several of them.
26 Was it your intent to really exclude all options that dealt with
27 only 2006 to 2009, or were you specifically pulling it out of
28 just that one for some reason?

29

30 **MR. BANKS:** Well, I would like to pull it out of all of them,
31 but I just didn't know how much more difficult it would make the
32 motion if I added a bunch, and there's a lot of them I would
33 like to pull out, and so, if the council is more comfortable
34 with me just throwing them all into one motion, I can do that,
35 but it's just that some may be acceptable to some people and
36 some not to others, and so I thought I would start slow.

37

38 **CHAIRMAN GREENE:** Mr. Riechers.

39

40 **MR. RIECHERS:** I don't know, and I wasn't the one who added that
41 as a time series, and so I don't have an issue, and I think
42 we're going to be looking at longer time series, or more
43 complicated formulas than that, and so, in my mind, I think
44 certainly all the other alternatives that are here still
45 umbrella that alternative in some way, and so I certainly don't
46 have a problem with you just using the date series and pulling
47 it out of all of them, but I'm only one member of seventeen, and
48 so we'll see how that works out.

1
2 **CHAIRMAN GREENE:** Discussion? Dr. Mickle.

3
4 **DR. MICKLE:** Patrick, you're wanting to consider but reject 2e,
5 which it seems almost like an outlier percentage, in a lot of
6 ways, and so you just don't -- You have issues with the years or
7 do you have issues with kind of the -- If you take the median --
8 Well, never mind. I am trying to rephrase Robin's question,
9 because I don't think I quite understand your justification for
10 removing those years. Is it because the percentages are
11 considered outliers compared to the rest of Table 2.2.1, or is
12 it that those years you justify in your mind of not representing
13 the fishery Gulf-wide?

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

16
17 **MR. BANKS:** It's the second of that. I haven't even really
18 looked at the percentages all that much, other than for
19 Louisiana, and, in some scenarios, it's good for some sectors
20 and not so good for others in Louisiana, but the fact of the
21 matter is -- In order to justify 2006 through 2009, why wouldn't
22 we do 2007 through 2010 or 2005 through -- Whatever, but it just
23 doesn't seem to be a very good, representative set of years to
24 use for the fishery, in my opinion. We need to have a much
25 longer time series, in my mind, and that's where I'm going with
26 all of this.

27
28 **CHAIRMAN GREENE:** Further discussion? Ms. Guyas.

29
30 **MS. GUYAS:** I think I'm good here with removing this option. I
31 mean, I think I said at the last meeting, and I will say it
32 again here, that the other thing that concerns me with this
33 option and some of the other ones is, if we end up moving
34 forward and we end up basing allocations on a set of landings
35 that ended ten years ago, that doesn't really put us in a good
36 place, and so I will just throw that out there as well as a
37 reason to not support it.

38
39 **CHAIRMAN GREENE:** Well, 2006 was a hurricane year, and the
40 economy crashed in 2008, and I don't think it gives a very true
41 reflection, but that's just my humble opinion. Is there further
42 discussion? We have a motion on the board. In Action 2, to
43 remove Alternative 2e to Considered but Rejected. Alternative 2
44 is establish an allocation of the recreational sector ACL that
45 may be used for state management programs by apportioning the
46 private angling ACL and federal for-hire ACL among those states
47 based on the average of historical landings for the years
48 (excluding 2010), and Option 2e is 2006 through 2009. **Is there**

1 any opposition to the motion on the floor before you? Seeing no
2 opposition, the motion carries. Is there further discussion?
3 Mr. Banks.
4
5 **MR. BANKS:** Well, since that went okay, I guess I would like to
6 make a motion that we remove the time series 2006 through 2009
7 from all options.
8
9 **CHAIRMAN GREENE:** Dr. Lasseter.
10
11 **DR. LASSETER:** If I may help with the crafting of the motion,
12 the only other one would be in Alternative 5, 5c.
13
14 **MR. BANKS:** That's fine with me. So it would be 5c, which would
15 also include, I guess, g, h, and I under 5. No?
16
17 **DR. LASSETER:** The 5a through 5f are the time series to select,
18 and that's all you would remove there. The 5g through 5i apply
19 to all of the remaining ones. Those are the weighting options.
20
21 **MR. BANKS:** That's right. This is not confusing.
22
23 **DR. LASSETER:** What I understand Patrick requesting was to
24 remove -- It's essentially the same motion as the previous
25 motion, but to replace it with 5c.
26
27 **CHAIRMAN GREENE:** Okay. While they're getting that motion up
28 there on the board, and they're working on it feverishly, is
29 there a second for the motion, being it was so similar to the
30 past one?
31
32 Okay. We have a motion on the floor, and it was seconded by Mr.
33 Matens. The motion is, in Action 2, to move Alternative 5,
34 Option c, to Considered but Rejected. It was seconded by Mr.
35 Matens. Is there further discussion? **Seeing no further**
36 **discussion, is there any opposition to the motion on the floor**
37 **before you? Seeing no opposition, the motion carries.** Ms.
38 Levy.
39
40 **MS. LEVY:** I don't know if Patrick had considered this, but I
41 just wanted to point out that Option 2g uses 50 percent of
42 historical landings from 1986 to 2009 and 50 percent from 2006
43 to 2009, and so I'm just pointing out that you do have another
44 option in there that does use that short time series for at
45 least a piece of the allocation.
46
47 **CHAIRMAN GREENE:** Mr. Banks.
48

1 **MR. BANKS:** You're right, but the reason why I felt like it was
2 okay to leave that one in there, at least for further
3 consideration, is because a portion of that did have a longer
4 time series as well, and that was -- Where I'm going is to try
5 to have a longer time series in consideration.

6
7 **CHAIRMAN GREENE:** Okay. Is there further discussion? Mr.
8 Dyskow.

9
10 **MR. DYSKOW:** I have a lot of respect for the five state
11 management teams, and I am totally convinced that they can come
12 up with a solution, collectively, towards this issue, whatever
13 that may be, and it's really up to them to decide, but my
14 concern is, in front of us, we have an obligation to effectively
15 manage private recreational anglers beginning in 2018, and, the
16 last time I checked, that's this year, and so I would think that
17 we might want to focus our resources on fixing the one thing
18 that is terribly broken.

19
20 As I said earlier, at least in my opinion, and others may
21 disagree, they charter and for-hire management, under federal
22 auspices, isn't broken, but there might be some merit in
23 managing it under the states if we had the time to sort through
24 all of that.

25
26 **Unless I start getting things thrown at me, I would humbly and**
27 **respectfully like to propose a motion where we delay any**
28 **decision on the state management of charter and for-hire until**
29 **the end of the 2020 season, where we have two years of state**
30 **management of red snapper in federal waters under our belt, and**
31 **so my motion would be to defer any decision on the**
32 **implementation of state management of the charter and for-hire**
33 **red snapper fishery in federal waters, and I guess that's the**
34 **correct term, and, if not, somebody can wordsmith it better, but**
35 **for two years, until 2020, or any other date.**

36
37 **CHAIRMAN GREENE:** Mr. Dyskow, they're going to try to get your
38 motion up on the board. Just let's make sure we read it and it
39 actively captures what it is that your intent is. Mr. Gregory.

40
41 **MR. DYSKOW:** To defer any state management of charter and for-
42 hire vessels in the red snapper fishery in federal waters, I
43 guess is the way it has to be worded, until -- I am going to
44 just pick a number of 2020. Two years is what I'm looking for.
45 I guess, if anyone else feels that way, they would have to
46 second it. If not, I would bow.

47
48 **CHAIRMAN GREENE:** Okay, and so staff just -- They were still

1 trying to craft Patrick's earlier --

2
3 **MR. DYSKOW:** They have to add in "federal waters" somewhere, I
4 believe.

5
6 **CHAIRMAN GREENE:** Okay, and so a little bit of confusion, but
7 the staff was trying to get Patrick's motion up on the board,
8 and they were working through that, and we went ahead and called
9 for discussion, and it passed without opposition.

10
11 Since then, Mr. Dyskow has made another motion, which they are
12 getting on the board now, and so I'm just trying to clarify a
13 little bit of confusion. We are kind of behind schedule, and we
14 have a jam-packed beyond, and so forgive me for trying to push
15 through some of the stuff, but we have a motion on the floor.
16 We want to make sure that we get it correct. Ms. Levy.

17
18 **MS. LEVY:** Just a suggestion to say that any decision on state
19 management of federally-permitted for-hire vessels, and leave it
20 at that.

21
22 **CHAIRMAN GREENE:** Mr. Dyskow.

23
24 **MR. DYSKOW:** I would accept that amendment. Thank you.

25
26 **CHAIRMAN GREENE:** Okay, and so we have a motion on the floor.
27 Mr. Dyskow, does the motion on the board read as you wish?
28 Okay. Is there a second for the motion? It's seconded by Mr.
29 Sanchez. Is there discussion? Ms. Guyas.

30
31 **MS. GUYAS:** Phil, can you explain exactly what you're doing
32 here? Is your intent here to basically push pause on the
33 components of this document that deal with charter/for-hire?

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

36
37 **MR. DYSKOW:** Thank you, and I understand that this is vague, and
38 perhaps it's just my inexperience on the issue, but we have a
39 major action in front of us in regard to private angler red
40 snapper fishing, and we have a consensus on how we're going to
41 roll that out, and we're going to do it this year.

42
43 This issue, the five states need time to reach some form of
44 consensus as to how they're going to do this, and, as someone
45 pointed out, and I think it was Susan, we're nowhere close to
46 doing that. We have all of these different variations and
47 options. If we're going to be successful, wouldn't it be better
48 to get two years of state management of the private sector under

1 out belts first?

2
3 We'll be a lot smarter, or certainly we won't be any dumber, and
4 then we can look at this and maybe do it in a meaningful way,
5 collectively, with a consensus, as opposed to some states
6 wanting to do this and some states wanting to do that and some
7 states wanting this timeframe and some states wanting others. I
8 am not trying to kill it by any means, if that was your
9 question, but I am trying to allow us the luxury of time to do
10 it correctly if that is the wish of this council.

11
12 **CHAIRMAN GREENE:** Mr. Banks.

13
14 **MR. BANKS:** Well, it's just a process question. If we were to
15 pause these documents and wait until the end of that EFP, we
16 wouldn't have anything in place for 2020, or probably 2021
17 either, and so we may be faced with no option for recreational
18 anglers other than going back to the federal option, which, at
19 least based on last year, was three days, and so that's my
20 concern about pausing it at this time.

21
22 **CHAIRMAN GREENE:** Dr. Crabtree.

23
24 **DR. CRABTREE:** Well, tell me if I'm interpreting this -- This is
25 just putting off the decision on the for-hire vessels, and so
26 that means we would take this amendment and strip the for-hire
27 vessels out of it and -- The charter/for-hire vessels out of it
28 and continue with this amendment focused on the private angler
29 component, and so, effectively, we would be separating the
30 amendment, as Leann suggested earlier, and am I interpreting it
31 properly?

32
33 **CHAIRMAN GREENE:** Mr. Dyskow.

34
35 **MR. DYSKOW:** As I said, the wording of this is clumsy and
36 awkward, and I apologize for that, but yes.

37
38 **CHAIRMAN GREENE:** Dr. Mickle.

39
40 **DR. MICKLE:** Essentially, in this single motion, you're taking
41 for-hire out and making an amendment that has a sunset of two
42 years, and is that correct?

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

45
46 **MS. BOSARGE:** No, I don't see anything about a sunset. I'm not
47 sure -- That's a pause button and not a sunset. In other words,
48 that says -- To me, that says hone your energies and your focus

1 onto the private anglers, right, and, in 2020, you can start
2 focusing on those for-hire vessels again and see how you want to
3 do that, but hone your efforts in on the private angler state
4 management, right? I mean, that's essentially the reverse of
5 what your thing says, but --

6
7 **CHAIRMAN GREENE:** Ms. Levy.

8
9 **MS. LEVY:** Well, I know it says until after the 2020 season,
10 but, ultimately, if the council came back next meeting, or a
11 year from now, someone could motion to change this, and so it's
12 fine that it says that, but I just don't want you to think that,
13 if you vote yes, then there is no way to start considering it
14 before that if you really wanted to.

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

17
18 **MR. RIECHERS:** I think have the gist of the motion. Certainly,
19 Phil, I appreciate what you're trying to do, and I know you're
20 trying to maybe simplify this other very cumbersome-looking
21 document. Patrick went ahead and tried to make a couple of
22 motions, because of the fear about having too many options. If
23 we can come to grips with an allocation, we're not going to have
24 many options. We can solve that problem pretty quickly, I
25 believe, and still have a range of alternatives to consider that
26 really are real and have some meaning to them.

27
28 Part of the problem that has happened in this fishery, and I
29 think those of us who have struggled with allocation, who have
30 really struggled and really looked back at the historical look
31 of allocation, is the shifting allocation, and it's not
32 allocation, but poundage catch that has gone on. Not only has
33 it gone on from west to east, but it's also gone on in within
34 the for-hire and the private recreational, and so there is
35 multiple shifts going on in these data series as we try to look
36 at them, and so that's what makes this a difficult decision for
37 all of us, and it makes it something to struggle with.

38
39 It also means that, as you parse the pieces out, it may make it
40 even harder to come to grips with some of that, because it's
41 going to mean each state may not have as much to work with as
42 they try to meet the demands of both sides of those sectors.

43
44 We may reach this point in a couple of meetings, but I think a
45 lot of us came to this meeting knowing that we weren't probably
46 going to make lots of headway, because we haven't had an
47 allocation discussion that has led to something that we think
48 we're close to, but we're just -- At least from my perspective,

1 I'm not there yet, and so I'm going to continue to try to want
2 to look at it as a whole until the last possible moment to not
3 look at it as a whole.

4

5 **CHAIRMAN GREENE:** Dr. Crabtree.

6

7 **DR. CRABTREE:** Well, my memory was the decision of whether to
8 include the for-hire vessels in state management or not was
9 deeply divisive when we've gone through this in the past, and
10 the council never could reach a decision on it, and we had a lot
11 of charter boat guys showing up every time we had public
12 hearings telling us they did not want to be included in state
13 management, and I suspect that will happen again.

14

15 I don't think it's an easy matter. I think it makes this much
16 more difficult, and I tend to agree with Phil that the problem
17 we need to solve now is the problem with the private component
18 of it, and we need to get something done by 2020, because the
19 EFPs are two-year permits, and they will run out at the end of
20 2019.

21

22 My understanding of what this would mean is that we would
23 proceed on an amendment that deals with the private recreational
24 component and then we would come back, down the road, and deal
25 with the for-hire vessels then.

26

27 We're going to have to come back at some point and deal with the
28 for-hire vessels, because we're going to have to make a decision
29 about Amendment 40 and sector separation and the sunset, and so
30 I'm inclined to support the motion, because I think it helps
31 move us down the road.

32

33 **CHAIRMAN GREENE:** Further discussion? Mr. Matens.

34

35 **MR. MATENS:** Thank you, Johnny. To say this is a divisive
36 subject is an understatement. However, my conversations with
37 the charter fleet in Louisiana is they will want to be under our
38 state management. They are quite vocal about it, and,
39 accordingly, I just don't think that these problems are
40 insurmountable. I think that they are surmountable.
41 Accordingly, I speak in opposition to this.

42

43 **CHAIRMAN GREENE:** Mr. Banks.

44

45 **MR. BANKS:** I just want to say again that we tried this in
46 Clearwater Beach. We passed a motion to start exactly the
47 amendment that this would create, and it couldn't even get on
48 the agenda for the following meetings. I couldn't get a lot of

1 folks around this table to even support getting it on the
2 agenda, and so I would be surprised if it goes anywhere. I
3 mean, do we have a different taste today?
4

5 Because this was something we tried to do as a council by a vote
6 of like ten to six or ten to seven. It was a strong vote, and
7 we passed a motion to do exactly what this was back in
8 Clearwater, and I tried for three or four meetings afterwards to
9 try to get that on the agenda, and it would never be allowed to
10 be on the agenda, and so I'm a little confused as to how we have
11 an appetite for this now.
12

13 **CHAIRMAN GREENE:** Dr. Frazer.
14

15 **DR. FRAZER:** Thank you, Captain Greene. I mean, I'm going to
16 suggest a wording change to this motion, perhaps, and I think
17 part of the issue here -- Again, I think every member of this
18 council would like to see this move forward, and I really firmly
19 believe that. What I'm not sure is, regardless of what happened
20 two years ago, Patrick, that we can't do it in pieces. I think
21 that we can, and it may be the simplest way forward, and so I'm
22 going to say two other things, actually.
23

24 In the previous comments, there was about guiding principles,
25 and this issue about allocation is -- I mean, nobody is really -
26 - It's so difficult, and I don't think people are going to agree
27 on it if we just have a bunch of options out there, because
28 human nature is such that they're going to pick what's best for
29 them, but what we do have in the council and the staff and the
30 Science Center are a lot of really talented people that can deal
31 with statistics and mathematics and things, and what we might do
32 is to, and I'm just asking the folks that do this, could we
33 generate a distribution, perhaps, of allocation values based on
34 all possible alternatives and then live with that?
35

36 There is hundreds of potential things moving forward, and nobody
37 knows a priori what those results might be and what the mean
38 value might be for each of those recreational fisheries, but we
39 would all be in the same boat, and we would all be saying, hey,
40 we're taking all of the information, and we're going to simulate
41 it, and then we're going to live with it, and so that's one
42 thing about how to deal with the allocation issue.
43

44 **I think, if we change the wording in this motion to say to defer**
45 **any decision on state management of federally-permitted for-hire**
46 **vessels in the red snapper fishery in federal waters no later**
47 **than the 2020 season, that does not preclude us from working on**
48 **both of these documents in fairly short order, and it allows us**

1 a way to move forward.
2
3 **CHAIRMAN GREENE:** Mr. Dyskow.
4
5 **MR. DYSKOW:** I would accept that change, that modification, to
6 the motion.
7
8 **CHAIRMAN GREENE:** Mr. Sanchez, I believe you're the seconder.
9 Do you agree with that?
10
11 **MR. SANCHEZ:** I will bite. Okay, yes.
12
13 **CHAIRMAN GREENE:** Dr. Shipp.
14
15 **DR. SHIPP:** Either wording I would have supported. Inertia is a
16 powerful force, and, as complicated as this is, my fear is, if
17 we don't do something along these lines, we're going to be
18 stymied with all these variations and disagreements and the fact
19 that the states still haven't come up with a resolution on the
20 distribution of allocation. I think this is a way to force us
21 to move forward, and I like the wording that Tom added, but,
22 either way, I'm in support of it.
23
24 **CHAIRMAN GREENE:** Mr. Anson.
25
26 **MR. ANSON:** I appreciate Dr. Frazer's comments, and allocation
27 is a difficult issue, and certainly each of the states have an
28 idea of what they would like, and obviously, because we haven't
29 made a decision, they would like to stick with that, but I
30 think, with what's in the document now, as far as the points on
31 the distribution curve, and we have it on paper, and we can do
32 the analysis, the additional analysis, if we want to look at
33 certain other combinations of the various alternatives through
34 the decision tool that Dr. Froeschke created, and there is --
35 The time is rapidly approaching that something needs to be done,
36 and I suspect we'll come to that decision, whether it's to
37 decide an allocation or to separate out the two, in order for
38 the one to move on quicker, because we're going to have to make
39 a decision here pretty quick in order to meet the timeline of
40 having something in place for the private recreational angler
41 component by 2020.
42
43 **CHAIRMAN GREENE:** Mr. Swindell.
44
45 **MR. SWINDELL:** Sitting here listening to this, I'm just
46 wondering -- You know, we've been working on this thing here
47 since I've been on the council, and you have before I got here,
48 and I can't see hiding from it just because we make it simpler.

1 That's not the key, and now it's been changed to no later than
2 2020, and what happens if we don't get it done by 2020? Can you
3 never do it? Can we never address it being in? I mean, I think
4 this motion is absolutely crazy. Thank you.

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

7
8 **MR. BANKS:** I would also -- I think I already commented about we
9 would have charters here yelling about whether to be included or
10 not, and I actually don't think, the way this document is
11 structured now, that that's what would happen. Those
12 discussions would happen at our state level, and those charters,
13 at least in Louisiana, would come to our commission and scream
14 to be included or not, because the document would give us that
15 flexibility to make those decisions locally, and I think that's
16 the key to it, as the document stands today, and I would really
17 prefer to leave our options open to keep them in.

18
19 I recognize that it would be easier to take them out, and that
20 was the whole reason two years ago that I made the motion to
21 only do a private recreational amendment, because it was clear
22 that was going to be easier, but it was also clear, after that
23 experience, that there is certain powers-that-be that wouldn't
24 allow that kind of a situation to go forward.

25
26 This document has gotten much farther than that ever ever did,
27 and I'm afraid to lose that momentum, and so I respectfully
28 speak against this motion, so that we can keep charters as a
29 possibility in our plans.

30
31 **CHAIRMAN GREENE:** All right. Is there further discussion? Dr.
32 Mickle.

33
34 **DR. MICKLE:** Just quickly, I call our first-year EFP a dress
35 rehearsal, for various reasons, and I've heard a couple other
36 terms of what we've named it, but it's got a lot of merit, and I
37 think everybody is excited about it, and there is momentum
38 toward it.

39
40 I just would hate to see this -- I have a hard time supporting
41 it, because, in year-two, the Mississippi federal for-hire
42 captains show interest in wanting to be in our EFP, and it
43 sounded like two of the five states fought pretty hard for them
44 to be in the EFP, and, in year-two, we may all want our for-hire
45 to be in it, or the majority of the states might want their for-
46 hire to be in the EFP, and so I would hate to go down the road
47 where things -- The dress rehearsal goes really well, and we're
48 heading toward opening night and the vehicle is not there to

1 make it happen.

2

3 **CHAIRMAN GREENE:** Ms. Guyas.

4

5 **MS. GUYAS:** I have been trying to listen around the table, and I
6 think there's a lot of good points. I mean, Robin makes a good
7 point, in that this fishery, yes, is very dynamic, and you're
8 right that, the more we split it up, potentially the more
9 difficult the decision for allocations are going to be, for
10 sure. I mean, we're already facing that problem state-by-state.

11

12 Paul, you also raised a good point. If you guys think you're
13 going to go in a direction of doing this potentially next year,
14 I don't want to preclude what you all want to do, what Texas may
15 want to do, what Louisiana may want to do. I may get to this
16 point, but I'm not certain that I'm right here today. I
17 appreciate you raising it, certainly. I feel like we've had
18 some good discussion about this, and I guess we need to keep
19 having that discussion is what I'm saying, and so I guess, for
20 right now, I'm not going to support the motion, but maybe in the
21 future.

22

23 **CHAIRMAN GREENE:** Mr. Sanchez.

24

25 **MR. SANCHEZ:** Forget it.

26

27 **CHAIRMAN GREENE:** Okay. We've got about thirty minutes left,
28 and we've still got a bunch to do, and so I think we've had
29 ample discussion. **By a show of hands, all those in favor of the
30 motion on the floor before you, please signify by raising your
31 hand.**

32

33 **EXECUTIVE DIRECTOR GREGORY:** Six.

34

35 **CHAIRMAN GREENE:** All those opposed, like sign.

36

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

38

39 **CHAIRMAN GREENE:** Okay. Is there further discussion before we
40 get back into the amendment? Dr. Lasseter.

41

42 **DR. LASSETER:** Okay. Thank you, Mr. Chairman. Just one more
43 not on page 23, and we did provide some additional information
44 on the use of recreational trip data. Again, instead of using
45 landings for this Alternative 5, you are only looking at
46 considering trip information, and you did receive a presentation
47 at the last meeting about some of those issues with the data,
48 and so we have written that out here, and I would encourage you

1 to take a look at it and see if pursuing trips alongside biomass
2 is really the path you want to take or if you would rather use
3 the landings alongside biomass.

4
5 Let's go ahead and move on to the individual state amendments.
6 We're going to use Louisiana's amendment to go through, which is
7 located at Tab B, Number 7(b), and Tab B, Number 7(c) through
8 7(f) are for the remaining states, and they are all identical,
9 except Louisiana and Mississippi have preferred alternatives
10 selected for both of the actions, and the other three states do
11 not. Otherwise, the amendments, all five of those, are
12 identical.

13
14 Let's go to Action 1, which begins on page 5. This is your
15 action to determine the authority structure for state
16 management, how is it going to be done, either delegation or
17 conservation equivalency, and so, again, always our no action
18 alternative is Alternative 1, and, again, we're in Louisiana's
19 amendment, and so we do have a preferred selected here,
20 Preferred Alternative 2, and Alternative 2 would establish a
21 management program that delegates management authority in
22 federal waters to Louisiana.

23
24 At the last couple of meetings, we've been talking about what
25 would you like to be delegated, and I believe Florida had added
26 a motion for this expanded delegation idea, and we then
27 requested that each of the states report back to us what is it
28 that you envision that you would like to change under
29 delegation, and we reviewed those letters at the last meeting,
30 and staff compiled a list of all of the potential items across
31 all of the letters.

32
33 We went back, before this meeting, and the IPT discussed them,
34 and, with guidance from NOAA GC, we crafted a list of options
35 that could be potentially delegated, and I'm going to talk a
36 little further about these items.

37
38 We see Option 2a through 2g. Within the preferred alternative
39 is the season, because that's kind of the fundamental that
40 everybody is talking about, is wanting to change the season, and
41 so there's no option for season. That is just incorporated into
42 that language of the alternative, and so Louisiana would need to
43 establish the red snapper season structure for the harvest of
44 its portion of the recreational sector ACL, and so the remaining
45 options could be selected as preferred, and we will go through
46 them.

47
48 Option 2a is your bag limit; Option 2b is prohibition on for-

1 hire vessel captains and crew from retaining a bag limit; Option
2 2c is setting a minimum size limit that is within the range of
3 fourteen to eighteen inches total length; Option 2d is setting a
4 maximum size limit, which, in conjunction with Option 2c, would
5 thereby set a slot limit; Option 2e specifies the requirements
6 for the live-release devices, such as descending devices; Option
7 2f is requirements for harvest gear; and, finally, Option 2g is
8 use of area or depth-specific regulations.

9
10 Okay. Now, Options 2a through 2d are the ones we've primarily
11 discussed, the seasons and bag limits and size limits, and
12 through all of the discussions going back to Amendment 39 on
13 state management and regional management, the idea has been that
14 enforcement would primarily be carried out dockside.

15
16 Once we get into these other remaining ones, 2e through 2g,
17 these aren't things that you're enforcing at the dock, right,
18 and so, if you want to pursue looking at these, one, this is
19 going to require that use of lines in the EEZ, like Dr. Crabtree
20 brought up earlier in his discussion, such that rules apply in
21 the federal waters adjacent to a particular state that's going
22 to employ one of these, and so we've got some added complexity
23 first with these final three, in terms of having to demarcate
24 sections of the EEZ off of each state.

25
26 Now, the final one, Option 2g, is our most complex, and it's not
27 sure -- We would need additional information in order to analyze
28 these, and so additional analysis would be required for 2g.
29 Currently, we're envisioning doing these individual state
30 amendments as environmental assessments, EAs, and the overview
31 amendment is an EIS.

32
33 We would probably need more -- It's possible that we would need
34 more analysis for that 2g. Any information you could give now
35 that could be more specific about what you mean by area or
36 depth-regulations, if we could go ahead and incorporate that in
37 the documents now, we could begin to analyze it and see if it's
38 possible in the program amendment, because, again, we're
39 analyzing everything, all the possible permutations, in that
40 program amendment, even though you're making the decisions for
41 these final actions in these individual state amendments. Let
42 me stop there for a moment, and I hope I wasn't confusing. Was
43 that clear?

44
45 **CHAIRMAN GREENE:** Well, nothing is confusing at this point in
46 the day. Mr. Banks.

47
48 **MR. BANKS:** So, if we keep a through g under Option 2, you've

1 got to do a lot more analysis say than if we only kept it to bag
2 and size limits, and is that effectively what you're saying?

3
4 **DR. LASSETER:** Option e through g. Options e through g, we
5 would need more information, primarily with g. It's what do you
6 mean by area and depth-specific regulations, and we can't really
7 discuss the impacts when we don't have a sense of what might be
8 considered for each state.

9
10 **MR. BANKS:** I would imagine, if you've got to evaluate all of
11 those options for one state, it wouldn't really help matters if
12 we took e through g out, but none of the other states did,
13 because you're going to have to evaluate it for the other states
14 at that point, correct? I guess where I'm going is it seems to
15 me the only way it really helps you in your analysis is if we
16 all take e through g out, and is that accurate?

17
18 **DR. LASSETER:** I guess there's two ways to kind of go forward
19 with this. One, this is an individual state amendment, and so,
20 if your state was not interested in pursuing something, it's not
21 so much that you need to take it out, but you just would not
22 select it as preferred, and that's one component of it, but, for
23 the purpose of us analyzing say the 2g right now in the program
24 amendment, I'm not sure -- We wouldn't know how to analyze it.
25 Now, would we be able to just defer it? I am going to let Mara
26 answer this.

27
28 **MS. LEVY:** Well, I would suggest, again, that perhaps we should
29 merge all of the five amendments into one, which would really
30 help matters, but, beyond doing that, I think you're probably
31 right, Patrick, that, at least in one state amendment, you've
32 got all of these options, and those are somehow going to have to
33 be analyzed in the overall programmatic -- At least as
34 cumulative effects or something. We have to somehow integrate
35 the analysis, and so one state taking it out and all the other
36 states leaving it in probably isn't that helpful in that
37 respect.

38
39 **CHAIRMAN GREENE:** Is there further discussion? Mr. Riechers.

40
41 **MR. RIECHERS:** So, when you say put it in the general amendment,
42 are you talking about putting it in the amendment that we were
43 just discussing, or are you talking about more in the regulatory
44 impact review or the EIS portion or EA portion?

45
46 **DR. LASSETER:** That's a good question, and I probably should
47 have touched on this. In that program amendment, we went
48 through the first two actions that actually had alternatives

1 that you would select. Following that, I jumped out of that
2 amendment, and I jumped into this Louisiana amendment, but, if
3 you look back at the rest of that program amendment, it's called
4 the discussion, and so, basically, we've taken these actions in
5 these individual amendments and put them in that document, but
6 it's not where the decision would be made, but it's where the
7 analysis will be done, and that document doubles as an EIS.
8 It's the same thing. An amendment and an EIS are done together.
9

10 **MR. RIECHERS:** Well, for fear of doing what Phil asked us not to
11 do anymore, maybe we can talk about possible ways to think about
12 an EIS, because what we're really talking about of those items
13 is basically a reduction in mortality or a shift in mortality
14 from one location to another and it's not really a change,
15 especially when you umbrella these amendments with an overall
16 percentage and then a number of fish that are going to be
17 accounted for off of each state.
18

19 No matter what you do with areas and things like that, it's not
20 really a change in the overall biology of the situation that's
21 going on, but it's more a structural change in how law
22 enforcement might be managed or those kinds of things, and so I
23 think there is maybe some ways to talk about that in a more
24 programmatic sense, from an EIS perspective, than a more
25 detailed alternative by alternative by alternative.
26

27 That is just one suggestion, and maybe we can talk offline about
28 that, because we're not going to solve it here today at 5:28
29 anyhow, and so maybe there is a chance we can talk offline about
30 that. That's just an approach we've taken on some other bigger
31 things, when we were dealing with Deepwater Horizon types of
32 programs and activities, where we basically -- Because you
33 didn't know the specifics of certain things, you tried to lay
34 out a conceptual framework, and it passed muster there, and it
35 may not pass muster here, but it's certainly something to
36 consider.
37

38 **CHAIRMAN GREENE:** Dr. Lasseter.
39

40 **DR. LASSETER:** Actually, that's great, Mr. Riechers. This is a
41 programmatic EIS, yes, the overview one. We're calling it a
42 programmatic EIS, and that's why we don't have to have the
43 decisions that are going to be made, but we have to have the
44 boundaries of what's going to be potentially considered that we
45 can analyze, yes, and so that's perfect.
46

47 **CHAIRMAN GREENE:** Is there further discussion? Dr. Lasseter.
48

1 **DR. LASSETER:** Okay. Thank you, Mr. Chairman. To cover those
2 new options, we do have some Law Enforcement Committee comments
3 that I felt would be most appropriate to tie in here, and so I
4 will speak about those briefly. That's Tab A, Number 8, if we
5 could possibly bring that up just for everybody to take a look
6 at.

7
8 In the Law Enforcement Technical Committee session, they did
9 discuss the recreational red snapper state management programs.
10 Now, they have previously addressed these documents, and so we
11 did ask them to focus on this particular action and these
12 options, because this is what was new for this time, and so they
13 were asked if there were any enforcement concerns about the
14 list, and the committee members felt that it would be a
15 challenge to enforce the area-specific regulations, but that,
16 once the regulations are established, the enforcement agencies
17 could share information to make enforcement more manageable, and
18 then the next part kind of came out -- We've had Lieutenant
19 Commander Zanowicz that expressed some concerns previously, and
20 I believe our other Coast Guard representatives have as well,
21 and I think that that is kind of ongoing concern.

22
23 As we've discussed it here and as NOAA GC's representative on
24 the Law Enforcement Committee also noted, a lot of these
25 enforcement issues are still being worked out, and so I'm not
26 sure if that's something that we can really address that here,
27 but those concerns were expressed as well, and I did want to
28 give our Coast Guard representative an opportunity to comment.

29
30 **LT. ZANOWICZ:** I think my main confusion, and what I was trying
31 to express with this, is that I'm not so sure right now whether
32 these regulations that are created by the states are going to be
33 solely enforced by the states or, because it's under a federal
34 FMP, it's going to be enforced by both the state agencies and
35 federal agencies. I am just not really sure we've had a clear
36 answer on that yet, and that's going to -- When that's
37 determined, that's going to have some other implications, I
38 feel.

39
40 **CHAIRMAN GREENE:** Is there discussion or comments? Dr.
41 Lasseter.

42
43 **DR. LASSETER:** Okay. Thank you, Mr. Chairman. I understand
44 that I think, considering and probably reviewing this material,
45 this was a lot of new material pertaining to these options, and
46 that could be warranted, and so we'll go ahead and move on to
47 the last action in this amendment, in the individual state
48 amendments, which is Action 2, and it begins on page 13, post-

1 season accountability measures.

2
3 Again, we have a preferred selected for both Louisiana and
4 Mississippi. The other three states do not yet, and Alternative
5 1 would retain the current post-season accountability measure
6 for recreational red snapper, which is tied to whether red
7 snapper is classified as overfished based on the most recent
8 Status of U.S. Fisheries Report, which it is not currently
9 considered overfished.

10
11 Preferred Alternative 2 would, as with Alternative 1, only when
12 red snapper is classified as overfished, would enact an overage
13 adjustment, deducting from the following year's quota the amount
14 that the state's ACL is exceeded, and then the options are
15 provided for being component specific.

16
17 If Louisiana has both components, their current preferred
18 alternative would be to apply the overage adjustment only to the
19 component that exceeded its applicable ACL. Then the Option 2b,
20 which is also provided in all five of the amendments, would
21 apply that overage adjustment equally to both of the components.

22
23 That is the final action under consideration, and my last thing
24 I wanted to touch on was the timeline, which I believe that we
25 did discuss that briefly, and so that completes everything that
26 I needed to cover, and I will turn it back over for any final
27 discussion.

28
29 **CHAIRMAN GREENE:** Is there further discussion? Ms. Bosarge.

30
31 **MS. BOSARGE:** You said that Preferred Alternative 2 follows our
32 current accountability measure, and so this is the letter where
33 we submitted that amendment to the Regional Office for
34 implementation, and it says Action 2 would, while the red
35 snapper is under a rebuilding plan, if the recreational red
36 snapper quota is exceeded, deduct the full amount of the overage
37 from the recreational quota in the following season. This is
38 the letter that we had as our cover letter when we submitted
39 that framework action, and it says rebuilding plan and not
40 overfished.

41
42 **CHAIRMAN GREENE:** Ms. Levy.

43
44 **MS. LEVY:** Right, and so, if you look at that document, the way
45 that the alternative was written, that's how it was written.
46 However, when the regulations were written, there were already
47 other accountability measures in our regulations, like for
48 triggerfish and stuff, that referred to overfished status, and

1 so the regulations were written consistent with our other
2 payback regulations that were already in place and didn't follow
3 the language of the alternative, but they were presented to the
4 council and deemed by the council, and I will say that, with the
5 other amendments that put the payback provisions in place, there
6 were some inconsistencies in those as well between sometimes
7 what was written in the alternative versus what was in the
8 codified text.

9
10 The red snapper payback provision came last out of all of them,
11 and all it did was -- All the agency did was put it in
12 consistently -- Not inconsistently, but it was consistent with
13 the prior payback provisions. If you want to change it, you can
14 change it, but that is how it happened is all I'm explaining.

15
16 **MS. BOSARGE:** Well, we'll just have to decide at some point
17 what's consistent, what we submitted or what got implemented.

18
19 **CHAIRMAN GREENE:** Mr. Anson.

20
21 **MR. ANSON:** I wanted to have some discussion or follow up with
22 Lieutenant Zanowicz's comments, because we had some discussion
23 earlier about the EFPs and how those would be managed for
24 enforcement. For the EFPs, it would tie into the state fishing
25 license, in that you would match the occupants and their license
26 to whatever season was applicable in that particular state for
27 which they are licensed, but I'm wondering if it's just assumed
28 -- Because, Ava, tell me if I'm wrong, but there is no
29 commensurate verbiage in these documents that has that tie-in
30 for enforcement purposes, or am I incorrect?

31
32 **DR. LASSETER:** As far as like accountability within the program?
33 Currently, no, because, again, when we started working on this,
34 Amendment 44 had not gone through, and so this appeared that it
35 was going to function as such, and so, right now, there would
36 not be an overage adjustment as long as red snapper is not
37 considered -- Did I misunderstand your question?

38
39 **MR. ANSON:** Yes, and I was talking more about for enforcement
40 purposes and identification of those anglers that are out in
41 federal waters as to which state -- There is no language in the
42 state amendments that applies to that particular portion of it
43 for enforcing purposes to, again, identify an angler via
44 license, fishing license, to a particular state, which then
45 would have an associated season and bag limit and size limit and
46 all that stuff.

47
48 **DR. LASSETER:** I apologize. I was still stuck in AMs. The only

1 language we have in the document, and it is pretty much a
2 holdover from 39, because we may find out that it changes as we
3 figure out how this is going to work, but it does specify that
4 law enforcement would be guided by the largest bag limit in some
5 ways if they're not sure which state the vessel may be returning
6 to. I am not sure if it's possible for them to just request
7 what license the state -- That people have on the vessel, but I
8 would turn this over to Mara.

9

10 **CHAIRMAN GREENE:** Ms. Levy.

11

12 **MS. LEVY:** I wouldn't really try to compare to -- I mean, the
13 EFPs are getting at what you want to do here, but they're a
14 completely sort of different legal document, and, in terms of
15 enforceability, they are just actually exempting folks that have
16 the appropriate licenses from a state from a closure.

17

18 This is setting up a whole new regulatory scheme, and it's
19 really going to depend on what types of things are delegated or
20 what type of CEP regulations we put in place and how the
21 regulations are written and how they're linked to a federal
22 maximum or minimum versus what the states are doing, and so I
23 think the enforcement question is going to become, hopefully,
24 clearer when we start actually delving down into this and
25 writing the regulations that are going to implement it, because,
26 without the regulations implementing it, it's sort of hard to,
27 in a vacuum, say how it's going to be enforced.

28

29 **CHAIRMAN GREENE:** Mr. Anson.

30

31 **MR. ANSON:** But, Mara, then that's the way out then, is that, in
32 the development of the regulations, there would be some verbiage
33 in there that says, if you're out in federal waters, you need to
34 have the license of the home state for which you're fishing for,
35 to that effect.

36

37 **MS. LEVY:** I think it will depend on these plans play out.
38 Meaning, when we were progressing down the Amendment 39 road and
39 we were going -- Well, I think, at that time, the preferred was
40 the conservation equivalency plan type of thing, and it was sort
41 of landings-based, but the federal enforcement part came from
42 the fact that we basically said the bag limit in federal waters
43 is the maximum of what any state limit is.

44

45 If some state had ten fish as their bag limit and that was the
46 max, and you had twenty fish in the EEZ, that was going to be a
47 violation of the federal regulations, and so I don't know that
48 linking -- Depending on how this ends up looking, I don't know

1 that the best enforcement tool is to link it to the permit, but
2 I don't think we'll know that until we actually flesh out
3 exactly what's happening.

4

5 **CHAIRMAN GREENE:** Ms. Guyas.

6

7 **MS. GUYAS:** I know it's late, but I think Kevin does hit on an
8 important point here, and linking it to the license may not be
9 the answer here. I will give you an example. In our letter, I
10 think when we were talking about delegation, one of the things
11 that we had on there was something along the lines of data
12 collection systems, and I will use the EFP as an example.

13

14 Anglers that are running their trips in Florida and landing in
15 Florida, they're not only going to have to have a fishing
16 license, if they are required to have a fishing license, because
17 not everyone is, and then they will also have to participate in
18 our Gulf reef fish survey, and so I don't know if it belongs in
19 Action 1 or if it's somewhere in the discussion, but that is
20 something that we would want to be explicit, however, this goes,
21 and that helps make it enforceable, I think.

22

23 **CHAIRMAN GREENE:** Dr. Lasseter.

24

25 **DR. LASSETER:** Thank you. Martha, also, because I did forget to
26 mention -- All of the items in the list, and there were some
27 additional ones that were not included as options, and let me
28 review those real quick. The following ones were ones that they
29 did not need to be options, and you are able to do this.

30

31 One of them was regional seasons, such as what Florida had
32 originally proposed in the EFP, and reopening the season if
33 quota remains, managing to a different ACT, modifying the ACT,
34 and your angler registry idea, and all of those were not
35 necessary as options to be delegated, and the states would just
36 be able to do that.

37

38 **CHAIRMAN GREENE:** Ms. Bosarge.

39

40 **MS. BOSARGE:** With this one on the board, help me understand a
41 hypothetical situation, because it's important that, when you
42 start divvying up this between five states, that all five stay
43 accountable. Otherwise, it's going to cause hurt feelings,
44 right, between the states if one keeps getting out of line or
45 something like that.

46

47 Let me pretend for a minute that what if Mississippi is the one
48 that keeps getting out of line, to get a hypothetical situation.

1 We get a bad rap for everything anyway. If Mississippi -- We're
2 trying to manage to a quota, and we've got our data collection
3 system, and we're going along with this, and we try and shut it
4 down when we hit our quota for Mississippi.

5
6 If we keep overrunning it, we overshoot it, and we went past our
7 quota by 110 percent, and then next year it was 107 or 120 or
8 whatever, but year after year, and the other four states don't.
9 They manage to manage to their quota. What happens to
10 Mississippi, because, if nothing happens to Mississippi, what is
11 the incentive for the other four states to try and stay within
12 their quota? If there is no accountability measure that kicks
13 in until we fish red snapper down to 50 percent of whatever the
14 heck that MSST threshold is, what keeps us in line?

15
16 **CHAIRMAN GREENE:** Ms. Levy.

17
18 **MS. LEVY:** I think it's the delegation, meaning the delegation
19 requires that the states manage consistent with the FMP. If
20 there is a state that cannot manage and it's causing the quota
21 to be exceeded year after year, then their delegation is going
22 to end up being suspended until they fix the problem. I mean,
23 that's the -- The delegation requires that the management be
24 consistent with the FMP, which includes an overall ACL, and this
25 amendment.

26
27 **MS. BOSARGE:** So there's something in this amendment that says
28 if you're inconsistent for two years or three years or some
29 threshold there is some known something or other when you're
30 going to get your hand slapped and we're going to take
31 delegation away or what?

32
33 **MS. LEVY:** It's in the alternatives. You could make it like
34 that if you want, but it's actually in the statute. I mean, if
35 at any time the Secretary determines that a state law or
36 regulation applicable to a fishing vessel under this
37 circumstance, which is the delegation, is not consistent with
38 the fishery management plan, the Secretary shall promptly notify
39 the state and appropriate council of such determination and
40 provide an opportunity for the state to correct any
41 inconsistencies identified in the negotiation.

42
43 If, after notice and opportunity for corrective action, the
44 state does not correct the inconsistencies, the authority
45 granted to the state under this sub-paragraph shall not apply
46 until the Secretary and the appropriate council find that the
47 state has corrected the inconsistencies. I mean, the statute
48 requires it.

1
2 I think the alternative reflects what the statutory requirement
3 is. If you want to put something in there that is -- I don't
4 know what -- I mean, I guess you could say that you want some
5 sort of monitoring to happen with respect to this, but, in my
6 opinion, this statutory provision puts the burden on the state
7 to be consistent, and, if they're not, they get notified, and,
8 if they still don't rectify it, then their delegation is no
9 longer effective until they actually rectify it. They can't
10 keep going under this delegation and being inconsistent with the
11 FMP.

12
13 **MS. BOSARGE:** Well, I think if we just flesh that out in the
14 document, as to when that's going to happen, because the statute
15 requires a lot of things, like status determination criteria, as
16 of I think 2006, and this is 2018, and we still don't have it
17 done, and so I think we probably need to hone in and figure out
18 what that's going to be and have some specifics in there as to
19 when you're going to get pulled and why.

20
21 **CHAIRMAN GREENE:** Dr. Mickle.

22
23 **DR. MICKLE:** Well, I was just going to add another variable in
24 the fun conversation we're having, and I appreciate you poking
25 the bear, Leann, and that was good, with Mississippi, but,
26 overall, the reporting capabilities of each state is different
27 as well, and so falling under delegation, a potential state
28 under MRIP has a slower ability to be deemed inconsistent to
29 delegation, right?

30
31 Certain states can provide very accurate landings within
32 seventy-two hours of a season, and some states go through the
33 federal landings system and could be -- It's eight months before
34 the data is actually finalized, and so I wouldn't consider
35 delegation a very fair deal, in a lot of senses, of the way that
36 you stated it and providing a state to different timelines and
37 different liberties.

38
39 **CHAIRMAN GREENE:** Ms. Levy.

40
41 **MS. LEVY:** Well, I guess it depends. I mean, I wouldn't
42 necessarily say that a state that happens to exceed their ACL
43 for one year is inconsistent with the delegation. That's why
44 you have the payback, right? There would have to be some -- If
45 it was overfished, you would have the payback. I am saying
46 that's why you have the accountability measures.

47
48 All I'm saying is that it's not necessarily one year of

1 exceedance that would make something inconsistent. If you as
2 the council want to say we're delegating this, but we expect you
3 to be -- If you're over your ACL two years in a row, we want to
4 revoke the delegation or we want to somehow suspend it, we could
5 probably figure out a way to work that in, if you want to put
6 some specifics in there about what you're expecting, but,
7 outside of you doing that, I think there is still an obligation
8 on the agency to at some point decide when there is
9 inconsistency and go through that whole statutory process.

10
11 **MS. BOSARGE:** Thank you, Mara. I want it in the document, if at
12 all possible.

13
14 **CHAIRMAN GREENE:** Is there further discussion? Dr. Lasseter, do
15 you have anything else?

16
17 **DR. LASSETER:** That's all I had for today. Thank you.

18
19 **CHAIRMAN GREENE:** I took my glasses off, and so I can't see
20 anything now, and so, if you've got your hand up, I can't see
21 you, and so I'm going to hand this back over to Ms. Bosarge.

22
23 **MS. BOSARGE:** All right, and so I think we're done for the day.
24 Today is Tuesday, which makes tomorrow Wednesday, and so we are
25 going to start at eight o'clock tomorrow morning, bright and
26 early. See you all then.

27
28 (Whereupon, the meeting recessed on April 17, 2018.)

29
30 - - -

31
32 April 18, 2018

33
34 WEDNESDAY MORNING SESSION

35
36 - - -

37
38 The Reef Fish Management Committee of the Gulf of Mexico Fishery
39 Management Council reconvened at the Marriott Courtyard,
40 Gulfport, Mississippi, Wednesday morning, April 18, 2018, and
41 was called to order by Chairman Johnny Greene.

42
43 **CHAIRMAN GREENE:** I kind of ran out of gas yesterday about 5:45,
44 and I kind of stopped on everything. Dr. Shipp, go ahead.

45
46 **DR. SHIPP:** I am just curious why in the agenda, and I just
47 noticed it, that 42 comes first before 41. It seems to me the
48 logic is that 41 should come first, but I'm just asking what was

1 the rationale for that.

2
3 **CHAIRMAN GREENE:** I don't know. I will defer to Chairwoman
4 Bosarge. She has the answer.

5
6 **MR. BOSARGE:** That was me. I did that. I talked about it a
7 little bit at the last meeting, how I thought that maybe -- We
8 seem to kind of get bogged down sometimes in 41, because it's a
9 little -- There is more questions on 41, whereas 42 seems to
10 have slightly fewer questions, because there was an EFP that
11 essentially gave that a trial run to see how it would go.

12
13 There is still some questions, but it just doesn't seem to be
14 quite as complicated, and so I mentioned to you all at the last
15 meeting that I thought maybe if we started with 42, which is
16 slightly less complicated, we could get through that and then
17 start on 41, because it seems like, by the time we get to 42
18 every time, we're just kind of like, okay, I don't know, and so
19 that's why I switched them.

20
21 **DR. SHIPP:** Well, I think the logic on that is the reverse. It
22 seems like we ought to go with the tough one first, because it's
23 going to have an impact on the decision on 42. **If it's**
24 **appropriate, I would like to have a discussion, and I would**
25 **start off by making a motion that we reverse the order of those**
26 **two issues, and so I would move that 41 be taken first and then**
27 **42. I appreciate your logic, and we probably will get bogged**
28 **down, but it's a tough nut, and we need to crack it.**

29
30 **CHAIRMAN GREENE:** I believe the motion that Dr. Shipp is trying
31 to put up there is to review Amendment 41 before Amendment 42.
32 I certainly do not wish to speak for Dr. Shipp, but is that your
33 motion on the board, to review Amendment 41 before 42?

34
35 **DR. SHIPP:** Yes.

36
37 **CHAIRMAN GREENE:** We have a motion to review Amendment 41 before
38 Amendment 42. Is there a second for this motion? It's seconded
39 by Mr. Matens. Is there further discussion?

40
41 **DR. SHIPP:** Again, I think that the decision on 42 rests a lot
42 on what we do with 41, and, if we did 42 first and we came back
43 and, during the discussion of 41, some issues came up that would
44 impact 42, then we would have to go back again, and so that's my
45 logic, is let's do the difficult one first, and then I think it
46 would be easier, but, again, Leann, I certainly understand your
47 hopes, and I'm not sure about the logic, but the hopes, and so
48 that's my rationale.

1
2 **CHAIRMAN GREENE:** Okay, and Mr. Boyd had said that he didn't
3 understand Leann's comment, and would you like for her to repeat
4 that, Mr. Boyd?
5
6 **MR. BOYD:** Yes.
7
8 **CHAIRMAN GREENE:** Ms. Bosarge.
9
10 **MS. BOSARGE:** After we went through both of these amendments the
11 last time, 42 is the one that seems like it's got more of the
12 kinks worked out. There is still decision-points, but it
13 doesn't seem to be -- There don't seem to be quite as many
14 decision points, and so I guess, in my mind, it was almost like
15 some of those amendments where we split it off and we take the
16 low-hanging fruit and we deal with that first and then put the
17 more complicated stuff in another amendment.
18
19 I said, you know, maybe if we do Amendment 42 first next time
20 and actually are able to make some decisions in there, that
21 would help us once we get to Amendment 41, take the low-hanging
22 fruit first, I guess, in my mind, but whatever you all want to
23 do is fine with me. I was just trying to try something new.
24
25 **CHAIRMAN GREENE:** Mr. Dyskow.
26
27 **MR. DYSKOW:** Thank you, John. I am not trying to complicate
28 this even farther, but I think it does need to be said that
29 there is much concern over whether or not these two amendments
30 need to be tabled for a period of time until we sort out some of
31 these other issues, and so, before we go into the process of
32 point-by-point, again, like we've done for many meetings, at
33 some point in this morning's discussion, we need to have a
34 consensus as to whether we're ready to go forward with these
35 right now or whether we want to table them for some future time.
36 I don't think anyone wants to throw them out, but we certainly
37 may need some time to look at all of these other factors that
38 are working in conjunction with 41 and 42. Thank you.
39
40 **CHAIRMAN GREENE:** Thank you. Okay. We've got an agenda that we
41 need to get to, and we've got some time-certain stuff. We will
42 get to that stuff, and we have a motion on the floor. Dr.
43 Crabtree, do you have a comment relative to the motion?
44
45 **DR. CRABTREE:** No.
46
47 **CHAIRMAN GREENE:** Okay. I don't really care which order we take
48 these. It really doesn't matter to me. I don't really care one

1 way or the other. We did struggle with this agenda a lot to get
2 it in there, and so, with that, is there any discussion relative
3 to the motion on the floor before you? **All those in favor of**
4 **the motion on the floor before you, please signify by raising**
5 **your hand, eleven; all those opposed, like sign, one. Eleven to**
6 **one, the motion carries.** We will make that change accordingly
7 as we go there. Dr. Crabtree.

8
9 **DR. CRABTREE:** Coming back to Phil's comments, if we're going to
10 entertain a motion to --

11
12 **CHAIRMAN GREENE:** Dr. Crabtree, hold on. I need to get back to
13 the agenda, and we are not at 41 and 42 at this point, and I am
14 so sorry to rule you out of order, but we have got to get back
15 on this. I appreciate where all of this is going, and I
16 appreciate the honesty with this, but, yesterday afternoon, we
17 ran out of time, and I ran out of gas, and I had just got to a
18 point where I was just feeling like I was not useful or helpful
19 or any of those, and so we left off yesterday afternoon with a
20 discussion on a draft amendment for the individual states.

21
22 We worked through Louisiana, and I believe we got through all of
23 that. However, there are four other states that have their own
24 individual state plans, and I want to make sure that those
25 individual states have the opportunity to speak up if they have
26 something that they want to change or whatever we need to do,
27 and I think that we need to clear this agenda item, and then we
28 have to get with Mr. Carmichael, because I know that that's a
29 phone call situation, and there is a time that we need to get
30 that in there, from my understanding, and so I'm just trying to
31 make sure that everything works out here accordingly.

32
33 With that, I am going to start with Mississippi and see if they
34 have anything that they want to bring up. Ava is at the table,
35 and we can go through the document, however you wish to proceed,
36 and we will do that accordingly. Ava.

37
38 **DR. LASSETER:** I guess, while we're getting the document up, I
39 will just bring everybody up to speed. The Mississippi
40 amendment, like the Louisiana amendment, does have preferred
41 alternatives for both of the actions in the individual
42 amendments.

43
44 Just to refresh everybody, the first action, again, is the
45 authority structure, and, at the last meeting, we still had the
46 two separate alternatives, one for regular delegation and then
47 the other one was for this full delegation that needed to be
48 defined, and we have now collapsed them into this one

1 Alternative 2, and so Mississippi's is the Preferred Alternative
2 2, and we have the same range of options provided. Then, also,
3 for Action 2, the same preferred is selected by Mississippi as
4 Louisiana, which is that Alternative 2 with the Option 2a. I
5 will turn it over to Dr. Mickle.

6
7 **DR. MICKLE:** Within Action 1, Option 2a, a point of discussion
8 is the delegation route in Preferred Alternative 2 is I think
9 the bridge on which the discussions of the state amendments have
10 been tentatively being built right now, and I do want to talk
11 about conservation equivalency.

12
13 It's an alternative that's been coming up in a lot of
14 discussions in our state, and our capabilities for Alternative 3
15 are there as well. I don't -- We're not going to change from
16 Preferred Alternative 2 at this point, and I just wanted to make
17 that clear, but Alternative 3 is something that our state is
18 capable of, and to justify this statement is to say that our
19 data programs are strong enough, and our turnaround data is
20 quick enough, and our relationship and the process from which
21 we're going through certification with NMFS has been so
22 informative and efficient, at least to this point, and we're not
23 certified yet, but I think we're really close.

24
25 That's what they keep saying, and we have a call next week, or I
26 think it's next week, or the first week of May, and hopefully
27 that's our call where certification occurs, but, again, it's
28 that point of our capability of being a small state -- Our data
29 program that we have built to this point, just our overall fleet
30 information and turnaround and our ability to do stock
31 assessments off of our state, with our current NFWF funding and
32 our potential future funding, that allows us to make Alternative
33 3 a very viable option.

34
35 At this point, we'll keep it as Preferred Alternative 2, Option
36 2a, as the preferred alternative at this point, and I think I
37 will wait for my last couple of points as we move through the
38 document. Thank you.

39
40 **CHAIRMAN GREENE:** Dr. Lasseter.

41
42 **DR. LASSETER:** If that's all for Action 1, there is Action 2,
43 which is for the post-season accountability measures.

44
45 **CHAIRMAN GREENE:** Ms. Levy.

46
47 **MS. LEVY:** Before we leave Action 1, and I didn't mention this
48 yesterday with Louisiana, but have you all considered the

1 options -- Meaning, right now, you have Preferred Alternative 2,
2 which is requiring a season structure, but, if you want
3 delegated authority for any of the options, you would eventually
4 have to select those as preferred, and so I just wanted to bring
5 that up.

6
7 **CHAIRMAN GREENE:** Dr. Mickle.

8
9 **DR. MICKLE:** I am not going to speak for Louisiana, but, in
10 Mississippi, we realize that, and we're just working through the
11 process of identifying what is stomach-able at this point.
12 Thank you.

13
14 **CHAIRMAN GREENE:** Thank you. Dr. Lasseter.

15
16 **DR. LASSETER:** Okay. I guess we could go on to Action 2. It
17 starts on page 13. Again, yes, we have the Preferred
18 Alternative 2 for Mississippi's document and Preferred Option
19 2a, and I will turn it over to Dr. Mickle.

20
21 **CHAIRMAN GREENE:** Dr. Mickle.

22
23 **DR. MICKLE:** Thank you. This was an easy decision for our
24 state, and it has not changed. It's identified as preferred,
25 and both the private angling sector and the for-hire sector will
26 -- The reduction will be applied to only the component that
27 exceeds the applicable ACL, which is the Preferred Option 2a,
28 and so each sector is accountable for their fishery, and this
29 was -- There was just no friction on this with our constituents,
30 and this is our preferred option at this point, and I don't see
31 it changing.

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

34
35 **MS. BOSARGE:** If I can jump in, I would like some feedback, and
36 I know this is Mississippi's plan, and it would be a change to
37 all the plans, but change that word right there in Preferred
38 Alternative 2, where it says if "red snapper is overfished", and
39 I would change that to meet our original intent of our
40 accountability measures, the way we originally wrote them, which
41 was, if red snapper is in a rebuilding plan.

42
43 I feel like, if there is any way that all the states are going
44 to be on a level playing field and have the right incentives
45 there -- If somebody overfishes, it won't end up somehow
46 affecting the other five states, or the other four states,
47 excuse me, and that that's got to be in there, because, the way
48 this is written right now, red snapper is not overfished, and so

1 it really wouldn't matter. You could go over.

2
3 One state or a multitude of states could go over and over, and
4 there really wouldn't be a penalty for that state unless they
5 got to the point where delegation was revoked, which would be
6 somewhere probably much further down the road, and that seems
7 like a much more painful process than a simple payback, which
8 then causes you, year-by-year, to try and make some sort of
9 modification to the system you had the year before to adjust, so
10 that you don't have an overrun the next year. I just don't want
11 to see us get in a situation where we did with the state
12 seasons, where, essentially -- I guess the way I see it, and
13 maybe my view is wrong, but let me say it for Mississippi, okay?

14
15 I guess my view of it, for our Mississippi anglers, was we
16 eventually went non-compliant because we kind of felt like our
17 anglers were missing out on what all the other states were doing
18 with their longer seasons. It's like our anglers were getting
19 punished for being compliant with the federal season, and it
20 didn't seem like there was anything that was going to change
21 with the other non-compliant seasons, and so, if everybody else
22 is doing it, why not?

23
24 Paul may have a totally different view, and I am not speaking on
25 behalf of the DMR, and I feel like this, the way this is written
26 right now, where there won't be any kind of payback, it will be
27 the same kind of situation, right?

28
29 If one state runs over, or a multitude of states run over, their
30 anglers got to catch more fish, and, if that happens on a
31 continual basis, it's essentially all the other anglers in all
32 the other states are missing out and getting no reward for not
33 running over and there is no disincentive on the other side for
34 that runover, and so I guess that's kind of my rationale behind
35 changing that word, but I would like to hear feedback.

36
37 **CHAIRMAN GREENE:** Dr. Crabtree.

38
39 **DR. CRABTREE:** Well, I tend to agree with you, and my suggestion
40 would be is just to take the language about if red snapper is
41 overfished and all that out and just say if the combined
42 landings exceed then there's a payback. I would just put a
43 payback in regardless of whether it's in a rebuilding plan or
44 overfished or not. If you're looking at this as an
45 accountability and to keep everybody straight on it, then I
46 would just have a payback.

47
48 **CHAIRMAN GREENE:** Further discussion? Ms. Bosarge.

1
2 **MS. BOSARGE:** All right. I'm a committee member, and I guess
3 I'm going to make a motion, unless somebody else wants to make
4 it for me, which would be fine. Dr. Tom Frazer has his hand up.
5
6 **CHAIRMAN GREENE:** Dr. Frazer.
7
8 **DR. FRAZER:** I am happy to relieve you of that responsibility
9 this morning. I guess I would make a motion to modify the
10 language in Preferred Alternative 2 so that the first sentence
11 reads: If the combined Mississippi recreational landings exceed
12 the Mississippi recreational ACL, then, the following year,
13 reduce the total recreational quota and Mississippi's ACL by the
14 amount of the ACL overage in the prior fishing year, unless the
15 best scientific information available determines that a greater,
16 lesser, or no overage adjustment is necessary.
17
18 **MS. BOSARGE:** Dr. Frazer, would you be amenable to your motion
19 saying, in Action 2, Alternative 2 in each of the state's plans
20 to modify the language so that it makes the change in all of
21 them? I saw some nodding of heads around the table when I asked
22 for this, and that's why I'm saying in each of the state's
23 plans.
24
25 **CHAIRMAN GREENE:** Dr. Mickle.
26
27 **DR. MICKLE:** This is a question for Ms. Levy, I think, while
28 this is being drawn up. The overall amendment for all states --
29 We would have to pick delegation as the preferred, right, for
30 this to be applicable, and is that true? No?
31
32 **MS. LEVY:** It's independent of whether it's -- I mean, it's not
33 linked to whether you have a delegation or a CEP, but it's just
34 a payback, but I guess my suggestion would be to add a new
35 alternative, because you have the current payback that is linked
36 to overfished status, and so it seems reasonable that one
37 alternative would make it still linked, but applicable to the
38 states, and another reasonable alternative would be to just have
39 it, and so, to the extent people still want to have that in
40 there, you could have a third alternative that doesn't link it
41 to anything.
42
43 **CHAIRMAN GREENE:** Dr. Frazer.
44
45 **DR. FRAZER:** Mara, I guess I just don't understand why we would
46 have to add that, and I'm sorry.
47
48 **MS. LEVY:** I'm not saying you have to, but it's just that the

1 current accountability measure for red snapper is a payback if
2 it's listed as overfished in the report to Congress, and so it
3 seems reasonable that you may have the same alternative as
4 applicable to each state or remove that and just make the
5 payback regardless of overfished or rebuilding or anything. You
6 don't have to do it that way, but I just -- It was just a
7 suggestion to the extent that people still want to have the
8 other way for consideration.

9
10 **DR. FRAZER:** I think I would just prefer to change the language,
11 actually, in this alternative.

12
13 **DR. LASSETER:** May I ask -- Dr. Frazer, could you read the
14 motion and make sure that -- We were doing some copy editing
15 over there, but make sure it reflects what you read out.

16
17 **DR. FRAZER:** Sure. **If the combined Mississippi recreational**
18 **landings exceed the Mississippi recreational ACL, then, in the**
19 **following year, reduce the total recreational quota and**
20 **Mississippi's ACL by the amount of the ACL overage in the prior**
21 **fishing year unless the best scientific information available**
22 **determines that a greater, lesser, or no overage adjustment is**
23 **necessary. If appropriate, the Mississippi recreational ACT or**
24 **component ACTs will be adjusted to reflect the previously**
25 **established percent buffer.**

26
27 I am just checking the language in the first sentence. There is
28 a little bit of a grammar issue in the second line of that, but
29 we can work that out. That's essentially the intent.

30
31 **CHAIRMAN GREENE:** Okay. We have a motion on the floor. Is
32 there a second for this motion? It's seconded by Ms. Bosarge.
33 Is there discussion? Mr. Anson.

34
35 **MR. ANSON:** Dr. Frazer, I am reading that second sentence, and,
36 it says, in the following year, the total recreational quota and
37 Mississippi's ACL will be reduced by that amount, and so you're
38 going to take it off the top amongst the entire Gulf by that
39 amount and then take it off by Mississippi's ACL? That's the
40 way I read that.

41
42 **DR. FRAZER:** I don't think that's the intent at all.

43
44 **CHAIRMAN GREENE:** Dr. Lasseter.

45
46 **DR. LASSETER:** It's reducing Mississippi's only, and that is the
47 off-the-top part. The off-the-top part would go completely to
48 Mississippi in this case, and so the quota has to be reduced,

1 but that doesn't mean that you would just reduce Mississippi's
2 and everybody else gets the remainder of that quota. Does that
3 make sense? If I may ask a point of clarification, does this
4 apply to just the Mississippi amendment, or does this apply to
5 all of the state amendments?
6

7 **DR. FRAZER:** I think the intention is to apply to all of the
8 states.
9

10 **CHAIRMAN GREENE:** Yes, sir, Mr. Schieble.
11

12 **MR. CHRIS SCHIEBLE:** If we're applying this to all of the
13 states, do we need to apply this to the overall state management
14 plan document as well, because it reads the same way.
15

16 **DR. LASSETER:** I believe this action is in just the individual
17 state amendments, and so I'm not clear what you meant by the
18 overall.
19

20 **MR. SCHIEBLE:** The overall state management plan document that
21 we addressed yesterday first reads exactly the same way as the
22 individual state documents when it comes to post-season
23 accountability measures.
24

25 **DR. LASSETER:** Of course, and so, yes, this action is really
26 housed in these individual amendments, but it will be reflected
27 -- Whatever is reflected in these individual state amendments,
28 we will modify for that discussion section in the program
29 amendment. Yes, thank you.
30

31 **CHAIRMAN GREENE:** Ms. Levy.
32

33 **MS. LEVY:** Just kind of in response to that, there is no
34 decision-point in the overall state plan about accountability
35 measures. It has to be made in each plan amendment, but I will
36 say, in order to have a plan amendment that can go forward,
37 you're going to have to pick something in Alternative 2, meaning
38 one state can't pick no action and just have it the way it is,
39 because it doesn't make any sense, and so every state is going
40 to have to pick some preferred alternative under 2, whether it's
41 Option 2a or 2b, with whatever wording you choose to have.
42

43 **CHAIRMAN GREENE:** Kevin.
44

45 **MR. ANSON:** I don't have a problem with the concept. I do have
46 a little bit of a problem, I guess, in that there is some
47 ambiguity, or some vagueness, in the decision-making process as
48 to the time table for determining the greater or lesser

1 adjustment, if it's needed at all, and so, just for timeliness
2 of management, depending upon if you have a rather lengthy
3 season or if you have a fall opening and such, and you end your
4 season relatively late in the calendar year, and you want to
5 open up earlier in the following years, is that going to kind of
6 slow that process down, and so I'm a little concerned there.

7
8 Then the flip side of this, and we've been talking about it for
9 generally management of the fishery overall, is what about a
10 provision if they're under and a carryover provision and maybe
11 adding that in there, and so that's something that I would
12 probably be interested in discussing, but I also remind myself
13 that, based on the discussion we had at this meeting and the
14 previous meeting, we've got a relatively short timeline to move
15 these documents forward if in fact we're trying to use these as
16 a replacement for the EFPs and an alternative to the current
17 form of management for the recreational fishery. That's all I
18 have for now.

19
20 **CHAIRMAN GREENE:** Ms. Levy.

21
22 **MS. LEVY:** Just regarding the idea of the -- I think you were
23 talking about the best scientific information available piece,
24 and so we have this language in almost all of our accountability
25 measures that have a payback, and I think it's to allow for the
26 idea that, if you have an overage in one year and you get new
27 information from a new assessment or an update or something that
28 incorporates that overage, then you don't necessarily have to
29 pay it back the next year, because you've updated it, and so I
30 think it's meant to be focused on that kind of thing, to give
31 some flexibility to not actually either pay the whole thing back
32 or pay it back at all if you have incorporated it somehow in
33 your new projections.

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

36
37 **MR. ANSON:** Yes, I understand that, but the timing of those
38 things and that decision might be delayed, potentially, based on
39 the timing of a new assessment or something that comes along,
40 and, again, relative to the timing of overlapping years or
41 consecutive years and the state's ability to set up a fishing
42 season and get it out to the public and all those types of
43 things and then having that information of whether or not there
44 is a million pounds available or if it's 900,000 pounds
45 available to make those decisions, and that's all I was
46 concerned about, is that there might be some extenuating
47 circumstances that arise that would impact a decision.

48

1 They might be righteous in trying to make sure that you have the
2 best available information, but, again, it's just the timing of
3 all those things and whether or not they work out so that it's
4 as efficient as possible.

5

6 **CHAIRMAN GREENE:** Yes, sir, Mr. Dyskow.

7

8 **MR. DYSKOW:** Thank you. Could somebody help me explain
9 something? I have a lot of confidence in the ability of
10 Mississippi, for example, to manage this fishery, and I know
11 they have tools they have developed that will make them
12 effective in this, and I thank Dr. Frazer for the amendment, but
13 this is a really important point, because, if you look at it
14 from a different perspective, we have a vibrant fishery right
15 now in red snapper, and it's very likely that we will overfish
16 this category, but, based on the best scientific data available,
17 we may choose to not adjust the future ACL to the total amount
18 of the overfishing from the previous year, and my question is
19 what is the best scientific information available? Does that
20 come from the State of Mississippi in this case, or does it come
21 from NMFS or who does it come from?

22

23 **CHAIRMAN GREENE:** Dr. Crabtree.

24

25 **DR. CRABTREE:** Well, it ultimately would be a determination by
26 the Fisheries Service. It would be a determination that would
27 have to be made by NMFS and the Fisheries Service, I think.

28

29 **MR. DYSKOW:** So we would be using federal information and not
30 State of Mississippi information?

31

32 **DR. CRABTREE:** Well, right now, all we have is a federal stock
33 assessment, and so --

34

35 **MR. DYSKOW:** But down the road --

36

37 **DR. CRABTREE:** If we get to a point where some alternative
38 assessment process is going on and that's been reviewed by the
39 SSC and accepted, then I guess that could change, but I think,
40 for the foreseeable future, it's a federal stock assessment.

41

42 **CHAIRMAN GREENE:** Mr. Diaz.

43

44 **MR. DIAZ:** Thank you, Mr. Chair. Mr. Dyskow makes me think of
45 this, and, first, I want to say that I agree with the concept.
46 I do not want states to be in the position where they can be
47 non-compliant, and so I agree with that concept, and I am fully
48 confident, and this is not anything derogatory about Texas or

1 Florida, but I am fully confident in the data collection systems
2 that Louisiana, Mississippi, and Alabama have set up that
3 they're going to be able to stay within their ACL with those
4 data collection programs, and I don't know Texas's data
5 collection program to know well enough if it's going to be a
6 problem for you all, but I think it's a challenge for Florida.

7
8 Florida is a big state, and they're collecting real precise data
9 with the volume of users that they have, and they're still tied
10 to MRIP, to a certain extent, and so I would hate to -- I am not
11 looking to penalize a state that unintentionally goes over. I
12 wouldn't want to set up a system where we encourage non-
13 compliance, but that is what is giving me a little bit of pause
14 here, because I do think Florida has a challenge that's very
15 tough to deal with. Thank you.

16
17 **CHAIRMAN GREENE:** Ms. Bosarge.

18
19 **MS. BOSARGE:** I agree with you, Dale, and, Martha, we're not
20 trying to focus on you, but Dale brought your state up, and so I
21 will kind of respond to it. I agree, but I guess the way I see
22 it is this the long-term path forward, right? We've got this
23 two-year EFP, and I am hoping that, in the two years of trial
24 and error, with Florida kind of getting on the ground and
25 running with this program, that they will work the kinks out.

26
27 In the long-term though, which so this is the document to manage
28 this program for the long-term, if you don't have some sort of
29 incentive in there, I really feel like we're going to end up
30 back in the situation where we did with the state-water seasons,
31 and then where are our private anglers going to be?

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

34
35 **MS. GUYAS:** Well, to respond to that, I think the incentive here
36 would be that, if a state has a problem with this, over and over
37 again, and they're overrunning their quota, then the Fisheries
38 Service can withdraw that delegation. I mean, there is a lot of
39 incentive here to play within your box.

40
41 I would say that I don't have a problem with adding this to the
42 document. I kind of do have a problem with making it really the
43 only alternative that we have here. I think there are other
44 ways that we can -- Other accountability measures that we can
45 use here that aren't necessarily the sledgehammer, given that
46 there is a lot at stake here and a lot of incentives already, I
47 think, for states to do what they need to do here, and so I
48 think we do need to think about situations, because there is

1 going to be a situation where something goes wrong, and it may
2 not be the state's fault or whatever, some kind of data changes,
3 and then we're in a payback situation, and we don't want to be
4 there, because that's disruptive to the fishery.

5
6 It's very disruptive, and we know this. I mean, this happens
7 all the time, not only with red snapper, but with other things,
8 and so we've been in situations with grouper where we find out
9 five months or six months into the season that an accountability
10 measure is triggered and the whole fishery has to change for the
11 rest of the year, and so I speak against that motion.

12
13 **CHAIRMAN GREENE:** Okay, and so we've had some discussion about
14 this, and the way the motion reads now is this is just specific
15 to Mississippi, and there was comments about doing it for all
16 five, and there was also comments about adding another
17 alternative to the document, and so we have a motion on the
18 floor. We need to kind of wrangle this thing in somehow, but
19 does anybody have any further discussion? I am trying to figure
20 out where we're going here, is my intent. Dr. Crabtree.

21
22 **DR. CRABTREE:** I thought, Tom, you said your intent was this
23 would apply to all five of the state documents.

24
25 **DR. FRAZER:** That was my intent, yes.

26
27 **DR. CRABTREE:** So is that what we're voting, to do it for all
28 five then?

29
30 **CHAIRMAN GREENE:** Well, that's the reason I brought up the
31 question, is because, in conversation, we have changed, but we
32 have not modified the motion to reflect the intent, if that if
33 your intent, to do it for all five. Then we need to modify this
34 motion and make it clear what we're going to do here. Dr.
35 Frazer.

36
37 **DR. FRAZER:** Sure, and I'm happy to modify the motion to make
38 that applicable to all five of the state plans.

39
40 **MS. BOSARGE:** So, essentially, there would just be a sentence at
41 the end of this motion that says this change -- There you go.

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

44
45 **DR. CRABTREE:** Just a comment on it. I am going to vote in
46 favor of the motion. I think we ought to look at this, and
47 there is no question in some states that we don't have timely
48 data delivery systems, and so the only way to ensure that you're

1 not going to consistently go over the ACL is to put some buffers
2 in place, and we've been through this, and you've got to be more
3 conservative with it.

4
5 The problem I see that it is going to happen is people are going
6 to look at what the state next door is doing, and the state next
7 door is getting more days than we're getting, and then they're
8 all going to come in yelling and screaming at their state
9 commission that you've got to give us as many days as next door,
10 and so there is going to be a lot of political pressure on all
11 of these states to ratchet up how long their season is, and so I
12 think we need something in place to kind of counter that, and so
13 that's sort of why I would support this.

14
15 I think this actually will help the states to deal with that
16 kind of political pressure, because they will be able to say,
17 well, if we do what you're asking us to, we're going to dig
18 ourselves into a hole next year, and so I think we need to put
19 some things in here that will help the states deal with the kind
20 of political pressure that is inevitably going to come, because
21 people in Florida are going to look at what is happening in
22 Alabama, and, if they see one state has got more days than the
23 others, you just all know that's what is going to happen, and so
24 I think something like this will help the states to deal with
25 that kind of political pressure and hold a little firmer on what
26 they need to do.

27
28 **CHAIRMAN GREENE:** Mr. Anson.

29
30 **MR. ANSON:** I tend to agree with Dr. Crabtree that probably
31 there needs to be some stops that are written in the document,
32 or the documents, to try to avoid that very situation. I am
33 just concerned about the process and the little bit of ambiguity
34 and the vagueness as to what is going to be -- It could change
35 from year to year as to what would cause it to require a
36 payback, potentially, depending upon the information that comes
37 in that year, and so what I'm thinking, maybe, that we ought to
38 look at is look at the difference between what the ABC
39 recommendation is and the ACL for the Gulf and then take the
40 percentage based on the percentage for the sectors at that
41 point, and then that would be the percentage that would be a
42 hard stop.

43
44 It would be 5 percent or 10 percent or whatever the state's ACL
45 is, and then that's a hard number, and everybody knows what it
46 is, and it makes it very easy to make a determination then as to
47 payback is triggered because you went 10 percent over or
48 whatever, or went 10.5 percent over and you take 0.5 percent

1 out, and that's probably what I would be more inclined to see.

2
3 **CHAIRMAN GREENE:** Dr. Frazer.

4
5 **DR. FRAZER:** I am happy to entertain another -- As Mara said
6 before, another alternative here, but, in the absence of having
7 an explicit one, we want to make sure that we have one on the
8 record that there is an accountability measure for each one of
9 these states.

10
11 **CHAIRMAN GREENE:** Okay. Is there further discussion? Staff has
12 modified the motion portion of it. I believe the preferred
13 alternative text that you see below is an example, because we
14 started out with Mississippi, and that's why Mississippi is
15 solely in here, but it would be modified in all the documents,
16 where it says "Mississippi" in the Mississippi document, and
17 Alabama would be reflected in the Alabama document and so on and
18 so forth. I believe I have it correct. However, if there's any
19 questions, now is the time. Dr. Mickle.

20
21 **DR. MICKLE:** A question. This will effectively change Action 2,
22 Alternative 2 in all of the five state documents, and Louisiana
23 and Mississippi will retain it as the preferred, and is that
24 correct? Thank you. Does everybody understand that? Okay.

25
26 **CHAIRMAN GREENE:** Okay. One last time, just making sure
27 everybody is cool and they don't have any problems, and so we
28 have a motion on the floor. I am going to try my luck. Is
29 there any opposition to the motion on the floor before you? I
30 see four in opposition. Ms. Bosarge has asked for a hand vote,
31 and so pay attention here. **For all of those in favor of the**
32 **motion on the floor before you, please signify by raising your**
33 **hand.**

34
35 **EXECUTIVE DIRECTOR GREGORY:** Keep it up high. I've got ten for.

36
37 **CHAIRMAN GREENE:** All those opposed, like sign.

38
39 **EXECUTIVE DIRECTOR GREGORY:** Five. **The motion passes ten to**
40 **five.**

41
42 **CHAIRMAN GREENE:** **The motion passes ten to five.** Okay. There
43 was conversation about other ideas. Does anybody want to take a
44 stab at that now, or do you want to get back on the -- Okay. I
45 am not seeing anybody jumping up and down, and so I will hand it
46 back over to Dr. Lasseter, and we will continue on through the
47 Mississippi plan.

1 **DR. LASSETER:** That is the last action. I believe we are
2 finished with the Mississippi amendment. Dr. Mickle, are we
3 good? Is Mississippi done? That's the last action.

4

5 **DR. MICKLE:** Yes.

6

7 **DR. LASSETER:** Okay. Great. I guess Alabama is the next
8 amendment. As noted, Alabama currently does not have preferred
9 alternatives selected. Again, the first action regards the
10 authority structure, delegation or CEP, and that action begins
11 on page 5.

12

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

14

15 **MR. ANSON:** Thank you, Chairman Greene. I had sent an email to
16 staff earlier for the first motion. **The motion is, in Action 1,**
17 **make Alternative 2, Options 2a through 2d, preferred.**

18

19 **CHAIRMAN GREENE:** We have a motion going up there, and they're
20 going to get it so we can see it as it goes up. I think
21 everybody kind of, from the last determination of this, kind of
22 understands where we're going. The motion is, in Action 2, to
23 make Alternative 2, Options 2a through 2d, as preferred. 2a
24 would be bag limit prohibition for vessel captains and crew from
25 retaining a bag limit, minimum size limit within a range of
26 fourteen to eighteen inches total length, and maximum size
27 limit. Is there a second for this motion? It's seconded by Mr.
28 Diaz. Is there discussion? Mr. Anson.

29

30 **MR. ANSON:** Just in terms of the options there, the ones that we
31 removed, we had some discussion yesterday from staff and from
32 the Fisheries Service folks about the complexities that arise
33 from the two additional -- The Options e, f, and g, and, for
34 enforcement purposes, it makes it a little more difficult, once
35 you get out into federal waters and those types of things, and
36 so we just didn't feel like that what they offered provided the
37 additional benefits versus the extra things that would be
38 required to do that.

39

40 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
41 Mickle.

42

43 **DR. MICKLE:** Kevin, to look at 2f, your statement of difficult
44 when you get a little further out in federal waters, does that
45 pertain to 2f or not?

46

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

48

1 **MR. ANSON:** My take on it is that we would allow for what's been
2 allowed, and that that would allow for other things outside of
3 what is currently being allowed, and we're just not interested
4 in pursuing that.
5
6 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
7 Seeing no further discussion, is there any opposition to the
8 motion on the floor before you? **Seeing no opposition, the**
9 **motion carries.** Dr. Lasseter.
10
11 **DR. LASSETER:** Thank you, Mr. Chairman. The next action, Action
12 2, I believe that begins on page 13. Again, this is the post-
13 season accountability measures action. We did just have a
14 motion that modified that alternative. Again, we're in Alabama,
15 and so it's not preferred, and so it is just Alternative 2, but,
16 again, I'm not quite sure how that works when we have a
17 committee motion and not a Full Council motion, but I will just
18 turn it over to Alabama.
19
20 **CHAIRMAN GREENE:** Mr. Anson.
21
22 **MR. ANSON:** Let me get this straight. On the motion we did for
23 Mississippi, that also applies now to all the states as not only
24 an additional alternative, but it's the preferred alternative
25 for all the states? It's not? Okay.
26
27 **CHAIRMAN GREENE:** Yes, sir, Mr. Anson. You're correct, and I
28 have staff nodding.
29
30 **MR. ANSON:** Okay. I don't have anything else at this time then.
31
32 **CHAIRMAN GREENE:** Fair enough. Dr. Lasseter.
33
34 **DR. LASSETER:** Thank you, Mr. Chairman. I believe next up is
35 Florida, which is Tab B, Number 7(e), and, again, Florida does
36 not have preferred alternatives selected. Action 1 begins on
37 page 5, and we have the Alternative 2, delegation, with the
38 range of options, and Alternative 3 is the conservation
39 equivalency, and I will turn it over to Florida.
40
41 **MS. GUYAS:** I think I'm actually good here. The questions and
42 discussion that I had about this, we ended up having yesterday,
43 and it had to do with the items that were on this list, since
44 there were some that we had mentioned in our request that were
45 not listed here, but I think you covered that yesterday, that
46 they're in the discussion, and so I'm good to go, unless other
47 people have questions.
48

1 **CHAIRMAN GREENE:** Okay. Ms. Guyas has indicated that she's good
2 to go unless there are any questions, and are there any
3 questions specific to Florida? I don't see any. Okay. With
4 that, I will turn back to Dr. Lasseter.
5
6 **DR. LASSETER:** Florida is good with Action 2 at this time, the
7 post-season accountability measures, or shall we look at that as
8 well?
9
10 **MS. GUYAS:** I think we've already talked about that, and so,
11 yes.
12
13 **DR. LASSETER:** Okay. Moving right along, next up is Texas,
14 which is Tab B, Number 7(f), and, again, Action 1 begins on page
15 5.
16
17 **CHAIRMAN GREENE:** Ava, hang on one second. Mr. Robinson.
18
19 **MR. LANCE ROBINSON:** Texas doesn't have any preferreds to select
20 at this time, and so we're good to go.
21
22 **DR. LASSETER:** Mr. Chairman, that completes all of the documents
23 for review.
24
25 **CHAIRMAN GREENE:** Okay. Thank you. Before we leave this
26 section, is there any last comments or questions or anything
27 else before we leave? Yes, sir, Dr. Porch.
28
29 **DR. PORCH:** Thank you, Mr. Chair. One worry that I have when I
30 look at this plethora of possibilities for different bag limits
31 and size limits and other regulations in the different states is
32 it's going to be very hard to keep track of when it comes around
33 to the assessment process, and so I think it will be difficult
34 to deal with even if we know what they are, but one of the
35 problems we have is not everybody knows what regulations are in
36 every state, and so I think, if we're going to go this route,
37 the council or someone is going to need to maintain a database
38 that keeps track of all the regulations and exactly when they
39 went into effect and in what area.
40
41 I know some of the council staff have worked with some of my
42 staff to start that process, but I think, if we go this route,
43 it's really imperative that we get that moving.
44
45 **CHAIRMAN GREENE:** Okay. Thank you for that. Anything else?
46 With that, we will move on to our agenda as slated for today.
47 We will start with Recreational Data Challenges and Potential
48 South Atlantic Fishery Management Council Responses with Mr.

1 Carmichael, if he's here on the phone or ready or whatever the
2 situation is.

3

4 **MS. BOSARGE:** He's here.

5

6 **CHAIRMAN GREENE:** He is here. Okay. Great. Welcome, Mr.
7 Carmichael, and the floor is yours.

8

9

RECREATIONAL DATA CHALLENGES AND POTENTIAL SAFMC RESPONSES

10

11 **MR. JOHN CARMICHAEL:** All right, and so thank you for inviting
12 me, Chairman Bosarge in particular, for having seen an earlier
13 version of this at our council meeting and wanting me to come
14 and share with you guys some of our dealings with recreational
15 data and the things that we've been trying to do at the South
16 Atlantic Council to improve the recreational estimates that we
17 have available for management.

18

19 The presentation I have here is really based, as I said, on
20 something that I gave to our South Atlantic Snapper Grouper
21 Committee last March, and it has led to the council considering
22 what we're calling Amendment 46, which is to address private
23 recreational reporting and permitting, and the reason the
24 council is looking at some different ways of approaching
25 recreational permitting and reporting is because of these
26 concerns that have existed for quite a while and have been
27 talked about quite a bit at the South Atlantic Council with the
28 accuracy and reliability of the private recreational estimates
29 coming through MRIP.

30

31 The council has worked closely with MRIP, through the series of
32 changes and improvements to the program that have been going on
33 for quite a while, and it's really been committed to trying to
34 get that program to give us better information, and it has
35 written many letters to the agency as well, providing comments
36 and suggestions and raising concerns.

37

38 I expect most of you guys, like our council members, are pretty
39 aware of the concerns with the recreational catch estimates, and
40 one of the biggest issues is that we just don't know the
41 accuracy of those estimates, and it's often challenged by the
42 fishermen, who feel that, particularly today, under ACL
43 management, that a fishery gets closed, and they feel it's
44 because of the lack of reliability in those estimates.

45

46 They're not just not reflecting what fishermen think they're
47 seeing on the water, and we're well aware that there is a lot of
48 uncertainty in those estimates. The MRIP program provides a

1 measure of that uncertainty as the PSE, percent standard error,
2 and, for a lot of fish, that can be extremely high.

3
4 We like to see values in the 20 to 40 percent, certainly 40
5 percent on the upper edge, but we have reef fish species that we
6 manage in the South Atlantic that can be at 100 percent, and
7 that just really makes people quite concerned that the number
8 you have there is not reflecting what is going on.

9
10 In addition, there is often year-to-year variability, and, for
11 the fish that are not as common within our complex, we can see
12 zero landings for a couple of years and then maybe have 10,000
13 or 20,000 or 30,000 or what have you suddenly in a year, and
14 then that may drop off, and, when you see this huge range,
15 people just don't expect that the populations or the fisheries
16 are changing like that, and so they don't believe that that's
17 very accurate either.

18
19 Then, finally, of course, with the short seasons, our red
20 snapper has been a couple of weekends lately, and that causes a
21 lot of problems, because the basic MRIP is on this two-month
22 wave, and it's very hard to get information over a very short
23 season, and, in fact, it's hard for any sort of generalized
24 survey to ever get information on a very specialized situation,
25 such as a short season.

26
27 There is some basic causes for why these issues are arising, and
28 one of the biggest ones, as I've kind of alluded to, is that
29 we're dealing with these -- In our case, the snapper grouper
30 fishery is where most of these issues arise, and there is a low
31 number of observations in the surveys, and there is a low number
32 of what they call intercepts, where they go down and talk to
33 people on the dock and see those fish, and so that tends to make
34 any general survey -- It's going to have high uncertainty,
35 concerns with accuracy over something that is considered a rare
36 event.

37
38 MRIP people have talked a lot about rare events and the effects
39 of rare events on a survey, and it's just an unavoidable fact
40 that a generalized survey such as MRIP is never going to do well
41 with rare events. You're going to have to throw an awful lot
42 more money on it to try and get those things at the edges, and
43 there just may not be enough money, in some cases, to throw at
44 it to get the things on the edges that are often important to
45 management by the councils.

46
47 One of the underlying causes for that is that we're dealing with
48 what's the offshore, and, in MRIP, that's the three to 200-mile

1 section, and the effort that -- The overall effort that the
2 survey measures, that takes place in there, is usually only
3 about 10 percent of the overall effort that they measure, and so
4 90 percent of the trips and the effort and the angler trips that
5 they're dealing with is people that are fishing inshore, and
6 they're fishing in the estuaries. They are fishing within three
7 miles of the beach.

8
9 When you take the council situation, where we manage the federal
10 waters, which start at three miles, we're starting from the
11 position of only 10 percent of that survey addressing the
12 species that are usually most important to us, and so, in my way
13 of thinking, that says that everything that we're managing with
14 regards to MRIP is a rare-event species, and so that's why we
15 tend to have so many problems within the council system for
16 dealing with these rare-event species.

17
18 I will say a bit about how the MRIP process operates and where
19 the estimates come from, because this often helpful for folks to
20 get a good sense of what's going on there, and it's basically an
21 effort times catch rate calculation to give you the estimated
22 catch. Effort, they measure in terms of angler trips, and it
23 used to be done through what was called the Coastal Household
24 Telephone Survey, where they randomly dialed digits of people
25 who lived in what were considered coastal households and simply
26 asked them if they went fishing, and it is transitioning now,
27 and that's been a lot of the effort over the last couple of
28 years within the program, is it's transitioning to a mail
29 survey.

30
31 When they first started MRIP, they compared mail and telephone
32 surveys, and telephones had a lot higher response rate, and now
33 we're going to mail, but not because mail surveys are suddenly
34 much more amenable to folks and they will fill them out more
35 often, but it just tells us how poor the response rate has
36 gotten on the telephone survey.

37
38 Because of cellphones, because of caller ID, people just don't
39 answer that phone when it's a random person that they don't
40 know, and so the phone response rate was getting down into the
41 single digits level, and so they were expending a huge amount of
42 money to try and get an adequate number of samples to measure
43 effort.

44
45 The other component of it is the catch, and that is the -- It's
46 called the Access Point Angler Intercept Survey, or APAIS, and
47 that's where they go down to the docks and they interview
48 fishermen and they see what they caught. They ask to see the

1 fish that they have, and they like to measure some of the fish,
2 and they also ask them about other fish that they might have
3 either discarded dead or alive, and that gives them the catch
4 components.

5
6 Then, overall, it gets a lot more complicated, because they
7 break it out by states, and they break it out by the two-month
8 waves, and they do it by the charter versus private versus shore
9 and all the different modes that they have, and so, in the end,
10 it gets pretty complicated, but, at its core, it's really just
11 effort times catch rate to give you the overall catch.

12
13 Because they break it out into these pieces, they have these
14 things, these issues, called weighting factors, because we know
15 that not every access point that they're going to go to is
16 created equal, and some have more effort than others, and so a
17 fish seen at one site might represent more fish of the overall
18 catch that day than one seen at a site where there was less
19 effort.

20
21 One of the things this does though is it leads to these
22 unexpected situations where perhaps the actual observation may
23 have been a fish or two fish at a particular site, and that can
24 get translated into 10,000 or 20,000 or 30,000 fish in the final
25 estimates, and those are the kind of things that we have dug
26 into, on behalf of our council, to try to understand some of
27 these estimates that strike us as being unusual.

28
29 I think, at the end of the day, you have to remember that MRIP
30 is a survey, and it's intended to reflect the regional trends.
31 That is all it was ever intended to do, and, when we started on
32 ACL management, the folks that manage MRIP were pretty clear
33 that was not designed to give you real-time numbers and absolute
34 values and the type of things that are really necessary under
35 catch level management.

36
37 It's supposed to give you a measure of the trends, and we beat
38 up on it all the time, and every stock assessment ends up having
39 a lot of issues with it, but, when we talk to international
40 reviewers that come from other parts of the world, one of the
41 things they tell us is that, you know, maybe you shouldn't be so
42 hard on yourselves and your recreational data collection,
43 because it is the best in the world.

44
45 There is a lot of other countries that wish they had the long-
46 term trends in recreational effort and catch that we have. It
47 may not quite be meeting our needs, but it is, at its core, a
48 very robust and good program for what it's intended to do, which

1 it's intended to be a survey. It's not a census, and this is
2 something that Leann felt that maybe we could talk some here,
3 about the difference between a survey and a census.

4
5 The question was what does it take to move beyond this effort
6 times CPUE and using the survey, and that's really to go to a
7 census, and we're familiar with census. We do census in the
8 commercial reporting, where we ask every fisherman, and in many
9 cases dealers also, to report their trips. We are doing that,
10 and we have been doing that for many years within the headboat
11 survey, and we're looking at doing that within charter boat
12 fisheries in the South Atlantic and the Gulf.

13
14 That is really the core difference. MRIP is a survey that you
15 ask people. Not everybody you ask is going to have caught fish,
16 and it's going to be really hard to get a representative of
17 those fish that are out on the fringes, in terms of how
18 frequently they show up.

19
20 A census doesn't struggle with those problems, because your goal
21 is just to get everyone to tell you what they did and then you
22 simply add it up. Where we are now with the for-hire reporting
23 is it's kind of in a limbo, essentially, between census and
24 surveys, because, for example, in the Greater Atlantic Region,
25 they have had vessel trip reports for their for-hire guys for a
26 while, and what they're doing is they're using that just as a
27 measure of effort, and they're still going down to the docks and
28 getting the catch rates from the for-hire trips.

29
30 Even when we have a census, there will still be a need for
31 people to go down to the docks. Someone needs to go down and
32 collect biological samples on those fish. People need to go
33 down and do the validation, to say, well, what did this guy
34 actually catch, and that's a way to see if you can compare what
35 someone reported to what they catch, and there will always be
36 components like that.

37
38 There may even be needs that we do surveys to get more detailed
39 information on particular components of the fishery even within
40 an overall census reporting, but the goal of a census reporting
41 would be to give us accurate and more reliable measures of what
42 the actual catch is without having to go through weighting
43 factors and without having to go through this effort and catch,
44 both having surveys, without having to rely on people to turn in
45 a card from the mail to tell us that they actually went fishing.

46
47 It's kind of different to private operations in fisheries, but I
48 think any sportsmen who take part in hunting will recognize that

1 reporting like that is not unusual. Where I grew up in
2 Virginia, in deer hunting, every deer that you killed, you put a
3 tag on it, and you reported that number to the state. In South
4 Carolina, where I live now, they recently went to that. They
5 had a two deer per day kill, all you want, and now they've gone
6 to a tag, and you have to report them, and people quickly
7 adapted.

8
9 North Carolina has gone to an online reporting of their big game
10 tags, and it's real-time. You tag the animal, and you're
11 expected to take your phone and report to the agency that you
12 just tagged that animal, and they make provisions for someone
13 being out in the woods with no phone service and all that, but
14 the point is they -- Sportsmen, and many fishermen, don't just
15 fish, but they also hunt, and they're kind of accustomed to
16 these types of things for a lot of other things they do,
17 particularly for the bigger game issues, for the more rare
18 things, which, as I've kind of said, in the context of MRIP,
19 that's where we live. That's what we deal with in the council
20 system. We are dealing with kind of the rare-event things that
21 are going on every day.

22
23 A quick example of some of the issues that we raised in the
24 South Atlantic over the past, is, in 2015, and that must have
25 been a rough year. Hogfish closed in 2015, and we have an
26 estimate from one wave which was three times the ACL, almost
27 four times the ACL, for that year. It was three times the
28 average landings that we've seen over any twenty-five-year
29 period.

30
31 Well, that came down to a couple of guys were intercepted at a
32 very popular boat ramp, I think down in Dade County, and they
33 just drove the estimates up. It was a big expansion factor, and
34 it was a big effort day, and suddenly it was like there must
35 have been a lot of these fish caught that day.

36
37 Blueline tilefish closed in 2015, where we have one wave that
38 exceeded the annual landings for seventeen out of the twenty
39 prior years, and, again, it's just this unusual occurrence,
40 where I'm having a couple of fish observed in a place where
41 they're not usually observed, but it's a place with a lot of
42 effort, and, suddenly, bam, that gets treated as a lot of fish.

43
44 Those of us who know about surveys and understand how they
45 operate, particularly in the fringes with the rare events, none
46 of this is surprising. That is just the kind of noise, and
47 that's why maybe this gives me -- For some of these fish, it
48 gives me a long-term trend of what's going on, but we know you

1 can't put as much confidence in those annual estimates.
2
3 Cobia had a big explosion up in the Chesapeake Region. In 2015,
4 the landings were one-and-a-half times the prior high of any
5 other years, and this was a little different, because this
6 persisted into 2016, and it seems like that was more of a year-
7 class event, and so it does show you that sometimes you can get
8 a spike that may actually be real.
9
10 We've got an assessment coming, as you guys probably know,
11 coming up soon, and that will tell us that if that was a year
12 class, but I think that's going to be informative for that
13 situation.
14
15 Greater amberjack, recently, we had -- Greater amberjack had two
16 trips out of seventy-two trips, and that's all that they
17 observed people with greater amberjack in, was seventy-two
18 trips, and that was over half of the catch, and Mark brought
19 that to our attention.
20
21 Snowy grouper is a really rare snapper grouper species for us,
22 with a very low -- It's like eight-hundred-or-some fish that the
23 recreational fishery can take. In one cell, and so that's one
24 wave/mode/month/state combination, they got 79 percent of the
25 total catch for the whole year.
26
27 Red snapper has the whole separate issues of dealing with these
28 really short seasons, and it's a discard-dominated fishery, and
29 the B2, which is the discarded fish, have a lot greater
30 uncertainty, because no one sees those fish. We talk about the
31 fish that the samplers see versus the others. Well, if you ask
32 people how many fish they threw back, and they tell you what
33 they thought they did on the water, all of that is really self-
34 reported, and no one really sees the fish, and so you're having
35 to trust the individuals for the species ID and trusting them
36 for the number of fish that they saw.
37
38 How do we deal with this in stock assessments? I do a lot with
39 SEDAR. I'm the Program Manager, and I've been working on SEDAR
40 since the very beginning, and so I've heard a lot of discussions
41 about MRIP at stock assessments, and one of the biggest things
42 is to deal with outlier points, and you think, okay,
43 scientifically, you get a really weird number, and maybe you
44 drop that out or you smooth it in some way, but the trouble is
45 what is an outlier?
46
47 A fish could have a good year class and there's truly been a
48 good catch, and maybe it really isn't an outlier and it really

1 happened, and then you have to deal with zeroes, and you see
2 zeroes that you don't really believe that no catch was caught
3 that year, but, in some cases, maybe it was, and you're not sure
4 what is a true outlier, and we don't have duplication. You
5 can't duplicate the ocean, and so I can't duplicate the catch
6 estimates for a year like I could if I was raising tomatoes in a
7 greenhouse.

8
9 That is a big issue within fisheries. You have to take the
10 number, because you can't duplicate it. If I had duplication, I
11 could probably -- In an experiment, I would know pretty clearly
12 what's an outlier, but this is observational science, and you
13 can't do that kind of stuff. You have to evaluate every
14 individual point that you have, and it may be truthful. If you
15 were to just throw something out, maybe you're throwing out
16 something that was important to the productivity measures.

17
18 We could smooth the data, and so take some of the noise out.
19 Well, the challenge there is that the stock assessment model is
20 kind of doing that inherently. It's got the observed catch that
21 you tell it, and then it's going to take every other piece of
22 data and try to come up with what it predicts the catch is that
23 year that fits in well with everything else.

24
25 At its core, the model is kind of smoothing stuff anyway, and
26 so, if you smooth your data going in, you're essentially double
27 smoothing it, and you may be taking out a high or a low that the
28 model thinks really fits in with other stuff, and you don't know
29 upfront whether it's the high or low that's going to really fit
30 in best. You've got to let the model do that, but one of the
31 ways we can make some progress is when we adjust the influence
32 of the dataset, and so, as I mentioned, we have the recreational
33 catch, and we have the commercial catch, and we have the
34 discards, and we have length comps, age comps, surveys, and all
35 of those are feeding into the assessment.

36
37 The analysts are able to adjust how influential each of those
38 datasets is to the overall final results of the model, and so
39 they could say to make the model really fit to length comps and
40 match that or really fit to age or survey or what have you.

41
42 That is where the kind of art side of fitting the models comes
43 in, because they have to achieve a balance. You don't want to
44 fit the one piece of data at the detriment of another if you
45 think that's inaccurate, but, when you're doing that, you have
46 to tell the model that you believe strongly that some piece of
47 data is accurate, because, if you tell it that you don't believe
48 any of it, then the model is just free to wander all over the

1 place and give you a huge range of estimates that may not be
2 informative at all, and so, at some point, you have to tell it,
3 of all these datasets, which one do I think is the most
4 reliable.

5
6 Despite the challenges with estimating catch, it's often the
7 catch that is the most reliable that we have, because of the
8 difficulties in interpreting age structures and getting a good
9 age sample and all of that, and that makes that noisy, and
10 surveys are subject to variability due to the environment and
11 other changes and not knowing necessarily what portion of the
12 population we're always covering and changes in the fish, and so
13 we often come down to thinking that catch is actually pretty
14 good, and so the models are going to tend to gravitate to that,
15 but that can create some troubles when people don't feel like
16 the data are all that accurate.

17
18 Another way is we're able, within the models, to tell the model
19 how precise we think it is, so we can specify the uncertainty on
20 it, and so, as I mentioned, the PSE from MRIP, they give us a
21 number, but one of the challenges, which fits into telling it
22 something is truthful, is, if you were to put the PSE of say 100
23 percent and actually give that as a model input, then it's
24 telling it that this is just a random number and I could roll
25 the dice and get something that is good, and so then the model
26 is able to wander all over the place, and so, at times, we've
27 had assessments where we need to tell it that overall we think
28 the data is a little more precise than what maybe these annual
29 PSEs would lead us to believe.

30
31 That just gets into more saying, well, we think it's a pretty
32 accurate representation of the trend, even if maybe the
33 magnitude isn't as accurate or can't be determined how accurate
34 it is.

35
36 As I mentioned in the beginning, there has been a lot of effort
37 recently to improve MRIP, to improve this situation for us, and
38 the councils have been driving this, in a lot of cases. One is
39 they have revised the Access Point Survey, where they go down to
40 the docks, and there was a lot of concerns with how samplers
41 were going from one dock to another and, if they were getting
42 any effort, they might go somewhere else, and that was one of
43 the core problems that led to the earlier NRC review that said
44 there were major issues within the program, and so those were
45 resolved, but that resulted in a change in the program, and so,
46 when you change a long-term dataset, you've got to do something
47 to make sure that you're still apples-and-apples when you're
48 comparing stuff, and so that has led to calibration and

1 transition efforts that have been underway, and the same thing
2 applies in the Fishery Effort Survey, as it's now called, where
3 it used to be called the Coastal Household Telephone Survey.

4
5 That is the effort, and so shifting to the mail survey has
6 changed things, and it has changed the nature of effort. There
7 was a -- There's been a concerted effort over the last couple of
8 years to do side-by-side, where they did the mail survey and
9 they did the telephone survey, and now they're working on the
10 final transition and calibration, so that they can take the new
11 APAIS, the new effort survey, and put them together and come up
12 with the new estimates and then calibrate the past to that.

13
14 That's so that, when we as councils apply a catch level against
15 an ACL this year, that, come July, we will have the new numbers
16 and we can have confidence that we're applying it to the right
17 number, that they're going to go forwards and backwards. We'll
18 be able to take an ACL based on data pre-2018 and they will give
19 us an estimate for 2018 that is consistent with methods pre-
20 2018.

21
22 That is going to be really important to us as we evaluate ACLs
23 in this interim time that's going to take us to update all of
24 those for the new numbers and get revised assessments or update
25 assessments or what have you and recalculate all of our ACLs,
26 and most of us are familiar with this, because we did it a few
27 years ago when they made the initial calibration following the
28 APAIS survey change.

29
30 What's going on in the future with MRIP? They came to the South
31 Atlantic SSC a few years ago and talked about alternative
32 estimation methods for rare species, and this is something that
33 our council has pushed on, and there are some ways that they can
34 improve those estimates.

35
36 One way would be just to revamp how they allocate effort and put
37 more to the offshore areas and get more of the trips that are
38 offshore. Well, if there is a fixed amount of effort for
39 surveyors, it's probably highly unlikely that the people who
40 manage red drum and trout and flounder and striped bass are
41 going to want to see those things lose some of their precision
42 so that there can be increased precision on the offshore
43 component, and so that's going to pit different user groups
44 against each other, but it is an option.

45
46 Another way is just to survey more or put in more money to do
47 that, and putting in more money is a pretty difficult thing
48 right now, and we're not real optimistic that's going to happen,

1 but one of the things they said is that, if you could somehow
2 better define the people who fish offshore, if there were some
3 way to make that its own sampling frame, then they could sample
4 those specifically, or that could become a component that they
5 measure in the survey.

6
7 The idea there would be that the effort within a site wouldn't
8 just be based on everybody who went out, but we would have this
9 is how much effort went out for three miles and beyond and this
10 is how much effort went out for inshore, and they can sort of
11 treat them as separate strata within the survey and give us --
12 Then, perhaps, they could optimize their sampling of that EEZ
13 type of trips without being to the detriment of the overall
14 trips. It would kind of take them out of the fringe,
15 essentially, and make them their own component of the survey.

16
17 The challenge with that, of course, is identifying, of all the
18 people who went fishing, who is going to be the ones who are
19 going to go offshore and go fishing. Everyone just has a
20 fishing license, and all you can do is guess, based on what they
21 caught, maybe where they went or what they told you where they
22 went, but maybe they went offshore and they weren't really
23 targeting snapper grouper.

24
25 When people go offshore, we don't know if they're trolling for
26 dolphin or if they're deep-dropping for snapper grouper, in the
27 case of the South Atlantic, and so, if we had some way of better
28 identifying the effort in a trip where someone would likely
29 interact with a snapper grouper and use that for the effort
30 expansion, when someone catches a black sea bass, we would have
31 a much more precise estimate, and that's what led to things like
32 the council looking at our Amendment 46 and the application that
33 we're doing to try to get people reporting.

34
35 We've had discussion of having a snapper grouper stamp, and I
36 know there's been some experimentation with that here as well,
37 and so the MRIP folks think that that's one way that could
38 really, without adding a lot of cost, let them improve the
39 survey and the estimates for the offshore fish.

40
41 Also, in the council, we've looked at for-hire reporting, as you
42 guys have, and approved that. We're looking at this MyFishCount
43 as an application that's been developed, and it was rolled out
44 in experimenting with it last year during our short red snapper
45 season as a way to give fishermen a chance to voluntarily report
46 to us on their fishing activities. Did they fish, did they want
47 to fish and not fish, what did they catch, information on their
48 discards, and things of that nature.

1
2 That gives us some of this extra data, which may find a way into
3 the existing survey to improve it, and, as we go further into
4 Amendment 46, as that develops, which it's considered, maybe,
5 for approval early next year, but it looks like that will
6 probably be extended, as these things often do when the issues
7 get pretty thorny, but it's going to really deal with these
8 recreational permits and reporting, and we expect the
9 MyFishCount to maybe start to play a part in that.

10
11 Fishermen always want to give us information, and so we've been
12 trying to find ways that we can let them do that, through this
13 and through the Citizen Science Program the South Atlantic has
14 been working on, and it's really just to tap into the
15 fishermen's offers that we've heard for years to say, hey, I can
16 tell you what I'm doing and I'm willing to tell you more.

17
18 If we can get people to do that voluntarily, and if we can work
19 out any potential bias and concerns with that, this might
20 provide us more data series that can help us better interpret
21 say the regular estimates we get from MRIP. In no way does any
22 of this, certainly at this point in time, going to compete with
23 or take away and lead you away from that, but it's more ways of
24 supporting, and that's the way we have viewed it. We are not
25 trying to compete with MRIP. We are trying to support, so that
26 we can get a better estimate at the end of the day out of it by
27 working together with those guys.

28
29 That's what we intend to do in the future, is continue to work
30 with MRIP on these improvements. One of the things I didn't
31 mention yet that they're looking at is this idea of a minimal
32 acceptable PSE, and so it would be saying, if the measure of
33 error is 40 percent or greater, they may not report that number
34 as an annual value, and a lot of federal monitoring programs
35 already do that, and, once they get done with the current
36 calibrations and all, they're going to look into that.

37
38 It would mean a challenge for the council, and so, if you have a
39 species with an ACL and the PSE came out to 60 percent, they
40 wouldn't give you a measure that year, and so we as councils
41 would have to come up with something. Do we use a multiyear
42 average, or what are we going to do? Do we find some way of
43 combining that to get us a signal of what's going on with that
44 fish in that year?

45
46 I think it's good from a data standpoint, but it will be
47 challenging for us from a council standpoint, and we're going to
48 continue to pursue these alternate approaches for the rare

1 species, considering that snapper grouper permit at some point,
2 and will that give us a better sampling frame, and the data
3 streams of MyFishCount and Amendment 46 will be bringing us some
4 alternative information.

5
6 We have an ABC control rule amendment that we're working on, and
7 that's going to give the SSC flexibility to better deal with the
8 PSE issues, and we're also looking at some changes in our
9 accountability measures, because one of our issues is we have
10 some stocks that are still limited to accountability measures
11 that will require closing the fishery if the ACL is met, and so,
12 when an ACL is met based on an unusual appearing recreational
13 estimate, you have to close that fishery, and that's a real
14 issue, and so we would like to have accountability measures that
15 maybe look at multiyear averages or allow us to determine if
16 that's like a cobia situation, where it's a sustained increase,
17 or is it like one of those other stocks, like hogfish or
18 something, where it just seemed like a single blip.

19
20 In our accountability measures, the council has complete control
21 over those. They can decide how to deal with that, and they can
22 say, you know, if the best the survey can give me is kind of an
23 indication of trends, and so maybe a three-year average or
24 something over that period will give me a signal of what's
25 really going on.

26
27 We can do that without having to have major changes within the
28 survey, which are going to take a lot of time, and so I think
29 this is probably the quickest way that the South Atlantic
30 Council can get some relief in terms of having the fisheries
31 really impacted by these unusual events. I think that is the
32 final slide, and so I guess I'll see if we have any questions.

33
34 **CHAIRMAN GREENE:** Thank you. That was very informative, and I
35 appreciate that. Mr. Swindell.

36
37 **MR. SWINDELL:** Thank you for your presentation. It was very
38 informative, and I'm glad to hear that there is some action
39 trying to improve MRIP, because we all are very concerned about
40 the lack of certainty of the data that's being collected from
41 particularly the private angler system.

42
43 Right now, we are requiring the commercial people to report by
44 vessel and by the amount they have or what we're requiring the
45 charter boat association, the charter boat people, to report,
46 and the only people that aren't reporting by vessel are the
47 recreational people.

48

1 I have been in favor of it from day-one that we should require
2 recreational people, by vessel, to report, instead of
3 individuals. I think MRIP has too long of a road to do, and you
4 mentioned that you're only getting 10 percent of the people that
5 are fishing in federal waters recreationally. It's a shame that
6 the council cannot come together and address really the
7 accountability of doing a vessel reporting for recreational
8 catch, because everybody that fishes offshore is on some vessel.

9
10 They are not fishing from land, and they're not fishing from a
11 pier, but one of the things that I also wanted to address in
12 your last slide that you had here was the ABC control rule
13 amendment to allow the SSC to better address uncertainty. What
14 do you mean by "allow"? It seems like our SSC would address it
15 anyway, and do we have to allow them to address it?

16
17 **MR. CARMICHAEL:** Perhaps a better word would have been "enable",
18 but what that gets to is the South Atlantic's ABC control rule
19 is fairly prescriptive, in terms of how the adjustments to the
20 ABC are applied. It's a percentage factor, and they sum up
21 points for particular situations.

22
23 It doesn't give them a lot of resolution to deal with the
24 differences between individual assessments, and we've ended up
25 in situations where the SSC has reviewed a couple of assessments
26 in a meeting and had them come up with a very similar scoring
27 for the ABC, and the SSC going, you know, we really don't think
28 the uncertainty was equal between those two assessments, but the
29 rule that we developed a number of years ago and is approved is
30 so prescriptive that they really couldn't deviate much from
31 that.

32
33 One of the issues was with the PSE, because there wasn't
34 anything added to the rule where they could say, well, the PSE
35 that was used in the model is more precise than what the data
36 actually had, and so it's overrepresenting the precision of that
37 information, and there really was nothing in the rule to allow
38 them to adjust their ABC scoring for that.

39
40 **MR. SWINDELL:** Thank you. I find that just very unusual for the
41 SSC not to address the uncertainty from the beginning. Right
42 now, yesterday, or so far in this meeting, we have approved the
43 EFPs for all the states, and a lot of it is based on the
44 accountability or the amount of catch that is being caught for
45 the states to get, and I don't know if our SSC has reviewed all
46 of these plans and come up with a true assessment to report back
47 to us about how accurately -- Like Florida, that doesn't have a
48 vessel reporting system, how accurate is their information to

1 start with that they're reporting to us, or Texas?

2
3 I am just really -- I am baffled at just trying to understand
4 just how in the world are we going to manage this thing properly
5 with so much uncertainty built into what these large states are
6 thinking they are catching. There is so much uncertainty, where
7 you're only sampling 10 percent of the people that are out there
8 fishing for it, and that's absurd. I appreciate your efforts in
9 trying to improve MRIP in some way or another. Good luck, and I
10 hope that we get it much, much better. Thank you.

11
12 **CHAIRMAN GREENE:** Thank you. Are there further questions or
13 comments for Mr. Carmichael? Leann.

14
15 **MS. BOSARGE:** I just want to say thank you for coming. I am not
16 sure if everybody remembers, but, at the last council meeting, I
17 was asking you all about maybe having some presentations on
18 recreational data collection challenges and things that are
19 maybe being tried in other areas, and so this was my first
20 attempt at that.

21
22 I said, well, I attend the South Atlantic meetings, and they
23 seem to have a lot of the same issues that we do in the Gulf, as
24 far as our recreational data, and they use the same program.
25 They use MRIP and things like that, and I see some of the moves
26 that we've been making over here, and I love it, and I've asked
27 for those presentations from each of the states, to update us on
28 the improvements that you've making, and so I said, well, this
29 seems like a natural first step, to have the South Atlantic come
30 over and tell us, in their region, kind of what they're doing.

31
32 I wanted to ask you a question, John. The permit that you're
33 thinking about implementing -- So you have an amendment started,
34 and there is a couple of actions in that amendment, I think.
35 One is to require a recreational permit for federal waters, and
36 then you're going a step further with that and you're actually
37 looking at some possible reporting alternatives with that
38 permit, and I would live to see something like that one day in
39 the Gulf, but I understand that takes time and that may be a
40 little further down the road, because, in the Gulf, we would
41 probably have to find a way to fold in the data collection
42 programs that the states have already stood up, essentially, and
43 so, if the states have a program that is meeting the need, if
44 that data could be funneled up -- If we had some sort of
45 requirement to report for private anglers, which our APs have
46 asked us for, and they want to report, then that could meet that
47 need, if that state had a program already implemented.

48

1 That is a long, drawn-out, very complicated conversation that
2 I'm sure we're not going to have today, but my question is, on
3 your permit, and so does the permit alone -- In the South
4 Atlantic, will that have any impact to improve data collection
5 somehow through MRIP? I don't know if that permit has any
6 effect on improving MRIP, to a degree, and can you speak to
7 that?

8
9 **MR. CARMICHAEL:** That would be our intent of the permit. A big
10 intent behind it would be to establish a sampling frame of
11 people fishing for snapper grouper that could then be surveyed
12 through a dedicated survey, maybe through making that a
13 dedicated part of MRIP to survey those guys, and so that's what
14 we hope that it will do, that it will lead to improving the
15 estimates of MRIP, and it will highlight the effort that
16 actually is snapper grouper effort.

17
18 That is really what the core problem is. You have this general
19 survey, and it's hard to tease out the different parts of
20 effort, particularly in the effort survey component, because
21 they just ask people if you went fishing, and then you rely upon
22 the translation of that effort, based on the people that you
23 interviewed at the docks.

24
25 If you could say did you go fishing and do you have a snapper
26 grouper permit and did you fish for snapper grouper, now
27 suddenly I can hone-in on that a lot better.

28
29 **MS. BOSARGE:** I've got you, and so that kind of hones-in on what
30 you were talking about about that 10 percent of MRIP is really
31 capturing kind of that offshore component and the other 90
32 percent is helping us -- I mean it's still useful, and don't get
33 me -- I mean, we have states that manage spotted seatrout and
34 all sorts of different things, and they rely on a lot of that
35 data too, and so we don't want to see that go away, and I really
36 don't want to get in a battle where we're trying to figure out
37 what species is the most important.

38
39 Okay. So yours is a snapper grouper permit, and so, if you're
40 going to go out and target any snapper or grouper species, you
41 will have to have that permit. In federal waters, you're going
42 to have to have that permit, and that will help MRIP hone-in on
43 that group of people and hopefully get some more accurate
44 estimates, and so, if we did something like that in the Gulf, it
45 would be like a reef fish permit for private anglers in federal
46 waters, because that's how we manage. We do it as a reef fish
47 complex.

48

1 A lot of the states in the Gulf though have -- Their data
2 collection programs have actually honed-in on red snapper,
3 mainly. That's what the system was designed for, and Alabama
4 has Snapper Check, and Mississippi has Tails n' Scales, and
5 Louisiana is LA Creel, I guess is what it's called.

6
7 Anyway, but a lot of the focus has been on red snapper, and, in
8 the Gulf, we have some other reef fish that we have some big
9 issues with, as far as landings and how accurate maybe they are.
10 For example, gray triggerfish, in 2017, recreationally, 279
11 percent of the ACL. We've got greater amberjack, in 2017, the
12 recreational landings were 200 percent of the ACT, and those are
13 of the ACTs, but 143 percent of the ACL on gray trigger and 140
14 percent of the ACL on greater amberjack.

15
16 We have some issues that I think maybe that federal permit, if
17 we could do something like that in the Gulf, maybe that would be
18 a starting point for us to try and hone-in and get that MRIP
19 data for those species that the states aren't collecting a lot
20 of the information on right now, that their system is really not
21 designed to handle just yet, although I understand that you may
22 beef them up.

23
24 Then maybe in states that don't have those systems, like the
25 three northern states do, just yet, and I know they're working
26 on other improvements, but I think that might be a path forward
27 for the Gulf to look at, to just get us started, to try and make
28 a small improvement for our recreational anglers. If that can
29 improve MRIP for some of these other species that we have issues
30 with in that reef fish component, I am hoping the council would
31 at least like to talk about it some more, because I was really
32 impressed.

33
34 I was surprised when I saw that amendment at your meeting. You
35 had not started that six months ago at the meeting that I
36 attended before that, and so thank you so much for coming, being
37 willing to come and talk to us. Mr. Sanchez.

38
39 **MR. SANCHEZ:** Thank you. Yes, that was a great presentation.
40 About how long do you think before that permit is implemented
41 and yielding some data, and, from start to finish, from the
42 concept being thrown out there to implementation, how long has
43 it taken you, just so we can get an idea of what we're looking
44 at?

45
46 **MR. CARMICHAEL:** I think it's going to be a while. You know,
47 we're talking about the amendment and the permitting. We were
48 hoping maybe it would be something that could be ready for

1 approval early next year, but it seems like it might take a
2 little bit longer even to get there, and so I think it's hard to
3 say at this point where it will go. It might depend on how the
4 public views it, as you guys well know. If there's a lot of
5 opposition to it, then it's likely to slow it down and make it
6 more difficult, but we're kind of in the early stages of it, but
7 this is what we're hoping it will do.

8
9 Then I think, once you get it in, like any new data program, we
10 always try to be realistic. It's like, well, you're going to
11 need to do what you were doing and what you are doing side-by-
12 side for a while, because you always have to make that
13 adjustment. You want to make sure that you're not seemingly
14 changing catch levels simply because you're monitoring them
15 better now and apply penalties to the fishery as a result, and
16 so we think it's really a long-term type of thing.

17
18 You get the permit in, and you figure out how you can do it, and
19 you start improving the survey. Then, down the road, you get
20 there, and you get something better, but our thought is there is
21 a lot of things, if we had started doing them ten years ago,
22 they would be paying off now, and so we just need to dig in and
23 start doing these things that we know are not -- They're not the
24 final solution to this stuff. There is more that still needs to
25 be done, and they're not going to address everything, but steps
26 in the right direction now for long-term payoff.

27
28 **MR. SANCHEZ:** I agree, and I think it's a great way to capture
29 the angler that leaves from his private waterfront residence
30 that a lot of them are really good fishermen in south Florida,
31 and you're probably not capturing them on a dockside intercept,
32 because they don't go to a dock.

33
34 **CHAIRMAN GREENE:** Mr. Schieble.

35
36 **MR. SCHIEBLE:** I would just like to mention that, under LA Creel
37 in Louisiana, we have what's called a recreational offshore
38 landing permit, and everybody knows the ROLP, and it includes
39 the species that Ms. Bosarge mentioned under that permit, and so
40 it's not just specific to one reef fish, and I would like to
41 offer the suggestion that maybe you consider adding those
42 species to the permit that you're posing.

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

45
46 **MR. DIAZ:** Thank you, Mr. Carmichael. That was a very good
47 presentation, and I have been following you all's efforts in
48 citizen science, and I know you mentioned it briefly in your

1 presentation, and so basically I have two questions for you.
2 One is have you all actually picked a project yet that you're
3 going to tackle with citizen science? Just for everybody's
4 benefit, and you could do a better job than me at this, but you
5 all are trying to set up a citizen science program that engages
6 the public and collects data that can be used, and that's very
7 important, to be used.

8
9 Anyway, if you could tell me if you all have selected a project
10 yet, and then, at some point in time, I think it would be
11 beneficial to get one of your staff to come give a good
12 presentation to us. In your opinion, what would be the timing
13 for us try to get somebody over here? Are you all far enough
14 along where it would be beneficial to us? Thanks again.

15
16 **MR. CARMICHAEL:** Yes, and so we do have a program. It started
17 with the goal, as Dale mentioned, to get data that can be used,
18 and that's kind of different amongst citizen science, because
19 the background of this is like people going in their backyards
20 and looking at birds and recording things and getting big
21 databases, but no one really knew how it was going to be used.

22
23 We knew we were in a regulatory framework, and the data has to
24 meet a much higher standard than just someone observing birds in
25 their backyard and maybe trying to talk about species
26 distributions or such, and so, when we got into it, that was
27 really something we kept stressing.

28
29 We worked with folks from the Cornell Ornithology Lab that run
30 that program up there, and they kind of directed us towards do a
31 project right away, and we kept saying, no, we've got to get
32 standards in place. Our goal was to make sure that data comes
33 from this can be accepted by Clay and the Science Center to be
34 used in stock assessments and by the Regional Office to be used
35 to evaluate in management.

36
37 It's been kind of a slow development in that regard, because
38 we're working on data criteria, and we're working on project
39 criteria and outreach and education and data management and all
40 of these types of things. We do have a program, a project,
41 which is coming online here right now, and it's to develop a
42 reporting app for scamp, and it's targeted at the upcoming scamp
43 assessment, and we want to get more information on the discards
44 of scamp.

45
46 As I mentioned, discarded fish are thrown back at sea, and
47 nobody sees them for private recreational fish and for charter
48 boat fish, because you don't have observers on these vessels,

1 and so the only discard information we have, the only chance to
2 measure a discarded fish, is either a dedicated project or maybe
3 an observer on a headboat.

4
5 The scamp project is intended to develop an app that fishermen
6 can then either take a picture of a fish on a measuring device
7 or enter the data on the fish and tell us scamp that they
8 discarded, how long they were, get some general information on
9 where they were, and what they did in terms of using descending
10 tools or a descending device or venting or something of that
11 nature.

12
13 It's been very focused on being something that is simple and
14 easy to use for the fishermen, and we've had a ton of discussion
15 about this with fishermen and getting the -- We're in the early
16 development stages of what the app is going to look like, and so
17 we're working with fishermen, charter boat guys and headboat
18 guys and private guys all, to understand the different ways in
19 which they operate on their vessels and how that affects the
20 app.

21
22 Like we came in with the idea that everybody is going to take a
23 picture and lay the fish on the cooler and all this, and we
24 worked with a charter and headboat captain, and he was just
25 like, you know, guys, this is going to be very difficult, and he
26 started describing what goes on on the vessel, and we really had
27 to rethink that. I was like, yes, you're exactly right that
28 that is what happens, and you want to get the fish back quick,
29 so it lives, and then people are fumbling with the cameras and
30 everything else.

31
32 That led us to rethink it, but we're working on app development
33 now, and we're hoping that, this summer, that the app is ready
34 and that people start using it, and there is already interest,
35 because scamp is not a real common fish. That's one reason we
36 chose it, because, when we started on this, we didn't know what
37 we were going to do for data management. We figured the worst-
38 case scenario would be emailed to someone at the office and we
39 would do it by hand.

40
41 Now we're partnering with ACCSP, and so that's getting easier,
42 but we didn't want to have like a red snapper -- Everyone loves
43 red snapper, and we want to do things for red snapper, but the
44 amount of data would be so overwhelming, and we didn't think
45 that was good for a pilot, and so we knew scamp was coming up
46 for an assessment, and so we picked this scamp project.

47
48 There is already interest in looking at like red grouper,

1 because we're having issues with our red grouper stock, and
2 they're getting pretty scarce, and so I wouldn't be surprised
3 if, after a few months of getting some scamp data, we aren't
4 spreading this out to maybe more of the shallow-water groupers.

5
6 Then the best person to come would be Amber von Harten, and
7 she's running the program for us, and she has been involved
8 since the very beginning, and she works on this as her full-
9 time position, and so I think, anytime that you guys can make a
10 spot on the agenda at one of your meetings, she would be glad to
11 come and tell you what we're doing.

12
13 We have groups that we call A-Teams that are working on
14 different aspects of the program, outreach and project
15 management and data management, and so they are all kind of
16 working toward their last sets of recommendations, and we think,
17 this fall, the council will approve what we've called a
18 blueprint that will lay out how the program looks, and so,
19 sometime this fall perhaps, or winter, would be great. By that
20 point, we may even have some data coming in from scamp, which
21 would probably be really interesting, and so I will let Amber
22 know that you all are interested, and I think reach out to her
23 anytime.

24
25 **CHAIRMAN GREENE:** Thank you, sir. Is there further discussion?
26 Mr. Gregory.

27
28 **EXECUTIVE DIRECTOR GREGORY:** John, that was very good. A basic
29 question about citizen science. Why did the council choose to
30 try to collect data on its own instead of asking National Marine
31 Fisheries Service or some state agencies or your outreach
32 partners to do this for you? I mean, it seems like there is
33 other organizations better suited for this.

34
35 **MR. CARMICHAEL:** That is a good question, and we actually
36 approached it from having all of those people in the room, and
37 so it's intended to be a cooperative program under the council,
38 in some way, but the idea of that was we would try to facilitate
39 this and have the states and the feds and other organizations
40 all involved.

41
42 Yes, we don't see it as the council doing it and warehousing all
43 of the data and everything like that. That's why I mentioned
44 we're working with ACCSP to work on that, and so we're really
45 hoping that this becomes a regional cooperative type of effort
46 with everybody working together.

47
48 **CHAIRMAN GREENE:** Ms. Bosarge.

1
2 **MS. BOSARGE:** All right. Well, if everybody is done, I just
3 wanted to thank you again. Thank you so much for coming. That
4 was a very informative presentation, very deep, but yet on a
5 level that I could understand, and I appreciate that.

6
7 Council, at some point, I want to get some feedback from you all
8 if you all are interested at all at looking into what a possible
9 permit could do for us to get us some -- Or if you have other
10 ideas on how you want to improve recreational data collection,
11 I'm good with that, but I see a need for it. I see some efforts
12 being made, and I love them, but I want to facilitate that at
13 this end, and there is more species that just red snapper, and I
14 think there does have to be some consistency overarching to get
15 us where we need to be, so we don't end up piecemealing things
16 together and having holes, and so I would like your feedback.
17 Dr. Barbieri.

18
19 **DR. LUIZ BARBIERI:** Thank you, Madam Chair. I don't want to
20 butt into your meeting, but I just wanted to take this
21 opportunity -- I think it's a convenient time for me to give you
22 an update on what's going on in terms of our planned meeting
23 coordinating all the different surveys that have been developed
24 for the Gulf and that have been piloted along the way, and that
25 is leading to our state management programs for red snapper and
26 for monitoring those things.

27
28 You may remember, and I know you have asked me several times for
29 updates, and so I thought right after John's talk would be a
30 good opportunity to update you on this, but we are very thankful
31 to the Gulf States Marine Fisheries Commission for working with
32 the MRIP program and coordinating all the different Gulf states.

33
34 We have a planning call now scheduled for Monday, April 30 to
35 start the process. This is the steering committee that is
36 planning the next meeting, that is going to bring together MRIP
37 staff and other statistical consultants and all the different
38 science groups from different states in the Gulf to coordinate
39 how we're going to move forward in either adapting or
40 integrating all the different surveys into generating a single
41 currency type of metric for recreational fisheries.

42
43 It's a tall order to get there, and I'm not saying that we're
44 going to be able to do this in one meeting, but I just wanted to
45 give you the update timely after this topic that we're going to
46 be working on our Gulf reef fish surveys. Right now, it's
47 mostly focused on red snapper, but with the intent of actually
48 expanding that to other reef fisheries as well.

1
2 **MS. BOSARGE:** Well, thank you. I am glad. I have been
3 wondering about that, and so maybe we'll get you back to give us
4 an update after you have your meeting. Dr. Crabtree.
5

6 **DR. CRABTREE:** Well, just thinking about the permit issue, it
7 seems to me that, if we were going to require a Gulf reef fish
8 permit to focus the effort survey -- I would be happy to look at
9 that, but I suspect the benefits will be relatively small.
10

11 It would not apply to Texas or Louisiana, since they do their
12 own surveys, and Florida has already implemented a Gulf reef
13 fish endorsement, and so presumably that would be recognized in
14 lieu of any kind of permit, and so you're really just talking
15 Alabama and Mississippi, and I don't know if Tails n' Scales --
16 Is that just a red snapper survey? I can't recall, or is that
17 more species?
18

19 **DR. MICKLE:** The web development is a very expensive process,
20 and it's currently designed for red snapper only, but we have
21 built in the placeholders for multiple species on the frontend,
22 and so we can add them very inexpensively now, and so it's built
23 to be multispecies, but it's presently single.
24

25 **DR. CRABTREE:** At any rate, my point is that this would apply to
26 only a fraction, and considerably less than half, I would guess,
27 of the effort in the Gulf of Mexico if we go down this path.
28

29 **MS. BOSARGE:** I guess I looked at it differently. If it's a
30 permit for private anglers in federal waters, that's what it is.
31 We don't divide our federal waters up by state.
32

33 **DR. CRABTREE:** Well, but you've got to think about what's the
34 purpose of the permit, and if the purpose of the permit is to do
35 an effort survey to go into the MRIP catch estimates, then we
36 don't do MRIP catch estimates in Texas. Parks and Wildlife does
37 that, and we don't do MRIP estimates in Louisiana. LA Creel
38 does that, and so how could we justify requiring those anglers
39 to buy a permit for a survey they're not a part of the universe
40 of anyway, because we wouldn't be surveying them.
41

42 Then it seems to me that the Florida permit is actually better
43 than a federal permit, because it applies to everyone landing.
44 One problem you will have with a federal recreational private
45 permit is people fishing in state waters won't get it, and so
46 you're going to have a certain fraction of the universe that
47 doesn't get the permit, and then you will have to apply a
48 correction factor to adjust for that, and so it doesn't seem to

1 me that we would require anglers landing in Florida to have it,
2 because they would already be covered by the state permit, and
3 so you see what I'm getting at.

4
5 It gets complicated, but I don't see how we would get much
6 benefit out, other than the estimates for Alabama and
7 Mississippi, and I think that would be something really worth
8 talking to the MRIP folks about, as to how that might work.

9
10 **MS. BOSARGE:** Okay. Well, it's obviously more complicated, as
11 usual, than you would think at first, and I guess my ultimate
12 goal was to get to a point where private anglers could report
13 their catch, and I realize that's way in the future, and
14 voluntary reporting has issues, but you have to start somewhere,
15 right?

16
17 We have a couple of states that have stood up programs where
18 they do have reporting per vessel or per angler or whatever, but
19 it's mainly for one species, and we have issues with more than
20 one species, and I just saw this as being proactive to try and
21 get ahead of things and allow those anglers to start reporting
22 their catches.

23
24 Now, I was trying to start small with a permit and say, okay, we
25 could go there, and that will help us hone-in, at least with the
26 effort surveys that we have now, and that will provide some
27 improvements, but, eventually, that could lead to them being
28 able to give us the reporting that they want to, and, at some
29 point, we have to get there.

30
31 I'm sure there are anglers in states that maybe don't
32 participate in MRIP that would still like to report on some of
33 those catches, and so this would be an avenue for them to do
34 that.

35
36 **DR. CRABTREE:** If I could, I mean, at some point, you've got to
37 reconcile the path that we've taken with all these other --
38 We've gone down the path of each state doing their own reporting
39 program. If that's where we're going to go, then it's not clear
40 to me how this fits into that, and that seems to be the path
41 we're going down at this point, for better or for worse.

42
43 **MS. BOSARGE:** We are, but -- I mean, not to pick on anybody, but
44 I think there's two states that I don't see right now how they
45 get to that point where they can have private anglers
46 individually reporting, and that's not to say that -- It's just
47 because of, right now, the way their system is set up -- Look at
48 Florida's coastline and the sheer volume of anglers that they

1 have, and I have asked them about it, and they're like, well,
2 that's just not feasible for us with our resources, and so I
3 guess my thought was, if I put it on the resources of the
4 federal government, by requiring the permit, then that takes the
5 monkey off their back.

6
7 **DR. CRABTREE:** Well, I just think you've got to split this
8 argument. If you're talking about a survey to improve the
9 effort estimates, that's one thing, that kind of permit. If
10 you're going to self-reporting, that's a completely different
11 animal that would be dealt with in a totally different fashion,
12 and so I think you've got to decide which way you're going and
13 then figure that out, but, to me, improving the existing effort
14 survey is totally different than asking anglers to report.

15
16 **CHAIRMAN GREENE:** Dr. Mickle and then Ms. Guyas.

17
18 **DR. MICKLE:** Just chiming in on these different ways to look at
19 it, and I think Roy has made some really good points of there is
20 two different beasts here, and, also, I want to talk about that
21 accuracy is one thing and timing is another.

22
23 Timing is becoming more and more important in the Gulf Council
24 decision-making process, and I will provide examples of this.
25 If you have accurate landings, that's fine, but timing itself --
26 If you can provide the landings, whether they are somewhat
27 accurate or not, in a timely manner, then that allows you to
28 estimate your season. You can extend it or shut it down so that
29 you don't have that overage and you don't affect the next year,
30 what we just passed with the state amendment.

31
32 Also, the issue of the timing, right now, and in the very near
33 future, having slow timing is an advantage in management, and
34 that is not a good thing. Does everybody understand that?
35 Having non-timely data is a true advantage in a lot of
36 management decisions, especially with the state amendments at
37 this point, in a way.

38
39 **CHAIRMAN GREENE:** Ms. Guyas.

40
41 **MS. GUYAS:** Leann, just to, I guess, go back to what you were
42 saying, I think what you're asking for here is what we are
43 already doing. I think that's what Roy was trying to explain.
44 I mean, it is exactly what Florida's system is doing.

45
46 We have this Gulf reef fish survey for ten reef fish species,
47 where we are using MRIP, but we're supplementing it to really
48 target and get better information about what's happening in the

1 recreational fishery for those species specifically. I mean, it
2 is exactly what you're asking for. Self-reporting is a
3 completely different thing, and we're looking at that as well.

4
5 I mean, part of what our pilot program is, at least for red
6 snapper right now, we're going to have this voluntary component
7 where folks can report on iAngler, and so it's something that
8 we're looking at, but we are already, I think, individually as
9 states, also as Roy mentioned, we're all kind of working in this
10 direction already, and I think it will be difficult, now that
11 there are already five different systems kind of in the works or
12 happening now, adding another layer on to that, and then what do
13 we do? It's just -- I appreciate what you want to do, I think,
14 and I think we're all trying to get there, but it sounds like
15 we're already down the road a bit.

16
17 **MS. BOSARGE:** Okay, and so maybe the next-best step is to have
18 Luiz give me an update after you finish your meeting with the
19 five states, and maybe then I will have a better grounding on
20 maybe how what I was envisioning is actually already happening,
21 that we will be able to have private angler reporting on the
22 angler or boat level in real-time. Mr. Sanchez.

23
24 **MR. SANCHEZ:** I do share Dr. Mickle's comments regarding timing,
25 because, earlier this morning, I was thinking the same thing.
26 We've got different reporting methodologies within the different
27 states, and some are working to improve theirs, and that's
28 encouraging, but, at least if we could have, and I don't know
29 that it's possible, given the way the system is set up, some
30 uniformity in the timeliness of the reporting of the landings,
31 that would help forecast future allocations and future quotas
32 and future this and that on a state-by-state basis right now,
33 and that's kind of difficult right now, the way we've been doing
34 it in the past.

35
36 **CHAIRMAN GREENE:** Okay, and so we are going to wrap that portion
37 of the agenda up, and we're going to take a very short ten-
38 minute break. We are slated for three hours for the commercial
39 IFQ programs, and it's ten o'clock, almost, and so we will pick
40 up at ten o'clock, sharp. If you would be back in your seat, I
41 would greatly appreciate it, so we can try to get back on
42 schedule.

43
44 (Whereupon, a brief recess was taken.)

45
46 **CHAIRMAN GREENE:** This will be Tab B, Number 9, and the
47 associated stuff will be listed on your agenda as modified, and
48 so, with that, we will pick up on the Commercial IFQ Programs,

1 and I will turn it over to Dr. Diagne at this time.

2
3 **COMMERCIAL IFQ PROGRAMS**
4 **GROUPE-TILEFISH IFQ FIVE-YEAR PROGRAM REVIEW DOCUMENT AND**
5 **PRESENTATION**
6

7 **DR. ASSANE DIAGNE:** Thank you, Mr. Chair. We have a
8 presentation for the grouper-tilefish five-year review. For
9 this presentation, Dr. Jessica Stephen is going to start, and
10 she'll cover the first part. Then I will cover the rest, and so
11 I will turn it over to her. Thank you.

12
13 **CHAIRMAN GREENE:** Okay. Dr. Stephen, whenever you're ready.

14
15 **DR. JESSICA STEPHEN:** Okay, and so we presented some portions to
16 you guys in the past, and this is kind of our conclusion as
17 we're bringing everything together, and there might still be
18 opportunity to add more information and discussion to this.

19
20 Just as a reminder, Reef Fish Amendment 29 established the
21 grouper-tilefish program back in 2010, and we are mandated under
22 MSA to review an IFQ program after the first five years, and so,
23 for the points of this review, we're only looking at the years
24 2010 through 2014, and I just wanted to remind you that, during
25 that time period, a reef fish permit was needed to acquire
26 shares and allocation and to land IFQ species.

27
28 Since then, we've had what we call public participation, where
29 you no longer need a permit to obtain an IFQ account and hold
30 shares or allocation, although you do still need it to land
31 fish.

32
33 Under the requirement to review the program, there are certain
34 elements that we need to look through, and so we always want to
35 evaluate the progress in meeting the goals and objectives, and
36 then we want to look at comparisons of pre to post-IFQ, and
37 there is also guidelines from the National Marine Fisheries
38 Service of specific elements that we need to be analyzing, and
39 so this is a little different than what you saw at the red
40 snapper five-year review, which was done prior to this guidance,
41 although that led into this guidance and many of the elements
42 may be the same.

43
44 Just to remind you of what our goals and objectives are for the
45 grouper-tilefish program, it was to rationalize effort and
46 reduce overcapacity in order to achieve and maintain optimum
47 yield, and there are certain benefits that we anticipated coming
48 from these two goals, such as increased market stability, the

1 elimination of any quota closures, improvement for safety-at-
2 sea, improved profitability of the commercial grouper fishermen,
3 and reduce discards.

4
5 Just to remind you guys, the two terms we'll be using throughout
6 this presentation is "share", which is a percentage of the
7 commercial quota, and so all shares equal 100 percent, and then
8 "allocation" results from shares by taking that percentage by
9 the quota, and you get allocation, or pounds, and that is what
10 is used to harvest the species, and all of our allocation in
11 this program expires at the end of the year, and so it's just
12 annual.

13
14 Just to give you a quick graphic of the way that shares work,
15 your share could be 1 percent, but, depending on what the quota
16 is, that may mean that your allocation that you get differs, and
17 this example of the quota is at three-million pounds and you
18 only get 30,000 pounds, where, if it's at one-million pounds,
19 you get 10,000, although your share has remained the same.

20
21 Grouper-tilefish is a multispecies program, and we have five
22 share categories. We have red grouper and gag, and those are
23 each single-species categories, and then we have our
24 multispecies categories of deepwater grouper, tilefish, and
25 other shallow-water grouper.

26
27 The species for each of those are listed below in this graphic,
28 and I just want to point out that the species with the crossed-
29 out lines were removed in 2012, and the species that have
30 numbers behind them, the superscripts, are ones that have
31 multiuse flexibility, and I will get into that a little bit
32 later.

33
34 The ability of the flexibility in multiuse is to help reduce
35 discards. We do have multiuse in red grouper and gag. What
36 occurs then is, when a portion of the quota is released, a
37 percentage of that gag or red grouper allocation from those
38 shares gets converted into gag multiuse or red grouper multiuse
39 allocation. Those multiuse allocations can be used to land
40 either gag or red grouper, and how much you get since 2013 has
41 been based on a formula.

42
43 Just to explain how this goes graphically, if you have your red
44 grouper shares and your gag shares, that comes down to
45 allocation, and what the system then does is takes a portion of
46 that allocation and divides it out into red grouper and red
47 grouper multiuse. In this example, 96 percent of the red
48 grouper allocation got converted to red grouper and 4 percent

1 moved to multiuse.

2
3 The other flexibility measures we have are with deepwater and
4 shallow-water groupers, and so scamp is a shallow-water grouper,
5 and, if you've landed all your shallow-water grouper allocation
6 in your account, you can then land scamp under your deepwater
7 grouper. Likewise, speckled and warsaw are deepwater, and, if
8 all of your deepwater grouper allocation has been used, it can
9 then be landed under shallow-water grouper.

10
11 For these species, I want to just point out that the system
12 determines what allocation comes out of what category, and it's
13 not the fishermen predetermining it, and so it's automatically
14 calculated through the system.

15
16 We have different types of accounts in the IFQ system. We have
17 what we call a shareholder account. Now, a shareholder account
18 may or may not hold shares, and they are used to transfer shares
19 and allocation, and they can be associated with multiple
20 vessels. The vessel account is always related to the
21 shareholder account. What that means is that the name on the
22 vessel permit needs to match the name on the shareholder
23 account, and there must at least be sufficient allocation in
24 that vessel account prior to an actual landing transaction.

25
26 Finally, we have a dealer account, which is associated with a
27 federal dealer permit. Dealers complete landings transactions,
28 and they also collect the cost recovery fee from the fishermen
29 and then submit it to NOAA. I want to point out that a dealer
30 account by itself cannot hold shares or allocation.

31
32 When we're talking about shareholder accounts, I'm going to
33 spend a little bit of time on how these accounts are set up, so
34 that it will play into our conversation later. Each shareholder
35 account is held by a unique set of entities, and that could be a
36 single individual, or it can also be multiple individuals. It
37 could be a single business or multiple businesses as well as any
38 combination of these two.

39
40 When we use the term "entities", entities can refer to an
41 individual, a business, or a combination thereof, and one thing
42 I want to point out is, because of these different ways in which
43 you get a unique set of entities, you have what we call related
44 accounts, and that means a person could be involved as an
45 individual, and they could also be part of a corporation, or
46 they could be involved in an account that has a combination of
47 individuals and/or businesses.

48

1 Just a quick reminder of how the IFQ program works when they go
2 fishing. Prior to leaving for a trip, fishermen must declare
3 that they are fishing.

4
5 When we're looking at the first element we're required to look
6 at, it's how is the data collected in the program and how does
7 the data get reported and are there any data gaps, and so our
8 program is a completely online electronic system. The website
9 is used to complete all transactions. That means all allocation
10 and share transfers between people, landings transactions, and
11 landing notifications, registration of any new landing
12 locations, and the method to view and pay cost recovery fees.

13
14 When we looked at what our data gaps were, the only data gap we
15 found was in the collection of share and allocation prices, and
16 this is a table of the different valid share prices that we've
17 looked at over time, and so the percentage you see is the
18 percentage of what we're considering valid share prices, and
19 those are share prices that seem to match what the industry is
20 telling us and seem most likely. What you do see is that we
21 have increased the number of valid share prices over time, but,
22 in general, we're still at lower than what we expected.

23
24 What we did is we started looking into the reasons for the
25 different prices that we're getting, and, in 2013, we required
26 that the reason for the transfer was put in for every share
27 transfer, and we chose these reasons based on communication with
28 the industry of things that they thought were happening.

29
30 A couple of ones that I want to point out there is a package
31 deal. Frequently, a fisherman may sell the shares with the
32 vessel and the permit or some combination thereof, and they just
33 have a total price. They haven't worked out what the price of
34 the shares were in that entire transaction, and so that tends to
35 lead to a higher value than typically seen in the industry.

36
37 On the other hand, we also have gift, bartering, and
38 transferring to related accounts, and those tend to be lower
39 than what we would expect to see, and so, if you're gifting it,
40 obviously the price is either going to be reduced or zero, and,
41 if you're transferring it to an account that you're a part of, a
42 related account, it may also be zero at that point.

43
44 **CHAIRMAN GREENE:** Hang on. We've got one question from Mr.
45 Diaz.

46
47 **MR. DIAZ:** Thank you, and maybe I might be jumping the gun here,
48 but when I was reading through all of this stuff at home, and I

1 did read through the document also, this concept of valid really
2 kind of made me stop and figure out -- From reading the
3 documents and what you just said, you all have done things over
4 time to get better information, and it looks like that is moving
5 in a positive direction, but, in your opinion, is that something
6 that we should be worrying about now, or is it -- Is it being
7 handled in a way where you think it's getting better and it will
8 correct to a point that we're satisfied?

9
10 **DR. STEPHEN:** I guess I kind of have two different opinions on
11 this. In general, our price data, even though I'm pointing it
12 out as a data gap, is better than most other programs in the
13 country.

14
15 On the other hand, we can always look for better price data.
16 One of the things that we did was outreach in 2012, and that's
17 where we saw a big jump, and we communicated about why the
18 importance of reporting this price to us helped the industry as
19 a whole down the road, in showing how that economic analysis
20 plays into it.

21
22 The one thing I do think that could probably help in both share
23 and allocation prices is dropping this no-comment field, and so
24 the no-comment field doesn't give us as much information. When
25 we started looking at these transfer reasons and how we were
26 doing our analysis, it validated our analysis to a big extent,
27 because the zero price fields were frequently a transfer to a
28 related account, which you don't expect an actual market value
29 in that case. Then the same thing with bartering and package
30 deals. That helped us realize that we were on the right track
31 in the analysis that we were doing.

32
33 **MR. DIAZ:** I can kind of -- I don't know, and I'm trying to
34 think through it, and I think me and Kevin had a conversation
35 this morning for a few minutes, but, I mean, I could see where
36 folks might be reluctant to report price information and whether
37 they feel like it's even the government's right to know, but, at
38 the same time, if it's valuable for us to get accurate
39 information and to have our data as accurate as possible, that's
40 what I am trying to reconcile, and so, anyway, thank you for
41 your comments.

42
43 **DR. STEPHEN:** Yes, and one thing is share prices are required,
44 to enter a share price, but you can still put in a penny, and so
45 we don't require a specific amount, because that would actually
46 take a lot of QA/QC, because what you're doing is you're
47 requiring the total value for that share transaction, and let's
48 be honest that most of us don't think in what a percentage is

1 worth.

2
3 We think of how many pounds does that equate to, and that
4 changes every year if the quota changes, and so it would be
5 constant work to try and keep some validation in there, and then
6 it wouldn't supply that information if you are transferring to a
7 related account or gifting something. That truly is a zero
8 value.

9
10 We also looked at the same idea of valid prices for allocation
11 prices, and you can see here that this is a much lower
12 percentage than what we saw with the share prices, and this is
13 actually one of the points where we struggle the most.

14
15 Allocation prices do not have a required field, and that was put
16 in place because a lot of times allocation is transferred to a
17 vessel while they are at-sea, and you want to have something
18 that is able to be quickly done for them, and, if you add that
19 additional field, it might delay the transaction of that
20 allocation to that vessel in time for a landing, which, at the
21 time of the program, we were not willing to go down that, but
22 that, of course, could be a council decision if they think they
23 want to change that.

24
25 Once again, we've seen an increase though in the amount of valid
26 allocation prices over time. Similarly, again, what you can see
27 is the different reasons for those allocation transfer prices,
28 and here is where I made the mention of the no-comment. The
29 majority of the transactions had "no-comment" listed, and you
30 can also see the amount of pounds transferred under that were
31 typically the majority of pounds each year, and so gathering
32 some more information and helping us validate that might be
33 helpful for improving price collection data.

34
35 The next category or element that we need to look at was the
36 eligibility and participation in the program, and so, just to
37 remind you guys of how it works, if someone wants to join the
38 program, they contact the IFQ staff, through our customer
39 support line, and they obtain an account.

40
41 Within the first five years, you needed that commercial reef
42 fish permit in order to obtain that account or a dealer permit
43 for a dealer account. After that, we did open it up to the
44 public participants, and those people who don't have a permit
45 that want an account are required to fill out an application
46 that has kind of all the relevant information required, similar
47 to what you see on our permit application, such as name,
48 address, contact information, and birthday or incorporation

1 date.

2
3 We're looking at changes over time in the number of accounts
4 that held shares, and so what you see is that, from the initial
5 distribution, and that was January 1, 2010, to where we are in
6 2014, there has typically been a decrease in the number of
7 shareholders over time.

8
9 That decrease more frequently occurred in the small
10 shareholders, and so a small shareholder might have had such a
11 small percentage that it wasn't worth their while to harvest it,
12 and so they might have decided to sell those shares to someone
13 else. This has been typically seen in many catch share
14 programs, and it actually was part of one of the goals of
15 reducing overcapacity.

16
17 Because this is a multi-category program, what we looked at is
18 how many shareholders actually hold shares in more than one
19 category, and you see that very few of them initially held
20 shares in just one category. A bulk of them typically held
21 shares in three or more categories over time.

22
23 One thing to point out in our more recent data is we have
24 actually seen a slight reversal in this, where we're increasing
25 the number of shareholders who held shares in just one category.

26
27 We also look at how many people acquire shares for the first
28 time, and so, when we look at this, we look at it by share
29 category. If you held shares in gag, but you didn't hold shares
30 in deepwater grouper and then obtained shares, you would be
31 registered under the deepwater grouper as a new shareholder in
32 that category.

33
34 What we see is a fairly steady number of accounts typically
35 getting new shares for the first time in each category over
36 time, although the percentage of shares, which is the number in
37 parentheses underneath, was typically greater within the first
38 year of the program, as expected.

39
40 One of the questions, as we've looked through it, is how many of
41 these shareholders had a permit and how many of the shareholders
42 don't have a permit, and, again, in the first five years, you
43 needed the permit to get the account, but then you could sell
44 your permit and retain your shares thereafter, and what we saw
45 in each share category was a typical trend of an increase in the
46 number of accounts that did not have a permit but held shares.

47
48 Now, I want to caution that we still have these ideas of related

1 accounts, and, early on in the program, if people had
2 incorporated all their vessels, a lot of times they find it very
3 difficult to manage their shares across four or five different
4 accounts, and I know I have personally helped quite a few people
5 move all of those shares to one account. If that account no
6 longer then had a permit, that might be part of what's occurring
7 with this trend, and so keep in mind the idea of related
8 accounts as we look at these trends.

9
10 Likewise, we looked at the number of accounts that had
11 allocation, and remember that you do not need to have shares in
12 order to have allocation, and so what we were doing is looking
13 at the total number of accounts and what percentage of those
14 accounts got at least one of their pounds of allocation through
15 shares, and so a couple of things to point out on these tables.

16
17 One is that the number of accounts with allocation is typically
18 much higher than the number of accounts with shares, and what
19 we've seen is the decrease in the percentage of the number of
20 accounts that were obtaining their allocation through shares,
21 although it's not a large decrease.

22
23 We looked at the number of dealers participating, and we decided
24 to group the dealers as small, medium, and large by the
25 percentage of overall landings that were going through those
26 particular dealers, and so a small dealer typically takes less
27 than 1 percent of the total landings.

28
29 What we've seen over time is an increase in the number of
30 dealers, and we've also seen particularly an increase in the
31 number of those small dealers. From talking with industry, we
32 have realized a lot of times that a fisherman might become his
33 own dealer, and, therefore, that could be the increase in that
34 number of small dealers.

35
36 We looked at the number of vessels over time, and, here, we're
37 looking at the pre-IFQ numbers in the light-blue color and
38 comparing that to the number of vessels since the program, and
39 so, at the start of the program, there was a fairly considerable
40 decrease in the number of vessels, and that has continued to
41 roughly decrease over time, although we see little up and down
42 movements overall.

43
44 Looking further into how participation occurs in the program, we
45 looked at also the volume of shares held by those by permit
46 status, and so, before, we were looking at just the total number
47 of accounts that held shares with and without a permit, and,
48 here, we looked at the volume of shares held, and so this is a

1 little bit different picture than what we showed before.
2 Although there was an increase in the number of accounts holding
3 shares without a permit, the majority of volume of shares is
4 still being held in accounts with permits.

5
6 The commercial quota has changed over time for a variety of the
7 different species, and the one that I would like to point out in
8 particular is gag in 2011, and the quota dropped to 430,000
9 pounds, and, just to remind you, it started the year at I
10 believe 100,000 pounds, and so it was a very dramatic drop in
11 the quota, and that did have effects overall in the IFQ program.

12
13 We looked at share status as well in the number of accounts that
14 are landing, and so how much of the landings are coming from
15 accounts with shares versus accounts without shares, and we've
16 seen an increase, again, in the accounts without shares having a
17 higher percentage of the landings, although, in general, with
18 the exception of tilefish, the bulk of the landings are still
19 coming from accounts that also have shares.

20
21 Overall, we're looking at how much of the quota has been landed
22 over time, and you can see this differs by different share
23 categories. For example, shallow-water grouper rarely hits a
24 high percentage of the quota being landed, versus something like
25 deepwater grouper, where you get to 94 percent of the quota
26 being landed.

27
28 When we're looking at participation, we also look at what the
29 different ownership caps are in the program, and so there is a
30 share cap for each category, and those are listed in the table
31 below. The grouper-tilefish program also has an allocation cap,
32 and so the allocation cap is the total amount of pounds that
33 correspond to all the different share caps for any one single
34 point in time. This is different than a lot of other catch
35 share programs, which typically have something that relates more
36 to an allocation cap that is a landing cap related to a vessel.

37
38 Looking at share transfers over time, we see the majority of
39 share transfers typically occurred in the first year of the
40 program. Again, it's not unexpected, and you can also see the
41 highest volume of shares typically occurred at that point in
42 time. Thereafter, the number of share transfers has decreased
43 in most of the share categories, and the average amount of share
44 transfers has been fairly steady in most of the share categories
45 over time.

46
47 We took a look at allocation transfers as well, and the one
48 thing I want to point out here is not only do we have a much

1 higher number of allocation transfers occurring over time, but,
2 at times, the allocation transfer can exceed the quota, and so
3 this might be confusing to those of you not completely familiar
4 with the program.

5
6 The way the program works is that you're given allocation, and
7 they are not sequentially numbered or identified in any way, and
8 so think of it as you have a pot and you have five-dollars in
9 it. Then someone else gives you five-dollars, and then you give
10 someone else two-dollars. Were the two-dollars part of your
11 original five or part of the five that came from someone else or
12 part of the combination between the two? Because we don't track
13 that and we just track the total amount of allocation as it
14 transfers hands, we typically can exceed the quota in the number
15 of allocation transfers.

16
17 This is back to some price data, and so, when we're looking at
18 these valid share prices, we calculate the average share price
19 for each category for each year and then we -- In order to
20 compare them, what you do is look at inflation-adjusted prices,
21 and so, if you want to look at a comparison over time, those are
22 the ones to -- That's the column to look at.

23
24 What we have typically seen is an increase in share prices. One
25 of the greater increases occurred in gag in 2011, and remember
26 that was also when there was a quota drop. Typically, they have
27 stayed at that value or increased slightly over time.
28 Allocation prices are the price -- I see a question.

29
30 **CHAIRMAN GREENE:** Mr. Diaz.

31
32 **MR. DIAZ:** For this average share prices that you're showing
33 here, would this be one of those things that would have a
34 problem with valid responses or not?

35
36 **DR. STEPHEN:** Correct, and so these share prices shown here are
37 only from the valid prices that were given, and we basically
38 throw out the outliers. Moving on, allocation prices have
39 typically remained fairly steady over time for some categories.
40 There are some potential areas where you see considerable
41 increases or decreases. For example, shallow-water grouper
42 between 2012 and 2013, went from \$1.20 to eighty-six cents a
43 pound.

44
45 Allocation prices are often driven by ex-vessel prices. Ex-
46 vessel prices, for those of you who are not familiar with the
47 term, are the price that the dealer pays to the fishermen, and
48 what we typically see here is that ex-vessel prices have

1 remained fairly stable over time for most species.

2
3 Moving on to discard ratios, and so we looked at the discard
4 ratio for both red grouper and gag in this report, and we
5 compared the pre-IFQ, which is roughly 2007 through 2009, to the
6 post-IFQ time period, and what we've seen for red grouper is
7 that the IFQ program was very successful at reducing the discard
8 ratios for red grouper, both by different gear types and by
9 different regions.

10
11 When we look at gag grouper, we see a very different pattern
12 that's occurring, and so it appears that, overall, the post-IFQ
13 discard ratio is higher than the pre-IFQ, but what I would like
14 to point out to everyone is the 2011, row, where we see
15 extremely high discards, and remember that we dropped the quota
16 by two-thirds or more, and they initially only had 100,000
17 pounds for the first six months of the year, which would most
18 likely result in high discards. If you take the 2011 value out,
19 the discard ratios are actually lower for post-IFQ compared to
20 pre-IFQ.

21
22 We also wanted to investigate the red grouper and gag multiuse
23 in a little bit more detail here, and so what you see in the
24 first is a table of the different multiuse in each year. Now,
25 only in 2010 did we have red grouper multiuse, and we have also
26 gotten red grouper multiuse back in more recent years, and so
27 most of the analysis was looking at the gag multiuse, and,
28 typically, multiuse is used to land its primary category, and so
29 you can see that the majority of gag multiuse was used to land
30 gag, with the exception of 2014. It was still mostly used to
31 land gag, but we saw a much higher percentage than typical in
32 landings of red grouper under the gag multiuse.

33
34 The other element we were looking at was monitoring and
35 enforcement, and so what we were typically doing was looking at
36 the number of IFQ cases that went in front of law enforcement
37 for seizures, and then we break those out into which of those
38 cases are red snapper and which of those cases are grouper-
39 tilefish.

40
41 Overall, you can see that there aren't very many cases over time
42 and that they have typically decreased. One thing that law
43 enforcement is looking at is using summary settlement statements
44 for IFQ violations rather than using seizures as a primary
45 mechanism for enforcement. The summary settlements for IFQ
46 could include such things as transportation violations, and that
47 would be transporting fish across land without a landing
48 transaction, actions related to pre-landing notifications,

1 landing prior to your time or not using a pre-landing
2 notification, insufficient allocation aboard the vessel at the
3 time of landing, offload violations, and the offload timeframe
4 is -- Offloads must happen between 6:00 a.m. and 6:00 p.m.

5
6 Then the timely reporting of landings transactions, which the
7 current regulations state that landings transactions must be
8 completed on the day of offload or within ninety-six hours of
9 the landing notification, whichever is sooner.

10
11 The last portion that I am going to talk about is the
12 administration and cost recovery, and so what you see here is
13 how the cost recovery has been spent on the administration of
14 the program. At this point in time, the cost recovery from the
15 grouper-tilefish program has fully funded the program's
16 expenses, and I want to keep in mind that all the expenses for
17 the initial program setup are not included in this. Cost
18 recovery cannot be used to pay for those. Then the majority of
19 our expenses go to enforcement as well as salary and benefits.
20 I think this is yours, Assane.

21
22 **DR. DIAGNE:** Mr. Chair, should we pause at this point, if there
23 are some questions, because this is pretty lengthy.

24
25 **CHAIRMAN GREENE:** Absolutely. Are there any questions? Mr.
26 Anson.

27
28 **MR. ANSON:** A couple of slides that I'm unclear about the data
29 as it was presented, and so you had the one slide on reasons for
30 transfers, and you provided the raw numbers, I guess, of the
31 transactions and then the percent of the responses or the raw
32 numbers of the responses and then the percentage, and the
33 percentages didn't equal 100 percent, and so I thought that you
34 would have documented 100 percent of the responses, whether or
35 not there was no response or they checked the box that said this
36 is the reason, and so it just didn't total 100, and so maybe I
37 just didn't understand how the process occurred and you just
38 would never get to 100 percent, but it came out to about 70
39 percent when I added up all the numbers in the column.

40
41 **DR. STEPHEN:** That should have added to 100 percent, and so
42 there might be a typo in that one, and so it would be in the
43 report itself?

44
45 **MR. ANSON:** Yes, if you continue moving up one more or two more,
46 maybe. I think it's this one.

47
48 **DR. STEPHEN:** This is the percentage of shares. It's the volume

1 of shares in this one, and so, likewise in the allocation one,
2 it was the number of pounds, and it's kind of a problem that
3 shares are in a percentage as well, but it's not a calculated
4 percentage.

5

6 **MR. ANSON:** I had one other question, Mr. Greene.

7

8 **MR. GREENE:** Please.

9

10 **MR. ANSON:** The second question was you showed the two slides
11 where you had the prices as they were completed or given on the
12 share price and how those -- They had some pretty dramatic jumps
13 in the first year for a couple of the categories, but they
14 continued to go up a little bit in the time series from the
15 beginning, and yet the dockside prices have remained relatively
16 stable throughout that time period, and I'm just wondering if
17 you know anything about the dynamics of that. Is that just more
18 speculation in the fishery as far as those that are able to sell
19 the shares?

20

21 **DR. STEPHEN:** I am probably going to get this wrong, and so I
22 might let Assane explain the difference between how the value of
23 shares is more of a long-term expectation and the value of
24 allocation is more of a short-term expectation. Assane, do you
25 want to kind of expand on that?

26

27 **DR. DIAGNE:** Yes, and just exactly what you said. Essentially,
28 when you buy an asset, you expect a certain stream of income
29 over time, and so the share price would be the price of the
30 asset itself, but the allocation prices would be the expected
31 stream of annual income that you could derive from that asset,
32 and so that would be the relationship.

33

34 **MR. ANSON:** Yes, and I guess I was more curious about -- You
35 have the allocation price, as you described it, as being just a
36 one-time fee, and I thought there would be some tie-in with the
37 ex-vessel price versus the share price, in that, again, your
38 anticipation over time is that you will get X income, but, if
39 the dockside prices are remaining relatively flat, shouldn't the
40 share prices remain relatively flat, all things being economic?

41

42 **DR. DIAGNE:** The share prices are a much longer-term view, and
43 that's the thing, and the allocation price, or the ex-vessel
44 prices, fluctuate, really, on a monthly, if you would, or daily
45 basis, in some cases. There is not necessarily a tight, if you
46 would, correlation between those.

47

48 **DR. STEPHEN:** If I can to that, when you're thinking of ex-

1 vessel prices with the multispecies categories, the ex-vessel
2 price of the different species could be very different within
3 that same share category, but your allocation price is an
4 allocation price for all of them.

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

7
8 **MR. BOYD:** A question, and thank you. I didn't see anything in
9 here about leasing. Is leasing allowed in the grouper-tilefish
10 IFQ?

11
12 **DR. STEPHEN:** You picked up my favorite word that is my pet-
13 peeve. In the IFQ program, we don't technically do leasing.
14 That's an industry term. Any allocation transfer is what the
15 industry calls a lease, and so all the allocation transfers
16 would be leasing.

17
18 **MR. BOYD:** A follow-up on that. So there are two categories of
19 transfer then? There is a real sale, which transfers it, or
20 there could be a lease, which comes back that same year, that
21 next year?

22
23 **DR. STEPHEN:** No, that's incorrect. What we consider is, every
24 time allocation transfers, NOAA considers that a permanent
25 transfer of that allocation, and so, if you would transfer
26 allocation to me and then you had a problem, you can't go to
27 NOAA and say I want that back. That's between the two people
28 transferring.

29
30 Now, we do see, in talking to industry, some people have an
31 agreement with someone that I will give you 500 pounds to catch
32 this, but, if you don't catch it, I want it back, and so we see
33 that as two transfers, and, again, that's why the allocation
34 transfers are typically higher than the quota.

35
36 **CHAIRMAN GREENE:** Is there further discussion? Yes, Lieutenant.

37
38 **LT. ZANOWICZ:** I just had one thing that I was curious about.
39 On this share prices slide, what is the unit of one share? As I
40 understand it, the share is percentage of the ACL, and so, for
41 this price here, what does one share refer to, what percentage?

42
43 **DR. STEPHEN:** Since a percentage of share, and we go out to six
44 decimals, is not something anyone can equate to, what we do is
45 we take every share transaction, and, at that point in time, we
46 convert it into a price for what we call an equivalent pound.
47 It's a price per pound at that point in time. Now, as the quota
48 changes, what a share's equivalent pounds is can change with

1 that.

2
3 **CHAIRMAN GREENE:** Is there further discussion? I don't see any
4 further discussion. Dr. Diagne, I guess it's you from here?

5
6 **DR. DIAGNE:** Thank you, Mr. Chair. For the remainder of the
7 presentation, we will cover a few of the studies that were
8 conducted for the review, and we will summarize some of the
9 findings also for the surveys that we had.

10
11 The first issue that we would like to talk about here has to do
12 with IFQ programs and the ex-vessel prices. A study was
13 conducted and looked at the -- It was essentially a demand
14 analysis, and we had, in that study, the landings in the Gulf of
15 Mexico as well as the key imported species, and that was
16 snapper, grouper, and dolphin.

17
18 The analysis relied on monthly data between 1997 and 2014, and
19 the main conclusion of the study was that, after controlling for
20 other relevant factors, the IFQ programs, both the red snapper
21 program and the grouper-tilefish program, had no significant
22 influence on the ex-vessel prices. We saw prices going up
23 during that time period, especially after the economic recovery,
24 but, based on this study, we cannot attribute that price
25 increase to the IFQ programs. Another finding of the study was
26 that the seasonality in the prices was suggested.

27
28 A second study that was conducted looked at market power in the
29 various markets, and, by that, I mean the share market, the
30 allocation market, as well as the end sale of the product, the
31 ex-vessel prices. In all three markets, the landings, the IFQ
32 shares, and allocation, there is no evidence of market power at
33 this point. Another finding of the study also indicated that
34 the share caps, as well as the allocation caps, are not really
35 constraining the industry.

36
37 A study that was done that looked specifically at safety-at-sea,
38 which is one of the key objectives of this program, for both IFQ
39 programs, the red snapper as well as the grouper-tilefish -- As
40 you know, commercial fishing is a very dangerous occupation. It
41 is in fact the second-most dangerous occupation in the country.

42
43 The red snapper IFQ program reduced significantly the number of
44 fatalities, but the grouper-tilefish IFQ was associated with an
45 even greater increase in improvement in safety-at-sea, and so,
46 as a reaction, the number of fatalities that we could attribute
47 to the grouper-tilefish IFQ program, the reduction is about
48 seven per 100,000 full-time equivalent jobs.

1
2 Essentially, the study found that, because of the IFQ programs,
3 the captains changed their attitudes towards risk. For example,
4 something like wind speed became much more important in them
5 making decisions to go fishing or not.

6
7 Another couple of studies conducted did look at fishing capacity
8 and technical efficiency, and essentially the study looked at
9 output of the five share categories that we have in the program
10 and multi-gear, because we have a longline component as well as
11 a vertical line component.

12
13 The three inputs that were considered were crew, days fished,
14 and vessel lengths, and we had trip-level data between 2005 and
15 2014. We just added, on this slide, a few definitions, to make
16 sure that we are all on the same page when it comes to fishing
17 capacity, capacity utilization, and overcapacity.

18
19 In terms of the findings of the study, number one was the
20 average technical efficiency scores were higher post-IFQ
21 program, and, as we typically see in other programs, the gains
22 in efficiency really come from the least-efficient vessels, if
23 you would, exiting the industry.

24
25 Because of the cost savings of the remaining operators, they
26 were able to better adjust, essentially, input and output mix,
27 and those cost savings would, of course, impact the net revenue
28 on the other side.

29
30 The grouper and tilefish fleet, in terms of capacity, decreased,
31 on average, by 34 percent across all species over the study
32 period, and there was a marginal increase in capacity
33 utilization, and, in terms of behavior, fishermen took fewer
34 trips, but longer trips, following the implementation of the
35 grouper and tilefish IFQ program.

36
37 Now, before discussing the conclusions, we can spend some time
38 looking at the surveys that were conducted within the review,
39 and, for this review, three surveys were conducted. One dealt
40 with the participants, and the second one looked at the dealers
41 and processors, and the last one was a labor survey, and, by
42 that, we mean the captain and crew members.

43
44 In terms of the participant survey, all 997 IFQ user accounts,
45 holders, were contacted, and here are the response rates, and
46 this survey had a paper component as well as a web-based survey.
47 They were offered the choice of doing either/or, and, overall,
48 this is about a 33 percent response rate based on the

1 combination of the paper and the online survey available.

2
3 One of the questions had to do with the level of support prior
4 to the implementation of the program compared to the current
5 level of support, and we see that, before the program, let's say
6 in January of 2010, the support was about 38 percent, and the
7 people who did not support the program comes out to about 44
8 percent.

9
10 The undecided portion was fairly significant, 12 percent of
11 them, but, the current level, we have 45 percent that would be
12 in support of the program and about the same number, 40 percent,
13 that do not support the program at this moment.

14
15 In terms of satisfaction with the program, folks that would be
16 highly satisfied and satisfied, if you added those two, would
17 amount to about 40 percent, 39.2 percent, and the portion that
18 expressed dissatisfaction, either highly unsatisfied or
19 unsatisfied, would be a comparable percentage, or actually a
20 little higher, higher than that. It's 48.6, 49, percent.

21
22 The survey includes a series of questions, and we have just
23 tried here to highlight a few of those questions. For example,
24 we looked at their response when it comes to profitability
25 through an increase in ex-vessel price. People that strongly
26 agree or agree would be about 40 percent, and those that
27 disagreed would be in the 30 or 34 percent, keeping in mind that
28 the study that looked at the ex-vessel price did say that the
29 grouper and tilefish program cannot be responsible for the price
30 increase that we saw, and so perhaps the perception versus the
31 study, and that's an interesting contrast.

32
33 Looking at the discards, for example, those who felt that the
34 program reduced the discards, those who strongly agreed versus
35 agreed, if you put those together, it would be in the
36 neighborhood of 34 percent, and those who disagreed or strongly
37 disagreed would be 45 to 46 percent.

38
39 Another set of questions is, for example, here, we could look at
40 the loss of gear, and a small number, let's say about 20
41 percent, agreed or strongly disagreed that this program helped
42 reduce the loss of gears, and so a more significant proportion
43 felt that the program did not really impact that.

44
45 Now, looking at those participants who purchased shares, and
46 they were asked a series of questions and rated the importance
47 or the significance of those statements, one of them had to do
48 with the expected return as a reason for buying the shares, and

1 60 percent of those who bought shares felt that it was a very
2 important reason. Those who thought that additional shares
3 would allow them to fish at a more efficient level, about 80
4 percent of people who purchased shares felt that this was also
5 important to them.

6
7 In terms of satisfaction with the online system when they are
8 completing landing transactions, a majority of respondents were
9 satisfied or highly satisfied with their interaction, and the
10 same thing could be said about the customer service they
11 received when dealing with NOAA services.

12
13 In terms of the customer service related to landing notification
14 also, the level of satisfaction was more than the majority of
15 the respondents, and, dealing with enforcement, the participants
16 that were satisfied or highly satisfied would come up to 45
17 percent. Those that were neutral here represented a significant
18 proportion, 27 percent, of them.

19
20 That is a quick summary for the participant survey, and the
21 second survey conducted looked at the dealers and processors.
22 Anyone that has the appropriate license for buying and selling
23 product, meaning a dealer and processor, was contacted, and
24 seventy-one were surveyed, and this is a combination of in-
25 person and mail surveys.

26
27 In terms of pre versus post opinions on the program, before the
28 implementation of the program, about 38 percent of the dealers
29 opposed the program. Post-IFQ, about the same number opposed
30 the program, 38 percent. Those who did not support, that would
31 be about the same, 38 percent. In terms of the support then, we
32 would have a comparable number post-IFQ, 49 percent, but, before
33 the program, we had 33 percent. The number of folks that had no
34 opinion decreased significantly. We had about 15 percent that
35 had no opinion, but now, post-implementation, that number fell
36 to 2.

37
38 We also wanted to know whether the implementation of the IFQ
39 program had an impact on the number of employees that these
40 dealers and processors had, and the conclusion is that the
41 program did not really affect the number of employees they had
42 when we look at the distribution -- I mean, from those having
43 between one to ten employees, we had twenty-three, and now it's
44 twenty-one, and, between eleven and fifty and over fifty
45 employees, that also didn't change over that.

46
47 In terms of IFQ ownership, about half of the dealers do own IFQ
48 shares, and, when asked whether they had a business plan to

1 acquire shares in the future, it was one-third, one-third, one-
2 third, roughly, of yes, no, and undecided.

3
4 Now, one issue, and I think that Dr. Stephen touched on that, is
5 that sometimes shares are given, or allocation, to a vessel
6 owner with the condition that essentially the fish be landed at
7 a particular dealership. This question here touches on that a
8 little bit in asking whether you offer shares to vessels that
9 you don't own, and the majority of dealers do so. 56 percent of
10 the dealers provide shares or allocation to vessels that they
11 don't own.

12
13 Of those who answered yes, the fishermen have to sell their
14 catch back to the dealer as a form of payment for the
15 allocation, and some of the fishermen do pay for the allocation
16 upfront, and others have other arrangements, and these would be,
17 for example, bartering arrangements, and we will give you
18 grouper and tilefish if you give us red snapper shares, for
19 example.

20
21 The allocation held on an annual basis is used in different
22 fashions. 38 percent is used by the vessel owned by the
23 business, and 42 percent is provided to fishermen who own their
24 own vessel, with the condition that they will sell back their
25 catch to the business, and a small portion, if you would, 8
26 percent, is provided to fishermen with no requirements on sales.
27 4 percent is outright sold, and we put, in parentheses, "lease",
28 because it's the term that the industry uses to refer to the
29 sale of allocation.

30
31 In terms of satisfaction with the customer service they
32 received, the dealers and processors are fairly satisfied with
33 the customer service they receive. In excess of 80 percent of
34 them expressed high or satisfaction.

35
36 In terms of interaction with enforcement, or rather the
37 enforcement of the program, the level of satisfaction, compared
38 to those who expressed dissatisfaction, is also relatively high,
39 but, here, we have about 24 percent who really were neutral.
40 That is a quick summary for the dealer and processor survey.

41
42 We have one more, which is a labor survey, which tried to
43 capture the perceptions of the captain and crew. About 153 of
44 them were surveyed, and it was 40 percent of them were captains
45 and 60 percent were crew members.

46
47 Some of the questions here look at the availability of labor,
48 the stability of labor, as well as potential changes to their

1 income. The first one is looking at the changes in the
2 availability of work for captain and crew, and, essentially, a
3 very small number of them thought that, after the program, the
4 availability of labor increased.

5
6 That is consistent with the fact that these programs essentially
7 reduced overcapacity and some vessels exited the fishery, and so
8 this would be expected that the majority would respond that
9 essentially labor availability decreased slightly or greatly.
10 The same could be said when it comes to the ability to switch
11 from vessel to vessel, post-implementation of the IFQ programs.

12
13 Looking at the changes in their average annual income, about 39
14 percent of the labor surveyed thought that their income
15 increased either greatly or slightly. 48 percent thought that
16 their income decreased greatly or slightly, and about 22 percent
17 felt that it stayed the same.

18
19 In terms of the stability of income, 44 percent of those
20 surveyed thought that it increased, and 23 percent was the same,
21 and the rest decreased. When it comes to safety-at-sea, a
22 majority felt that it increased greatly or slightly, and about a
23 third felt that it stayed the same, and 6 percent thought that
24 it decreased or decreased greatly.

25
26 That would be the end of the very quick summary for these three
27 surveys, and so the last portion of this presentation would be a
28 recap of sorts, because it would present the conclusions, the
29 main conclusions, of the review.

30
31 Just as a reminder, these are the goals and objectives of the
32 program. It is to rationalize effort and reduce overcapacity of
33 the fleet, and some of the anticipated benefits include
34 increased market stability, eliminating closures, improving
35 safety-at-sea, as well as the profitability of the fishermen,
36 and, finally, reducing discards.

37
38 Based on the studies that were conducted and the data that we
39 included in the review, it looks like the program has been
40 relatively successful in meeting its objectives. One of the
41 issues here, which I guess we also had in the red snapper
42 review, is the fact that the objectives that we have are not
43 quantified. We said reduce overcapacity and reduce discards,
44 for example, but there is really no metric there, for example,
45 to reduce discards by 15 percent or 20 percent, and so, to the
46 extent that we have some progress, we have to conclude that the
47 program is meeting its objectives.

1 When it comes to data collection and reporting, and Dr. Stephen
2 touched on this, the collection of share and allocation prices,
3 although it has greatly improved since the addition of the
4 transfer reasons, is one of the areas where more improvement
5 would be needed.

6
7 Overcapacity has declined, and capacity utilization has
8 increased, and the technical efficiency of the fleet has also
9 increased. Now, the efficiency gains in the consolidation, we
10 saw it in both gear types, for the vertical line as well as for
11 the longline. Additional consolidation is possible, because the
12 fleet that we have is still very large compared to the available
13 quotas.

14
15 Looking at the share and allocation caps, the distribution of
16 shares and landings by share category has changed very little
17 since the implementation of the program, and, as we mentioned
18 earlier, it does not appear that there is market power in any of
19 the markets that we looked at, the landings and the shares as
20 well as the annual allocation, and the share caps that we have
21 are not constraining the operations.

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

24
25 **MR. DIAZ:** Just this word "market power", could you explain that
26 to me, because I am struggling with that just a little bit, and
27 just make sure I'm understanding it what you're referring to
28 when you're talking about market power?

29
30 **DR. DIAGNE:** Market power is really when someone has the ability
31 to significantly influence prices. If we wanted to, I guess,
32 define it as let's say we would read it somewhere else, it would
33 be one's ability to price a product above its marginal cost,
34 essentially, and so having market power, I guess loosely I would
35 say, is having the ability to significantly influence and
36 dictate prices.

37
38 At the other end of it, an operation that does not have market
39 power is one that operates in a competitive environment, and you
40 will have zero market power there, and so, to the extent that
41 these folks don't have market power, we can assume that let's
42 say all of these markets are fairly competitive. I mean, that
43 would be a loose interpretation. Does that answer the question?

44
45 **MR. DIAZ:** Yes, sir. Thank you.

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

48

1 **MR. BOYD:** I've got a question for the agency. I am looking at
2 the participant survey, and there are 130 participants who are
3 either highly unsatisfied or unsatisfied, 48.5 percent. If you
4 look at the satisfied or highly satisfied, there is 105, 39
5 percent. Has anybody done an analysis or review of why there is
6 so much dissatisfaction with the program, and has the agency
7 come to any conclusions about how they can improve that?

8
9 **DR. STEPHEN:** What we're doing is looking at the people that
10 responded and seeing if they are small versus large participants
11 in the program. Typically, what you see is the people who are
12 smaller participants in the program have a higher degree of
13 dissatisfaction with the program than those that hold the larger
14 shares or participate more, but we will be doing that analysis
15 to kind of connect how they responded to what they are in the
16 program.

17
18 It gets a little more complicated, because you can be say a
19 small deepwater grouper shareholder and a large gag shareholder
20 in the grouper-tilefish. In red snapper, it was much easier to
21 define whether they were small, medium, or large for how they
22 answered.

23
24 **CHAIRMAN GREENE:** Okay. Thank you. Dr. Diagne.

25
26 **DR. DIAGNE:** Thank you, Mr. Chair. When it comes to share
27 allocation and ex-vessel prices, the analyses conducted are
28 fairly limited when it comes to the share and allocation prices,
29 and, here, we go back again to that issue of collecting enough
30 of those share and allocation transfer prices, and so hopefully
31 that will get better over time.

32
33 As we mentioned, the prices, the ex-vessel prices, increased
34 during the review period, but the introduction of the IFQ
35 program does not appear to be the main cause of it. There are
36 other factors that were included in the model that were the
37 driver of that, if you would.

38
39 The flexibility that the program affords the participants has
40 allowed them to plan their trips better, and now they are taking
41 longer trips and fewer trips, and it has allowed fishermen to
42 improve the profitability of their operations, mainly by
43 reducing operating costs. Thereby, of course, that would
44 increase your net revenues.

45
46 Obviously, now we have year-round fishing opportunities for
47 participating fishermen for all of the species included in this
48 program. When it comes to the multiuse shares, and Dr. Stephen

1 explained those earlier, it looks like the gag multiuse, as well
2 as the red grouper multiuse shares, were not effective, because
3 they were mainly used to land the species, meaning the red
4 grouper multiuse shares mostly were used to land red grouper and
5 the gag multiuse also to land gag.

6
7 Perhaps that is an area where the program could be streamlined
8 if we eliminated those and just went out and distributed the red
9 grouper portion in red grouper and the gag grouper also in gag
10 grouper and eliminated these multiuse shares, and that would be,
11 perhaps, helpful to the program.

12
13 Following the implementation of the program for red grouper, the
14 discard and discard ratios decreased for all gear types, but,
15 for gag, the story is different. As Dr. Stephen explained, that
16 is tied to a significant drop in the quota in I think 2011, and
17 so the discard ratios went up and then started going down
18 afterwards.

19
20 Safety-at-sea, the program has significantly improved the
21 safety-at-sea of participating fishermen, and that has resulted,
22 of course, in a significant decrease in the number of
23 fatalities, and, again, the program allows fishermen to be more
24 flexible, really, in planning their trips, and now they select
25 more favorable weather conditions to plan fishing trips.

26
27 For the review period, the cost recovery fees that were
28 collected have fully funded the program, and, as mentioned
29 earlier, but this does not include the initial set-up costs, if
30 you would, and I think that was the last slide of this. Thank
31 you very much.

32
33 **CHAIRMAN GREENE:** Thank you. Is there discussions? Mr. Anson.

34
35 **MR. ANSON:** I have several questions, if you would allow,
36 Chairman Greene.

37
38 **CHAIRMAN GREENE:** Yes, sir.

39
40 **MR. ANSON:** First, it goes back to Slide 41, Dr. Diagne, and it
41 talks about the market power summary, and it relates to the IFQ
42 allocation, and it says allocation caps may not be needed to
43 prevent market power. Yet, for IFQ shares, it says current
44 share caps are sufficient to prevent market power, and so those
45 are slightly different, and I'm just wondering why there would
46 be the removal of allocation caps to prevent or to preclude
47 market power from accumulating.

1 **DR. DIAGNE:** I think, looking at this for both IFQ programs, if
2 you see the market power is for IFQ programs, and it also talks
3 about the red snapper program, and I believe, in the red snapper
4 IFQ program, we don't have allocation caps. We have the share
5 caps, but we don't have allocation caps, and so I think it
6 refers to that, that, in that context, those would not be
7 needed. In the grouper-tilefish program, we have both, but, in
8 the red snapper program, we only have share caps.

9
10 **MR. ANSON:** To pick up a little bit of what Mr. Boyd was talking
11 about relative to the fishermen surveys and their perceptions of
12 the program, and as it relates to safety-at-sea and the
13 reduction, according to the survey, in the fatalities, it's a
14 good thing. That's great. That's positive, but it just didn't
15 seem to translate in the captain and crew responses to -- There
16 was a dichotomy there.

17
18 There was very few of them that thought or agreed to the
19 statement that there was a reduction in safety-at-sea, and so
20 I'm just wondering -- This might be really getting down in the
21 weeds, but was the figure on the reduction in the fatalities --
22 Did the potential role in maybe those vessels that were
23 operating that may have been older vessels, and that may be part
24 of the reason why their captains did not go out and fish as
25 frequently, in order to get the initial share distribution, if
26 those just kind of went away or there was a shake-up in the
27 fleet and so you ended up with newer vessels, because maybe
28 people could afford them, because they had steadier income and
29 that type of thing, and was there that type of safety that drove
30 that number, yet the perception for the individual on the boat,
31 doing the day-to-day routine of setting the lines and retrieving
32 and everything and all that, there was still maybe a perception
33 that that general safety didn't change or was part of that
34 question on safety?

35
36 **DR. DIAGNE:** I will have to say that I'm not sure. I'm not
37 really sure how it is that let's say one study shows significant
38 and measurable decreases in fatalities, but yet the perception
39 of some of the captain and crew does not relate that. Again,
40 that's a perception.

41
42 It's a self-reported perception, and it is subject to, I guess,
43 a lot of caution when we interpret that, but it is possible that
44 some of the older vessels also exited this fishery. To the
45 extent that those older ones are part of the less efficient
46 ones, it is likely that some of them exited, but the program in
47 itself, the flexibility to go when the weather conditions are
48 favorable, that is the major driver for improvement in safety.

1
2 **MR. ANSON:** Thank you, and the last question, I guess, is, in
3 the first slide or two of the presentation, it talks about the
4 IFQ review and the timeline and schedule, and so the first
5 reviews after implementation of an IFQ program are to be done
6 five years and then five to seven years subsequent to that, and
7 so I'm just wondering -- Here we are in year-six of the second
8 phase, and, at least for the red snapper, what the timeline is
9 for those.

10
11 **DR. STEPHEN:** One comment we've had from a variety of groups,
12 and I believe we talked about at the council meetings before, is
13 combining together the red snapper and grouper-tilefish. Now,
14 we couldn't do that initially, because they each need their
15 initial five-year review, and so these two programs are really
16 linked together in the fishermen's eyes, because it's one
17 account for both programs and one system for both, and so the
18 analysis over the two of them together would be, I think, more
19 beneficial, in which case we will be coming up on needing to
20 start working on a combined one, if we push the seven years from
21 the red snapper and then combine where we're at with grouper-
22 tilefish.

23
24 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
25 discussion? Ms. Bosarge.

26
27 **MS. BOSARGE:** It's not exactly related to this presentation, but
28 I just wanted to take a moment to recognize a few people in the
29 audience. We do have several former council members in the
30 audience. We have Ms. Jane Black-Lee, Dr. Kelly Lucas, and Mr.
31 David Walker, and so thanks for being with us.

32
33 I will also mention that David is on the IFQ AP, and so, as we
34 start to go through that report or any of the other documents,
35 if we have questions, I think the chair of that AP wasn't able
36 to be with us today, and David is the vice chair, and so he's
37 here in case we have questions, and so we have that asset as
38 well.

39
40 **CHAIRMAN GREENE:** Okay. Is there further discussion? I had one
41 question myself. I guess it would be to Dr. Stephen. On the
42 gag and red grouper multiuse shares were not effective and the
43 program could be streamlined by eliminating that, it seems to me
44 that the intent, or my interpretation of that, would be
45 discards. In other words, if they have these shares and they
46 catch these fish and they don't discard them, how does that
47 facet play into this, and how would we better streamline a
48 program that could potentially increase discards?

1
2 **DR. STEPHEN:** I'm not sure if the way the multiuse is being used
3 is actually being used for discards, although that was the
4 intention of it. In the sense of streamlining it, we know that
5 a lot of people -- Because of the related accounts, you can move
6 your allocation around, where you can use up your primary
7 category or your multiuse, whichever you want, prior to the way
8 -- I'm sorry. Let me back up.

9
10 When you're in an account, you have to use your primary category
11 to land that species before you can dig into either of the
12 multiuse. For gag, for example, all of your gag in your
13 shareholder account and your vessel account and in any other
14 vessel accounts that may be related to that shareholder account
15 must be used. Then the system goes to gag multiuse and then it
16 goes to red grouper multiuse.

17
18 With the differences between the quotas in those two, I am not
19 sure if it's actually being used to kind of handle a discard
20 option for it. It would streamline an analysis significantly on
21 our end if we do away with it, but I'm not either for or against
22 it either way.

23
24 **CHAIRMAN GREENE:** So is it a functionality of the program that
25 could be improved to help the process? In other words, the way
26 you just described it, it seemed kind of complicated, having to
27 go through those steps, and can that be resolved and get there,
28 because I don't want to get in any discard situation.

29
30 **DR. STEPHEN:** The process is done automatically by the system,
31 and so the fishermen don't have to think about it, but it does
32 lead to confusion, particularly when transferring allocation,
33 because those same rules apply for transferring allocation. You
34 can't transfer your multiuse until you have transferred your
35 gag, and so, for simplicity of understanding the program, if we
36 do not have the multiuse, it would be more straightforward.

37
38 **CHAIRMAN GREENE:** Okay. Thank you. Dr. Diagne.

39
40 **DR. DIAGNE:** Thank you, Mr. Chairman. One of the issues, and I
41 think we discussed this, but one of the problems is the relative
42 size of the quotas. We have a huge red grouper quota and a very
43 small gag quota, comparably, and the multiuse shares are
44 computed in such a way that the ACL can never be exceeded, which
45 is why during the review period I think that we have issued the
46 red grouper multiuse shares only one year out of the five. Dr.
47 Stephen can correct that if that's not correct, and so that is
48 really part of the issue.

1
2 If the quotas were comparable in size, then it would make sense
3 to have it also, but, because one is extremely small, typically
4 we don't get to give it out. In the years that we do, they are
5 used to land the species that they came from.

6
7 **CHAIRMAN GREENE:** Okay. Thank you. Mr. Diaz.

8
9 **MR. DIAZ:** This is a question, and I'm not sure who to direct it
10 to, but where do we go from here? Are we going to see this
11 again? What are you looking for from the council? From the
12 conversations I heard, there was a couple of things I think that
13 would improve the program, like dropping the no-comment thing
14 you were talking about relative to share price information and
15 maybe discontinuing the multiuse, based on the conversations we
16 just had, but I'm not sure those rise to the level of starting a
17 document or anything, and so where do we go from here? Dr.
18 Stephen is looking at me, and so --

19
20 **DR. STEPHEN:** I am looking at Assane.

21
22 **DR. DIAGNE:** Okay. I thought that you would want to start, but,
23 essentially, we are listening, and we would collect any
24 recommendations you may have, and, if you look at the document,
25 there is one section that is blank, and it is the section on
26 recommendations. Although we have had the SSC meeting, and Dr.
27 Barbieri will discuss that, and we have had the AP meeting, and
28 Mr. Walker will talk about that, we would also welcome, of
29 course, the recommendations and any suggestions that you may
30 have.

31
32 With that, we will write the very last section of this document,
33 and you could also, as a council, approve this review and give
34 us editorial license to, of course, fill in those sections and
35 then consider that the review process has been completed.

36
37 **CHAIRMAN GREENE:** Mr. Diaz.

38
39 **MR. DIAZ:** Based on what Assane just said, the two things that I
40 just mentioned, I would like to be in the recommendations
41 section, and that is dropping the no-comment from the share
42 price information, and there was another section, Dr. Stephen.
43 If you all think it needs to be dropped from both, that's fine
44 with me. Then discontinuing the multiuse for the red grouper
45 and gag, and I think that's another recommendation that I would
46 have. Thank you.

47
48 **CHAIRMAN GREENE:** Thank you. Is there further discussion?

1 Okay. I don't see any further discussion, and so we'll pick up
2 with our next item, which will be the SSC Comments on the Five-
3 Year Program Review, and that will be Tab B, Number 13, and Dr.
4 Barbieri.

5
6 **SSC COMMENTS ON FIVE-YEAR PROGRAM REVIEW**

7
8 **DR. BARBIERI:** Thank you, Mr. Chairman. I will try to make this
9 fast, again. The SSC received not just this summary
10 presentation, but, during a period of time last year, we
11 received a number of related presentations that had to do with
12 all the specific studies, and so the Standing, the Reef Fish,
13 and the Socioeconomic SSCs had the opportunity to really look at
14 this in a lot of detail.

15
16 There were a number of recommendations and suggestions, similar
17 to what we heard here today, and I think the main one that the
18 SSC made was, and Dr. Stephen already alluded to this, is to
19 have the grouper-tilefish and the red snapper IFQs, the
20 programmatic reviews, done together, because they are so
21 interrelated that it gets confusing to interpret both on that
22 side, from the fisheries side and from the data collection side,
23 interpret those responses unless the two are conducted together.

24
25 Other than that, the committee felt that the report is very
26 informative and very thorough. We really liked the format that
27 this one was done and also coming to us in separate SSC meetings
28 and having more detailed presentations by different panelists.

29
30 All the studies that Dr. Diagne summarized here were discussed
31 and presented to the SSC specifically and discussed in detail,
32 and so, to me, who am not a socioeconomist, this was very, very
33 helpful in understanding the process and having the opportunity
34 to review it thoroughly, and so, officially, the committee was
35 very, very happy and felt that the review was very well done.
36 That completes my report, Mr. Chairman.

37
38 **CHAIRMAN GREENE:** Thank you. Any questions or comments for Dr.
39 Barbieri? Mr. Diaz.

40
41 **MR. DIAZ:** Just speaking for myself, I think it makes sense to
42 do the red snapper and include it with the grouper-tilefish
43 reports in the future, and so that's just speaking for myself.
44 Thank you.

45
46 **CHAIRMAN GREENE:** So noted. Any further comments or questions?
47 Okay. Thank you, Dr. Barbieri.

48

1 **DR. BARBIERI:** Thank you, Mr. Chairman.

2
3 **CHAIRMAN GREENE:** With that, we will move on to the Ad Hoc Red
4 Snapper and Grouper and Grouper-Tilefish IFQ AP Comments, Tab B,
5 Number 9(c), and Dr. Lasseter.

6
7 **AD HOC RED SNAPPER AND GROUPE-TILEFISH IFQ AP COMMENTS**

8
9 **DR. LASSETER:** Thank you, Mr. Chairman. Yes, we do have David
10 Walker, who is the vice chair of the AP in the audience. If
11 there are any questions, I'm hoping we can ask Captain Walker to
12 help us out.

13
14 The AP's charge was both to address the five-year review and
15 Amendment 36, and so I think I'm going to hold off on the 36B
16 motions and just review right now what they talked about as far
17 as the five-year review.

18
19 The AP met just last week, and they passed numerous motions. In
20 regard to the five-year review and details therein, their first
21 motion was to endorse the conclusion of the grouper-tilefish IFQ
22 program that the program is meeting its objectives. The AP
23 formerly endorses the conclusion of this review in accordance
24 with the MSA.

25
26 Then they discussed a couple of different items that had come
27 up, one specific to what was in the five-year review, and I
28 think another is more broadly an issue that they're aware of
29 with NMFS, and that is the multiple reporting systems that the
30 fishermen are participating in and that there is some issues in
31 reconciling those different datasets, and so they passed this
32 next motion, which is recommending that staff develop the use of
33 a system using a unique trip ID number, a hail-out number, to
34 follow the entire transaction from start to finish.

35
36 Then, speaking to one of the issues that Dr. Stephen brought up
37 in regard to the reported prices for share and allocation
38 information, the AP members supported improving that, and so
39 their motion is to support exploration of strategies to improve
40 the collection of accurate share and allocation price data.

41
42 Those are their motions pertaining to the five-year report, and
43 so I'll cover the rest of those when we get into the document,
44 and, unless there's any discussion, should I carry on to the
45 LETC -- Let me pause there for a moment.

46
47 **CHAIRMAN GREENE:** Ms. Bosarge.

1 **MS. BOSARGE:** I am looking at you, Dr. Stephen, and so the --
2 That staff develop the use of a system using a unique trip
3 identifier number to follow the entire transaction from start to
4 finish, and I think this was kind of the conversation during
5 that meeting where, to me, it overlapped with some of the
6 conversation that happened in the Shrimp AP, where we were
7 talking about difficulties and really taking the different state
8 trip tickets and somehow funneling all that up to the feds and
9 really being able to get at the information that we're trying to
10 get at to see different things.

11
12 This AP had an idea, because they actually hail-out and hail-in,
13 and they have a VMS, and so they get specific numbers. Like,
14 when they hail-out, there is a confirmation number. When they,
15 I think, hail back in, they get a different confirmation number,
16 but, anyway, I think their point was, hey, is there any way we
17 can use one of these numbers to actually track this trip from
18 start to finish to give NMFS a full picture of what's going on,
19 and so I wanted your feedback on how you felt about that.

20
21 **DR. STEPHEN:** So that's one of the conversations that I've had
22 frequently with my counterparts in the Science Center. We all
23 kind of agree that this idea of having some unique trip
24 identifier throughout is helpful not just for IFQ, but for the
25 commercial fisheries as a whole and also, as we're moving
26 forward with the electronic reporting in the for-hire industry,
27 we're working out methodologies to do this.

28
29 I think where we'll end up going is probably working out how to
30 do it with the for-hire industry, and it's a little less
31 complicated, because you don't have the dealer interaction,
32 which are the trip tickets run through the state, and, as we
33 start to build that framework, we will figure out a way to also
34 apply it to the commercial industries.

35
36 Some of the problematic things are where all the different data
37 feeds come in and the need for all the systems to talk back to
38 each other, so that you can continue to record some unique trip
39 identifier throughout the entire trip.

40
41 Just as an example, if you hail-out on your VMS on the VMS, that
42 goes into one system. If you hail-out through a phone call,
43 that's another system that then has to work its way back into
44 the vTrack system, where it's together, and so there could be a
45 delay in using that as your initial start, but, as I mentioned,
46 I've had conversations with some of the Science Center folks on
47 how we can best go about doing this, and so it is one of our
48 ongoing actions that we're working on.

1
2 **CHAIRMAN GREENE:** Ms. Bosarge.

3
4 **MS. BOSARGE:** You said then there is the dealer reporting, and
5 you said something about state trip tickets there, and so are
6 you able to track that trip of that IFQ vessel from start to
7 finish and really be able to tie in those landings from that
8 specific trip to that?

9
10 **DR. STEPHEN:** We can't do that currently. Currently, we do some
11 matching between when IFQs are reported and the information from
12 the trip tickets. The idea behind this is that we would
13 eventually have that tie-in to that.

14
15 Now, in the IFQ system, we have added a field for the dealers to
16 add that trip ticket number, and it's an optional field at this
17 point in time. There could be a decision to make that a
18 mandatory requirement. We are also considering an optional
19 field to enter in the VTRs, and so that would be the number from
20 the vessel logbooks, and that would have to be entered by the
21 fishermen and not the dealer, and so part of the problem is that
22 a lot of these identifiers at different stages come from
23 different people.

24
25 **MS. BOSARGE:** Yes, and so I think we're starting to hone-in on
26 some of the issues that end up showing up when get into like a
27 stock assessment situation, where we have some excellent
28 information on this IFQ program, but we're truncating the
29 indexes at 2007, when it started, because we don't have enough
30 information to actually see CPUE trends and such. Like we can't
31 determine which trips were actually directed trips for red
32 snapper or directed trips for another, because we have no way of
33 linking, really, that final landings data to that specific trip
34 that you have all that other information for.

35
36 I guess this one seems a little easier for me to understand
37 where those disconnects are coming in at between some of the
38 different systems, but, if there's any motions you need us to
39 pass to help you continue to work on that, that would be helpful
40 to know, because we most certainly want to try and alleviate
41 some of these inefficiencies.

42
43 **CHAIRMAN GREENE:** Ms. Guyas.

44
45 **MS. GUYAS:** I was going to say, if this is something that's in
46 the works, it's probably worth pulling law enforcement in on
47 this as well. I think there has been some discussion of issues
48 where the -- As a vessel is coming in, they're estimating their

1 poundage that they're going to land, and there are some pretty
2 large disparities at times, in terms of what that hail-in
3 estimate is and what is actually reported at the dealer as
4 landed, and so this could be maybe helpful in that situation,
5 but I think they would probably be better to give that input
6 than me, but, at least at first glance, it seems like this might
7 be helpful there.

8
9 **DR. STEPHEN:** To clarify too, the IFQ staff does link every
10 notification to a landing, and, just to make sure that everyone
11 is aware, a trip could have the results of landings go to
12 multiple dealers, and so a trip might have more than one dealer
13 that they're offloading their fish at, and so that's another
14 complication we have to think about.

15
16 Likewise, on kind of the reverse end, for some of the day-
17 trippers, they might do a half-day trip and keep their fish
18 onboard and not remove them and go out for another half-day
19 trip, and so then there is two trips that are linked to one
20 landing transaction, and so we do a lot of auditing on the IFQ
21 end, and this would be connecting that to the larger picture.

22
23 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
24 discussion? Ms. Bosarge.

25
26 **MS. BOSARGE:** I am sorry, but I was just consulting with Ava,
27 because I thought we had a commercial logbook amendment
28 somewhere, and she said that, yes, we do, but it's back on the C
29 priority list, and so A, B, and C, and so like third-tier, and
30 so maybe that's something that we can look at too and try and
31 bump that up in the priority and maybe get started on that.
32 Maybe that would solve some of these issues, too.

33
34 **CHAIRMAN GREENE:** Dr. Froeschke.

35
36 **DR. FROESCHKE:** Just in regard to that, we're sort of waiting on
37 the Science Center to give us feedback, and so, more than a year
38 ago, they had a pilot program, and they have sort of been trying
39 to move this process along, and Brett Pierce is the contact, and
40 I remain in periodic contact with him, and so, when they feel
41 like they have something ready for us to go, I think we could
42 bring it up, but that's the holdup on our end.

43
44 **CHAIRMAN GREENE:** Okay. Is there further discussion? Mr.
45 Gregory.

46
47 **EXECUTIVE DIRECTOR GREGORY:** This was an in-depth report that
48 took a lot of effort on the part of a lot of people, and we have

1 now got the SSC and the AP comments, and we've got some
2 recommendations from the committee, and I think it would be best
3 if the council, or the committee, could make a motion to accept
4 this report and give staff editorial license to work in the
5 recommendations that have been provided today and also at the
6 Full Council meeting, if we get more.

7
8 **CHAIRMAN GREENE:** Okay. Thank you. In looking at the agenda,
9 it talks about the LETC comments, and there was not anything
10 specific to 36A, which you were briefed, and that's why we have
11 not made any comments from the law enforcement relative to this,
12 because there were no comments to the presentation you just saw
13 from them, and so does anybody wish to make a motion to move
14 this on? Okay. Then we will move ahead then at that point.
15 Mr. Diaz.

16
17 **MR. DIAZ:** I will make a motion for discussion, and I don't know
18 what else we would do, and so I will make a motion to accept the
19 report.

20
21 **CHAIRMAN GREENE:** Okay, and so the motion is to accept the
22 grouper-tilefish IFQ five-year program review report, and it was
23 seconded. Is there discussion? Dr. Crabtree.

24
25 **DR. CRABTREE:** It's my understanding there are a couple of
26 tweaks and things that staff still wants to add to it, and I
27 think they're all minor editorial things.

28
29 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
30 discussion? **Seeing no further discussion, is there any**
31 **opposition to the motion on the floor before you? Seeing no**
32 **opposition, the motion carries.**

33
34 With that, we will return back to our agenda as listed, and the
35 next item will be a White Paper Discussion of Rents and
36 Royalties for Commercial Red Snapper Fishing. This will be Tab
37 B, Number 9(d) and Dr. Diagne.

38
39 **MS. BOSARGE:** LETC.

40
41 **CHAIRMAN GREENE:** I am sorry. Now we're going to the LETC
42 comments, and that will be reflective of 36B, correct? No?
43 It's not in 36B? Okay, and so I'm going to hand it over to Dr.
44 Lasseter, and she's going to tell us what we're doing, because I
45 am completely lost.

46
47 **LETC COMMENTS**

48

1 **DR. LASSETER:** Thank you, Mr. Chairman. I apologize for the
2 confusion. The Law Enforcement Committee wanted to raise an
3 issue, and it is not currently in 36B, and it's not currently
4 anywhere, but it relates to the commercial IFQ reporting. It is
5 an issue that has been brought up by the law enforcement
6 community before, and it touches on what Martha just brought up
7 as well.

8
9 This is in Tab A, Number 8, and it's on page 3. You can read
10 the length of the text on your own, but kind of the first
11 paragraph summarizes it, and so I will review that pretty
12 closely. A committee member had brought to the attention of the
13 law enforcement that they wanted to discuss this, the situations
14 where vessels in the commercial red snapper IFQ program were
15 underestimating their catch when they hail-in, when returning to
16 port.

17
18 The specific case provided was a vessel that hailed-in
19 estimating 500 pounds of red snapper onboard, but, when it
20 arrived at the dock, it unloaded 1,100 pounds, and, in that
21 example, there was actually an officer observing the offload,
22 but some of the committee members were concerned that, if no
23 officer is present, are the fish accurately being deducted from
24 the quota and are they being reported or not, or are they being
25 perhaps sold as a different species.

26
27 NMFS staff was also available for providing comment and
28 discussion about this issue, and, at the end of discussion, the
29 Law Enforcement Committee did pass a motion, and we can see that
30 right here on the board, and so the LEC/LETC recommends that the
31 Gulf Council entertain discussion regarding the accuracy of
32 reporting estimates in the advance notification of landings in
33 the red snapper IFQ program due to an increased observance of
34 underreporting. That was from the Law Enforcement Committee,
35 and that was the only issue that they discussed relevant to the
36 IFQ programs. I will turn it over to see if there's any
37 questions or discussion.

38
39 **CHAIRMAN GREENE:** Is there discussion? Mr. Boyd.

40
41 **MR. BOYD:** I will just start a discussion. I was at the
42 committee meeting, because I'm the Law Enforcement Chairman for
43 this group, and there was definite concern about the
44 consequences of hailing-in with a certain amount of fish and
45 then offloading a different amount of fish and what could happen
46 to the fish that are not declared.

47
48 The example was what was given, and that was that there was

1 about 100 percent variance in what was hailed-in and what was
2 actually offloaded, and the question, of course, is what happens
3 to those fish if there is no officer there, and so there was a
4 lot of discussion about should there be a requirement to be
5 within a certain percentage of your catch, and that was the
6 discussion that the Law Enforcement Committee would like to
7 have, and there were numbers thrown out of like 10 percent and 5
8 percent and 20 percent accuracy in your catch, and there was
9 discussion about how difficult that would be to do or not do,
10 and so that's the crux of what this motion is about.

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

13
14 **DR. STEPHEN:** I was listening to that, and I had my staff pull
15 up some kind of analysis of what was going on there, and what we
16 typically see is that there are higher landings reported than
17 estimated, and so, even though their estimation may be off, they
18 are actually reporting more landings than what they estimated
19 for that. If you guys want to, I have -- There it is. I have
20 some additional graphics.

21
22 This was some of what I mentioned before, that you can have a
23 landing that comes from a dealer has multiple -- One vessel has
24 multiple dealers or a vessel can go out multiple times and go to
25 one dealer thereafter. If we move on to the next one, this was
26 overall just looking at red snapper, and we looked at the total
27 difference between the landings versus the estimated pounds, and
28 we kind of needed to break that out into the differences of trip
29 sizes.

30
31 If you want to create some kind of criteria to this, you either
32 have to say it has to be within X percentage, your estimate of
33 your landing, or X pounds. Well, X percentage for a large trip
34 allows a much larger amount of pounds that are going forward,
35 but, if you say a certain amount of pounds, that might be
36 detrimental for the larger trip, where the estimate is a little
37 bit more difficult.

38
39 We just looked at this by different categories of trips, and so
40 a 500 pound or less trip, 501 to 2,000, and 2,000 pounds, and
41 you can see that there are some fairly large outliers, but they
42 are abnormal.

43
44 On the next slide, we're just starting to kind of narrow it
45 down, and so, if we were looking at just what a ten-pound
46 difference is, that's that dark-dashed line in there, and it
47 would be very difficult for most of the trips to make that, and,
48 if we looked at what a hundred-pound difference is, those are

1 the kind of dotted lines throughout there, and I think I will
2 just stop here and see if there is any discussion at this point.

3

4 **CHAIRMAN GREENE:** Discussion? Mr. Swindell.

5

6 **MR. SWINDELL:** What is done with the estimated amount that's
7 going to be landed versus the actual landing amount? I mean,
8 what problems is this causing?

9

10 **DR. STEPHEN:** From the standpoint of what we're requiring, the
11 estimate is required so that enforcement can kind of, one, make
12 sure that there seems to be sufficient allocation aboard the
13 vessel, although you need the full amount for the landing, and
14 then the other is to make sure that there aren't fish that are
15 walking away, so to speak.

16

17 So, if you say you have 500 pounds onboard, but then you're
18 landing 300, that's an area where you wonder, well, were you
19 estimating badly or did fish not go through the system in the
20 correct manner, and we've had this kind of discussion with law
21 enforcement a variety of times over the years, going forward
22 with that, and the idea of how hard is it to estimate
23 accurately, and experienced fishermen tend to estimate pretty
24 well.

25

26 We track it with our landing notifications. If there seems to
27 be a consistent pattern of abuse, where you see that they are
28 always landing less than they estimate except for when law
29 enforcement is present, then law enforcement can work into
30 investigating that with more further detail, and we supply them
31 with all the information they need for that.

32

33 **CHAIRMAN GREENE:** Is there further discussion? Okay. Seeing no
34 further discussion, from here, we will move on to the White
35 Paper Discussion of Rents and Royalties for Commercial Red
36 Snapper Fishing and Dr. Diagne. This will be Tab B, Number
37 9(d).

38

39 **WHITE PAPER - DISCUSSION OF RENTS AND ROYALTIES FOR COMMERCIAL**
40 **RED SNAPPER FISHING**

41

42 **DR. DIAGNE:** During the last council meeting, the January
43 meeting, the council did approve a motion requesting that we
44 start a white paper looking at several issues around rents and
45 royalties, and, to be more specific, this would be applicable to
46 the red snapper commercial fishery and pounds in excess of the
47 4.65 million pounds.

48

1 The motion is in the document, and this is a very short paper,
2 to start, and the first thing that we have done is just provided
3 a definition for resource rent, so that we can all be on the
4 same page, and the one that I would pick here, in today's
5 discussion, is to simply mention that resource rent is
6 equivalent to the net economic benefits derived from the harvest
7 of a particular stock, and that's a non-technical, fairly
8 intuitive definition.

9
10 Obviously, the amount of rent that could be derived from a
11 particular fishery stock is dependent on the property right
12 regime that is created by the management that you have. If you
13 have open access, all of your rent is dissipated, but, the
14 higher the quality of the right or the privilege that you
15 create, the more, if you would, you have an opportunity to have
16 the resource rent, the maximum of it that is.

17
18 The council's interest was in quantifying, if you would, the
19 rent to be associated with harvest above 4.65 million pounds,
20 which was the commercial share of the quota when the red snapper
21 IFQ program was implemented.

22
23 To be able to compute that, to approximate the rent, we could
24 use the lease price, and "lease" is not the correct term, but I
25 should say the annual allocation transfer price, as an estimate,
26 if you would, for the rent to be derived from one pound of
27 quota, and we have those prices, and we have the difference
28 between the quota and, therefore, the number that we offer is
29 based on that.

30
31 Table 1 that is offered here shows us the landings over time
32 from 2006 to 2016 here, as well as the percentage of the quota
33 that was landed, and Table 2, at the bottom, gives us the
34 average prices, in nominal terms, as well as in inflation-
35 adjusted, and the base being the year 2016, and so, in 2016
36 dollars.

37
38 Given that our current commercial quota is 6.02 million pounds
39 and that the council is interested in the difference between the
40 current quota and the threshold of 4.65 million pounds, which
41 comes to 1.37 million pounds, if we take the last allocation
42 transfer price available to us, meaning the one in 2016, that
43 comes to \$3.21, and so, essentially, the rent that would be
44 derived from the harvest of this 1.4 million pounds comes to
45 about \$4.4 million. That is the estimate for that difference,
46 that portion.

47
48 The second portion of this short paper looks at auctions and

1 royalties, and we start by essentially including here, for the
2 reader, provisions of Section 303A, which says that, in
3 establishing a limited access privilege program, a council shall
4 consider and may provide, if appropriate, an auction system or
5 other programs to collect royalties for the initial or any
6 subsequent distribution of allocations in a LAPP program, and,
7 if, in Number 1 and Number 2, the system is administered in such
8 a way that the distribution of limited access privilege shares
9 meets the program requirement in this section, and, 2, that the
10 revenues generated through such a program are deposited in a
11 limited access system administration fund, and they will be
12 available only subject to appropriation.

13
14 There is, I guess, something that we need to point out here,
15 that cost recovery fees, which are up to 3 percent of the ex-
16 vessel value, those come back directly and are used for the
17 administration of the program, but anything else, as described
18 here, let's say the royalties and so forth, those funds would
19 not come back, and they would be subject to appropriation on I
20 guess an annual basis, and they would be deposited in this fund
21 mentioned here.

22
23 When one wants to collect royalties, really the provision that
24 we just discussed is fairly open-ended, and so the entity or the
25 managing entity looking to implement royalties has a lot of
26 flexibility in the type of program that they would use.

27
28 In a document, and I think it was a tech memo, looking at the
29 design of IFQ systems by Anderson and Holliday, essentially they
30 looked at several programs, or methods, that could be used.
31 Transfer fees could be used. One could collect royalties based
32 on the gross revenues, and usage fees could also be charged, et
33 cetera. There is a lot of flexibilities in terms of how one can
34 design a potential royalty program, if you would.

35
36 More specifically, we spent time in looking at auctions in
37 fisheries. To our knowledge, and the colleagues that helped me
38 look, we don't know of a program in the United States that
39 collects revenues through auctions, and we have some examples,
40 but those would be in international fisheries, and that is why,
41 in this short paper, the few countries that we mentioned would
42 be places like, I believe, Estonia in Russia, and they had such
43 a program, and, in New Zealand, they auction a portion of
44 quotas. In Mexico, also it is something that has been
45 considered. Chile is another place where auctions have been
46 used on limited occasions.

47
48 For other natural resources, and, by that, we mean timber and

1 wind and oil and gas, of course, being the big one, we have a
2 lot of examples here nationally, and the Department of Interior,
3 on its website, clearly specifies the royalties to be collected
4 for different resources, and it's very specific in terms of, for
5 example, the bonus that is paid, meaning the amount that the
6 higher bidder pays as a result of an auction plus the royalty
7 payment, and the royalty, for example, sometimes could be
8 twelve-and-a-half percent of the revenues, in terms of onshore
9 oil and gas leases, but there are very, very detailed schedules
10 for all of these resources, minerals, oil and gas, wind, and so
11 forth.

12
13 Looking at royalties as well as auctions, what is clear is that,
14 across the programs that we looked at, the dominant method for
15 distribution is still based on historical landings, essentially.
16 That is the dominant method.

17
18 In some cases, vessels, as well as gear attributes, are also
19 used for initial allocation, and, in some programs, a portion of
20 the quota is distributed equally amongst all participants and
21 then, of course, for the few international examples that we
22 mentioned, auctions have been used.

23
24 One thing that we haven't seen in I guess while we were looking
25 to put this together is a program that switched its method of
26 distribution middle of the course, and, by that, I mean that,
27 the programs in which we saw auctions, they implemented that
28 from day-one, meaning, for initial distribution, it was
29 understood that let's say 50 percent of the quota would be
30 distributed this way and 50 percent would be distributed let's
31 say by auction and so forth.

32
33 In general, the distribution methods are specified and are clear
34 to all participants before the implementation of the program,
35 and so that is one observation that essentially we gathered in
36 looking at this. In a nutshell, that is what we have for this,
37 again, very short introduction in response to the council's
38 motion, and we will try to answer questions if you have some.

39
40 **CHAIRMAN GREENE:** Discussion? Mr. Sanchez.

41
42 **MR. SANCHEZ:** I have a question. Any monies, hypothetically, if
43 they were collected under this, above the 3 percent, where would
44 they go then? Would it go to some General Treasury fund? I
45 mean, where would it end up?

46
47 **DR. DIAGNE:** Yes, and, as mentioned in this Section 303A of the
48 Act, the revenues generated through such a royalty program are

1 deposited in the limited access system administration fund
2 established under Section 305 and so on, and they're available
3 subject to annual appropriation, and so there is absolutely
4 nothing that says that those funds would be coming here. Ms.
5 Levy will explain that better.

6
7 **CHAIRMAN GREENE:** Ms. Levy.

8
9 **MS. LEVY:** Well, just to say that, first, it's not related to
10 the 3 percent cost recovery at all, and so they're completely
11 separate things. Then 305(h)(5)(B) has its own language about
12 funds in that -- Money in that fund and how it can be
13 distributed, and so I know this part says available to annual
14 appropriations, but there is a piece of 305(h)(5)(B) that says
15 not subject to appropriations, and so I don't think, at this
16 point, there has been a determination about how exactly that
17 money would be spent and whether it would go into -- We have?
18 Okay. Well, I'm just going to say it's different than the cost
19 recovery, and it may or may not be able to be directed to
20 something or subject to annual appropriations.

21
22 **CHAIRMAN GREENE:** Is there further discussion? Mr. Boyd.

23
24 **MR. BOYD:** Thank you, Assane. I think this is a good start for
25 the council to be educated and look at the possibility of rents,
26 either in the current program or in a new program, and I agree
27 with you that there are no instances in fisheries in the United
28 States where we have any royalty, but we do have, as you pointed
29 out, a lot of instances in other forms of natural resources.

30
31 One of the things that does concern me about the IFQ program is
32 that it's a very closed program. It was established, and it is
33 a very limited entry program, and we've heard a lot of talk
34 about how do we get new entrants into the program, and we
35 haven't been very successful in doing that, other than either
36 selling them quota or leasing them quota.

37
38 I would like to understand more about that impact, and I would
39 like to understand more about the IFQ impact on communities over
40 time, and I would like to understand more about how it has
41 affected the fishermen. We saw today, in the satisfaction
42 report, that almost 50 percent of the people in the grouper-
43 tilefish IFQ are either unsatisfied or highly unsatisfied with
44 it, and there doesn't appear to be any analysis or research on
45 why or any way that we have discovered to improve that
46 satisfaction level.

47
48 I would just submit to you that if you had a business where

1 almost 50 percent of your employees were either dissatisfied or
2 highly dissatisfied, you would have a business problem, and so I
3 am going to pick up on what Leann said earlier about it's good
4 to have external input, as we saw today with Mr. Carmichael, and
5 I would like to see us bring in some outside person who has
6 analyzed IFQ programs and their effects on communities and
7 fishermen over time at some point, and I'm not saying the next
8 meeting, but at some point in time. Thank you.

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

12
13 **DR. DIAGNE:** Yes, Mr. Boyd, and the studies that are included in
14 this review, including the surveys, to my recollection, they
15 were all contracted out, and these were conducted by outside
16 parties from folks at LSU and the folks at Texas A&M and
17 consulting firms, and I think the person who did the market
18 power analysis is Dr. Mitchell, and he has his own consulting
19 group, and all the surveys were completed by a firm that does
20 that, I mean surveys, and I believe the name of the firm is
21 Quantec.

22
23 The study on safety-at-sea was completed by the Science Center,
24 Dr. Akbar Marvasti, and prices and so forth was completed by
25 Walter Keithly, Dr. Keithly, and so, for this particular review,
26 we asked for outside, if you would, expertise, and the
27 constituent studies were all contracted out, and I'm not sure
28 whether you are suggesting that additional studies be contracted
29 out, and, if that's what it is that the council is considering,
30 then --

31
32 **MR. BOYD:** Yes, that's exactly what I'm suggesting, is that we
33 have additional studies reviewed, and I know that, on one of our
34 AP panels, several years ago, we had a gentleman who I believe
35 is at the University of Rhode Island, and I cannot remember his
36 name right now, but he is very versed in international IFQ
37 programs and their effects, and I would be happy to have him
38 come back. He came to two or three meetings where we were
39 initially looking at an IFQ program for the charter/for-hire
40 group.

41
42 There is another paper that was out that I read, and I talked to
43 several council members about it, and I've got it turned
44 sideways, and so I'm going to turn it this way, but by Granger
45 and Costello. It was written a couple or three years ago, and I
46 think it's very informative also on the effects of IFQ programs,
47 and so, yes, I would like to see us bring in some additional
48 information and review that.

1
2 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
3 discussion? Okay. That will wrap up the white paper portion of
4 it. Dr. Lasseter, do you have anything else within this?
5

6 **DR. LASSETER:** No, but I'm going to cover 36B and the remaining
7 AP motions.
8

9 **CHAIRMAN GREENE:** Okay. Yes, I was thinking there may be some
10 AP motions. I will hand it over to Dr. Lasseter.
11

12 **REVISED OPTIONS PAPER - AMENDMENT 36B - MODIFICATIONS TO**
13 **COMMERCIAL IFQ PROGRAMS**
14

15 **DR. LASSETER:** Thank you, Mr. Chairman. Okay, and so, if we can
16 go to Amendment 36B, and we are still in options paper format.
17 At the end of this, if you would like to discuss timeline, if
18 you feel that you're ready to move towards beginning a draft
19 amendment, we can do that.
20

21 Amendment 36B is located at Tab B, Number 9(e), and, as we go
22 through the document, I will highlight the AP's recommendations
23 in the appropriate sections, and so, as we last talked on this
24 document, we tried to focus on the purpose and need, or
25 essentially the goals and objectives of the program, and do you
26 as a council feel that these goals and objectives have been met?
27 Does further progress need to be made towards them?
28

29 Would you like to quantify at what point those goals would be
30 met and/or would you like to add new goals? At the last meeting
31 that you looked at this document, you did add a new goal, and,
32 if we can go to page -- The purpose and need statement is on
33 page 17.
34

35 At the moment, because not all of the potential actions have a
36 corresponding goal that we've been able to identify, additional
37 discussion is needed as far as the goals and objectives of the
38 program. Now, one new goal that you did add was to identify
39 quota set-asides to address and assist small participants and
40 new entrants and to reduce discards, and so that really helps
41 kind of form a direction for any of the potential actions that
42 you may want to engage in.
43

44 To switch over to the AP comments, they did pass one motion in
45 discussing the goals and objectives of the program, and that
46 was, for goals and objectives, to retain the goals of reducing
47 overcapacity and improving safety-at-sea. The AP, through
48 discussion, stated that further progress could be made toward

1 reducing capacity and improving safety-at-sea.

2
3 While I am thinking about it, the AP actually did pass a couple
4 of motions in regard to the auctions, the auction white paper,
5 and so let me just address those real quick, and I do apologize,
6 but, because these are longer motions, could we switch back to
7 the Tab B, Number 9(c), which the AP recommendations, and let me
8 just cover those while auctions are still fresh on everybody's
9 brain? This is on page 4 of the AP recommendations. These are
10 just a little bit longer.

11
12 The AP members discussed the white paper on rents and royalties
13 that the committee just received a review of, and they did pass
14 two motions. The first motion was to recommend to the council
15 to include, in developing the white paper on rents and
16 royalties, as requested by the council: 1) a list of the goal
17 and objectives of Amendment 26, and 26 was the amendment that
18 implemented the IFQ program, and how imposing royalties would
19 either advance or undermine those goals and objectives; and 2)
20 information on the likely effects of royalties on consumer
21 prices for commercially-caught red snapper and on lease prices
22 for allocation, along with resulting impacts on new entrants and
23 bycatch.

24
25 Then their next motion was to recommend to the council to
26 analyze recreational rents and royalties as part of the white
27 paper, and so those were just separate pertaining to the white
28 paper that we just reviewed, and so I wanted to interject those,
29 and now we can go back to 36B, unless there is any comments or
30 discussion.

31
32 In 36B, I briefly touched on the goals and objectives, and,
33 please, I hope that we can get some kind of discussion to
34 further hash out what those goals and objectives should be going
35 forward, but we'll move into the potential actions of Chapter 2,
36 which begin on page 18. Again, since this is an options paper,
37 this is laid out -- Excuse me.

38
39 **MS. BOSARGE:** I'm sorry, but did we already finish with the
40 goals and objectives and the purpose and need statement?

41
42 **DR. LASSETER:** We did. If there is some discussion, this would
43 be a good time to provide that.

44
45 **MS. BOSARGE:** Yes, I wanted to scroll back up to that.
46 Essentially, the first sentence says that the purpose of this
47 action is to review and consider updates to the IFQ program
48 goals and objectives. I think, to consider updates, that's

1 fine, but, if the only update we give is a new goal was to
2 identify quota set-asides to address and assist small
3 participants and new entrants and to reduce discards, I think
4 that we have to go back to the original goals too and say are we
5 retaining any of those, because, if we're not, as the IFQ
6 suggested, their motion was to retain what, the safety-at-sea?

7
8 **DR. LASSETER:** The AP's motion was for the goals and objectives
9 to retain the goals of reducing overcapacity and improving
10 safety-at-sea, and, through the discussion, the AP noted that
11 further progress could be made toward reducing capacity and
12 improving safety-at-sea. However, they did not provide a
13 quantifiable definition of at what point overcapacity reduction
14 would be achieved.

15
16 **MS. BOSARGE:** Yes, and so I think we have to get some of that in
17 there somewhere. Otherwise, if the only thing you talk about is
18 trying to bring new people into this fishery, then that would
19 suggest that you really want to change this from a limited
20 access program to an open access fishery again. I mean, there
21 has to be -- Do you see what I'm saying? There has to be
22 something in that discussion that you think that that goal --
23 That it did reduce some overcapacity that was present in the
24 fishery.

25
26 Now, you want to address new entrants and see about possibly
27 bringing some of those people in, but I think, if you don't
28 address the other piece of it first, it kind of -- I don't know,
29 but it's not real clear.

30
31 **DR. LASSETER:** I probably should qualify a little bit the new
32 entrants bit. We have discussed this, and we use that term "new
33 entrants", and it's often in the literature, and that's why
34 we're using it, but what we're really talking about here are
35 replacement fishermen or the next generation of fishermen.

36
37 It is a limited access permit. You do have to have the reef
38 fish permit to fish, and so that's -- When we're referring to
39 new entrants, and that was part of the discussion when you did
40 add that new goal, was that new entrants referred to replacement
41 or next generation fishermen, and so we're not talking about
42 increasing capacity so much as maintaining capacity.

43
44 **MS. BOSARGE:** So, essentially, we want to maintain the reduction
45 in overcapacity. There was an overcapacity situation, and we
46 reduced our capacity, and our economic analysis says that we
47 could further reduce the capacity of the fleet, but what I've
48 heard around this table is I don't know that that's the

1 direction we're headed, but I think we probably need to have
2 something in there about at least something about maintaining
3 that reduction in overcapacity.

4
5 Now, some may argue that that may somehow conflict with adding
6 new entrants, and I don't think it does. I think you can still
7 bring in new entrants, but I think we just need to be clear that
8 we're not going to the opposite end of the spectrum here and we
9 want to maintain that reduction in overcapacity and not go to a
10 totally open access system again. Do you see what I'm saying?

11
12 I think that's got to be said in here somewhere, and I think the
13 safety-at-sea piece is also an important goal of the original
14 IFQ, and I know that, in my industry, the fact that we're the
15 second-most dangerous industry, commercial fishing, in the
16 United States, I mean, we're feeling the brunt of that from the
17 Coast Guard.

18
19 We have all sorts of new requirements coming down on us, and so
20 I think that is a notable accomplishment that we want to
21 continue that goal in this program, because it does have real
22 effects.

23
24 **CHAIRMAN GREENE:** Not to mention increased insurance as well.
25 Any further discussion? Ms. Bosarge.

26
27 **MS. BOSARGE:** Well, I don't feel comfortable having the purpose
28 and need changed without a motion, and so we really need to have
29 some dialogue about if the rest of the group is willing to
30 retain those two goals from the original IFQ program and put
31 that into the purpose and need statement.

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

34
35 **MS. LEVY:** Maybe I need to discuss this with staff more, but I
36 am sort of wondering whether the changes or the goals and
37 objectives should be in the purpose and need at all, meaning it
38 seems to me that you could have a discussion about what the
39 goals and objectives were, or the goals, and what you're doing
40 to either retain them or add new ones in the document, but it
41 seems odd to me to keep adding them to the purpose and need, and
42 so I still think, if you want to say new goals or maintain goals
43 or whatever, a motion would be good, but I am not sure that the
44 mechanism would be to add them to the purpose and need, and so
45 staff and I can talk about that.

46
47 **DR. LASSETER:** If I can add, the purpose and need is the very
48 end of a quite lengthy section that discusses the goals in

1 place, and I apologize. With the structure of an options paper,
2 if it's just not explicitly put there, those goals are here, and
3 the preceding pages address existing goals and provide
4 information about that and considerations for new goals. It's a
5 quite lengthy discussion in the document, and so, yes, those
6 goals have not gone away.

7
8 **CHAIRMAN GREENE:** Further discussion? Okay. Seeing no further
9 discussion, Dr. Lasseter.

10
11 **DR. LASSETER:** Thank you, Mr. Chairman, and so we'll move into
12 the first of the potential actions, which begins on page 18.

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

15
16 **MR. DIAZ:** I am going to try to do this in the form of a
17 question. This document has been around for a long time. Mr.
18 Williams was on the council and was the person that made a
19 motion to split the document into 36A and 36B, and we grabbed
20 the low-hanging fruit and we moved 36A and was able to get that
21 out the door.

22
23 There really is no more low-hanging fruit. I had a conversation
24 with Dr. Lasseter earlier, and the document basically now could
25 be split again into two separate sections, but they're both
26 difficult sections to work through, and I was kind of hoping
27 that, at some point today, we could have a conversation about
28 whether it makes sense to split this document and try to tackle
29 something and finish it. Is this a good time to have that
30 conversation, Dr. Lasseter, or do you think it would be better
31 at the end of the session?

32
33 **DR. LASSETER:** If we maybe review the potential actions, that
34 might provide context for what your idea is.

35
36 **MR. DIAZ:** Okay. That being said, let's work through today,
37 but, at the end of the session, after everybody has got
38 everything fresh on their minds, maybe we could have a
39 conversation and decide if our path forward is to try to keep
40 working through this difficult document that has got two
41 decision sections or if a better path is to split it up, at the
42 end of the day, and so please keep that in mind and let's have
43 that conversation at the end. Thank you, Mr. Greene.

44
45 **CHAIRMAN GREENE:** I appreciate your thoughtful comments. Dr.
46 Lasseter.

47
48 **DR. LASSETER:** Okay. Thank you, Mr. Chairman. This first

1 section, beginning on page 18, we have titled Program
2 Participation, and there is going to be several potential sub-
3 actions, and the idea here -- What this section is about is
4 reinstating the requirement that, to be a shareholder, you must
5 possess a commercial reef fish permit.

6
7 If you remember, at the beginning of each program, yes, you were
8 required to have a commercial reef fish permit. You were not
9 required to retain that permit to retain your shares, but you
10 could not buy additional shares without having a reef fish
11 permit, and, of course, always, in order to land IFQ species,
12 you always have to have all of the permit requirements and
13 vessel and everything else.

14
15 After the first five years of each respective program, that
16 requirement went away, and what NMFS terms "public
17 participation" became allowed. Any U.S. citizen or legal
18 resident could buy shares, although, of course, you would still
19 have to have that permit in order to land the allocation.

20
21 What this action is considering is reinstating that requirement
22 that if you were a shareholder that you must have a reef fish
23 permit, but there are a lot of different decision points that
24 would need to be made to accomplish this.

25
26 One thing that we do need to focus on here is the goal and
27 objective that this would be in support of. Currently, we have
28 reducing overcapacity, and we have improving safety-at-sea, and
29 then you added the new one regarding assistance to new entrants,
30 our next generation fishermen, and it's not clear to staff what
31 is it that you were trying to achieve by reinstating this
32 requirement. Staff is definitely looking for some further
33 discussion on this, and hopefully we can get a goal and
34 objective out of this or for this action.

35
36 Looking at the bottom, there is going to be three potential sub-
37 actions, and, as we flesh this out into a draft amendment, we
38 may need additional ones, as we think through it, but the first
39 one would reflect that, currently, shareholders are not required
40 to possess the permit. They are not required to possess a
41 permit to retain their shares or to buy additional shares.

42
43 If we scroll down to the top of page 19, to reinstate this
44 requirement, to require shareholders again to have a permit,
45 here is some potential alternatives. Shareholders must possess
46 a valid or renewable commercial reef fish permit to, and you
47 could require this permit for different things, only to obtain a
48 shareholder account, require the permit to possess shares,

1 including shares already held, require a permit to obtain
2 additional shares, essentially grandfathering in people that
3 already have shares, or requiring the permit to obtain and
4 transfer allocation, and so allowing people to buy and sell
5 shares, but, in order to transfer that allocation, essentially
6 leasing allocation to fishermen, require those entities to have
7 a shareholder. Those are some potential alternatives for this
8 first action.

9
10 Another potential sub-action would pertain to who this would
11 apply to, timeline-wise, and so, again, the same status quo.
12 Our current situation is that any U.S. citizen or permanent
13 resident may participate in the program by opening the account
14 and buying shares and allocation and then making transfers
15 within the IFQ system.

16
17 You may want to consider who you want to apply a new permit
18 requirement to, and so the potential alternatives could include
19 requiring all shareholders, without exception, must possess a
20 valid or renewable commercial reef fish permit or grandfathering
21 in people respective to the two programs, and so requiring all
22 shareholders who enter the IFQ program after January 1, 2012 to
23 possess a permit, and that was the date upon which five years of
24 the red snapper program had finished and that program went open
25 for public participation.

26
27 The next potential alternative is to require all shareholders
28 who entered the IFQ program after January 1, 2015 to possess the
29 commercial reef fish permit, and that's the date of which the
30 commercial grouper-tilefish program went open for public
31 participation and you were no longer required to have the
32 permit.

33
34 Another potential alternative would be to require all
35 shareholders who enter the IFQ program following implementation
36 of this amendment, and so essentially allowing everybody to be
37 grandfathered in until this amendment is completed and then,
38 thereafter, anybody who becomes a shareholder, requiring them to
39 possess a valid or renewable commercial reef fish permit.

40
41 The first sub-action was what you could do if you were required
42 to have a permit or not have a permit, and this next part was
43 who would be required to have a permit, and our third potential
44 sub-action here, towards the bottom of page 19, would provide
45 some more qualifiers, some more exceptions, to this requirement,
46 and these would be for the purpose of some of these new
47 entrants, this next generation of fishermen, maybe younger
48 fishermen, smaller participants, say captains and crew, that are

1 working on building up their shares in the fishery, saving money
2 to buy a permit perhaps. You may want to provide some
3 exceptions for these different groups of people.

4
5 Potential alternatives here would be, one, shareholders that can
6 demonstrate direct participation in the fishery, and that would
7 have to be defined, what do we mean by that, but requiring those
8 that can demonstrate some kind of participation in the fishery
9 would not be required to possess the commercial reef fish permit
10 to retain shares or obtain additional shares.

11
12 Then, at the top of page 20, we have another potential
13 alternative. You could consider this as shareholders that hold
14 less shares than some selected amount of shares, and we could
15 provide those as options, would not be required to possess a
16 commercial reef fish permit to retain shares or obtain
17 additional shares, and we put the caveat here of provided they
18 are not related to another shareholder entity, because, of
19 course, you may hold a small amount of shares in one share
20 category and you could hold a lot in another, and so we would
21 want to look at those distinctly, but this could provide people
22 who have just a small amount of shares for a while, and that
23 permit could be very expensive, to begin building up their
24 shares while saving, for example, for a permit.

25
26 Some other considerations here that we would need to provide as
27 options or other alternatives would be to provide a range of
28 share values and percentage of shares or equivalent pounds of
29 allocation, and we could do it either way, that would be this
30 small quantity of shares that people would not be required to
31 have a permit, or we could specify if this would apply to a
32 particular IFQ-managed species or it would apply to all share
33 categories across both IFQ programs, and so do you want to apply
34 this to red snapper only, or do you want to apply it to all
35 species and species groupings across both programs?

36
37 Then, finally, another consideration is to define the scope of
38 being related to another shareholder entity, and this is
39 something that Dr. Stephen has touched on, in terms of those
40 related accounts and how it can be tricky to identify these
41 discreet shareholders, because, of course, people get together
42 and form corporations and have joint accounts with say a spouse
43 or other family members, and so that would need to be broken
44 down and addressed as well.

45
46 Before I pause, there was one motion from the AP regarding this
47 section, 2.1, Program Participation, which I will share now.
48 For program participation, the AP recommended not to require a

1 reef fish permit to be a shareholder, thereby retaining the
2 current regulations. That is the section, 2.1, and I'm going to
3 pause there and see if there is any discussion or questions.

4
5 **CHAIRMAN GREENE:** Mr. Anson.

6
7 **MR. ANSON:** I am curious if -- Jessica, you may have talked
8 about it earlier, during your presentation, but can the program
9 currently identify individual shareholders, or are there changes
10 that you can see that need to be made that can be implemented
11 that would make that easier? I thought that was a difficult
12 process or task at one time, and is that not the case?

13
14 **DR. STEPHEN:** Difficult in the related accounts?

15
16 **MR. ANSON:** Yes, related accounts, I guess, and monitoring those
17 accounts over time to make sure there isn't a mixing of groups
18 that have longer histories, for instance, in this case, and not
19 particularly new entrants.

20
21 **DR. STEPHEN:** Right, and so what we need to do, when we look at
22 related accounts, is each year we look at what accounts are
23 related. When it's just an individual, it's fairly
24 straightforward, because we keep track of all human individuals
25 for our share caps.

26
27 When it's ownership of a corporation is where we start to make
28 the process complicated. Now, we can do it, but it does take a
29 little bit more time and effort. It's not an instantaneous
30 tracking, so to speak, and, if it's a business owning a business
31 and different people in those businesses change out throughout
32 the year, you have to look at who is related during this part of
33 the year versus who is related on that part of the year.

34
35 For any kind of instantaneous tracking of that, it's going to be
36 highly complicated on the IT end to build all the correct logic
37 to do it, and it takes a fair amount of time just to do the
38 related accounts each year, as we look at it.

39
40 **CHAIRMAN GREENE:** Mr. Anson.

41
42 **MR. ANSON:** To follow up on that, there will probably be several
43 reasons to have a business account set up, and you can identify
44 those in your database, correct, as it's a business or multiuser
45 or an individual, as I recall, but the primary benefit, as I
46 understand it, for the business account, would be more for
47 protection of liability or asset reclamation in any lawsuits and
48 that type of stuff?

1
2 **DR. STEPHEN:** That is something that we definitely heard from
3 industry. They all have probably their own reasons, if they
4 want to incorporate each vessel separately, in different just
5 aspects of how they're doing it, but that has been one way that
6 we've identified that there has been movement of -- Again, it's
7 also simpler to put all of your shares in one account and look
8 at it, just from a management point of view.

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

11
12 **MR. ANSON:** Going forward, is there any mechanism that you have,
13 regulatory authority, that would kind of restrict, whether it be
14 an individual account only for a new entrant, for instance, and
15 not give them the ability to establish a multi-account or change
16 it?

17
18 **DR. STEPHEN:** I don't believe so, because the way we determine
19 who the unique entity is, it's a similar method to what we would
20 use for a permit, and so it's the unique entities on a permit
21 that become an overall entity as a whole, and I know it's
22 confusing, because we use that term frequently, and so I don't
23 see any way that we could say that only a person or an
24 individual and you can't make a combination, because you would
25 also be restricting harvesting rights through a permit as well.
26 You look confused.

27
28 **MR. ANSON:** Isn't what a permit does, is restrict harvesting
29 rights?

30
31 **DR. STEPHEN:** Right, but you would be restricting who could
32 apply for a permit, and so if you're saying that -- If I'm
33 understanding you correctly, you're saying you can only get a
34 permit if you're not related to another one in some way, shape,
35 or form.

36
37 **MR. ANSON:** Well, potentially, yes, and I was just thinking of,
38 again, a new entrant that doesn't have any shares and they're
39 leasing or selling or whatever the term is that you're using
40 regarding just temporary use of allocation, and so just for
41 those, again, new fishermen that don't have any history with
42 maintaining or keeping shares, but they are coming into the
43 fishery, and they have the ability, maybe, through another
44 mechanism of acquiring shares and that they would put those
45 shares in this new account.

46
47 **CHAIRMAN GREENE:** Is there further discussion? Dr. Lasseter.

48

1 **DR. LASSETER:** Thank you, Mr. Chairman.
2
3 **CHAIRMAN GREENE:** Hold on one moment, please. Mr. Swindell.
4
5 **MR. SWINDELL:** Do we need to take action on the advisory panel
6 recommendation that, under program participation, do not require
7 a reef fish permit to be a shareholder and thereby retain the
8 regulations? Is action needed on that?
9
10 **DR. LASSETER:** It is an AP recommendation, and it is up to the
11 committee what you would like to do, and so, basically, you have
12 a proposal in here to reinstate the requirement, and the AP is
13 not supportive of this 2.1 action, and that is what the
14 recommendation is.
15
16 **MR. SWINDELL:** In that case, I so move, Mr. Chairman, that we
17 accept the AP's recommendation of, under program participation,
18 do not require a reef fish permit to be a shareholder, thereby
19 retaining the current regulations.
20
21 **CHAIRMAN GREENE:** Okay. We'll get that motion on the board in
22 just a second. Mr. Swindell's motion is to accept the AP's
23 recommendation for program participation to not require a reef
24 fish permit to be a shareholder, thereby retaining the current
25 regulations. It was seconded by Mr. Boyd. Is there further
26 discussion? Ms. Levy.
27
28 **MS. LEVY:** Just to clarify that what I think this means is that
29 you would remove the program participation discussion, the 2.1,
30 the options under it. It would just come out of the options
31 paper, right, because you wouldn't want to be considering
32 changing it.
33
34 **CHAIRMAN GREENE:** I believe that's correct. Mr. Swindell.
35
36 **MR. SWINDELL:** My general discussion of why I came to this
37 conclusion is we have advisory panels, and I think I counted
38 like seventeen people attended that meeting that's on the
39 advisory panel, and we had only four in opposition to this
40 motion that they requested, that they pointed out, and, in that
41 regard, I am certain they had a lot of discussion, from what I
42 have read here, about this whole thing, and I think that it
43 would do us well to pay attention to the people we have chosen
44 that we think are well-versed in this industry to pass this
45 motion. Thank you.
46
47 **CHAIRMAN GREENE:** Okay. Thank you. Is there any further
48 discussion about this motion? Mr. Anson.

1
2 **MR. ANSON:** Dr. Crabtree, I recall that, in other IFQ fisheries
3 that the Service oversees, that they established endorsements or
4 new permits that could be utilized in associating shares to a
5 fishery, and I think it's the sablefish fishery that comes to
6 mind, and so that could be something, a mechanism, a vehicle,
7 that could be used as we look at maybe making some changes in
8 this.

9
10 I realize the importance for business protection to park your
11 shares into one account, the ease and all of that that it
12 affords those that are actively engaged in the fishery, but I am
13 thinking down the road for those shareholders that are no longer
14 engaged in the fishery and are active in it and that this could
15 provide an opportunity, if there are no other changes in the
16 permits and how we issue the permits and tying a permit into
17 utilizing those shares, when you go to fish for them, and so I'm
18 just wondering if that's still a possibility, that we could
19 establish a different permit name, class, whatever, that would
20 identify those individuals and still allow an account just to be
21 used to make the efficient transfer of the shares within the
22 fishery.

23
24 **DR. STEPHEN:** I guess I'm not quite sure exactly what you're
25 getting at here.

26
27 **MR. ANSON:** We have a lot of discussion left to do in this
28 document, and so what I may be talking about will be moot when
29 we get through the entire discussion and develop the document
30 that would go to the Secretary, but I guess I am partial, or
31 interested, in setting up a fishery for fishermen and not
32 necessarily have a fishery set up so retired fishermen, who once
33 were part of the fishery, can utilize accounts and distribute
34 shares that they have acquired and have this issue that we have
35 that we're talking about relative to new entrants and having
36 those folks that are actually engaged in the fishing and doing
37 the actual fishing realize the maximum benefit that they can in
38 order to make their bottom lines more efficient and better, and
39 so that's all I'm trying to do.

40
41 This makes me nervous that we won't be able to do that, and we
42 may not be, because there may not be enough folks that will vote
43 for that type of thing, but that's all I'm -- I'm not in favor
44 of it if there isn't a mechanism to do that.

45
46 **CHAIRMAN GREENE:** Dr. Crabtree.

47
48 **DR. CRABTREE:** I am not sure if there is or isn't. I mean, I

1 understand that there is some discomfort with some folks about
2 the fact that we have shareholders who don't own vessels and
3 don't have permits and they transfer their allocation. The more
4 I've thought about it, the harder time I have coming up with why
5 that's such a concern, and the other thing is, as we try to
6 figure out what to do about it, it just is like this cascade of
7 unintended consequences and complexities.

8
9 Then it always comes back to what is it we're trying to do and
10 why are we trying to do it, and I guess that's what I struggle
11 with, and so I'm not that familiar with the sablefish fishery.
12 Maybe there are ways to do this, but, every time I have sat with
13 folks and talked about ways to get at this, it gets very
14 complicated, and you run into a world of potential unintended
15 consequences, and I've almost come to the point that it's just
16 the cure is worse than the problem, and I'm not sure that it
17 warrants so much efforts to deal with it.

18
19 **CHAIRMAN GREENE:** All right. Thank you. Dr. Stephen.

20
21 **DR. STEPHEN:** I guess one thing is if we can pull up Table
22 2.1.5. We did take a look at what we're calling our public
23 participant accounts out of all the accounts, and then we took a
24 look at how many of those were related. Just to kind of give a
25 little clarification, when you subtract the related public
26 participant accounts from the public participant accounts, and
27 bear with me with all of this, you only get about eighty-three
28 true public participant accounts.

29
30 That is not even quite -- I think it's around 10 percent of all
31 the accounts in the system that are that, and so here you can
32 see there are 331 what were called public participant accounts,
33 and those are accounts that don't have a permit currently
34 attached to them, and there are 248 public participant accounts
35 that are also a related account to another account, and so I
36 don't know if that helps you think of the magnitude of if there
37 is or isn't a problem and unintended consequences. As you start
38 doing things, you start affecting some of these other accounts
39 that you may not intend to.

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

42
43 **MR. ANSON:** Well, that's a figure that's reflective of today,
44 but, five years from now, is that number going to increase? Is
45 that percentage going to change ten years from now or fifteen
46 years from now or twenty years from now?

47
48 I am trying to look out into the future and try to see where we

1 can go with the fishery relative to some of these overarching
2 issues that are associated with the rights, if you will, of
3 maintaining ownership of part of the resource, and so, again,
4 I'm just trying to set ourselves up for maybe the next time we
5 review this in ten years, that maybe some of these issues -- We
6 can either set up a system that will prevent a lot of that, or
7 what I feel to be a concern, and, yes, there will be some pain,
8 and, yes, there will be difficulty, and, yes, we can establish
9 it such that we can minimize and make a soft landing for those
10 that maybe invested a lot of money, and maybe we do a -- Part of
11 the document that I think Ava is going to go over is there is a
12 way to kind of do a step-wise introduction to new ways of
13 managing the fishery, and so that's all. Again, I am unsure
14 that just maintaining these accounts that don't require the
15 permit will necessarily have the concern I have go away.

16
17 **CHAIRMAN GREENE:** Ms. Bosarge.

18
19 **MS. BOSARGE:** Dr. Stephen, you used a lot of lingo that you're
20 real familiar with, but let me try and make sure I understood
21 what you said, because you're using public participant and
22 related accounts, and what you were trying to say is essentially
23 -- This is what I got out of it, and I need to make sure I'm on
24 the right page.

25
26 There is 331 accounts out there -- Let me back up. See, I even
27 get confused when I try and say it. What you're trying to say
28 is there is a lot of these accounts out there that don't
29 necessarily have a permit attached to them, but, when you look
30 at it, a lot of those accounts have a related account, like this
31 boat might be incorporated in this name and this boat is
32 incorporated in a different corporation, and this boat right
33 here, this share account, may not have a permit associated with
34 it, but this one over here that they also own does, and they've
35 got all their allocation over there right now.

36
37 In other words, they have a permit, but they just don't have a
38 permit on every individual account that they have, and so there
39 is actually only eighty-three accounts out there that have no
40 association whatsoever and that person, business, whatever you
41 want to call it, doesn't have any other related accounts that
42 have a permit associated and there is no way they're associated
43 with a permit.

44
45 **DR. STEPHEN:** Yes, that's correct, and, just to caveat that,
46 when I was calling it a related account, it had to have an
47 actual person in common between the two, and so we are not
48 taking into effect brother and son or things like that, other

1 familial relationships that occur.

2
3 When we looked at some of the transactions, and remember we had
4 a reason of transfer to a related account, and I looked into
5 some of those, and I'm like, well, I can't find a related entity
6 as an individual person, but you notice the names are the same,
7 the last names are the same, and so the eighty-three might even
8 be further reduced, but we can't kind of make that determination
9 on our own. Just because you have the same last name, it
10 doesn't necessarily mean that you're related.

11
12 **CHAIRMAN GREENE:** Okay. Is there further discussion? We have a
13 motion on the floor, if we can put it back up on the screen. We
14 have a motion on the floor, and it's been seconded, and we've
15 had a lot of conversation and debate about it. **Is there any**
16 **opposition to the motion on the floor before you? Seeing one in**
17 **opposition, the motion carries.**

18
19 **MS. BOSARGE:** Dr. Lasseter, how much longer do you think you
20 have?

21
22 **DR. LASSETER:** I could just say a couple of words about 2.2,
23 given this motion, and then perhaps we could save the rest of
24 the document for after lunch.

25
26 **MS. BOSARGE:** Perfect.

27
28 **DR. LASSETER:** Okay. I will be very brief. 2.2 begins on page
29 30, and this is directly related to the whole program
30 participation section, 2.1. and so the way I interpret that last
31 motion passing is that we would remove this section as well, and
32 so 2.2 would have addressed a phase-in period for requiring
33 this, giving people an opportunity to either go out and find a
34 commercial reef fish permit to buy or giving them the time to
35 divest themselves of their shares, and, since you're not going,
36 currently, to require or pursue this requirement for having a
37 reef fish permit, we will go ahead and remove this section from
38 the document as well. Then we can take up the rest of Section
39 2.3 after lunch.

40
41 **MS. BOSARGE:** Man, that sounds great. We're going to go to
42 lunch, and we're scheduled from 12:30 to 2:00 for lunch, and so
43 we'll still come back at two o'clock.

44
45 (Whereupon, the meeting recessed for lunch on April 18, 2018.)

46
47 - - -

1 April 18, 2018

2
3 WEDNESDAY AFTERNOON SESSION

4
5 - - -
6

7 The Reef Fish Management Committee of the Gulf of Mexico Fishery
8 Management Council reconvened at the Marriott Courtyard,
9 Gulfport, Mississippi, Wednesday afternoon, April 18, 2018, and
10 was called to order by Chairman Johnny Greene.

11
12 **MS. BOSARGE:** All right. I think we have our council members
13 and our lead staff back at the table for this document, and so
14 we're going to pick back up with the Reef Fish Committee.
15 Chairman Greene, I will turn it over to you.

16
17 **CHAIRMAN GREENE:** Thank you, Madam Chair. We're going to pick
18 back up where we left off in the Tab B, Number 9, Reef Fish 36B
19 Options Paper. I am going to hand it over to Dr. Lasseter and
20 let her continue on with her progress throughout this document.

21
22 **DR. LASSETER:** Thank you, Mr. Chairman. We left off with little
23 comments on that Section 2.2, which was associated with a
24 pending requirement for requiring a commercial reef fish permit,
25 and, since you have removed consideration of that, we will also
26 remove Section 2.2 from the document.

27
28 We are left with Section 2.3, which, in 36B, begins on page 32.
29 This section, the potential actions address the quota
30 redistribution or quota set-aside, and, as with the previous
31 section, several actions would be required to address this
32 topic.

33
34 As we also discussed during the purpose and need, the goals and
35 objectives discussion, you did a goal or objective for going
36 forward, and that would be very applicable to this section, and
37 so we have inserted that here, where it says goal objective, to
38 assist small participants and new entrants, i.e., replacement or
39 next generation of fishermen, and to reduce discards.

40
41 Currently, annual allocation that corresponds with the shares is
42 distributed to shareholders by January 1 of each year or at the
43 time of an in-season quota increase, and so several potential
44 actions and alternatives that could follow to support a quota
45 redistribution or set-aside action include to -- First, you
46 would need to determine the share categories to which the
47 redistribution or the set-aside would apply, red snapper only,
48 grouper-tilefish, and you've got the individual species

1 categories, and you have the multispecies categories, and you
2 could do, of course, all of those, and then we also have those
3 shares from the non-activated accounts that will be reclaimed
4 through Amendment 36A when that is finalized.

5
6 If we recall from Amendment 36A, you did take action in that
7 amendment to, upon implementation of that amendment, reclaim
8 those shares from those accounts that have never been activated
9 in the current system, since 2010, and then you moved to
10 consideration of 36B what you would do and how you will actually
11 distribute those shares. That would be another component here
12 of which share categories you could use these shares from these
13 non-activated accounts for this distribution or set-aside as
14 well.

15
16 Another either action or alternatives within an action would be
17 to set a threshold of quota and specify the amount of quota to
18 which a redistribution or a set-aside would apply or would
19 occur, and some examples of potential alternatives for this
20 would be future increases to the commercial quota. Again, we
21 would need to specify which of the species categories you're
22 going to apply this to.

23
24 Use the quota at the time the program was implemented, use the
25 largest quota within a selected time period, or you could just
26 specify, with some rationale, a particular quantity of quota as
27 well. It could be a proportion, say 20 percent or 10 percent,
28 et cetera.

29
30 The next potential actions and alternatives, we need to
31 determine the recipients of the quota that you're going to set
32 aside or redistribute and determine whether you're talking about
33 shares or allocation only.

34
35 These potential recipients of quota could include small
36 shareholders, and, of course, that would need to be defined who
37 qualifies as a small shareholder, and next generation of
38 fishermen, and, again, that would need to be defined of how much
39 experience or how much time have they been in the program or
40 perhaps in what kind of role have they been in the program.

41
42 Allocation only account holders with a commercial reef fish
43 permit and landings in 2015 or the most current year for that
44 share category, and, now, this particular one came from your
45 alternatives for the recipients of the shares that were held in
46 those non-activated accounts in Amendment 36A, and so, these
47 three here, that's where those potential alternatives come from.

1 Since part of your new goal and objective is to address
2 discards, you may want to specify particular fishermen for the
3 purpose of reducing discards, and so, again, that's another one
4 that would have to be fleshed out and defined, what you mean by
5 that.

6
7 After you have determined who would get the quota, you would
8 need to determine the method of distribution, how you're going
9 to distribute the shares and/or allocation, and some potential
10 alternatives would be equally among all eligible recipients,
11 again defining who is eligible, or you could distribute it in
12 annual or multiyear cycles, as in the cyclical redistribution
13 that's considered in Amendment 41, and this could be based on
14 fishing participation, and, this potential alternative, you had
15 requested that we add a couple of meetings ago, and you asked
16 for this to be a potential method for redistribution.

17
18 A quota bank, you could establish a quota bank and distribute
19 shares and/or allocation through that as well as a lottery, and
20 then, finally, at the bottom here, we have a little statement
21 that, in the event a quota bank is established, options will
22 include addressing shares held in accounts that become inactive
23 in the future, and we've addressed the ones that were non-
24 activated from Amendment 36A, but you could define this for the
25 future as well, as well as distributing those shares that, yes,
26 are being reclaimed from Amendment 36A.

27
28 Let me pause there just for discussion, because that's an awful
29 lot of potential sub-actions and alternatives, and then I will
30 go over the AP recommendations.

31
32 **CHAIRMAN GREENE:** I agree. Any comments or discussion before we
33 get into the AP recommendations? Mr. Boyd.

34
35 **MR. BOYD:** I think this would be the appropriate time, and, if
36 it's not, I will hold it, but I have an action that I would like
37 to put into 36B regarding the law enforcement concerns, and is
38 this appropriate, do you think?

39
40 **DR. LASSETER:** Could we come right back to that after 2.3? I am
41 thinking that might not be about redistribution.

42
43 **MR. BOYD:** Okay. I'll wait. Thanks.

44
45 **CHAIRMAN GREENE:** Anybody else have anything? Ms. Bosarge.

46
47 **MS. BOSARGE:** I was just going to make a comment on the second
48 bullet, like dark solid bullet, determine recipients of quota

1 and whether shares or allocation only are distributed, and so
2 then you say next generation of fishermen, and then the next
3 bullet has some more language. To me, that third bullet,
4 allocation only account holders with a commercial reef fish
5 permit and landings in 2015 or whatever year for that share
6 category, that's almost like a definition of your next
7 generation of fishermen, and do you know what I'm saying?

8
9 That is essentially the man that's out there on the water
10 catching reef fish, but is not currently an owner in that
11 fishery, as far as shareholder type of owner, and so, to me,
12 that's almost like a definition of your next -- That's the man
13 that you hope will eventually become an owner, a shareholder,
14 and continue fishing, but, right now, he's just leasing. Man or
15 woman, and I always say "man", and I am a woman.

16
17 **CHAIRMAN GREENE:** Okay, because I had kind of looked at the next
18 generation of fishermen as well, and I didn't know if there was
19 a -- I didn't know if that meant that it was someone's kid
20 coming into it or if it was just someone who retired out of one
21 industry and wanted to become a fisherman, but I am fine with
22 it. I just maybe need to hone-in on that maybe just a little
23 bit and make sure that everybody understands. Anything else
24 before we get into the AP recommendations? Okay, Dr. Lasseter.

25
26 **DR. LASSETER:** Okay. Thank you, Mr. Chairman. The AP made a
27 few recommendations regarding this section, and the first one
28 was to create a quota -- Actually, since there is several of
29 them, perhaps we could -- I think you even have those up, don't
30 you? Fabulous. Thank you so much.

31
32 I am on page 3, the second motion on page 3. It's the middle of
33 the screen that's up on the board, and this says to create a
34 quota set-aside from the non-activated accounts to run a NOAA
35 quota bank for addressing commercial discards. NOAA shall
36 create an industry steering committee to advise in the
37 administration of the program.

38
39 Some of the discussion that led to this motion, around this
40 motion, was that AP members really emphasized the importance of
41 their involvement, the industry's involvement, in developing
42 such a quota bank and in the future decisions on how to make
43 that quota available.

44
45 If we move down a little further, the next one is to move
46 Section 2.3.1, the lease-to-own provision, to the Considered but
47 Rejected Section, and there was discussion on this that it would
48 be unenforceable and that it would lead to increased lease

1 prices, and there was also discussion that fishermen felt that
2 shareholders might engage in this exchange independently on
3 their own, but that, if anybody was required to, you probably
4 wouldn't have people coming forward and wanting to participate,
5 if they knew that they were going to lose their shares.

6
7 On the other hand, and I'm going to take a step back. This is
8 one that Roy Williams raised, and there is still a section in
9 the document on this. However, it is very closely related to
10 this idea of a set-aside in some of these potential actions and
11 alternatives, in that, if you did have a quota set-aside, you
12 could, as one of the methods of distribution, require people to
13 lease the quota for so many years before they are somehow able
14 to acquire it.

15
16 You may want to consider whether this should be a stand-alone
17 type of provision that would be an external program or whether
18 this should somehow be incorporated into other actions and
19 features of Section 2.3.

20
21 Moving on to the next one, the AP recommends that for NMFS to
22 establish an information exchange for shares and/or allocation
23 of IFQ reef fish, guidelines for the scope and rules of
24 operation would be established once approved, and there was a
25 good bit of discussion about this.

26
27 Some of the discussion talked about -- Some of the AP members
28 who were new entrants said that they did not just socially know
29 a lot of the existing shareholders, especially the larger
30 shareholders, and they did not know how to locate people who
31 might have available allocation, and, from that discussion, NMFS
32 staff suggested that they could host some kind of a message
33 board. Then industry, again, reiterated that they would want
34 some kind of input in the specifics and rules of how this would
35 work.

36
37 This was a very large part of the day's discussion, and I'm
38 going to pause there and also just see, since we do have our
39 vice chairman in the audience, if there is anything that Captain
40 Walker could contribute to any of this, and I just want to make
41 sure that I give him the opportunity. Maybe not at this moment,
42 but okay. We have another motion.

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

45
46 **MS. BOSARGE:** I was just going to say that there was a good bit
47 of dialogue about that information exchange, and I have perused
48 the NMFS website a little bit, and we have a good bit of

1 information already on there, like from a permit holder
2 standpoint. We've got names and addresses, and I think maybe
3 telephone numbers, of permit holders, but I think they wanted to
4 kind of take that one step further.

5
6 If there was somebody that was looking to buy quota and really
7 didn't know who to reach out to, other than maybe a handful of
8 people or something, that they could go onto there, and I don't
9 know -- I don't do chats, and I'm not that technology savvy,
10 but, anyway, that you could essentially say I'm looking to
11 purchase this and is there anybody out there that's wanting to
12 lease or sell or whatever, and so I thought it was a pretty
13 interesting information exchange type of idea.

14
15 **CHAIRMAN GREENE:** Is there further discussion? David, did you
16 have something that you wanted to add?

17
18 **MR. DAVID WALKER:** I was just going to add that it was unanimous
19 support. There was a lot of goodwill of folks working with
20 these new entrants, and there were a lot of new people and new
21 faces on the AP, and I thought the communication was good during
22 the meeting, during lunch, and, as the day went on, things just
23 got better and better, and it was just the meeting went very
24 well. The discussion was, as far as -- I remember it being
25 pretty much unanimous to move forward and improve
26 communications.

27
28 **CHAIRMAN GREENE:** Thank you. Is there further discussion or
29 comments? Mr. Swindell.

30
31 **MR. SWINDELL:** Do we need a motion of any sort to incorporate
32 any of this stuff from the AP?

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

35
36 **MS. BOSARGE:** Well, maybe if we could just get some feedback
37 from the agency and see if they feel that's something that they
38 can do, or do they need a letter from us, or what they might
39 need to start looking at that and trying to create something.

40
41 **DR. STEPHEN:** I can answer that. I have already talked to some
42 of our IT staff about how we might go about developing it, and
43 so I don't feel that we need a motion. We can make this one of
44 our priorities to do and put together something that meets all
45 the requirements and allows an exchange of kind of -- It's
46 probably using drop-down boxes of I want to sell this for this
47 price and so forth, but we can work on that.

48

1 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
2 Lasseter.

3
4 **DR. LASSETER:** Thank you, Mr. Chairman. Okay. Carrying on with
5 their discussion on quota set-asides, an AP member raised the
6 issue of possibly distributing future quota increases
7 differently than what is done now, which is just existing
8 shareholders according to their shareholdings, and so then they
9 passed this next motion, and we're at the top of page 4.

10
11 The AP would like to consider future potential set-asides of a
12 percentage of any quota increases after the council and the
13 advisory panel designs a mechanism with an associated purpose
14 and need. That meant that they wanted -- The purpose and need
15 part meant that they wanted a goal and objective to be driving
16 this idea.

17
18 The next section covered the auctions, which I believe I touched
19 on when we went over the white paper as well, and that would
20 apply to 2.3, this section. Following that, and so about the
21 second third of page 4, related to new entrants, and this came
22 out of their discussion when they were talking about how the
23 next generation of fishermen could get into the program.

24
25 The AP members brought up a loan program, and that is a way that
26 new entrants could enter the fishery by taking out loans and
27 buying shares, and NMFS staff indicated that the national
28 program is still under development. They are still working on
29 that, and then the AP did pass a motion supporting the
30 development and implementation of an IFQ loan/fisheries finance
31 program in the Gulf of Mexico similar to the model used in the
32 Pacific Northwest.

33
34 Those were the AP's recommendations, and I do have a couple
35 more, and also one on 36A, but let me turn it over for
36 discussion on this Section 2.3 for the moment.

37
38 **CHAIRMAN GREENE:** Ms. Bosarge.

39
40 **MS. BOSARGE:** For you again over there, Dr. Stephen, for that
41 loan program, can you tell us maybe where the agency is and what
42 your future goals are there?

43
44 **DR. STEPHEN:** Sure, and so I reached out to the loan officers
45 when I got back from the meeting, and they are currently in the
46 final stage rules of kind of going through all the different
47 proofing and editing going forward. I have kind of a draft one
48 in front of me.

1
2 Just to give you an idea, the borrowers would need to be U.S.
3 citizens, and they would need to meet all the requirements to
4 hold the harvesting rights under the applicable FMP at the time
5 of the loan closing, and so that's one where I want to get a
6 little more clarification from them of what exactly that would
7 mean, and then, of course, they're subject to all the other
8 typical things, such as background checks and so forth.

9
10 I gave a presentation on this loan program, and it's probably
11 been quite a few months ago by this point, and they -- With the
12 lending for the harvesting rights, they will lend up to 80
13 percent of the cost of the transaction to purchase or refinance,
14 and so the other 20 percent of the cost of that would have to
15 come from the applicant.

16
17 As I get a little bit more information about this program from
18 them, I might reach back out to the council. One of the
19 questions that came up at the AP was who could apply for it, and
20 the general terms of the loan program -- Right now, what I
21 mentioned before is U.S. citizen and holding the harvesting
22 rights. I am trying to get in touch and get a little more
23 clarification if we can put additional criteria to that and, if
24 the council does want to do that, how we would go about it.

25
26 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
27 Swindell.

28
29 **MR. SWINDELL:** One thing that the AP recommended is what to do
30 about the set-asides, and do we need to take any action here
31 regarding their request to create a quota set-aside from non-
32 activated accounts to run through a quota bank? Is there
33 nothing in the document relative to any of this?

34
35 **DR. LASSETER:** It is at the pleasure of the committee whichever
36 of these you are interested in pursuing, and motions would be
37 informative for us, but it's up to you.

38
39 **MR. SWINDELL:** Well, I so move, Mr. Chairman, that we address
40 the AP's recommendation to create a quota set-aside from non-
41 activated accounts to run a NOAA quota bank for addressing
42 commercial discards. NOAA shall create an industry steering
43 committee to advise in the administration of the program.

44
45 **CHAIRMAN GREENE:** They are getting your motion up on the board
46 right now. We have a motion on the floor, and I believe it's
47 correct as you read it into the record. Is there a second for
48 this motion? It's seconded by Ms. Bosarge. Is there any

1 discussion? Ms. Levy.

2
3 **MS. LEVY:** I will just say I think that it's fine if you want to
4 pass this motion, but I think it's already contemplated in this
5 options paper that one of the actions or alternatives you would
6 be looking at is a quota bank, and so that seems to fit in with
7 what's already in here.

8
9 The other thing I will say is that I don't know that NOAA can
10 create an industry steering committee, meaning that would be
11 subject to the Federal Advisory Committee Act provisions, and so
12 they would have to go through that whole process to set up an
13 advisory committee, and the council could potentially set up an
14 AP or something, but, in terms of NOAA actually creating it,
15 that's probably not feasible. I am not saying that you have to
16 change it, but I'm just letting you know.

17
18 **CHAIRMAN GREENE:** Dr. Crabtree.

19
20 **DR. CRABTREE:** Normally, the APs would report and advise the
21 council and then you would provide your feedback on things to
22 the Fisheries Service.

23
24 **CHAIRMAN GREENE:** So it seems like we would change "NOAA" to the
25 "council", and it would do essentially what we need, and I'm not
26 trying to suggest or push your motion, but I'm just trying to
27 help.

28
29 **MR. SWINDELL:** I am not clear whether the advisory panel had
30 enough detailed information of this nature of how to word this
31 thing or what to go with, but they're just saying that they
32 would like to see a quota bank set-aside, and I don't disagree
33 with them, and so what the wording needs to be is up to legal or
34 to NMFS or whoever knows how to word it.

35
36 **CHAIRMAN GREENE:** Okay, and so I believe that Leann seconded the
37 motion. Do you have any advice on how you want to change the
38 motion to capture the intent?

39
40 **MS. BOSARGE:** Well, I think if we just change "NOAA" probably to
41 "council", and we'll give staff some leeway. That industry
42 steering committee could just be our AP. We will bring this to
43 our AP, and we'll have them say, okay, and so, if you were going
44 to set this up, how would you set it up.

45
46 If we need to reach out to others that may have expertise, we
47 can do that as well, like in other areas of the country or
48 something like that, and I think that's fine. I think just NOAA

1 was concerned that they can't create an industry steering
2 committee, and so, as long as we put it back in the council's
3 purview, I think that's okay.

4
5 **CHAIRMAN GREENE:** Okay. Is there further discussion?

6
7 **MR. SWINDELL:** I agree.

8
9 **CHAIRMAN GREENE:** Okay. Thank you. Dr. Frazer.

10
11 **DR. FRAZER:** Thank you, Mr. Chair. I've been thinking a lot
12 about this and trying to figure out -- You know, there's a lot
13 of things that you can do with that quota, and so, when I'm
14 looking at the bulleted points here in this Section 2.3, when
15 you're trying to distribute that quota, is there flexibility, or
16 will there be flexibility, I guess, coming out of the AP that
17 says we can use some of it for X and we can use some of it for Y
18 and some of it for Z? That's what I would hope, because you
19 want to do a lot of good things with that quota, potentially,
20 even though there's not a lot of it.

21
22 **CHAIRMAN GREENE:** Dr. Lasseter.

23
24 **DR. LASSETER:** Could we take a look at Table -- I just want to
25 remind everybody about these non-activated accounts. It's on
26 page 36. Table 2.3.2.1. This motion right here is specific to
27 the non-activated accounts, and I just want to point out that we
28 are talking about quite a small amount of quota here.

29
30 **CHAIRMAN GREENE:** Ms. Levy.

31
32 **MS. LEVY:** Well, so I will also say that that's a recommendation
33 to do a particular thing, but, as the council, when you're
34 developing your document, you would have alternatives of how to
35 distribute these non-activated, and so one of them might be a
36 quota bank, like what's laid out in this options paper, and one
37 of them might be another way or another method or another means
38 of distributing it, and so the AP's suggestion is to do the
39 quota bank, but, in terms of the council's document and
40 analysis, I would presume that you would analyze or look at more
41 than one way to distribute this stuff and that this would
42 potentially be an alternative that you would consider.

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

45
46 **DR. CRABTREE:** The bottom line is it's -- I think that's red
47 snapper, and it's 15,000, and the grouper-tilefish is less than
48 20,000, and so you're not talking about much, which means you're

1 going to be able to do very limited things with it unless you
2 are prepared to set aside some of the quota or something like
3 that.

4

5 **CHAIRMAN GREENE:** Dr. Frazer.

6

7 **DR. FRAZER:** I guess, along those lines, there was another
8 recommendation from the AP that said, should additional quota
9 become available, then you could use that as well, and I'm just
10 happy with that too, but, in the future, moving forward, I am
11 particularly interested in the options to deal with these fish
12 to reduce the discards, and I had a number of conversations with
13 some fishermen recently, and so there are some pretty creative
14 ideas out there, and everybody is catching ten snapper to try to
15 get one grouper or something like that, but maybe you could
16 allow them to have two snappers, but, in return, maybe they're
17 not going to take one of those groupers, and I think that's a
18 really creative way to deal with the snapper issue and deal with
19 the grouper fishery that's not in great shape right now.

20

21 **CHAIRMAN GREENE:** Is there further discussion? Seeing no
22 further discussion on the motion to create a quota set-aside
23 from non-activated accounts to run a NOAA quota bank addressing
24 commercial discards. The council shall create an industry
25 steering committee to advise in the administration of the
26 program. It was seconded. Any further discussion? **Seeing no
27 further discussion, is there any opposition to the motion on the
28 floor before you? Seeing none, the motion carries.** Dr.
29 Lassetter

30

31 **DR. LASSETER:** Thank you, Mr. Chairman. One more issue I would
32 like to raise, and this is one of the AP's recommendations, and
33 perhaps we could have some discussion, is the Section 2.3.1, the
34 lease-to-own provision.

35

36 The AP recommends removing this, and, if you look at some of the
37 potential actions in these alternatives for the quota bank, ways
38 to provide quota to new entrants or replacement fishermen or
39 whatnot, is the council still interested in retaining this
40 lease-to-own provision, and, if not could we potentially remove
41 it?

42

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

44

45 **DR. CRABTREE:** I don't think it's workable, and so I would be
46 fine with removing it.

47

48 **CHAIRMAN GREENE:** Is there further discussion? Mr. Swindell.

1
2 **MR. SWINDELL:** I so move to move Section 2.3.1, the lease-to-own
3 provision, to Considered but Rejected.

4
5 **CHAIRMAN GREENE:** Okay. We have a motion to move Section 2.3.1
6 to Considered but Rejected. Is there a second for this motion?
7 It's seconded by Dr. Shipp. Is there further discussion?
8 **Seeing no further discussion, is there any opposition to the**
9 **motion on the floor before you? Seeing none, the motion**
10 **carries.** Dr. Lasseter.

11
12 **DR. LASSETER:** Thank you, Mr. Chairman. If there's not any
13 further discussion on Section 2.3, anything else you're
14 interested in having us consider? This might be the opportunity
15 to pass it back to Mr. Boyd, and then I do have some more AP
16 recommendations, but that's outside of 36B, and so I think his
17 motion pertains to 36B, if I understood.

18
19 **CHAIRMAN GREENE:** Mr. Boyd.

20
21 **MR. BOYD:** While they're putting the motion up there, I will go
22 back and recap that the Law Enforcement Committee had a lot of
23 discussion and concern about the differences in the hail-in of
24 catch and the amount that was actually on the boat, and there
25 was so much concern about it that I think it ought to at least
26 be in this document as a point that we discuss.

27
28 **My motion is to add an action to Amendment 36B regarding the**
29 **LEC/LETC's concerns with the accuracy of landing estimates**
30 **provided in advance landing notifications in the commercial IFQ**
31 **program due to law enforcement's observation of underreporting.**

32
33 **CHAIRMAN GREENE:** We have a motion on the floor. Is there a
34 second for this motion? It's seconded by Dr. Stunz. Is there
35 further discussion? Ms. Bosarge.

36
37 **MS. BOSARGE:** Dr. Stephen, didn't you say that there was just as
38 much overreporting as underreporting?

39
40 **DR. STEPHEN:** Typically, they land more than what they have put
41 in the notification, and there could be probably a variety of
42 reasons for that, and so I think my larger concern is how we
43 start to define what more accurate would be down the road.

44
45 We have actually talked about this back in 2012, and it was
46 briefly brought up at the law enforcement panel at that point in
47 time, and, as I mentioned before, 10 percent versus a certain
48 amount of pounds, depending if you're a small or a large one,

1 that kind of creates a different problem in each one of those.

2
3 **CHAIRMAN GREENE:** Ms. Bosarge.

4
5 **MS. BOSARGE:** Yes, and so I guess that's my concern. I mean,
6 you're talking about two or three guys on a boat, and you don't
7 have a set of pallet scales on the boat. I mean, it's not like
8 -- Even when we unload a shrimp boat, we've got pallet scales,
9 and we're palletizing things, and we still -- When we go to sell
10 those shrimp to whoever, we 3 percent them. I mean, we net
11 them, right? We take the gross and we 3 percent it down,
12 because you can have that much wiggle room in it.

13
14 To ask a man on a boat with no scales, and he's not weighing
15 these fish on the boat, and he's ballparking it on the boat and
16 bringing it to the dock, to ask him to get within 5 percent or
17 10 percent, even 10 percent, and I don't know.

18
19 That seems kind of tough, and I don't really see -- I can see,
20 well, you're scared that you might have somebody saying they
21 have 500 pounds, but they really have 1,000 pounds, and so, man,
22 what if law enforcement doesn't meet them at the dock, and, I
23 mean, these guys are hailing-out and hailing-in and telling law
24 enforcement three hours before they get to the dock that they're
25 going to be at the dock, and they can't touch the dock until
26 they get to that three-hour window, the end of it, and law
27 enforcement can meet them there if they want to.

28
29 They have to fill out a trip ticket, and there is dealer
30 reports, and there is a VMS that is tracking them at all times,
31 and I don't know. It just seems like we're nitpicking them to
32 death.

33
34 **CHAIRMAN GREENE:** Is there further discussion? Mr. Swindell.

35
36 **MR. SWINDELL:** I am having trouble wrapping my mind around the
37 overall importance of calling in a poundage number and it being
38 different from what you actually unloaded. Actually unloaded is
39 the number that we're going to use in all of our data collection
40 to determine what resource is being caught, and what is this
41 trying to do?

42
43 Is this because the enforcement is reaching the boat before it
44 gets to the dock and that's a problem with it? I am just -- I
45 don't quite understand what the big deal is, especially if
46 you're looking at pounds or however they're having to report it.
47 It could become extremely difficult, and it's just like if
48 you're out there sportfishing and you catch a lot of fish, and I

1 don't know the pounds. I might know by the number of fish, but
2 I don't know the pounds, and all the commercial fishermen don't
3 know the pounds per fish that they're catching at the time.

4
5 I don't know, and please explain to me, someone, if you can, as
6 to what's the significance here? What's the problem with it
7 being off? I mean, what we want to know is what they unloaded,
8 and am I not wrong?

9
10 **CHAIRMAN GREENE:** Dr. Lasseter.

11
12 **DR. LASSETER:** I will just share -- This came from the Law
13 Enforcement Committee's report, and so this is -- Their concern
14 was that the officers are not there to observe all of the
15 unloading and that, in this particular case, there happened to
16 be an enforcement officer there who observed that they landed
17 1,100 instead of the reported 500.

18
19 The officer's concern was that, if no officer is present, are
20 the fish accurately deducted from the red snapper commercial
21 quota, and the concern by the committee is that some commercial
22 red snapper landings could be unreported or reported and sold as
23 a different species, such as vermilion snapper, and so that's
24 what came from law enforcement.

25
26 **CHAIRMAN GREENE:** Ms. Guyas.

27
28 **MS. GUYAS:** Well, I mean, I am not advocating one way or another
29 on this motion. I understand from law enforcement that there is
30 an issue here, and it's not clear to me exactly how to fix it or
31 if the fix makes things better or worse, but I guess, to -- I
32 guess let me use an analogous situation, right, and so we just
33 went through this process with the charter reporting, and so one
34 of the things that we wanted to do was have them report before
35 they got to the dock, and so this is the same idea here, right?
36 They would be reporting at least a ballpark, in theory, what
37 they are landing, so law enforcement can validate that.

38
39 It gets validated again on their trip ticket, and it's about
40 accountability. That's the reason for this, and so apparently
41 there's been situations where there is big disparities, and they
42 are trying to figure out what is the problem here and is there a
43 way that we can fix it, and I don't have a problem looking into
44 that question, I guess, but I think that's what this is about,
45 if that helps you, Ed.

46
47 **CHAIRMAN GREENE:** David Walker, I see you flagging me down back
48 there. It's hard to not miss you, and so you're next.

1
2 **MR. WALKER:** This was discussed by the AP, but I was just going
3 to add, from my personal experience, when it's rough, it's hard
4 to weigh fish. Your basket is moving up and down on the scale,
5 and we weigh our fish, but sometimes the scales get off, but as
6 long as we have the fish in the account when they're landed,
7 when it becomes an enforcement -- We should enforce when someone
8 is trying to do something wrong, but, as far as fishing, it's
9 just hard to catch -- I mean, you can get close.

10
11 You may get within 10 percent, or it may be 15 percent, but it's
12 really hard to get it. Even when it's calm sometimes, the fish
13 weigh -- They're real heavy, and the fishermen have to pick them
14 up and put them up on the scale, and it's just -- I just think
15 it works fine like it is now, but I could see it could be a
16 perceived problem if somebody thought that somebody was doing
17 something wrong, but I think it's -- I don't think this is
18 really needed, but we could hear some testimony on it too and
19 maybe come back to it later.

20
21 **CHAIRMAN GREENE:** Thank you, Captain. Mr. Boyd.

22
23 **MR. BOYD:** This document, if I understand it correctly, is just
24 in the beginning stages, and is that correct? Over the
25 development of this document, we're going to be in various
26 stages, and we could ask the law enforcement head of each state,
27 as we progress through this, to give us their opinions about it,
28 and we could actually hear what their concerns are. It's just
29 in there, and it can always be taken out.

30
31 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
32 discussion? We have a motion on the floor, and it's been
33 seconded, and we've had discussion. Is there any opposition to
34 the motion on the floor before you?

35
36 **EXECUTIVE DIRECTOR GREGORY:** So these votes are for nays, right?

37
38 **CHAIRMAN GREENE:** Hold on. Stop. Everybody put your hand down.
39 We'll just raise our hands, and we'll go down this path. **All**
40 **those in favor of the motion on the floor before you, please**
41 **signify by raising your hand.**

42
43 **EXECUTIVE DIRECTOR GREGORY:** Ten yes.

44
45 **CHAIRMAN GREENE:** All those opposed, like sign.

46
47 **EXECUTIVE DIRECTOR GREGORY:** Three nays. The motion passes ten
48 to three.

1
2 **CHAIRMAN GREENE:** Thank you. Is there further discussion before
3 we go back to Dr. Lasseter? Okay, Dr. Lasseter, it's yours.
4

5 **DR. LASSETER:** Thank you, Mr. Chairman. Is there any further
6 discussion on 36B? I have some additional AP recommendations.
7 Okay. So, we did, prior to going into 36B, review 36A with the
8 AP, and we explained the history again, because we did have some
9 new AP members, of the division of the two and what happened in
10 one and the other.
11

12 The AP did make a motion, and this is in the middle of page 2,
13 if you're in the AP report, pertaining to one of the actions
14 that was taken given the Regional Administrator the authority to
15 withhold allocation at the beginning of the year when a quota
16 reduction is expected, and the AP's recommendation was the IFQ
17 AP supports the original Reef Fish AP, which was a meeting, and
18 we had to look it up, held on October 4 and 5 of 2016, and so
19 that original Reef Fish AP's recommendation to not allow
20 withholding allocation at the beginning of the year in advance
21 of an anticipated quota reduction.
22

23 Now, we did let the AP know that 36A had already been finalized,
24 and it was in the rulemaking process and in the comment period
25 process, but they did want to make this motion in regard to that
26 they disagreed with the decision that was in 36A.
27

28 The only other motions that they made we placed under Other
29 Business, and they weren't specific to their tasks of the day,
30 but they did want to speak to the scoping document that the
31 council requested at its last meeting, the January 2018 meeting,
32 to examine red snapper allocation, and so these recommendations
33 from the council -- Again, I'm at the bottom of page 4 now on
34 the AP report.
35

36 In reference to the January 2018 council motion, to direct staff
37 to include in the allocation scoping document all Gulf Council-
38 managed species with a commercial and recreational component,
39 and their second motion was to recommend to the council to
40 include, in developing the allocation scoping document, and they
41 provided a five-bullet-point list of things that they wanted
42 considered included in this scoping document.
43

44 That concludes the AP's recommendations and the review of 36B,
45 and so that's all for me, and I will turn it back over to you,
46 Mr. Chairman.
47

48 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Ms.

1 Bosarge.

2

3 **MS. BOSARGE:** I guess my memory is failing me, but we did start
4 an allocation document?

5

6 **DR. LASSETER:** To be honest, Dr. Diagne and I actually had to
7 real quick go look up the motions from January, and our brains
8 were not there, but, yes. We went and we looked at the motion
9 of January of 2018, and so just our last meeting, you passed a
10 motion instructing staff to start a white paper -- Sorry.
11 That's the wrong one. I'm on the wrong page. Here we go.

12

13 It's direct staff to develop a scoping document to evaluate the
14 allocations of red snapper, taking into account previous
15 deliberations in Amendment 28 and any new information that
16 considers a broad range of social, economic, data collection,
17 and management factors.

18

19 **MS. BOSARGE:** So the things that the AP said that they wanted in
20 that -- You said it's a white paper, and so are those already
21 directed to be in the white paper or scoping document or
22 whatever it is?

23

24 **DR. LASSETER:** I am not aware of -- I am going to turn this over
25 to Dr. Simmons to talk about the timeline.

26

27 **CHAIRMAN GREENE:** Dr. Simmons.

28

29 **DR. SIMMONS:** Thank you, Mr. Chair. We have just put co-leads
30 on from each side of NMFS and council staff, and our plan is to
31 get a scoping document together for this for the June meeting,
32 and so, if you would like to see some additional things in that
33 white paper and scoping document, that would be great to tell us
34 at this meeting.

35

36 **MS. BOSARGE:** Okay, and the AP wanted these bulleted items right
37 here to be in that scoping document, the information regarding
38 overages by the recreational sector, and the private angler
39 component in particular, and the de facto reallocations to the
40 recreational sector that have resulted, the dollar value of
41 losses to the commercial sector, including all levels in the
42 supply and distribution chain that has occurred as a result of
43 this de facto reallocation, recreational sector discards and
44 discard mortality, management uncertainty in both the for-hire
45 and private angler components, and information regarding the
46 consumer demand for and supply chain of commercially-caught red
47 snapper, including an assessment of the number and location of
48 end users of commercially-caught Gulf red snapper.

1
2 **CHAIRMAN GREENE:** Mr. Swindell.

3
4 **MR. SWINDELL:** For discussion, I would include this stuff, but I
5 just don't exactly know where it's going. **Thank you, but I will**
6 **make the motion to do this.** Thank you.

7
8 **CHAIRMAN GREENE:** Okay, and so we will get this motion on the
9 board. This will go into the allocation scoping document as a
10 recommendation from the AP, and I believe that's correct. Mr.
11 Swindell's motion is to include in the allocation scoping
12 document requested at the January 2018 council meeting
13 information regarding the overages by the recreational sector,
14 and the private angler component in particular, and the de facto
15 reallocations to the recreational sector that have resulted, the
16 dollar value of losses to the commercial sector, including all
17 levels in the supply and distribution chain that has occurred as
18 a result of this de facto reallocation, recreational sector
19 discards and discard mortality, management uncertainty in both
20 the for-hire and private angler components, and information
21 regarding the consumer demand for and supply chain of
22 commercially-caught red snapper, including an assessment of the
23 number and location of end users of commercially-caught Gulf red
24 snapper. That is the motion. Is there a second for this
25 motion? It's seconded by Mr. Sanchez. Is there further
26 discussion? Ms. Bosarge.

27
28 **MS. BOSARGE:** I am not sure that all of that will actually end
29 up in a scoping document, but I would assume that -- I would
30 infer from this that, if the council moves forward with that
31 document, that that will be part of the analysis that needs to
32 be there as that document is fleshed out, because I can't
33 imagine all of that being in the scoping version of that
34 document, right, but that would be information that they would
35 want to see in that document for the council's review.

36
37 **CHAIRMAN GREENE:** Dr. Simmons.

38
39 **DR. SIMMONS:** Thank you, Mr. Chair, and, bringing up the
40 timeline again, if this motion passes, we would probably need
41 more time than the June meeting to get all of this together, and
42 so we would need to think about do we bring in June what you
43 originally requested in January or wait and give us more time to
44 include it all together.

45
46 **CHAIRMAN GREENE:** Mr. Diaz.

47
48 **MR. DIAZ:** What Leann said is what I was just thinking here.

1 The way that motion says, that's in a scoping document, and so
2 that's what that motion says when you vote on this. I think
3 most of those bullets should definitely be in an amendment,
4 should we go forward with an amendment, but to have that much
5 information in a scoping document is going to be burdensome on
6 the staff, but, the way I read the motion, if we pass this,
7 that's in the scoping document.

8
9 **CHAIRMAN GREENE:** Ms. Bosarge.

10
11 **MS. BOSARGE:** Yes, I agree, Dale, that we probably should remove
12 the word "scoping" and just say allocation document, because I
13 don't think that amendment has any kind of name or number or
14 anything like that to it.

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

17
18 **MR. SWINDELL:** As I said when I made the motion, because it is
19 an advisory panel recommendation, I am just really concerned
20 about the amount of time to get this done. Is all this
21 information important? Yes, it is. It would be great to have
22 this information, but can we get this done? We've been working
23 on this plan for a long time, and I certainly don't want this to
24 hold up the plan, if anything, and so I don't know what to say.
25 I hate for staff to have to go to a scoping mode and do this,
26 but I just don't know. I don't know how to handle it. I'm
27 sorry, but I did make the motion.

28
29 **CHAIRMAN GREENE:** It seems to me that if you just remove the
30 words "scoping document", or just remove the word "scoping",
31 that we're getting there. Is that correct, Leann? Is that how
32 you see it?

33
34 **MS. BOSARGE:** Yes. I mean, we need to make sure the seconder is
35 okay with that, but I think, if you remove the word "scoping",
36 then essentially what you're saying is, as this amendment
37 progresses, and it gets to the point where it's time for this
38 analysis, that these particular types of analyses would be in
39 the document at that point in time, which would be at a later
40 date.

41
42 **CHAIRMAN GREENE:** Okay. I am seeing some -- Mr. Boyd.

43
44 **MR. BOYD:** It looks to me like, if this is going to go into an
45 allocation document, there are several of these bullet points
46 that apply to both sectors, and so I think you could remove
47 "commercial" on this and it's more palatable to me, because
48 definitely discards and discard mortality are very important to

1 the commercial sector too, and we need to know about that in an
2 allocation document.

3

4 **CHAIRMAN GREENE:** Dr. Shipp.

5

6 **DR. SHIPP:** I would agree that this applies to both sectors,
7 but, in addition, some of these things would really open up a
8 plethora of problems, and how in the world would you assess the
9 dollar value lost to the commercial sector without getting into
10 some major research and time-consuming activity? I am like
11 everybody else. This information is going to be in the
12 allocation document, but I don't think it should be spelled out
13 the way it is here, and I'm going to vote against the motion.

14

15 **CHAIRMAN GREENE:** Is there further discussion? Okay. We have a
16 motion on the floor, and I don't see any further discussion. **By**
17 **a show of hands, all those in favor of the motion on the floor**
18 **before you, please signify by raising your hand.**

19

20 **EXECUTIVE DIRECTOR GREGORY:** Three yeas.

21

22 **CHAIRMAN GREENE:** All those opposed, like sign.

23

24 **EXECUTIVE DIRECTOR GREGORY:** Twelve. Twelve nays.

25

26 **CHAIRMAN GREENE:** Okay. Anything else? Dr. Lasseter, does that
27 complete your portion of this agenda item? She is nodding yes.
28 With that, unless there is anybody -- Mr. Sanchez.

29

30 **MR. SANCHEZ:** Didn't we discuss at one time getting Doug one of
31 those clickers, where he could count the hands?

32

33 **CHAIRMAN GREENE:** I don't know. The way my day is going, it
34 might be big name tags a little bigger than what you've already
35 got to remember who is who. With that, we will move on to our
36 next agenda item, which is Options Paper - Framework Action -
37 Greater Amberjack Recreational Bag Limits, Seasonal Quotas, and
38 Commercial Trip Limits, Tab B, Number 10, and Dr. Froeschke.

39

40 **OPTIONS PAPER - FRAMEWORK ACTION - GREATER AMBERJACK**
41 **RECREATIONAL BAG LIMITS, SEASONAL QUOTAS, AND COMMERCIAL TRIP**
42 **LIMITS**

43

44 **DR. FROESCHKE:** Tab B-10, amberjack, and this is still
45 continuing on the two previous framework actions we did to
46 address some management issues with amberjack, and you asked us
47 to look at three items, and so we have drafted a document that
48 discusses reducing recreational bag limits below one fish per

1 person per day.

2
3 In the past, those have been called fractional bag limits, and
4 we've also discussed them as vessel bag limits and certain other
5 things. At this point, I am just calling them recreational bag
6 limits, with the caveat that the options that we have are less
7 than one per person per day.

8
9 I have some questions for you on this, and you have the
10 document. If you go to Action 1, Chapter 2, we have three
11 options here, and we have tried to keep the laundry list down to
12 a minimum, to get some feedback, and obviously the current bag
13 limit for the recreational is one per person per day, and it's
14 been in effect since 1997.

15
16 We have Option 2, and that would be one fish per two persons, or
17 Option 3 would be one fish per three persons, with the note that
18 if you're on a boat with two people -- For Option 2, if you're
19 on a boat by yourself and you happen to catch an amberjack, you
20 could retain one fish. One to two persons would be one fish.
21 If you were on a boat with two people, and it was Option 3, you
22 could still retain a fish, and so it seems sort of a nuance,
23 but, in terms of the reductions you get, it does make a
24 difference, because we had to recalculate it once we kind of
25 worked our way through that at the IPT level.

26
27 If you scroll down to Table 2.1.1, what you will see is what we
28 have projected to be the percent reductions for these options,
29 and so Option 1, obviously, you wouldn't get any reduction.
30 Option 2 would be a 27 percent reduction, and Option 3 would be
31 a 36 percent reduction.

32
33 My questions to you all are is this something that you're
34 interested in, and, if so, just a brief reminder that we have
35 recently modified the recreational amberjack season twice. The
36 current season is August through October, and then the following
37 May, all month long, and that season was based on the one fish
38 bag limit, and so, if we kept that bag limit, or if we went to a
39 reduced bag limit, it's my understanding that we would probably
40 have some fish left over, at least based on our projections.
41 Our projections have been wrong in the past, but that's what
42 we're projecting. It may be worth thinking about. If we were
43 to go along with something like this, would you want to modify
44 the season yet again?

45
46 The other part of this, if you scroll up to the next page up,
47 Figure 2.1.1, and the reason -- I put this in there, and what
48 this is, it just shows you the percent annual landings by month,

1 and I put this in there to show that you can't -- I couldn't
2 calculate how many extra days you would get in a season for the
3 one fish per two or one fish per three, because it would depend
4 on what time of the year you would put the extra days. That is
5 just sort of in there for your information. If you wanted to do
6 that, we could certainly provide that at some other time, and I
7 will stop there for any questions on this.

8

9 **CHAIRMAN GREENE:** Discussion? Mr. Sanchez.

10

11 **MR. SANCHEZ:** I heard enough from folks in northern Florida that
12 they saw that it might add some insurance, in terms of, as the
13 dates have changed, to make sure that we arrive at certain
14 months in the newly-adjusted seasons by going to this one fish
15 per two people, and they said it's a buffer that they think,
16 given the status of the fish, they would welcome it, and, given
17 the added insurance it would give them to make sure the fish get
18 distributed, perhaps throughout, they would like to see that,
19 and so, if we're at the point where we would want to make a
20 preferred, I would offer that up for Option 2, but tell me your
21 sentiments on if we're there right now.

22

23 **DR. FROESCHKE:** One thing is there is a second action on this
24 that deals with the split quotas, and perhaps we could go
25 through that as well and kind of address that, because, if
26 you're looking for an assurance on that, and I don't know that
27 this would accomplish that, but at least we could discuss it,
28 and maybe that would make a more complete picture.

29

30 **CHAIRMAN GREENE:** Well, hold on a minute. I am not ready to
31 move on. Explain to me again one fish for every two people per
32 day, but, if there's one person on the boat, they can keep one
33 fish, but it says one fish for every two people, and did I
34 understand you correctly?

35

36 **DR. FROESCHKE:** Yes, and so, if there are one or two people on
37 the boat, you can catch one fish at a one fish per two bag
38 limit. If there were three people on the boat, you could still
39 only catch one. Well, I guess, in that case, you would catch
40 two.

41

42 The concern that we had is, if someone were out alone, could
43 they not -- Would they have to bring someone just to catch a
44 fish? We talked about that, and this is the way I think it's
45 been done in the past, in Amendment 30A, and so we continued
46 that concept.

47

48 **CHAIRMAN GREENE:** Dr. Shipp.

1
2 **DR. SHIPP:** I think the key here is to remember, if there's an
3 odd number of fishermen onboard, you get the bonus of -- For
4 three people, you get two fish. For five people, you get three
5 fish. As long as you've got an odd number onboard, you get that
6 extra benefit, and I think that's where they get the 27 percent
7 reduction.

8
9 **CHAIRMAN GREENE:** Thank you. I just wanted to make sure that I
10 heard you correctly, because it did not sound correct to me when
11 I heard it, but, if everybody else has a grasp on it, I
12 certainly don't want to stand in the way or whatever, but I was
13 just trying to make sure that I understood that. Ms. Guyas.

14
15 **MS. GUYAS:** I don't think my brain is firing quite on all
16 cylinders at this point in the afternoon on Wednesday of Reef
17 Fish, but I feel like we probably could word this better. I
18 will think about, because, when I first read the options, I was
19 like, what? I remember we talked about that, but, yes.
20 Whatever we can do to make this clearer for everybody who aren't
21 thinking clearly at this point in the meeting.

22
23 **CHAIRMAN GREENE:** Thank you. I'm glad to know that I'm not the
24 only one. Dr. Froeschke.

25
26 **DR. FROESCHKE:** On Table 2.1.1, there is a table on the far-
27 right column there that says "allowance", and we tried to
28 explain that. I think the one to two people onboard may retain
29 one fish, and three to four is two fish, and so maybe I didn't
30 articulate that well, but that's the concept.

31
32 **CHAIRMAN GREENE:** Is there further discussion by the committee?
33 Mr. Diaz.

34
35 **MR. DIAZ:** I just want to point out that we have had some public
36 testimony on this, and I like the idea of leaving it in for now.
37 I generally don't like fractional bag limits, but I know we've
38 had a lot of people ask about it, but we really haven't had a
39 lot of private recreational comment on this.

40
41 It would be good if we get any private recreational tomorrow at
42 public testimony that fish for amberjack if we could ask them
43 their opinion on it, because we just don't have a lot of
44 comments from private recreational. Most of the comments we do
45 have are from charter/for-hire, which is good, but I am
46 interested to see if we can get some private recreational to
47 weigh-in on this. Thank you, Mr. Chair.

48

1 **CHAIRMAN GREENE:** Thank you. I certainly agree, because I was
2 trying to think about a couple of guys out on a center-console
3 boat and how that would work out on a small term, because
4 charter boats will typically have more people, and it's maybe
5 not such an issue, but, to the guy in the center console boat,
6 hopefully he's not offshore by himself, and hopefully he does
7 have a buddy to go with him, and that's certainly not something
8 that I would want to promote, but, regardless of that, is there
9 any further discussion about the one fish per two people or one
10 per three before we go into the next part of the document?
11 Okay, Dr. Froeschke. Take us on down the line.

12
13 **DR. FROESCHKE:** Okay, and let's go to Action 2, which is the
14 second action that addresses recreational management of
15 amberjack. If you recall, the last framework action we recently
16 completed work on established a split season, and so the fishing
17 year starts -- The annual accumulation of harvest would start
18 August 1 and be open for three months continuous, and it would
19 close until the following May and open for that one-month spring
20 season, and that would be the four-month season.

21
22 There is concern, because this stock, whenever it -- It
23 typically meets its ACT before the season is over, and so the
24 idea of the split season was to try to promote a little better
25 regional fairness and access to the stock. However, if the --
26 For example, if all the ACT were caught in the fall, it wouldn't
27 reopen in the following spring, and so, since the spring
28 typically is accessed more in the Panhandle, it wouldn't achieve
29 that regional equity that the season was trying to get at.

30
31 We talked last time about establishing seasonal quotas, in which
32 you would allocate a particular portion of the ACT to each
33 sector, and hopefully that would prevent one season from
34 preventing the second one from opening, and that was the intent.
35 What isn't clear to me is if this would achieve what we're
36 trying to do.

37
38 For example, the fall season would be set based on the season
39 length, and we would have -- We would close at the end of
40 October, and, between October and the following May, we would
41 get estimated landings from how many fish were caught in that
42 period, and, if it's over, then it wouldn't reopen.

43
44 If we did something like this, the quotas, unless the
45 accountability measures could be changed, I'm not sure that
46 would affect it, because, even if you said, okay, we want 60
47 percent, but you actually caught 95 percent, they probably
48 wouldn't reopen in May, unless you could pay that back, the

1 overage, from the 60 percent in the following year, and it
2 doesn't seem consistent with what we normally do, because you
3 would essentially be opening it knowing that you're likely to
4 exceed your ACT.

5
6 I am hoping to get some feedback on that, and I will show you
7 the other part of this. If you scroll down to Table 2.2.1,
8 there is a table down here with the three options, and just let
9 me summarize these. Option 1 would be just leave it the way it
10 is, Option 2 is we would allocate 60 percent of the quota in the
11 fall and 40 percent in the spring, and then Option 3 would be a
12 70/30 split.

13
14 The columns to the right, what we have is the third column is
15 the estimated closed date, and so what you will see under Option
16 1 is that there isn't, and then, if you look at the estimated
17 landings, we would estimate that we would catch 93 percent of
18 the ACT.

19
20 Option 2, we estimate, based on the daily catch rate, that it
21 would close just before the end of the seasons in the fall, but
22 it would remain open, and Option 3 is it would remain open in
23 the fall, because you've got an extra 10 percent of the quota,
24 but it would close just a few days early in the spring.

25
26 The magic number, based on the projection, would be somewhere
27 sort of in the middle of those, and so, when you first look at
28 it, the no action, you actually get a little closer to the ACT
29 than either of those two at the moment, and we kind of looked at
30 it, and it was a little bit weird. The other thing to know is
31 this is based on the 2018/2019 quota, which is the 902,000, and,
32 the following year, it's going to go up by about 170,000 pounds,
33 and so there should be yet another increase, and hopefully the
34 rebuilding plan stays on track.

35
36 **CHAIRMAN GREENE:** Thank you. Mr. Riechers.

37
38 **MR. RIECHERS:** I think maybe what's -- Getting at your question
39 a little bit, John, which was is this really going to do what we
40 want it to do and how would it work, this table may have
41 confused me more, but, I mean, it seems like we're almost
42 tagging in our season dates before we have done this quota
43 notion, and the reality of it is that, after the next season,
44 that may or may not be right.

45
46 We base those season dates on something we were looking at from
47 past catches, and so what you're going to do each year is
48 readjust -- You're going to have an opening, but you maybe have

1 to readjust your closing based on whatever your last projection
2 told you that you needed to close at, and that may be what is at
3 cross-purposes a little bit in the alternative at this point.

4
5 **DR. FROESCHKE:** Yes, and it seems to me that it would be more of
6 a process that we do for red snapper, where you set an opening
7 date and then you project how many days it takes to capture that
8 percentage of the ACT that you're trying to get.

9
10 **MR. RIECHERS:** I guess, in the Table 2.2.1, when it's actually
11 falling short of the current season, status quo, I am thus
12 assuming that a couple of percentage points get cut off in the
13 first season by blocking the quota in there now, and so, in
14 reality, there may be a couple more days -- We may be estimating
15 that it's -- Whether it be under or -- Is it under in the first
16 part of the quota, the season, or is it under in the second
17 part, and that's the 2 or 3, which, statistically, doesn't make
18 a bit of difference here, given we're measuring with a laser and
19 cutting with a chainsaw, but --

20
21 **DR. FROESCHKE:** The way that's structured is, in Option 2, you
22 would be a few days short, or a few fish short, in the fall
23 season, and you would have just enough in the spring season. I
24 guess what I'm not quite certain is it seems to me, to implement
25 either this or the change in the bag limit, we would need to
26 redo the season, the recreational season, that we have just
27 redone in order to take advantage of it, and I just wasn't
28 certain if that's the path that you all wanted to go down.

29
30 **CHAIRMAN GREENE:** Ms. Guyas.

31
32 **MS. GUYAS:** I hear what you're saying, John, and my first
33 impression of this action certainly is that it seems to kind of
34 overcomplicate things to not much end, or much benefit, at least
35 with the structure that we have now, and so I'm happy with
36 keeping this in the document. This is something that people
37 have been asking us to look at, and I think this is helpful to
38 look at, but I do think you're right.

39
40 When we kind of went down this road, what I think, or at least
41 what I originally wanted, was to be able to look at what we've
42 already done with the amberjack, with the season, in this
43 altogether, and I guess it's difficult to do that now, since we
44 haven't actually seen what's going to play out with the season
45 changes that we've made now, but, to me at least, where we are
46 right now, in 2018/2019, this doesn't really seem to get us
47 much.

1 Now, again, this fishery is dynamic, and hopefully it's
2 improving, and we're going to hopefully see larger quotas, and
3 hopefully the assessments are going to start to get better and
4 we'll see improvements, and we will definitely need to tweak the
5 season, I would think, then.

6
7 I guess what I'm saying is I'm okay with keeping this in here,
8 but I don't see the benefit of this particular action right now,
9 and I agree with you also to say that, with Action 1 -- I guess
10 it would give us a little bit of insurance in our current
11 situation with the season, but I think what people are really
12 after and what they really want for amberjack is more
13 opportunities in terms of days, and so this document right now
14 doesn't really get us there, but it is what it is right now.

15
16 **CHAIRMAN GREENE:** Dr. Shipp.

17
18 **DR. SHIPP:** Martha's comments, I think, cleared it up, but I
19 wanted to make sure that the Table 2.2.1 does not include any
20 reduction in bag limit, and that's status quo as far as bag
21 limit is concerned? Okay. Thank you.

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

24
25 **MR. DIAZ:** This whole action right here that's related to this
26 Table 2.2.1, it really was an idea that came about at public
27 comments last time. There was at least one fisherman that said
28 that if we could have a payback that was specific to the season
29 that had an overage.

30
31 If we had an -- John has already explained this, and, so, if the
32 fall season had an overage, and that payback wasn't applied to
33 the next fall season, then the May season that was coming up
34 would not be penalized, and John said he wasn't exactly sure
35 about how we would go about doing that.

36
37 I don't think we would even put this in here if the
38 accountability measure wouldn't allow for it to happen. Dr.
39 Crabtree -- Anyway, if there's another way that we could come
40 about this or another way to skin this cat, but we're going to
41 have to find a way -- For this to have any value, we've got to
42 find a way for the accountability measure to apply to the time
43 period that the overage occurs, where the other time period is
44 not penalized, which generally is representing fishing effort in
45 different parts of the Gulf at different times of the year. If
46 NOAA has any ideas about how we could fix this accountability
47 measure problem, or anybody, that would be very valuable.

48

1 **CHAIRMAN GREENE:** Ms. Levy, we are encouraged to hear what you
2 have to say.

3
4 **MS. LEVY:** Well, I just think there's a little bit of confusion
5 maybe about the payback versus the implications of using a whole
6 bunch of quota in the first fall season and somehow not having
7 to account for that at all when you're looking at the May
8 season, and so we have a fishing year, and we have an ACL or an
9 ACT, whatever we're going to manage to, that is for that fishing
10 year.

11
12 We can't just ignore what happens in the fall when we're looking
13 at what can happen in the rest of the fishing year, which is
14 May, and so, if, hypothetically, the fall season opens and the
15 entire ACT or ACL, whatever we're managing to, is caught in the
16 fall, we can't then reopen in May, because then we'll be
17 exceeding our catch limit for the fishing year.

18
19 A payback, I could see that applying to whatever season went
20 over, meaning, if the fall season went over, the next year, you
21 could apply the payback, but that's not going to affect the May
22 season during that fishing year. It's like you would end up
23 alternating, right? The fall season goes over one year and so
24 you don't have a May season, and then you have a payback, and so
25 they can't fish, and then they have a May season. Do you see
26 what I'm saying in the difference between the payback and
27 actually staying within your annual catch limit or target within
28 the fishing year and how they're different? Okay.

29
30 **CHAIRMAN GREENE:** Dr. Crabtree.

31
32 **DR. CRABTREE:** I think this would get very complicated, and you
33 would have to revisit the idea that the quota corresponds to the
34 ACT and how that relates to the ACL, and I am not sure, but I
35 agree with Mara that, the way the quota is structured now, if it
36 was all caught up in the fall season, I don't see how you could
37 have a spring season, unless you went in and redid the whole
38 thing and changed what the ACT triggers and things, and so I
39 can't sort it all out for you just off the top of my head.

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

42
43 **MR. SANCHEZ:** One for two ain't looking so bad, huh?

44
45 **CHAIRMAN GREENE:** It depends on who you are. Anyway, is there
46 further discussion?

47
48 **DR. FROESCHKE:** If not, I am ready to go to Action 3.

1
2 **CHAIRMAN GREENE:** Okay. Action 3.

3
4 **DR. FROESCHKE:** Action 3 is a little more familiar territory for
5 us. This is the commercial management measure in the document.
6 In Amendment 35, which I think was done in 2012, it was the
7 first one that implemented a commercial trip limit for this, and
8 it was a 2,000-pound trip limit, and the idea was to extend the
9 season, and we followed that up and subsequently reduced it to
10 1,500 pounds, because the 2,000 pounds didn't really get us as
11 much season length as we were trying to get.

12
13 Again, this year, we're still struggling with this. The
14 commercial season is already closed, and it's not going to
15 reopen again this year, and so there is some interest in
16 extending that. There will be about a 75,000-pound increase in
17 the commercial ACT next year, but, again, that's not likely to
18 get them as far as they want to go, and so one way to do that is
19 the commercial trip limits and lowering that.

20
21 We have four options in here that would reduce it from the
22 current 1,500 pounds gutted weight, and so these would be 1,000,
23 750, or a 500-pound trip limit.

24
25 A little bit of background information. As I understand it,
26 most reef fish commercial anglers do not target amberjack, at
27 least not now, because there's just not enough poundage
28 available with it with any trip limit to make it profitable, and
29 so they do primarily encounter these while targeting other
30 species, but they do like to retain them, for obvious reasons.

31
32 If you can scroll down to Figure 2.3.1, when I started looking
33 at the data, it was a little bit mysterious to me. What you
34 see, if you look at the trips, and you can see that on the black
35 line, is, for a long time period, the average trip limit didn't
36 really change very much even with the implementation of trip
37 limits.

38
39 However, if you look at this -- It almost looks like a gray
40 mountain there, but what this illustrates is the maximum that
41 was caught anytime within a year on any trip, and so, as you can
42 see, once we implemented the trip limits, that came way down,
43 and so that's the effect, and it sort of does imply that people
44 aren't targeting them, and they haven't targeted them, with few
45 exceptions.

46
47 Just to get a little bit of context on how this might affect the
48 prosecution of the fishery, Table 2.3.1, if you scroll down to

1 this, what this is -- It gives estimates of the percent
2 reduction based in reference to the 1,500 pounds gutted weight,
3 and so, if you go all the way down to a 500-pound trip limit,
4 you would get approximately a 50 percent reduction in the
5 harvest rate.

6
7 Now, keep in mind the total ACT harvested throughout the year
8 would be the same. It would just take more days to get it, and
9 so, if you go to 2.3.2, there is a table there that tries to
10 merge this together, and what this does is -- If you recall,
11 there is a March through May fixed closed season for the
12 commercial sector, and so the two columns on the right are the
13 estimated closed date and then the far right is the total number
14 of days that we estimate that it would be open. This is based
15 on the 2019 ACT of 349,000 pounds.

16
17 It does extend it. If you were to go to the 500, you would
18 likely get somewhere into mid-September, based on our current
19 estimates, and, this year, at the 1,500, we closed it in March,
20 and it's not going to reopen, and so I will take some questions
21 on this.

22
23 **CHAIRMAN GREENE:** Thank you. Is there discussion? Ms. Bosarge.

24
25 **MS. BOSARGE:** On that 60/40, like 60 percent of the quota in the
26 fall and 40 percent in the spring, the only way to really get to
27 that point, where you could do that, is if you don't have to
28 estimate the season, if you can just say we're going to open it
29 and when 60 percent of it is caught we'll close it, and then you
30 reopen it in the spring for the other 40 percent, but we can't
31 do that with the data collection system that we have right now
32 for private anglers.

33
34 **DR. FROESCHKE:** Well, I think you could. In fact, it would be
35 better if you didn't have the data within the year, where you
36 just didn't know what you had caught in the fall when you
37 reopened in the spring, but, the way that it would be done, you
38 would make an estimate of how long you thought it would take you
39 to catch 60 percent of the quota, for example, in the fall, but,
40 by the time you were to reopen it in the spring, you would know
41 if you actually did, and, if you didn't, you probably wouldn't
42 be able to reopen, if you went way over.

43
44 **MS. BOSARGE:** Right, and so that's the problem with it though.
45 You have no idea if you actually caught the 60 percent that you
46 were trying to catch or not, and so, if you overrun it, then it
47 has to come off the spring, based on what Mara told us, because
48 that's the fishing year. You can't wait and do the payback the

1 next year. Do you see what I am saying?
2

3 **DR. FROESCHKE:** Yes, and we don't have real-time data, but we do
4 have data that we would know before the spring season opens.
5

6 **MS. BOSARGE:** Right, but you can't manage to the 60 percent,
7 because it's an estimate. It's a ballpark. It's a fixed
8 season. It's not a quota monitoring.
9

10 **DR. FROESCHKE:** You are correct.
11

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

14 **MS. GUYAS:** Yes, but, to that point, let's just remember why we
15 did what we did when we set these fixed seasons. We were having
16 the situation with amberjack where we were having to close the
17 season like on a day's notice, and it was very disruptive to the
18 fishery.
19

20 They wanted specific seasons, so they could know when the
21 fishery was going to be open and we could plan these trips, and
22 the analysis that we had showed that we had -- We could very
23 reasonably set those fixed seasons without going over the quota,
24 and so that's exactly why we did that. We needed predictability
25 in this fishery.
26

27 **CHAIRMAN GREENE:** Dr. Crabtree.
28

29 **DR. CRABTREE:** I suspect we could announce the closure date
30 before it opened, right, because it's just projected, and then,
31 when we got to the spring season, we would see -- We would know
32 then what was caught in the fall, and I'm assuming this is set
33 up in a way that if they were under the quota in the spring that
34 we would carry that leftover fish and add it into the fall,
35 right?
36

37 **DR. FROESCHKE:** It's not set up that way now, because it's a
38 fixed season, but I suspect, if you had more than 40 percent or
39 whatever you had, you could just extend the season from May.
40

41 **DR. CRABTREE:** It's not set up that way now because there is
42 just one quota, but, if you set up two quotas, I would guess, if
43 there were fish leftover in the fall, you would want to add that
44 into the spring and be able to catch it, right, but we would
45 know all of that before the spring even opened, so we could say
46 it's going to open on May 1 and it's going to close on such-and-
47 such, because we're not going to get any additional data before
48 we get there. In that sense, they wouldn't be getting a notice

1 that you're going to close in a week. They should know when it
2 would close right at the beginning of it.

3
4 **CHAIRMAN GREENE:** If you had it set up to where you had a known
5 quota for the spring, or let me back up, for the fall, and then
6 a known quota for the spring, if there is an underage in the
7 fall, could it be carried over to the next fall? If there is an
8 underage in the spring, could it be carried over to the next
9 spring, because you would, in essence, be dividing up the quota,
10 but I guess this is where you get into having to change the AM.

11
12 **DR. CRABTREE:** That gets more complicated, because then you're
13 getting into carryover, and then you've got to deal with the
14 control rule and going over the ABC and all those things that
15 we've dealt with in that carryover amendment, and so that gets
16 more complicated, but it would be simple to just write in there
17 that any uncaught quota from the spring gets carried over to the
18 fall, because that's all in a single fishing year.

19
20 **CHAIRMAN GREENE:** Okay, and so change it from carryover to
21 overage. If you had an overage in the fall, could it be taken
22 off the next fall and, in the spring, if you had an overage,
23 could it be taken off the following spring by simply dividing
24 the quota up?

25
26 **DR. CRABTREE:** Then you're getting into changing the
27 accountability measures and all of those kinds of things, and
28 maybe you could do some of that, but that's what Mara talked
29 about a minute ago, but that gets more complicated. It's much
30 easier to do things within the same fishing year under the same
31 ABC than when you start getting into the next fishing year.

32
33 **CHAIRMAN GREENE:** I agree, but I just wanted to make sure that I
34 understood it correctly, and so any further discussion? Okay.
35 I know we were on Section 3, and we backed up to Section 2, but
36 I would like to go back to Section 3 for a moment. Dr.
37 Froeschke, did we -- It seemed to me that we hit that quota very
38 quickly this year, and is that correct?

39
40 **DR. FROESCHKE:** Yes.

41
42 **CHAIRMAN GREENE:** So, with the commercial trip limit now being
43 at 1,500 pounds, it seems like the potential reduction in the
44 trip limit weight would be substantial to make that season last
45 longer. Now, it may not be a big deal to the commercial guy to
46 make the season last longer, but where I'm going with this is
47 that, at 1,500 pounds, I still think it's some type of a
48 directed fishery, and so you have seventy-nine days.

1
2 I am looking at Table 2.3.2 on the bottom of page 16, and so I'm
3 kind of thinking about this, because, if it's a directed fishery
4 to a degree, to catch 1,500 pounds of anything, you kind of have
5 to be prepared for it. It's not like it's just something you
6 catch along the way, I don't think, but, from my experience, I
7 don't think that's the case.

8
9 However, seventy-nine days that you could keep those fish, but
10 I'm kind of thinking, right now, that if we were to reduce that
11 all the way down to 500 pounds, that would equal 166 days that
12 they would not have to discard that fish, and I think it may
13 become, in essence, a true bycatch fishery at that particular
14 point.

15
16 Granted, it's not 166 days. It would be the difference between
17 166 and seventy-nine, but it would be that many more days that
18 they could throw that fish in the box and take it back, as
19 opposed to having it float off. I am just thinking out loud
20 right now. I mean, it seemed like we hit that quota fast this
21 year.

22
23 Perhaps we need to look at maybe opening the commercial season
24 at the same time we open the recreational season and shift that
25 into the same timeframe that we did with the recreational
26 season, and maybe that would help extend it out some as well.
27 Anyway, those are just my thoughts, since nobody else had any
28 more comments. If anybody wants to weigh-in, please do so at
29 this time. Ms. Levy.

30
31 **MS. LEVY:** Well, just to note that what you're looking at is an
32 options paper, and so I think the idea is to make sure that you
33 have the range of alternatives that you want in there so that it
34 can be further developed and the effects analysis can be done,
35 and then you can pick preferreds. If there are other things
36 that you want added, in terms of options or alternatives, this
37 would be the time to let staff know that.

38
39 **CHAIRMAN GREENE:** Okay. Thank you. Ms. Guyas.

40
41 **MS. GUYAS:** Johnny, I think what you're advocating for here is
42 to add another action to deal with the commercial fishing year,
43 and so I guess I would look to hopefully get some feedback on
44 that from the public and maybe bring it up again at Full
45 Council.

46
47 **CHAIRMAN GREENE:** Well, that's exactly right. I mean, I'm not
48 going to make any motions, and I'm not going to suggest

1 anything, but I'm just trying to kind of let you know what I'm
2 thinking about this and what we might do. Any further
3 discussion? Okay. Dr. Froeschke, does that get you through
4 everything that you need?
5

6 **DR. FROESCHKE:** Almost, but I just have a couple of wrap-up
7 questions for you. The first wrap-up question is, in terms of,
8 as Mara mentioned, the range of alternatives that we have in the
9 document and the actions, are you satisfied with these? Are
10 there things that you want us to do more of or do less of,
11 specifically on the recreational actions, I guess?
12

13 **CHAIRMAN GREENE:** Is there discussion? I am taking it that
14 everybody seems pretty happy with it at this point, John.
15

16 **DR. FROESCHKE:** Okay. My last question then is if -- Can you
17 scroll all the way up into Chapter 1, into the purpose and need?
18 I probably should have started here, but, in the discussion, and
19 we've discussed this at the IPT level, I'm of the opinion that
20 the recreational measures, the intent of those, is to extend the
21 season.
22

23 We have had some discussion about that perhaps it would provide
24 an extra layer of precaution or something about exceeding the
25 quota, which we have done in the past, but my understanding is
26 that we have the annual catch limit and then we have the
27 reduction from that to the ACT. I'm not really sure how -- Then
28 we use the best science that we have to make a prediction on how
29 long it would take us to catch the ACT. If it's more of a
30 precautionary thing, I guess I would like to just get your
31 feedback on what your intent is.
32

33 **CHAIRMAN GREENE:** Mr. Dyskow.
34

35 **MR. DYSKOW:** Martha and I were just talking amongst ourselves,
36 remembering the initial conversation we had at the last meeting
37 with stakeholder comments, and they're looking for a longer
38 season, yes, but they're also looking for stability and
39 predictability, particularly as it applies to the spring.
40

41 They advertise trips in advance, and they book trips in advance,
42 and we close the season on them, and so they're looking for
43 stability and predictability, and I guess one of the offshoots
44 of that would be a longer season, and so let's not forget the
45 stability and predictability component.
46

47 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
48 discussion?

1
2 **DR. FROESCHKE:** Just one follow-up. If the longer season is a
3 desired outcome of the document, there isn't anything in the
4 document that would change the season, to my understanding, and
5 is that something that you would want us to add?
6

7 **MR. DYSKOW:** Well, the comments, if I recall, were we wanted the
8 fall season, and then they wanted some sort of a spring season,
9 and the month that came up was May, but what really kills these
10 guys is because they book their trips in advance, and they do a
11 lot of their marketing in advance, and last-minute decisions on
12 the closure of a season kills them, and they're looking for
13 stability and predictability so that doesn't happen.
14

15 **CHAIRMAN GREENE:** Is there further comments? Ms. Guyas.
16

17 **MS. GUYAS:** Maybe, I guess is my answer to that right now, and
18 so I could see how, in this document -- Since we have the bag
19 limit changes and then we have this potential quota split, it
20 would be interesting to see some kind of analysis about, if you
21 combine different factors there, how much longer the season
22 could be if you add it on to the spring or the fall or whatever.
23

24 Maybe, if we decide to go down that road in the future, maybe we
25 end up still setting a fixed season that gets reconsidered when
26 we have a new assessment and new information in front of us, but
27 maybe we could set that fixed season to be a little bit longer
28 than it is now, and so I think that would be interesting to
29 learn about.
30

31 Again, I kind of want to hear what the public has to say,
32 because most of the comments that I've gotten about this so far
33 are about preserving different components of the season now and
34 making sure that there's fish available in May, and I know that
35 there are people that are interested certainly in having other
36 months open as well, but, in terms of what folks' goals are for
37 this document.
38

39 **CHAIRMAN GREENE:** Is there further discussion? Dr. Froeschke,
40 do you have anything else?
41

42 **DR. FROESCHKE:** That's it.
43

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

46 **MR. DIAZ:** Ms. Guyas and Mr. Dyskow is talking -- We don't have
47 anything in here right now in this Action 2 that has anything
48 about lengthening the season, and I'm wondering if maybe there

1 should be maybe an Option 4 and an Option 5 that has a season
2 length attached to two fish for one person and then an Action 6
3 and 7 that would have a season length that would be attached to
4 one fish per three persons. Then, that way, the document, if we
5 did something in Action 1, there would be a corresponding action
6 in Action 2 that would match up with that, and does that make
7 sense?

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

10
11 **MR. DYSKOW:** What we heard loud and clear, if my memory serves,
12 is at least the charter and headboat community would give up
13 some fish for some season. In other words, they realize there
14 is some tradeoffs, and they need to have an adequate season,
15 particularly in the spring, and they need to have some
16 predictability, so it doesn't get pulled out from under them at
17 the last minute, and so, if there was a hybrid solution that may
18 include less fish, but it addresses those other issues, that
19 should be an option for us to look at, and I think that's a good
20 idea.

21
22 **DR. FROESCHKE:** I think what we could do is we could do some
23 analysis and say these are the projections based on the 60/40
24 and those sorts of things, at one fish and one per two, with the
25 caveat that we would just add the same -- We would keep the same
26 proportion, I guess, and add them sequentially on to the end of
27 both the fall and the spring season, and I think we could bring
28 back at least enough for you to look at to see if it was going
29 down a path that you found interesting.

30
31 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
32 Okay. That will wrap up this portion of it. Dr. Crabtree.

33
34 **DR. CRABTREE:** If I could, Johnny, I wanted to let you know that
35 the rule establishing the charter boat season has filed at the
36 Federal Register this afternoon, and the charter boat season
37 will open June 1 and close at 12:01 a.m. on July 22. The rule
38 also establishes the closure of the EEZ and exempts vessels
39 fishing under the EFPs as well, and I think the Fishery Bulletin
40 will go out pretty soon this afternoon.

41
42 **CHAIRMAN GREENE:** In the past, that's -- The closure date would
43 be July 21 at 12:01 --

44
45 **DR. CRABTREE:** It's July 22.

46
47 **CHAIRMAN GREENE:** It's July 22 at 12:01 a.m.

48

1 **DR. CRABTREE:** Yes.
2
3 **CHAIRMAN GREENE:** So the last day they would be able to fish
4 would be July 21.
5
6 **DR. CRABTREE:** Yes.
7
8 **CHAIRMAN GREENE:** Thank you. All right. Is there further
9 discussion? It's 3:40. We're going to take a ten-minute break,
10 and then we're going to delve into the remaining part of our
11 agenda, and we will stick with it until we're complete.
12
13 (Whereupon, a brief recess was taken.)
14
15 **CHAIRMAN GREENE:** We are going to pick up on our agenda as
16 scheduled. The next thing we will look at, as requested in a
17 motion passed by Dr. Shipp, would be to look at Amendment 41
18 first, and so this will be Amendment 41, Allocation-Based
19 Management for the Federally-Permitted Charter Vessels, and this
20 will be Tab B-12(a)-1 through 12(a)-5, and Dr. Stephen and DR.
21 Freeman will run us through this. Mr. Sanchez.
22
23 **MR. SANCHEZ:** I guess, if Dr. Shipp is agreeable, I don't have
24 any real concern any more over 41 or 42 or which one goes first,
25 but I do think there might be some value, if it's possible,
26 depending on how the presentations are structured, to go through
27 the decision tool portions of each of them before we go back and
28 then get into discussing the amendments.
29
30 I think that would speed things up considerably. If we have to
31 do one and get into fighting about everything -- Because I think
32 the decision tools are good information, and that's relatively
33 new to everybody, and I would like to see how they relate to the
34 documents for us before we get into a lot of the stuff we've
35 already kind of gone through many, many times, if that's
36 possible.
37
38 **DR. SHIPP:** John, I'm always agreeable, if that's okay with our
39 Chair.
40
41 **CHAIRMAN GREENE:** It's certainly a different approach. Yes, I
42 don't have a problem with it. Does anybody else have an issue
43 with it, because I think that is something that's new, and I
44 think you make a good point, John, and I hadn't even thought
45 about anything like that. Dr. Freeman, I guess what we're going
46 to do is just go to the decision tool and start there, I believe
47 is what we're going to do. Dr. Freeman.
48

1 **DR. MATT FREEMAN:** Just as a friendly request, I guess, if it
2 would suit the council, perhaps we could at least look at the
3 alternatives in Actions 4 and 6, just to sort of set the stage
4 of what's being considered in the decision tool, and so I'm just
5 tossing that out as an option.

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

8
9 **MR. SANCHEZ:** Again, I started off by saying that I don't know
10 your presentation, and I did not want to throw a monkey-wrench
11 into it, and so, if that is, given what you're getting ready to
12 present, the best way to kind of accommodate everything, that's
13 fine.

14
15 **CHAIRMAN GREENE:** Dr. Shipp, do you have a problem with that?

16
17 **DR. SHIPP:** Can you say that again? I was --

18
19 **DR. FREEMAN:** Certainly. What I was suggesting was I would just
20 skip through part of my presentation and just simply to address
21 the alternatives in Action 4 and Action 6, Action 4 being
22 allocation of ACL to charter vessels and Action 6 being
23 distributing the charter quota to the charter vessels, just to
24 sort of set the stage of what Dr. Stephen would be going into
25 with the decision tools.

26
27 **DR. SHIPP:** If you promise it will save time, yes.

28
29 **DR. FREEMAN:** I won't go that far, but I will at least say that
30 hopefully it would make the decision tools a little bit clearer
31 in terms of what choices Dr. Stephen would be presenting to the
32 council.

33
34 **CHAIRMAN GREENE:** Okay, and so are you going to be working off
35 of a presentation or the document to accomplish this?

36
37 **DR. FREEMAN:** Sure, and so we'll literally just sort of jump
38 ahead in the presentation a little bit, and I believe staff has
39 already got it set to Action 4 right now, and I will go through
40 those alternatives and skip over Action 5 and look at Action 6,
41 and then I will pass it over to Dr. Stephen to go through the
42 decision tools, if that's fine.

43
44 **CHAIRMAN GREENE:** Okay. I think that's agreeable with
45 everybody. I don't see anybody with an issue, and so please
46 carry on, sir.

47
48 **AMENDMENT 41 - ALLOCATION-BASED MANAGEMENT FOR FEDERALLY-**

1 **PERMITTED CHARTER VESSELS**

2
3 **DR. FREEMAN:** Okay, and so, as a reminder, Action 4 has a total
4 of five alternatives, Alternative 1, again, being no action, and
5 Alternative 2 is allocating a percentage based on average
6 landings from the years 2011 to 2015, with two options
7 underneath that, one excluding the year 2014 and Option b, which
8 would exclude 2014 and 2015.

9
10 Alternative 3 would be based on average landings from 2004 to
11 2015, with three options below, one which would exclude 2010,
12 Option b would exclude 2014, and Option c, again, excluding 2014
13 as well as 2015.

14
15 Alternative 4 would have a 50/50 split with the average
16 landings, half coming from 2011 to 2015 and the other average
17 landings coming from 2004 to 2015, with similar options that we
18 saw previously, the first excluding 2010, Option b excluding
19 2014, and Option c would exclude 2014 through 2015.

20
21 The last alternative under Action 4 would, again, be a 50/50
22 split, in terms of the average landings, half coming from the
23 years of 1986 through 2013, excluding 2010, and the other half
24 coming from the years 2006 through 2013, again excluding 2010.

25
26 Let me advance through, and so, again, we're going to jump over
27 to Action 6, again to help sort of set the stage for Dr. Stephen
28 with the decision tool. Action 6, again, starts with no action.
29 Alternative 2 would distribute the charter quota based on tiers
30 of passenger capacity, and the tiers have separate definitions.
31 Under Option 2a, with passenger capacity of six receiving one
32 unit, seven or greater receiving two units. Under Option b, a
33 capacity of six again receiving one unit and a capacity of seven
34 to twenty-four receiving two units and a passenger capacity of
35 greater than twenty-four receiving three units.

36
37 Alternative 3 would distribute that charter quota based on
38 average historical landings of charter vessels in each region
39 using, under Option 3a, average historical landings from the
40 years 2003 to 2013, excluding the year 2010, and Option 3b would
41 use 50 percent coming from average percentages landed between
42 1986 and 2013, excluding the year 2010, and the other 50 percent
43 coming from average landings between 2006 and 2013, with 2010
44 excluded.

45
46 Alternative 4 would distribute the charter quota based on equal
47 distribution, passenger capacity, and historical landings by
48 region using one of the following. Option 4a would be one-third

1 splits between those options. Option 4b would be 50 percent
2 would be based on equal distribution and then 25 percent coming
3 each from passenger capacity and from historical landings.
4 Option 4c shifts that 50 percent to passenger capacity, and,
5 lastly, 4d shifts the 50 percent down to historical landings.

6
7 Alternative 5 would look at distributing the charter quota by
8 auction with all eligible participants being allowed to place
9 bids. Lastly, Alternative 6 would distribute a portion of the
10 charter quota by auction, and the remainder being based on equal
11 distribution, passenger capacity, and historical landings by
12 region, which are Options 6a through 6c, and the three metrics
13 of equal distribution, passenger capacity, and historical
14 landings by region would then be further selected by one of the
15 options 6d through 6g.

16
17 I will pause there real quick and see if there's any questions
18 about that, and, if not, then I will go ahead and pass it over
19 to Dr. Stephen to go through the decision tools.

20
21 **CHAIRMAN GREENE:** I don't see any discussion. Dr. Stephen.

22
23 **DECISION TOOL FOR AMENDMENT 41**

24
25 **DR. STEPHEN:** Okay. Thanks. This will be a little bit tight,
26 probably, on these screens to look at, and so each of the models
27 for Amendment 41 are broken up by species, but they all have the
28 same kind of trend of how we go through it, and so I'm just
29 going to start with red snapper.

30
31 The top half of the model that you see in the green area relates
32 to what was Action 4 that Matt went over, and, even though we
33 said that there were five options, by the time you get done
34 adding in all the -- Five alternatives, but, by the time you get
35 done adding all the options to it, you end up with about sixteen
36 different options that we can use, and that's just setting what
37 the quota would be for the charter component for this program.

38
39 For right now, what I have set is just, if you were in it, you
40 could use a drop-down button, and you would be able to select --
41 Let's see if I can make this a little bit bigger for everyone.
42 You can use the drop-down button to select the different
43 alternatives under Action 4, and, when you do that -- I was told
44 to mention that I am on the red snapper one to start off with
45 here.

46
47 As you change this one, what you see is the value down here in
48 the projected charter ACT will change based on that, and we also

1 allow the ability to change the buffer. Right now, I have it
2 set at the status quo for each species. For red snapper, that's
3 20 percent, and so I'm going to walk through an example just
4 starting with the -- It says 2a in here, and, in the amendment,
5 that relates to 2. We had a little bit of change in how we
6 numbered things in the amendment from when we started with the
7 model.

8
9 Paging down, the blue section is where all the different types
10 of alternatives for Action 6 are occurring, and there is some in
11 here that were previously in some of those, and we need that to
12 calculate that Alternative 4, which had the variety of different
13 options. I am not going to spend a lot of time on those right
14 now, but I just want to point them out.

15
16 We have one that shows how much pounds would be given to each
17 vessel if it was equally distributed, and this is based on all
18 the permitted vessels that we have that are considered charter
19 vessels. Then I have, next to it, the percentage of shares that
20 belong to that.

21
22 We also have individual passenger capacity calculations which
23 are part of Alternative 4, and, if you remember correctly, we
24 have the baseline permit passenger capacity, and we also have a
25 vessel passenger capacity, and what they're allowed to fish is
26 what we call the lesser of the two, and so you can only fish
27 under the lesser of the two for this permit.

28
29 The next set of examples are the two different tiered passenger
30 capacities, and we have the tiered passenger capacity with just
31 two different tiers versus the one with three different tiers,
32 and, in here, you just see the value of the pounds per vessel
33 and the share percentage for each one.

34
35 What follows are after that are the different regional
36 components. For the different region breakdown, there were two
37 different sets of years that were options, and then there was
38 discussion previously about exactly where to put Mississippi,
39 and I believe the council decided on Mississippi being with
40 Alabama, but the other options are in there just for your own
41 exploration. What this does is it shows the different pounds
42 per vessel for each region that you're going to be in, and
43 please stop me at any point in time if you have any questions.

44
45 This is Alternative 4, and Alternative 4 is where you had the
46 different percentages of equal, passenger capacity, and region.
47 In this, we're using the permit baseline passenger capacity for
48 the model, and we have options for both different region

1 components. If you were playing with this model, what you would
2 do is select, under here, your different percentages, and this
3 does allow you to select percentages that are not in those
4 options, just if you want to play with some other values other
5 than the ones preselected.

6
7 For example's sake, I'm going to go through the one where it's
8 equally distributed among the equal, passenger capacity, and the
9 region. Within each portion of the model, for equal
10 distribution, you can see, based on 33 percent of it, how much
11 is coming of pounds from the equal distribution, and you can
12 also follow the individual passenger capacity, and this would be
13 the pounds per passenger capacity, and so, if you had a six-pack
14 vessel, it would be six times thirty-nine would be the amount of
15 pounds you would get for that one. Then the regional components
16 are calculated over here on the far right-hand side.

17
18 What the decision tool allows the fishermen to do is they can go
19 in and select what their passenger capacity is, what their
20 region is, and what their time series is. What you end up with
21 is a final calculation of pounds that would be given for that
22 combination, and you can play with a variety of different sets
23 of combinations.

24
25 One of the lower ones, typically, is the six-pack vessel in the
26 Keys for red snapper. If you want to look at what a higher
27 value is, you can do a 149-passenger vessel in Texas, and you
28 can see a fairly large difference between the two. Are there
29 any questions on red snapper at this point?

30
31 **CHAIRMAN GREENE:** Is there discussion? I don't see anybody, Dr.
32 Stephen.

33
34 **DR. STEPHEN:** This is the greater amberjack model, and, again,
35 everything is very similar, and so I'm not going to spend a lot
36 of time going through it in detail. Once again, you can pick --
37 Here, I will just pick a different timeline series, and so
38 Alternative 5 for greater amberjack.

39
40 Just to keep it apples-to-apples, if you're looking at it here,
41 here, again, is another six-pack vessel in the Keys and the
42 amount of pounds received for that vessel based on the equal
43 distribution among them all. You can see, as you change the
44 distributions, the amount of pounds from each one may change,
45 and so here is one where the weighting is 50 percent. You can
46 see the baseline passenger capacity and the amount of value of
47 pounds that that vessel receives would change with that amount.

48

1 I can do a couple of different options here right now. I can go
2 through the gray triggerfish one, just so you can see it as
3 well, or I did create some summary slides that kind of take some
4 of the information that you're seeing here and applies it more
5 fleet-wide, to get a broader picture of what's going on.

6
7 **CHAIRMAN GREENE:** I think the summary slides might be best at
8 this point.

9
10 **DR. STEPHEN:** Okay. For comparison, what I wanted to do was
11 pick a variety of different alternatives from Action 4.
12 Remember that Action 4 actually had about sixteen different
13 alternatives, and what I picked was Alternative 2, which was
14 2011 to 2015, which is one of the shorter time series.

15
16 I also picked Alternative 3 with Options a and b, and that is
17 2004 to 2015, excluding 2010 and excluding 2014, and then I
18 looked -- It's a slightly longer time series. Then I went to
19 look at the 50/50 time series, and so I selected Alternative 4
20 with the a and b option, which is excluding 2010 and 2014.
21 Finally, Alternative 5, which is the longer time series, split
22 between the long and short ones, and that excludes 2010.

23
24 In going through this, there are a lot of different model
25 outputs that you can get from everything, and so what I wanted
26 to do was try and limit some of what we're looking at, to get a
27 better feel for it, and so I looked particularly at the
28 passenger capacities, looking at Action 6, Alternative 2a and
29 2b, and the different regions by themselves, standing alone,
30 and, with that, I always selected Mississippi with Alabama, and
31 all the non-Gulf states ended up with the Keys. Finally, the
32 combination one we looked at, which has the equal, passenger
33 capacity, and region component, and I looked under that with
34 both regional time series and, again, Mississippi is combined
35 with Alabama.

36
37 These are the different tiered alternatives, and what I decided
38 to do, to kind of help figure out what was going on, is I'm
39 showing you the lowest and highest share percentages for each of
40 the two different tier models, and those range from 0.07 on the
41 two-tier model to 0.14 percent, and, in the three-tier model,
42 it's 0.6 percent to roughly 0.19 percent.

43
44 In the table below, what you see are the Action 4 alternatives
45 going down in each row, and going across are the amount of
46 pounds shown from each of the different percentages in there,
47 and I showed the least and the greatest, just so you can get a
48 feel for what the range is of the different amount of pounds

1 that would be given out to each one, and it seemed to me that
2 pounds are something we can kind of understand better than a
3 share percentage. I am going to stop here and see if there is
4 any questions about this.

5
6 **CHAIRMAN GREENE:** Any questions or discussion? Dr. Stephen,
7 carry on.

8
9 **DR. STEPHEN:** All right. I did something very similar with the
10 regional alternatives, showing the greatest and least amount of
11 shares and pounds across both of the time series, and I want to
12 point out that there wasn't a particular trend that stayed the
13 same among all time series, and that would be not unexpected.
14 What I did show you in the parentheses behind each one is the
15 area and time series where that lowest and highest value came
16 from.

17
18 For an example, with red snapper, the lowest shares were 0.0004
19 percent, and that came from a Florida Keys using that shorter
20 time series of 2003 through 2013. In all instances of the
21 different Alternative 4 that were selected, that resulted in
22 seven pounds. When you look at what the greatest was for red
23 snapper across those different alternatives, the greatest share
24 always came from Alabama and Mississippi using the longer time
25 series, which is the 50/50 time series. You can see there that
26 the amount of pounds that they would receive did change, and
27 this is because Action 4 changes the amount of total quota given
28 to the program, and so, while the shares stay the same, what
29 they receive from that may differ.

30
31 For gray triggerfish, the lowest amount occurred in Texas, and
32 that was in both the short and the long time series, and so it
33 didn't matter what time series, and they got zero or one pound,
34 in one instance, whereas the greatest amount of shares and
35 pounds came from those in the Panhandle using the shorter time
36 series.

37
38 Greater amberjack, the least amount occurred in Texas using the
39 longer time series, resulting in about ten pounds per vessel,
40 and the greater occurred in the Panhandle using the longer time
41 series, and it was anywhere between 730 to almost 800 pounds.
42 Any questions on region? All right.

43
44 I wanted to look at regional comparisons in a couple of other
45 ways, to help us understand what was really going on, and so
46 what I did was a comparison of Action 4, Alternatives 5 and 2,
47 and, of Action 6, it was 3a and 3b, and so that's a lot of
48 terminology.

1
2 What I looked at was the 2003 to 2013 for the regional component
3 in comparison to the longer time series, which was that 1986
4 through 2013 and 50 percent of the 2003 to 2013.
5

6 What happens as we look through this, and, here, you're going to
7 be comparing the blue in each of the time series to each other,
8 and so those are both the same time series of 2003 to 2013, but
9 it's selecting different Action 4, which are different quotas,
10 and you do see a fairly similar trend here, where Action 4's
11 Alternative 5 is resulting in a higher quota, regardless of
12 which one you look at, because, overall, that has a higher quota
13 given to it.
14

15 **MR. SANCHEZ:** A quick question. I don't have the amendment in
16 front of me to see, to go back and double-check what Action 4,
17 Alternative 5, et cetera, et cetera, and all that, and were
18 those preferreds or something? Was there some uniqueness, some
19 significance, about them that was why you selected them versus
20 any other? I'm just curious.
21

22 **DR. STEPHEN:** I selected Action 4, Alternative 2 because it was
23 one of the shorter time series and Action 5 was a 50/50, but one
24 of the longest time series, and so I kind of wanted to compare
25 your two extremes.
26

27 Likewise, if we look at the same thing in the teal-colored ones,
28 you see the same pattern, where typically the longer time series
29 is giving you more allocation, regardless of what region you're
30 in, and so that was using the same regional time periods and
31 comparing across different Action 4's. I also flipped it the
32 other way around.
33

34 If you stay with a very similar Action 4 with the quota, but you
35 want to compare your two different time periods in the regional
36 component, what were the results, and you can look at the yellow
37 square, which is around Action 4, Alternative 5, and what I
38 highlighted was the greatest value for each species for each
39 region.
40

41 Then I did the same looking for Action 4, Alternative 2 across
42 the two different regional time periods, and what you notice
43 here is that there's no one time series that is giving you a
44 distinctive pattern overall, and so it's kind of a mixed bag,
45 depending on what species you're looking at and which time
46 series is going to give you the better one, and that's the time
47 series within the region. I will stop here for questions, too.
48

1 **CHAIRMAN GREENE:** Any questions? Okay, Dr. Stephen.

2
3 **DR. STEPHEN:** Okay, and so the last one that I was looking at
4 was Alternative 4, which is this one where we're using passenger
5 capacity and equal distribution and regional, and I looked at
6 each one of those, and, here, I just kind of picked certain ones
7 to look at.

8
9 This is using the 33 percent equally among the different
10 criteria chosen, and here is each species listed, and what I did
11 is I picked certain vessel passenger capacities, and so you can
12 see the comparison within a species of how a different passenger
13 capacity and region may affect things.

14
15 I don't have too much to say here. As expected, typically, with
16 a smaller passenger capacity, you got a smaller amount of
17 pounds, because that's one-third of your weighting, and, of
18 course, a region that had a higher landings overall would have
19 had a little bit higher than another region for that same
20 passenger capacity, and this kind of gives you an idea of the
21 breadth of the difference among them all.

22
23 **MR. SANCHEZ:** If we were to look and try to go to numbers of
24 fish, what would be a representative average weight for
25 something? Would it be like seven for snapper?

26
27 **DR. STEPHEN:** Yes, seven for snapper, and I can look up what --
28 I have the values for gray trigger and greater amberjack, and I
29 can look that up, if you want. Let me just finish off here,
30 first. I also looked at red snapper, and this is just using the
31 region year of 2003 to 2013, and what I did is I'm showing a
32 graphical representation based on Action 4, and this was really
33 based on the lowest and the highest for that species overall,
34 and what you see in the graph for the different colors are the
35 different weightings for Alternative 4, Options a through d.

36
37 A few things to point out when you're looking at this is that,
38 when you're doing everything fairly equally, the blue color, you
39 are shifting all your share percentages to the higher portion of
40 the graph. When you're doing a little bit more weighting that's
41 not equally, you get more smaller share percentages given out to
42 each person, and that is typically when you are weighting
43 heavily by region. Just to keep in mind, the way the numbers go
44 on the graph is equal, passenger capacity, and then region.

45
46 I did the same thing looking at gray triggerfish, and what you
47 see on the slide, of course, is the number of vessels that would
48 have each one of those, and so similar patterns are again seen

1 here, but they are not as distinctive as what we saw in red
2 snapper. Here, the 33, 33, 33 percent still resulted in a small
3 share percentage given to a large number of vessels.
4

5 Then, for greater amberjack, a similar analysis was done, and,
6 once again, you tend to see that your percentages can change
7 depending on what those different options are available to you.
8 I think that's my last slide, and so, if there's any questions,
9 or if you want to look at something in more depth.

10
11 **CHAIRMAN GREENE:** Okay. Thank you. Dr. Freeman.

12
13 **DR. FREEMAN:** Just one quick note. I believe that the admin
14 staff just sent everyone a copy of that presentation, and so, if
15 you need to look at specific slides, you've got that available.
16

17 **CHAIRMAN GREENE:** Thank you. Any further questions? Mr. Anson.

18
19 **MR. ANSON:** Dr. Stephen, if you can -- I know you explained it,
20 but why did you combine Mississippi with Alabama?
21

22 **DR. STEPHEN:** If I was remembering correctly, we had a lot of
23 discussion, quite a few council meetings ago, of where to go,
24 and that was what ended up being the preferred choice. Now, I
25 can change that in the model if we think the preferred choice is
26 to have it by itself or combine it with Louisiana instead. They
27 are both there, so you can get a feel for kind of how that
28 changes things. I would have to do some work to change it for
29 Alternative 4.
30

31 I do have the average weights, and so gray triggerfish was
32 typically averaging around, I believe, three pounds, and greater
33 amberjack was around twenty-six. We had red snapper averaging
34 about six pounds, Gulf-wide.
35

36 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
37

38 **DR. STEPHEN:** Do you want me to go through 42 now?
39

40 **CHAIRMAN GREENE:** Yes.
41

42 **DECISION TOOLS FOR AMENDMENT 42**

43
44 **DR. STEPHEN:** Amendment 42's model works a little bit
45 differently, because we actually have landings histories from a
46 variety of vessels, and so what I was able to do was put all the
47 species in one model, and different options can be chosen from
48 that to see the different alternatives and actions.

1
2 Once again, the upper green part refers to how to select the
3 amount of quota that would be given to the program, and there is
4 a drop-down box that allows the different options to be selected
5 and then, next to it, it always tell you what your selection
6 was.

7
8 Once you move down to the purple, this is where a fisherman
9 would enter his actual vessel landings in here, and then the
10 spreadsheet calculates for them their lowest years and their
11 highest years, just to give them some information about their
12 landings.

13
14 The blue section of the model is what starts to help determine
15 the different outputs based on the different actions and
16 alternatives, and so Action 7.1 is where we determine what
17 landings history is being used for the model, and so you have
18 the average of 2011 through 2015, the average of 2011 through
19 2015, but dropping their lowest year, or the highest year from
20 2011 to 2015. The model automatically calculates that for each
21 of the species categories once they enter their landings in that
22 purple section above.

23
24 Then, from that, we have Action 7.2 alternatives, which are
25 different ways to distribute the allocation to the participants,
26 and 2a is distributing it 100 percent proportionally, and so
27 that means completely based on the landings history. 2b does 25
28 percent equal and the rest proportional. 2c is 50/50, and 2d
29 has 75 percent equal and 25 percent proportional, and, over
30 here, you can see kind of the average weights of the fish.

31
32 Moving down to the results section, what you need to do is
33 choose the time series from 7.1, which is either the average,
34 the average dropping the lowest, or just the highest value. The
35 two tables below show you what the final percentages are of your
36 shares, and the table below that is the actual poundage from
37 that. It's a little hard to see here, but you can compare then
38 your actual poundage to what your range of values had been in
39 the previous years.

40
41 I also created a couple of visuals to look at that individual
42 vessel, if you wanted to compare the different alternatives, and
43 so the top graph shows your different shares under the different
44 alternatives for each species, and you can see that you could be
45 low in -- In this example, the person is low in red snapper, but
46 he ends up having a high percentage under gag under the fully
47 proportional distribution, and, as you change away from fully
48 proportional, for those with the highest landings, they tend to

1 drop in landings, and those who had lower landings tend to go
2 up, which makes sense.

3
4 Then the second graph just shows you what the pounds would be
5 from those different percentages, and it's a little difficult
6 sometimes to see on here, because of the different quotas for
7 the species, and you don't get to see the true difference for
8 gray triggerfish and greater amberjack, because they're so low,
9 but it's meant as a quick visualization.

10
11 I've got a couple of different test scenarios to work through.
12 This test scenario has someone who is a little bit higher in red
13 snapper landings versus the one we looked at before, and then
14 you can see the range of shares and allocation that can be
15 distributed based on that. This is just showing the shares
16 again and that trend where, as you move away from proportional,
17 if you have high landings, you tend to decrease in the amount of
18 shares that you would receive.

19
20 This next example has someone who doesn't actually harvest any
21 red grouper, and so I want to show an example of someone who
22 wasn't targeting the species and how the different scenarios
23 would work out for that person. Under the truly proportional,
24 if you didn't harvest anything, you get zero percentage shares,
25 but, as you start doing the equal and equal proportional split
26 between the two, the amount of shares goes up.

27
28 If you went with the heaviest amount towards equal, which is 75
29 percent equal and 25 percent proportional, someone who didn't
30 harvest red grouper in this example could get nearly 1,000
31 pounds, or just under that, 989 pounds, for that. I will stop
32 here for any discussion, and I, again, have another PowerPoint
33 that could help explain some trends.

34
35 **CHAIRMAN GREENE:** Okay. Is there discussion before we leave
36 this part? I don't see any, Dr. Stephen.

37
38 **DR. STEPHEN:** All right. This is a similar thing. I wanted to
39 just investigate certain actions, so that we can get a better
40 comparison for what's going on. For the most part, I looked at
41 Action 5, Alternative 2, the 2011 through 2015, and then I
42 looked at each of the alternatives under Action 7.1 and the
43 alternatives under Action 7.2.

44
45 This was, again, for the shorter time series overall, what
46 you're seeing is the different amounts as you go away from
47 proportional, fully proportional in the blue, towards more equal
48 distribution, which is in the orange. Similar to what we saw

1 before, as you're moving towards more equal distribution, you
2 tend to end up with more people in the higher amounts of the
3 share percentages.

4
5 This is greater amberjack, following that same pattern, and then
6 red snapper as well. The point for all of this is, typically,
7 when you're doing fully proportional, you're going to have a lot
8 of people in the very low percentage bracket, because they
9 didn't traditionally harvest, and we don't have that landings
10 history.

11
12 I just wanted to show some kind of comparisons, and this is
13 using the five-year average for red snapper, and I picked red
14 snapper, obviously, because we all like to talk about it, but to
15 compare also to what happens when we look at just the maximum
16 year versus looking at just dropping a year.

17
18 When we look towards the maximum year, what you see is a
19 slightly higher percentage ending in the 2-percentage category
20 than we did with the five-year average, and so it shifts the
21 distribution a little bit, but not very considerably, and, when
22 we drop the lowest year, those differences aren't too much
23 different than what we did using the average of the five years.

24
25 Just to also show you what this looks like, this is using the
26 fully proportional distributions and comparing the five-year
27 average, the maximum year, or dropping one year from the five-
28 year average, and you can see the differences in the different
29 initial share percentages. As you can see, for the most part,
30 the maximum year is the one that seems a little bit more
31 different than the other two, and that's all I have for that.
32 Are there any questions?

33
34 **CHAIRMAN GREENE:** Are there questions? Okay. I don't see any
35 further questions. Mr. Sanchez.

36
37 **MR. SANCHEZ:** This is more of a comment. Thank you. That was a
38 great presentation, and it was a lot of information, and it
39 seems like the public has a tool where they can plug-and-play
40 and kind of look at different scenarios and see what these
41 amendments mean to you, and so thank you for that. That
42 obviously took a lot of work.

43
44 **CHAIRMAN GREENE:** Okay, and so I guess we're done with 41 and
45 42. Okay. Unless somebody has anything else, we will move on
46 to our next agenda item, which will be the SSC Summary Report,
47 Tab B, Number 13, by Dr. Barbieri.

48

1 **SSC SUMMARY REPORT**

2
3 **DR. BARBIERI:** Thank you, Mr. Chairman. This is going to be
4 very brief as well, and I don't have a presentation, basically
5 because we have been discussing a number of different issues
6 throughout the meeting, and so a lot of these issues are also
7 kind of discussion in nature.

8
9 The number-one update is on the stock assessment prioritization
10 process. Unfortunately, Dr. Porch had to leave, but we received
11 a report from the Science Center, and they are using their
12 methodology for prioritizing stock assessments, and it's a
13 fairly complex process that is still in development and going
14 through a number of iterations, and both the Gulf and South
15 Atlantic stocks in our region are undergoing this process.

16
17 The SSC made a few recommendations, and they are spelled out in
18 our report to you, primarily that perhaps we should remove the
19 shrimp stocks from that prioritization process, because they are
20 annual stocks for which we are not really concerned in terms of
21 taking space in the regular stock assessment SEDAR process. Dr.
22 Hart conducts those assessments separately, and so they do not
23 take space in our regional stock assessment prioritization
24 process. Madam Chair.

25
26 **MS. BOSARGE:** You just left me wide open, and so the other
27 reason is because, in your prioritization tool, there is that
28 thing that like looks at the value of the different species in
29 the Gulf, and that's like one factor. When you look at the
30 value of shrimp landed, it dwarfs every other species, and I
31 just wanted to throw that out there, since I'm a shrimp woman.

32
33 **DR. BARBIERI:** This is why, perhaps, there is a dedicated stock
34 assessment analyst and that the shrimp assessments happen every
35 year, and so they do not actually compete with the other stocks
36 of finfish for the SEDAR stock assessment prioritization
37 process, because they have a dedicated assessment process in
38 place.

39
40 The SSC honestly has been a little puzzled and confused by the
41 process, and it's been a struggle, and I know that you have been
42 informed about the progress of this prioritization process and
43 that it's difficult, and so, at this point, I am going to have
44 to leave it at that. We're going to continue receiving reports
45 from the Center, and we made a few recommendations for improving
46 the process, and hopefully I will be able to come back in the
47 future and give a more positive report on that. I will pause
48 there, Mr. Chairman, if there are any questions about the stock

1 assessment prioritization process.

2
3 **CHAIRMAN GREENE:** All right. Is there discussion by the
4 committee? I don't see anything, Dr. Barbieri. Thank you.

5
6 **DR. BARBIERI:** Thank you, Mr. Chairman. The other topic that
7 the SSC reviewed was a report from the MRIP staff on the Fishing
8 Effort Survey, implementation of the Fishing Effort Survey, and
9 the whole process of getting the calibration process in place
10 that we're going to have the revised estimates according to the
11 FES in July. From then on, we're going to be able to look into
12 how we're going to use those estimates for our stock assessments
13 that are coming up, and those things are still in process.

14
15 There was a calibration exercise that happened last year for the
16 FES and this year for the APAIS, and we're going to receive a
17 new report, coming in July, and we're going to see how that
18 translates into stock status for a lot of our stocks. I can
19 give you an idea of the results, and that is that estimates that
20 are coming out of the FES are three to six-times higher than
21 they were coming out of the previous, the Coastal Household
22 Telephone Survey that was the previous survey method for fishing
23 effort.

24
25 Now, that doesn't mean that the higher recreational landings
26 will imply that stocks are necessarily overfished or undergoing
27 overfishing, because, of course, as that data is integrated into
28 stock assessments, there will be re-estimation of the reference
29 points as well, and assessment of the productivity of the stocks
30 is going to be redone, and so we're going to have to see how
31 those translate into differences in stock status. We are
32 anxiously waiting for these results in July, to see how to
33 proceed.

34
35 Overall, I thought it was a good report from the MRIP staff and
36 that we have a good prognosis for going forward, in terms of
37 integrating the old results into the old survey into the new one
38 and being able to conduct stock assessments. I will stop there,
39 Mr. Chairman.

40
41 **CHAIRMAN GREENE:** Are there questions or comments for Dr.
42 Barbieri? Ms. Bosarge.

43
44 **MS. BOSARGE:** When we get these new estimates, obviously I see
45 where we would get new estimates for four of the five states,
46 but will we get new estimates for Texas, or will theirs stay the
47 same, because they're not in MRIP, and so I'm assuming theirs
48 has stayed just like they were?

1
2 **CHAIRMAN GREENE:** Mr. Riechers.

3
4 **MR. RIECHERS:** I don't know. Bonnie had asked us, sometime
5 back, whether or not we would participate in a survey where they
6 used this methodology, so that at least we could compare with
7 the recalibration. I have not seen any results from that
8 effort, and so I don't know where that puts us, but, in an
9 attempt, as they recalibrated this, they were also going to
10 survey households in our state to see, if nothing else, they
11 could calibrate against the others. If they went up by X
12 percent, then they could see whether our went up that same
13 amount or went down by some amount.

14
15 Again, I haven't seen the results of the survey. I think we
16 have asked for it, but we haven't been shared any of those
17 results at this point in time, and so there is an attempt to
18 see, when we recalibrate, even though our initial estimates
19 would be different, whether or not it would change ours as well,
20 or a way to change ours the same way they would be changing the
21 back series of these if you get a new estimate.

22
23 **CHAIRMAN GREENE:** Ms. Bosarge.

24
25 **MS. BOSARGE:** What you're saying is they came to Texas and ran
26 MRIP side-by-side with your program? No, that's not what you're
27 saying?

28
29 **MR. RIECHERS:** No, this is just associated with the changes
30 they're making in how they get the effort data in MRIP. The
31 other parts of MRIP stayed the same, minus the changes you heard
32 about yesterday, and our survey is basically designed like MRIP.

33
34 In fact, the changes you heard that they made yesterday moved
35 their survey more towards ours. We never let folks choose which
36 ramp they would go to, and we basically are -- They moved it
37 more like ours in that respect, and they moved it more like ours
38 from a statistical proportional sampling perspective.

39
40 There are some differences still. We don't do twenty-four
41 hours, and you guys who are doing MRIP do twenty-four hours and
42 so forth, but this is just dealing with the effort side of that
43 and how you then take that survey times the effort to get your
44 total number of pounds.

45
46 **DR. BARBIERI:** Mr. Riechers, just to confirm, basically, what
47 you're saying is that there is a calibration, and this is the
48 report that we received from MRIP, between the Coastal Household

1 Telephone Survey to the FES for the states that are conducting
2 the MRIP, and there is a separate data collection process to
3 calibrate the effort survey in Texas between what Texas has been
4 doing and how that would translate into potential FES estimates?
5

6 **MR. RIECHERS:** The way I understood it, and, again, I am
7 assuming it happened, but that's an assumption, because we
8 haven't seen the design results or anything else, but what she -
9 - They visited with us when they wanted to do it, and it was
10 they aren't necessarily trying -- I mean, it would end up giving
11 us an effort to match against our effort, but the real key here
12 is the effort to match against whatever change occurred in the
13 other sampling methodology here in MRIP. If the other states'
14 efforts has gone up, then they're assuming that our effort would
15 proportionally move that much, or some level like that, and so
16 that's what they were trying to get at.
17

18 **CHAIRMAN GREENE:** Further discussion? Dr. Frazer.
19

20 **DR. FRAZER:** Thanks, Johnny. Luiz, I understand that the
21 response rate has been increased by three-times, but I just
22 wanted to make sure that I heard what you said prior to that,
23 and that is that the effort appears to have increased about six-
24 times?
25

26 **DR. BARBIERI:** Yes, it varies between about three times to about
27 six times, yes, the actual estimates of recreational fishing
28 effort.
29

30 **DR. FRAZER:** Sure, and so, because it's a survey, and so, under
31 the old system, you had some confidence intervals around your
32 effort, and you presumably have some confidence intervals around
33 the new estimate of effort, and my question is whether or not
34 the confidence intervals, the full envelope, from the new survey
35 falls within the confidence intervals of the old envelope, and
36 it has to do with the precision and the accuracy of the two.
37

38 **DR. BARBIERI:** Right, and that is getting a little bit into the
39 weeds, but, fortunately, I read that report.
40

41 **DR. FRAZER:** Thank you.
42

43 **DR. BARBIERI:** That was the result or evaluation of the FES
44 survey by the statistical consultants, and, yes, the precision
45 and the accuracy of the FES is much higher than it has been for
46 the Coastal Household Telephone Survey. This is something that
47 is in our MRIP review, report, that the National Academy has
48 conducted that was comparing how the improvements to the MRIP,

1 both on the dockside intercept part and the Fishing Effort
2 Survey, how those improvements were implemented and whether they
3 would be generating more accurate and precise estimates, yes.

4
5 **CHAIRMAN GREENE:** Is there further questions or comments for Dr.
6 Barbieri? Okay. I don't see any further questions. Do you
7 have anything else, Dr. Barbieri?

8
9 **DR. BARBIERI:** Well, a very cursory comment here, but we also
10 received a presentation by Dr. Steve Murawski and his team from
11 the University of South Florida that has been conducting a
12 fairly large-scale mapping exercise of the West Florida Shelf,
13 very detailed mapping of specific high-quality reef habitats
14 over the West Florida Shelf, that the committee really enjoyed.

15
16 I mean, it was really a way for us to have a better
17 understanding of what it takes to integrate this habitat mapping
18 into our idea of fish distribution, distribution of the stocks,
19 and how that could be related to different fishing areas, catch
20 rates, abundance estimates, and how that could actually help us
21 in also integrating it into ecosystem models.

22
23 That was more of like an in-the-weeds academic presentation, but
24 it was very helpful in showing some of these techniques that are
25 being used, and I think they're promising, as some of these
26 projects in the Gulf, post-oil spill, are distributing funds for
27 additional habitat mapping that could improve our surveys and
28 improve our estimates of fishing abundance and distribution that
29 would lead to better stock assessments and better management.
30 In very general, Mr. Chairman, that completes my report.

31
32 **CHAIRMAN GREENE:** Thank you. Very interesting. Okay. Anything
33 else for Dr. Barbieri? Mr. Atran.

34
35 **MR. ATRAN:** You missed one item under Other Business. One of
36 our SSC members had introduced a report that was prepared by
37 Jacob Tetzlaff, and he's a former biologist at the Miami Lab,
38 and he's now doing independent consulting, in which he evaluated
39 some alternative assumptions on the projections for the Gulf of
40 Mexico red snapper, and he was looking at different assumptions
41 regarding the selectivity and recreational discard mortality.

42
43 He found out that the projections were sensitive to those
44 assumptions, and so Jeff Isely is one of the assessment people
45 who is also on our SSC, and he said that they're pretty far
46 along on the new red snapper assessment, but they haven't
47 reached the point of making projections, and the SSC did request
48 that these alternative assumptions that Mr. Tetzlaff had

1 discussed be included as sensitivity runs and not for management
2 advice, but to indicate just how sensitive the projections were
3 to these changes.

4
5 **CHAIRMAN GREENE:** Ms. Bosarge.

6
7 **DR. BARBIERI:** If there are any questions, I am going to have to
8 direct them to Mr. Atran, since he presented that part of the
9 report.

10
11 **MS. BOSARGE:** Mr. Atran, I assume you followed up, I guess, with
12 the Science Center to pass that information along?

13
14 **MR. ATRAN:** Well, I assumed, since Jeff Isely was there in
15 person when the request was made, that that would be enough, but
16 probably it would be helpful to send an email or a notice to --
17 I guess it would go to Clay Porch now, but to make an official
18 request, and I will do that after we get back in the office.

19
20 **DR. BARBIERI:** But, Madam Chair, keep in mind that the SEDAR 52
21 report is ready, and so that's going to come before the SSC at
22 the next meeting. Usually the SSC receives deterministic
23 projections with the assessment package, and we have the
24 opportunity to request additional projections, and usually the
25 stochastic projections we request at our next meeting, and so
26 there are plenty of opportunities for us to make those requests
27 at that time, after we have reviewed the deterministic
28 projections and all the parameters that are presented in this
29 next stock assessment, and we can then make that request.

30
31 **CHAIRMAN GREENE:** Dr. Crabtree.

32
33 **DR. CRABTREE:** I know there is going to be the calibration
34 workshop and all of that and then the model is going to be reran
35 with the calibrated workshop, and so is your expectation that
36 you won't give catch level advice until after all that has been
37 done and comes back before you in late summer or early fall?

38
39 **DR. BARBIERI:** Well, that's most likely, or what we could do is,
40 using the quantities, the metrics, that are being provided in
41 this assessment, we might provide some level of catch advice
42 projections that would be interim, not knowing when all of these
43 calibrations are going to be completed and whether they --

44
45 **DR. CRABTREE:** Well, I think where we are now is we would be
46 looking at specifying the catch levels for 2019, and so
47 hopefully we have time to get through some of the calibrations
48 before we do that.

1
2 **DR. BARBIERI:** I sure hope that's the case, but remember that,
3 for these past two calibrations, we had some delays of greater
4 than six months that prevented that from happening, and so we
5 might have interim recommendations that can be adjusted as those
6 calibration results are presented.

7
8 **CHAIRMAN GREENE:** Mr. Anson.

9
10 **MR. ANSON:** Just to follow up, Steven, when you send that email
11 to Dr. Porch, you might want to use some of the conversation we
12 had for the venting tool and the outreach, because I think that
13 was some of the projections that Dr. Porch had mentioned when we
14 were trying to look at impacts on the use of venting tools to
15 reduce discard mortality and that there was some projections
16 run, or some runs, and I think that's probably the same thing.

17
18 **MR. ATRAN:** I will mention it, although I think, as far as the
19 projections go, they don't care what causes the change in
20 mortality, just that there's a change.

21
22 **EXECUTIVE DIRECTOR GREGORY:** Also, Clay is not here, but I
23 guess, Steven, we'll put in our letter a request that the
24 projections include the estimates of 2017 landings. We were
25 told last year by the Center Director that, even though the
26 stock assessment couldn't incorporate the landings, and 2016 is
27 the final year, the terminal year, that the projections could.
28 That's important that we try to do that.

29
30 **DR. BARBIERI:** Right, and that has happened for several of the
31 assessments, where we didn't have enough time to receive the
32 most up-to-date landings information and incorporate it into the
33 assessment itself, but remember that the assessment is mostly
34 retrospective, and so, as we get the projections, the
35 opportunity to develop projections, then we can incorporate that
36 new data and have more accurate, I guess, projections going into
37 the future.

38
39 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
40 discussions or questions or comments? Okay. Well, that's it
41 for Dr. Barbieri.

42
43 **DR. BARBIERI:** Thank you, Mr. Chairman.

44
45 **MS. BOSARGE:** So I guess we have a little confusion, and so
46 Johnny and I thought we were done with 41 and 42, because we
47 thought what John requested and what the council blessed was
48 only to do the new stuff, the new information, but, if you all

1 are wanting to circle back around and go through the entire
2 presentation that Dr. Freeman had, we can do that, but we're
3 just a little confused about what you all asked for and what you
4 were wanting to see.

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

7
8 **MR. SANCHEZ:** I have no burning desire to do that, but I would,
9 given the amount of information and how important it is to
10 filling in a lot of the -- Removing a lot of the ambiguity that
11 was, if we proceed in this direction or that, what does that
12 mean to the for-hire fleet, and I would feel better about the AP
13 -- Not that I want to go through another series of meetings and
14 stuff, but this is important enough, in my mind, to where I
15 would feel better if the AP looked at these decision tools, both
16 headboat and charter/for-hire, and weighed-in on it and give us
17 some determination and some kind of direction on what their
18 thoughts are on what this means to them, since they're the ones
19 that are going to have to deal with this.

20
21 Of course, we don't have public testimony until tomorrow, and I
22 am real curious to see what may or may not have come out of
23 that, but, being that it's a lot to digest in a little time, I
24 think that would give them more time to do the plug-and-play and
25 weigh-in and talk amongst the industry and then get back with
26 us. That's my two-cents.

27
28 **CHAIRMAN GREENE:** Dr. Shipp.

29
30 **DR. SHIPP:** I agree with John, especially regarding public
31 testimony tomorrow and the fact that it's after five o'clock,
32 and we couldn't do a halfway decent job in twenty minutes, and I
33 don't want to sit here for three hours, and so I agree, and
34 sending it back to the AP sounds like an excellent idea as well.

35
36 **CHAIRMAN GREENE:** Okay. Mr. Dyskow.

37
38 **MR. DYSKOW:** Thanks, John. I totally agree with both of these
39 gentlemen, but I just want to clarify something. On Friday,
40 will we be revisiting the discussion in full committee on 41 and
41 42, or is this it?

42
43 **MS. BOSARGE:** On the committee report, there will be like a
44 little summary of what we just went through here today with the
45 decision tools and this and that, and I'm guessing there will be
46 a blurb about sending this back to the APs to let them take a
47 look at it, and that will be about it for 41 and 42. There will
48 be lots of other stuff in the Reef Fish Committee Report, but --

1
2 **MR. DYSKOW:** Thank you.

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

5
6 **MR. ANSON:** I was just wondering maybe if Dr. Freeman -- When
7 you went through your action items for 41, they were out of
8 number from the previous version, and they were flip-flopped,
9 but they were out of number, and so I'm just wondering if you
10 can quickly go through or just identify the new action items
11 that were added for this version, if any, from the version that
12 was offered at the previous meeting?

13
14 We talked about several items, action on setting minimum number
15 of permits and cost recovery, potentially, I think, at the last
16 meeting, and so did you add any action items, or did you just
17 renumber them for what you had?

18
19 **DR. FREEMAN:** Ms. Gerhart, if you would refresh my memory, but
20 did we add any new actions, or were we just -- I think we just
21 renumbered for 41. Yes, it was just renumbering. Again, it was
22 just looking at the sequence and the flow of the document, and
23 part if it as well was looking at 42 and trying to have somewhat
24 similar flow, and thank you all as well for helping me keep my
25 promise of my presentation being short for you all.

26
27 **CHAIRMAN GREENE:** Mr. Gregory.

28
29 **EXECUTIVE DIRECTOR GREGORY:** The soonest we'll bring this back
30 will be August. Our meeting is the week of August 20, and so we
31 certainly can't have the two APs meet until after the red
32 snapper season.

33
34 **OTHER BUSINESS**

35
36 **CHAIRMAN GREENE:** Okay. Is there further discussion? I don't
37 have anything listed under Other Business. Is there any other
38 business to come before the Reef Fish Committee? Seeing none,
39 the Reef Fish Committee is adjourned.

40
41 (Whereupon, the meeting adjourned on April 18, 2018.)

42
43 - - -