

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
SUSTAINABLE FISHERIES COMMITTEE

The Tremont House Galveston, Texas

OCTOBER 21, 2019

VOTING MEMBERS

- 10 Dale Diaz.....Mississippi
- 11 Kevin Anson (designee for Scott Bannon).....Alabama
- 12 Leann Bosarge.....Mississippi
- 13 Roy Crabtree.....NMFS
- 14 Dave Donaldson.....GSMFC
- 15 Martha Guyas (designee for Jessica McCawley).....Florida
- 16 Lance Robinson (designee for Robin Riechers).....Texas
- 17 Chris Schieble (designee for Patrick Banks).....Louisiana
- 18 Greg Stunz.....Texas
- 19 Ed Swindell.....Louisiana
- 20 Troy Williamson.....Texas

NON-VOTING MEMBERS

- 23 Susan Boggs.....Alabama
- 24 Jonathan Dugas.....Louisiana
- 25 Phil Dyskow.....Florida
- 26 Tom Frazer.....Florida
- 27 John Sanchez.....Florida
- 28 Bob Shipp.....Alabama
- 29 Joe Spraggins.....Mississippi
- 30 Lt. Mark Zanowicz.....USCG

STAFF

- 33 Zeenatul Basher.....Coral and Habitat Biologist
- 34 Assane Diagne.....Economist
- 35 John Froeschke.....Deputy Director
- 36 Lisa Hollensead.....Fishery Biologist
- 37 Ava Lasseter.....Anthropologist
- 38 Mara Levy.....NOAA General Counsel
- 39 Jessica Matos.....Document Editor & Administrative Assistant
- 40 Natasha Mendez-Ferrer.....Fishery Biologist
- 41 Emily Muehlstein.....Public Information Officer
- 42 Ryan Rindone.....Fishery Biologist & SEDAR Liaison
- 43 Bernadine Roy.....Office Manager
- 44 Carrie Simmons.....Executive Director

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- 48 Luiz Barbieri.....GMFMC SSC

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20 Clay Porch.....SEFSC
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22 Lisa Schmidt.....FL
23 Ed Walker.....
24 Bob Zales.....Panama City, FL

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PAGE 17: Motion to approve the Framework Action to Modify Federal For-hire Trip Limits and that it be forwarded to the Secretary of Commerce for review and implementation and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. The motion carried on page 18.

PAGE 46: Motion to approve the Gulf Council's Research and Monitoring Priorities for 2020 - 2024 as written. The motion carried on page 47.

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1 The Sustainable Fisheries Committee of the Gulf of Mexico
2 Fishery Management Council convened at the Tremont House,
3 Galveston, Texas, Monday morning, October 21, 2019, and was
4 called to order by Chairman Dale Diaz.

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

10 **CHAIRMAN DALE DIAZ:** I would like to call the Sustainable
11 Fisheries Committee to order. The new membership of the
12 committee is myself as Chair, Dr. Stunz as Vice Chair, Mr.
13 Banks, Mr. Anson, Ms. Bosarge, Dr. Crabtree, Mr. Donaldson, Ms.
14 Guyas, Mr. Robinson, Mr. Swindell, and Mr. Williamson.

15
16 The first order of business is the Adoption of the Agenda. Does
17 anybody have any objections to the way the agenda is presented?
18 Seeing none, the agenda is adopted. Next up is Approval of the
19 Minutes from August of 2019. I would like to get a motion from
20 somebody to approve the minutes, whenever you feel comfortable.

21
22 **MR. DAVE DONALDSON:** So moved.

23
24 **DR. GREG STUNZ:** I will second it.

25
26 **CHAIRMAN DIAZ:** Motion by Mr. Donaldson and second by Dr. Stunz.
27 Any objections to adopting the minutes? Seeing none, the
28 minutes are adopted. For the Action Guide and Next Steps, we're
29 going to go through them as we come to agenda items, and we have
30 several agenda items, just so it will be fresh in our minds.
31 We're going to just handle that as it comes up.

32
33 We're going to move to Agenda Item Number IV, which is the Final
34 Draft Framework Action to Modify Federal For-Hire Multiday Trip
35 Possession Limits. Mr. Rindone is going to be handling that for
36 us. Mr. Rindone.

37
38 **FINAL DRAFT FRAMEWORK ACTION TO MODIFY FEDERAL FOR-HIRE MULTIDAY**
39 **TRIP POSSESSION LIMITS**
40 **DOCUMENT**
41

42 **MR. RYAN RINDONE:** Thank you, sir. In your Action Guide and
43 Next Steps, you guys will see that you will be reviewing the
44 updated analyses in this document and your current preferred
45 alternative and make any modifications you think you need to do,
46 and we'll also go through our public comments and draft codified
47 text, and, if you guys are happy with the condition of
48 everything, you can recommend to the Full Council that it be

1 implemented

2
3 If we go to the document, since you guys have last seen this, we
4 have gone through the data in the tables, and we have updated
5 some things, but, largely, the story remains the same. The
6 preponderance of trips, whether they be by headboats or -- This
7 is Tab E-4(a), and I am at Table 1.1.1 on page 2.

8
9 Whether it's a headboat or it's a charter vessel that we're
10 talking about, the preponderance of trips that are taken by
11 those vessels in the for-hire fleet are less than twenty-four
12 hours in duration. The trips that are longer than that make up
13 just a small fraction, anywhere from -- In Table 1.1.1, you can
14 see it's anywhere from -- Depending on the trip type, half a
15 percent to a little over a percent-and-a-half, and then, if we
16 go down to the percentage of those trips that caught a Gulf reef
17 fish or a CMP species by trip duration, Table 1.1.2, again, you
18 can see that it's just a small fraction of those trips that
19 would be affected by what's being proposed here.

20
21 In Table 1.1.3, you can see the total number of vessels that are
22 in the Southeast Region Headboat Survey against the number of
23 vessels that fished a trip duration greater or equal to twenty-
24 four hours at least once during that year, and a fair
25 preponderance of vessels will make at least one trip, but there
26 are a handful of vessels that make numerous multiday trips.

27
28 Then, if we go to Table 1.1.4, you can see the data from the
29 Gulf for-hire survey, and this was requested by Mr. Anson at the
30 last meeting, and so we've got this all worked up for you now.
31 The large majority of charter vessels do not take trips that are
32 greater than twenty-four hours in duration. There is a very
33 small fraction here, less than one-tenth of a percent, for some
34 of the options that were considered by the council for this
35 document. It is of note though that Texas and Louisiana data
36 are not included for 2014 to 2018, because MRIP reporting and
37 surveying did not happen in those states at that time.

38
39 Then you can see the total number of vessels in Table 1.1.5 for
40 the charter fleet. It's 1,928 vessels, and, of those, you can
41 see the number of those vessels that made a trip in any of those
42 categories there, and the same vessel could have made trips that
43 were on the duration that fell in multiple categories.

44
45 If we breeze on down to page 6, Section 1.4, the council
46 currently prefers an onboard possession limit for federal for-
47 hire trips in the Gulf exceeding a given trip duration, which
48 you guys currently have at greater than thirty hours, that that

1 onboard possession limit will be two daily bag limits per
2 angler, or per vessel for speckled hind and warsaw grouper, and
3 that the second daily bag limit can be retained at any time
4 during a trip with a minimum duration, again, of greater than
5 thirty hours.

6
7 Your justification for this we characterize in Section 1.4.2,
8 saying that changing when the second daily bag limit may be
9 possessed is unlikely to result in any measurable impacts,
10 because the presumption is that that second daily bag limit
11 would be possessed, if it was able to be caught, at some point
12 on that trip, whether it's prior to or after twenty-four hours
13 have passed, and that you guys also determined that, since
14 anglers would be allowed to possess the second daily bag limit
15 at any time during the trip, the trip duration should clearly
16 exceed twenty four hours, and so you guys chose to increase that
17 minimum trip duration to greater than thirty hours. I think
18 Emily has some public comments, if there aren't any questions at
19 this point, Mr. Chair.

20
21 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. Did you have anything
22 from the Reef Fish AP that you wanted to mention?

23
24 **MR. RINDONE:** We did, but I was going to let Emily go first.
25 It's really up to you. I can do that first or Emily can go
26 first.

27
28 **CHAIRMAN DIAZ:** No, that's fine. Ms. Muehlstein.

29
30 **REVIEW OF PUBLIC COMMENTS**

31
32 **MS. EMILY MUEHLSTEIN:** Thank you, Mr. Chair. We published a
33 video tutorial on this framework action to solicit public
34 comments, and we had 152 views of that video, and we received
35 forty-nine comments from that video. We heard support for the
36 preferred option that would allow for the retention of two daily
37 bag limits at any time during the multiday trip, with the
38 rationale that allowing operators to retain their multiday bag
39 limit at any time during the trip would reduce discards on
40 multiday fishing trips and also allow businesses to operate with
41 greater efficiency.

42
43 We heard support for the allowance of a second daily bag limit
44 on trips over twenty-four hours, and it was also noted that this
45 should be based on hours at-sea, rather than on calendar days,
46 and it was also said that vessels returning to dock early for
47 any reason should have to report to law enforcement.

48

1 We also heard support for the allowance of a second daily bag
2 limit on trips over thirty hours, and we heard that bag limits
3 should be increased by an extra day for each consecutive twenty-
4 four hours. For example, trips exceeding forty-eight hours
5 should be able to retain a three-day bag of fish, and that
6 concludes the summary of the public comments.

7
8 **CHAIRMAN DIAZ:** Thank you, Ms. Muehlstein. All right, Mr.
9 Rindone. Did you want to go back and get the AP
10 recommendations?

11
12 **REEF FISH AP RECOMMENDATIONS**

13
14 **MR. RINDONE:** Sure thing. The Reef Fish AP discussed this
15 during their meeting on October 2, and they passed a motion in
16 support of the council's preferred option, with Preferred Sub-
17 Option b, without any opposition. I will just note to the
18 committee and the council that the newly-elected Reef Fish AP
19 Chair, Captain Ed Walker, is here, if you want to pick his
20 brain.

21
22 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. The Law Enforcement
23 Technical Committee did review this. Dr. Lasseter, can you tell
24 us about their recommendations?

25
26 **LAW ENFORCEMENT TECHNICAL COMMITTEE RECOMMENDATIONS**

27
28 **DR. AVA LASSETER:** Thank you, Mr. Chairman. Unfortunately, we
29 don't quite have the full LETC report together yet. That is
30 coming imminently, and I have sent this respective section to
31 Meetings, and we'll go ahead and call that up on your screen for
32 you, and then we also have Assistant Commander Jarrett Barker
33 here in the audience, and he is the TPWD representative on the
34 LETC, and so if we would like to bring him up to discuss the
35 motion any further as well.

36
37 The LETC did discuss this action, and they did have some
38 concerns about it, and I think they summed up their concerns
39 quite well in their motion, if we could just scroll down just a
40 tad to the motion, and I will read that out to everybody.

41
42 The LETC is comfortable with anglers possessing two bag limits
43 within twenty-four hours, but they feel that the fish would need
44 to be retained on separate calendar days, and this goes back to
45 the concept that bag limits are based on the calendar day.

46
47 Thus, the LETC recommends that the council clarify when the
48 second bag limit may be retained, but the LETC recommends that

1 the council remove the minimum number of hours requirement and
2 not allow retention of the second bag limit until the second
3 calendar day. In their discussion, it was that calendar day
4 concept that they really stuck with, that bag limits and
5 possession limits otherwise are set per calendar day, and so I
6 will pause there.

7
8 **CHAIRMAN DIAZ:** I am not seeing any questions. All right. Next
9 on the agenda, Ryan, there's a section for South Atlantic
10 Council comments. Did you want to start that off?

11
12 **SOUTH ATLANTIC COUNCIL COMMENTS**

13
14 **MR. RINDONE:** Sure. I participated in the South Atlantic
15 Council's September meeting via webinar, and I reviewed the
16 document in brief with them, and there was a little bit of
17 discussion about it, and it was more to inform them of what was
18 going to be going on in the Gulf and the proposed regulations,
19 since it would affect primarily fishermen in the Keys that held
20 for-hire permits in both areas that make multiday trips north of
21 the Keys and south.

22
23 We reviewed everything with them, and we went through what the
24 regulations were, both for the Gulf and the South Atlantic, and
25 it is on their radar, and Mr. Conklin is here as well, and he
26 could speak to it, if you wanted.

27
28 **CHAIRMAN DIAZ:** Did you have any comments, Mr. Conklin?

29
30 **MR. CHRIS CONKLIN:** Yes. Thanks. We reviewed everything, and
31 we had the presentation from Ryan, and we decided not to begin
32 work on a complementary amendment, but we're going to revisit
33 this topic the next time we have room for a new CMP or a reef
34 fish amendment, just because some of our provisions are
35 different in our region, and we want to have the ability to
36 travel up the coast and get the full input from all of our
37 headboat operators as well.

38
39 **CHAIRMAN DIAZ:** Thank you, Mr. Conklin. The only thing we
40 haven't covered is the review of the draft codified text, that's
41 on the agenda, and so this particular item is at the point where
42 it's ready for adoption, if this committee so chooses.

43
44 The committee could also choose to modify it or to disregard it,
45 and so, really, it's up to the committee on how we move forward
46 here. Any questions or comments from committee members? Ms.
47 Guyas.

48

1
2
3 **COMMITTEE DISCUSSION**

4 **MS. MARTHA GUYAS:** Speckled hind and warsaw grouper, because I
5 know this is going to be a question, since that's a vessel
6 limit, does this mean that they can have two vessel limits?

7 **MR. RINDONE:** Yes. The way that it's written now, trips that
8 are greater -- For-hire trips greater than thirty hours in
9 duration would be allowed to retain two vessel limits of
10 speckled hind or warsaw grouper.

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

13
14 **MS. MARA LEVY:** Just to say that we're not really changing that.
15 They're already allowed to have two vessel limits as a
16 possession limit. It's just that we're changing when you can
17 keep it and how long your trip needs to be, and so the
18 regulations already have that. We're not changing what it says
19 about those two species.

20
21 If you look at the codified text, we're changing -- We are
22 specifying that the trip has to be more than thirty hours,
23 rather than twenty-four, and that you can keep it at any time
24 during the trip, and then we're adding, at the bottom, that the
25 entire trip has to occur on days when harvest and possession of
26 the applicable species are allowed, meaning the whole trip has
27 to be on open days. You can't be out on a closed day and an
28 open day and still get two daily bag limits.

29
30 **CHAIRMAN DIAZ:** Ms. Levy, does that satisfy the agenda item for
31 reviewing the codified text? Thank you, Ms. Levy. Mr.
32 Swindell.

33
34 **MR. ED SWINDELL:** Ms. Levy, on that, you just mentioned days,
35 and is the days that you just mentioned a calendar day or a
36 twenty-four-hour period?

37
38 **MS. LEVY:** Well, there is two different things, right? I mean,
39 the trip has to be more than thirty hours, right? You can keep
40 it at any time during that trip, and so we're changing it to
41 say, if you go out on calendar day one and you are planning to
42 go on a thirty-hour trip, you can keep two daily bag limits on
43 that calendar day one, but what we're also expressly saying
44 here, because we're allowing you to keep it any time, is that
45 your whole trip has to be on open days, meaning calendar days,
46 and so red snapper opens on June 1, and you can't go out on May
47 31 and come back on June 1, or whatever thirty hours is after
48 the day changes, and have two daily bag limits of red snapper,

1 because your trip was only on one open day and not two days.
2 The whole trip has to be on open days for this to apply, is
3 basically what we're saying.

4
5 **CHAIRMAN DIAZ:** Mr. Walker, I wanted to make sure and give you
6 an opportunity. If there's anything you would like to address
7 that happened at the Reef Fish AP, we would welcome any comments
8 you might have.

9
10 **MR. ED WALKER:** Thank you. Pretty much everybody on our panel
11 was okay with the way it's written right now, and I don't think
12 we had any opposition. Everybody was pretty much in favor of
13 it. I think it was unanimous, actually, but I'm happy to answer
14 any questions that anybody has on that.

15
16 **CHAIRMAN DIAZ:** Thank you, Mr. Walker. I appreciate it. Mr.
17 Swindell.

18
19 **MR. SWINDELL:** As I sat in on the Law Enforcement Committee of
20 the Gulf States Marine Fisheries Commission, the law enforcement
21 people were really concerned, it appeared to me, that they could
22 not reasonably enforce, the first day, anything other than a
23 calendar day, and so, if they would happen to stop a boat that
24 was within that first calendar day of fishing, and you had more
25 than your calendar day of fishing limit, then they would have to
26 issue a ticket, yet we're saying that, hey, we don't want you to
27 do that until -- If you've got a thirty-day permit that you're
28 going to be fishing under, and I think we've tried to address
29 that, but I don't see that the law enforcement people that we
30 had at that meeting were anywhere near that kind of conclusion.
31 I think they still wanted to be regulated on a calendar day
32 basis, and am I not correct, Dale?

33
34 **CHAIRMAN DIAZ:** I think they went -- What I took out of it, and
35 I'm going to invite Assistant Commander Barker to the mic, if he
36 doesn't mind, but what I took out of it is that, in state
37 waters, in some of the states, they are strictly enforcing it
38 with calendar days, and that would be very consistent, if this
39 was calendar days, but, at one point, I heard some of them say
40 that they could enforce it this way if the council so chose, is
41 the way I remember it, but, Assistant Commander Barker, can you
42 shed some light on that for us, please?

43
44 **ASSISTANT COMMANDER JARRETT BARKER:** Some of our concern was
45 around a calendar day definition and just defining it as such,
46 and does a calendar day begin at 12:01, or does it begin at the
47 time that the trip leaves the dock? There is some distinctions
48 between that as to when a bag limit, as it's enforced right now,

1 takes place.

2
3 If the fish stock allows for you're going to give them a two-day
4 bag limit, we really didn't want to see you draw a line in the
5 sand around twenty-four hours or thirty-six hours, because heavy
6 weather can set in, and any number of events can happen during a
7 trip, that that vessel needs to come back in. Now, do they have
8 to idle around in the bay for fifteen hours before they can
9 complete the trip, because they were forced back to the dock?

10
11 Essentially, we did talk about, at some point, these vessels are
12 proposed to go to a hail-out system, and so we would know
13 exactly when they leave the dock, because they're going to hail-
14 out that they've begun their trip, and we would have a record of
15 that, presumably, accessible by the officer on the vessel, but
16 that's not always the case either, but, essentially, all of that
17 is to say that they're fishing under the commercial allocation,
18 and they have a window of a season where that allocation is
19 going to be met, and it really doesn't matter when they catch
20 those fish.

21
22 If you're going to give them four fish per angler on a two-day
23 trip for snapper, give them the four fish. Don't draw some
24 lines in the sand that are different than some of the other
25 enforcement aspects that are already on the books, and so we
26 typically enforce bag limits on a calendar day, beginning at
27 12:01 a.m. and ending at 11:59 p.m. We like to stick with that
28 in most law enforcement or most statute wording and models,
29 rather than go to these hours, if that makes sense. Do you have
30 any other questions?

31
32 **CHAIRMAN DIAZ:** Dr. Frazer.

33
34 **DR. TOM FRAZER:** I am not sure that I'm going to direct this
35 question at you, and I might direct it back to the council, who
36 was involved in the discussions at the time, at the last meeting
37 actually, and so my understanding is that, when a headboat goes
38 out and intends to be out for more than a twenty-four-hour
39 period, that there is records that are involved here, with a
40 time stamp on those records, and so there would be an actual
41 start time that would be available to the law enforcement
42 officers, and is that correct?

43
44 **ASSISTANT COMMANDER BARKER:** It doesn't currently exist that way
45 right now. The IFQ system has that, and what I understand from
46 our NOAA counterparts at the law enforcement meeting was that
47 that's the direction that this group of fishermen is going with
48 their hail-out, and so it will be a very similar model, but we

1 don't currently have that.

2

3 **CHAIRMAN DIAZ:** Ms. Boggs.

4

5 **MS. SUSAN BOGGS:** Thank you. I'm not on your committee, but,
6 currently, the headboats do not have a hail-out process.

7

8 **CHAIRMAN DIAZ:** Ms. Levy.

9

10 **MS. LEVY:** Currently, to have the possession limit on one of
11 these trips that spans more than twenty-four hours, the
12 regulations say that the passenger has to be issued a receipt
13 verifying the length of the trip. Now, I don't know if that's
14 going to tell you when the trip started. It's just going to say
15 how long it was.

16

17 Right now, our regulations say, essentially, the possession
18 limit doesn't apply until after the first twenty-four hours of
19 the trip, right, and so the whole point of potentially doing
20 this is to get rid of that requirement and say you can keep the
21 possession limit at any time during the trip.

22

23 The regulations, the proposed codified text, is very clear about
24 that. You can keep two daily bag limits, or the vessel limit
25 for those two species, at any time during the trip, as long as
26 that trip is going to be over thirty hours and you can document
27 that you're on a trip that is over thirty hours.

28

29 I get that law enforcement may not know when that thirty hours
30 started and ended, but you almost have the same problem with the
31 other trip, in saying after the first twenty-four hours of the
32 trip, if you don't know when it started, and so we're not
33 changing a lot here, is what I'm trying to get at. You were
34 very specifically looking at changing how long the trip has to
35 be and when you can possess that possession limit.

36

37 If that's what you want to do -- I mean, I hear what law
38 enforcement is saying, and, at the last meeting, you did talk
39 about the fact that what happens if someone needs to come back
40 earlier, and it's an emergency situation, and then you kind of
41 have law enforcement discretion at play there, but I'm not sure
42 how you get at the calendar day thing, because, if what you want
43 to do is let them keep it at any time during the trip, but you
44 somehow specify that it needs to be separate calendar days, then
45 that whole rationale doesn't seem to work very well.

46

47 **CHAIRMAN DIAZ:** Mr. Schieble.

48

1 **MR. CHRIS SCHIEBLE:** I guess just help me out with the
2 definition on this. We don't deal with headboats very often in
3 Louisiana, and so what is technically the definition of
4 "abandoned"? If a vessel were to come back early, earlier than
5 the thirty hours, and it tied off to the dock, but the fish were
6 not removed from the vessel, and does that matter or not? Is it
7 landed if it's not removed from the vessel, is what I'm getting
8 at.

9
10 **ASSISTANT COMMANDER BARKER:** Well, from a law enforcement
11 standard, we would not consider it landed unless it's removed
12 from the vessel. The way these checks typically unfold is we
13 would either check the vessel while he is actually fishing, on a
14 reef or at some location, fifteen or twenty miles offshore, and
15 we probably would not know when that trip started, and, really,
16 as the model exists right now, it would be irrelevant.

17
18 We would look at the number of resources they had for the
19 current bag limit, daily bag limit. With the change, that
20 really wouldn't matter much, other than they can, right then, at
21 that time when we're checking them, they could possess two daily
22 bag limits right then, when we were checking them.

23
24 The other way that we check these vessels is that the jetties
25 they're coming back in -- They have completed their trip, and,
26 right now, today, if they claim that it was a two-day trip, and
27 there is any kind of evidence that it was -- I mean, the onus is
28 on us to prove that it was not a two-day trip, and so, typically
29 -- We see vessels coming in all the time with possession limits,
30 but I think the model comes down to these businessmen, these
31 fishermen, they want to take their clients.

32
33 If they want to leave the dock and hit a reef and catch their
34 fish there, and then continue on to do the rest of their trip,
35 pursuing other species, does the council want to allow that
36 model to take place? Essentially, law enforcement -- Again,
37 like I said, we don't really have a heavy weight in this,
38 because, if they're fishing under an allocation system, and if
39 the resource is there to allow them to do it, they can catch the
40 resource, and it doesn't matter if it took place on one side or
41 the other, but, the more regulation that you break apart and put
42 thirty hours on this one and another one, you're going to stack
43 on forty-eight hours.

44
45 We would like to keep things consistent, where, if you're going
46 to do anything with this, define it around the twenty-four-hour
47 day, or the day.

48

1 **CHAIRMAN DIAZ:** I guess, just to make sure that we get it clear,
2 and considering where the council may want to go with this, is
3 it enforceable as it's written now?
4

5 **ASSISTANT COMMANDER BARKER:** I don't know. Right now, tomorrow,
6 if we were to go out and check a vessel, I wouldn't know when
7 the vessel started, and so, whatever they claim, we would --
8 Typically, for receipts, receipts are exchanged when you come
9 back to the dock and the trip is done, and the client pays up
10 their money, and they tip the guides and the deckhands, and they
11 collect their fish and they go home.
12

13 There is really nothing onboard, other than you might see the
14 start of the GPS track log, or you might see some movement on
15 somebody's phone, but, typically, for a check, we're not going
16 to access all those things. It could probably be done. We will
17 get there, especially if those vessels do go to a hail-out
18 system, and I think we could probably cross that bridge and
19 enforce it.
20

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

23 **MR. KEVIN ANSON:** To that point, for clarification, for
24 enforcement, maybe in the codified text, on page 2, at the
25 bottom, where it specifies that each passenger is issued and has
26 in possession a receipt issued on behalf of the vessel that
27 verifies the length of the trip, we should probably modify that
28 to say something on the order of each passenger is issued and
29 has in possession a receipt issued on behalf of the vessel that
30 identifies the duration of the trip, including the time of
31 departure and the time of return, date and time of departure and
32 date and time of return.
33

34 **ASSISTANT COMMANDER BARKER:** Well, again, it would come down to
35 when are they issuing that to the client. I would envision they
36 would have a stack of blanks that you just fill out on the deck,
37 but, I mean, that's how you would do that easily.
38

39 **CHAIRMAN DIAZ:** Go ahead, Mr. Anson.
40

41 **MR. ANSON:** I certainly understand that there is ways to divert
42 every law that's on the books, but, I mean, the intention and
43 the way it's worded here is that they're supposed to have in
44 their possession the receipt that identifies the length and
45 duration, and so that's supposed to be in possession, and that's
46 not at the time they finish the trip. That's while the trip is
47 underway, and every angler should produce that receipt. I
48 understand there could be somebody out there just handwriting

1 receipts and that type of thing, but with more privilege comes
2 more responsibility, I guess, in trying to do the right thing.
3 Thank you.

4
5 **CHAIRMAN DIAZ:** Ms. Levy, is what Mr. Anson is proposing doable?

6
7 **MS. LEVY:** I think we could add something that says -- That
8 verifies the length of the trip, including the start date and
9 time. We will tweak it to make it sound right, but we could add
10 a clause that requires the receipt on these trips to actually
11 state the date and time of departure or something like that.

12
13 **CHAIRMAN DIAZ:** Mr. Sanchez.

14
15 **MR. JOHN SANCHEZ:** Thank you, Mr. Chairman. Again, everybody
16 kind of -- I guess we're losing sight that this is a small
17 percentage of the fleet, and this is something they have asked
18 for, and we've kind of worked out already a lot of these
19 details, and there is a receipt, and now -- If it says the start
20 time, it's pretty identifiable if they're twenty-four hours or
21 not.

22
23 These are long-range, professional fishermen, and weather is not
24 going to be an issue for them. They will seek some safe harbor
25 and do what is asked of them, and, before long, God willing,
26 we'll have some VMS on these boats, and that will address any
27 concerns of where they were and where they weren't and how long
28 they were out.

29
30 Again, going back to the genesis of this, Amendment 1 allowed
31 for this, and then consolidation of some federal regulations
32 kind of muddied the waters, and here we are, and so we're just
33 trying to fix something and go back to where we started from,
34 and it's a small percentage of the fleet, and let's let them do
35 it.

36
37 **CHAIRMAN DIAZ:** Ms. Bosarge.

38
39 **MS. LEANN BOSARGE:** Usually, on our agenda, it is usually in
40 bold when it's in final action, but it says final draft
41 framework action for this one, but we are slated for final
42 action today, right, and you took us through the document and
43 showed us our one action item with our preferred.

44
45 **MR. RINDONE:** Yes, ma'am.

46
47 **MS. BOSARGE:** Okay. Well, if there's no other discussion, I
48 like what Kevin had to say about that addition, and I think that

1 will make it a little more enforceable. I am pretty comfortable
2 with our preferreds, and, if everybody else is comfortable, I am
3 ready to make that motion to recommend it to Full Council.

4
5 **CHAIRMAN DIAZ:** Go ahead.

6
7 **MS. BOSARGE:** I would like to make that motion, and I saw some
8 nodding of heads, if staff could help me with the verbiage. The
9 name of the document is the Modification of For-Hire Multiday
10 Trip Possession Limits. It would read to approve the
11 Modification of For-Hire Multiday Trip Possession limits and
12 that it be forwarded to the Secretary of Commerce for review and
13 implementation and deem the codified text as necessary
14 appropriate, giving staff editorial license to make the
15 necessary changes in the document. The Council Chair is given
16 the authority to deem any changes to the codified text as
17 necessary and appropriate. That's my motion.

18
19 **CHAIRMAN DIAZ:** Okay. We have a motion. Is there a second? Go
20 ahead, Mr. Rindone.

21
22 **MR. RINDONE:** Just to clarify what you guys have talked about
23 and Ms. Bosarge's motion about adding in the departure and
24 return timestamp on the receipts. You might put that ahead of
25 this motion, since that's going to be something that they're
26 going to be required to do. The vessel captains are going to be
27 required to, if they're not doing it already.

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

30
31 **MS. LEVY:** I think we could come back with some codified text
32 that includes that, so that you can actually look at it and
33 approve it at Full Council. I mean, I think that's fine.

34
35 **MR. RINDONE:** (Mr. Rindone's comment is not audible on the
36 recording.)

37
38 **MS. LEVY:** I don't think so, because we're just -- I mean, it
39 already says it has to be a trip over thirty hours, and we're
40 just looking at the codified text to implement that in the
41 document, and part of that is going to be requiring that the
42 departure date and time be indicated on the receipt, and so I
43 think that's okay. You will approve it at Full Council.

44
45 **MR. RINDONE:** I just wanted to make sure that we weren't
46 glossing over any fine print or anything.

47
48 **CHAIRMAN DIAZ:** All right. We have a motion. Is there a

1 second? Second by Mr. Anson. Is there further discussion? Ms.
2 Levy.

3
4 **MS. LEVY:** I think I'm -- I mean, you talked about the South
5 Atlantic Council talking about this, and so, obviously, whatever
6 you do doesn't depend on what the South Atlantic Council does,
7 and I mentioned this before, but just be aware that you're going
8 to have different possession limit requirements between the
9 South Atlantic and the Gulf, and so, depending on what permit
10 you have, snapper grouper, or even the CMP permit, depending on
11 which one you have, the possession limit is going to be
12 different.

13
14 Snapper grouper is a little bit different right now, because
15 they do have a forty-eight-hour possession limit, but the idea
16 that you can keep it at any time during the trip is going to be
17 significantly different, and so I just want folks to be aware,
18 and, when you look at the codified text, the CMP regulations for
19 the possession limit are now divided into South Atlantic and
20 Gulf, because we had to make Gulf different, and so it's very
21 obvious that they're different, but just so you know that, given
22 the issues with having differing requirements on that border,
23 that's going to cause this.

24
25 **CHAIRMAN DIAZ:** Is there further discussion? Seeing none, we're
26 ready to vote. **Those in favor, signify by raising your hand;**
27 **those opposed, like sign. The motion carries.** Do you have
28 anything else, Mr. Rindone?

29
30 **MR. RINDONE:** I do not.

31
32 **CHAIRMAN DIAZ:** Thank you. Next on our agenda is Draft
33 Amendment Reef Fish 48 and Red Drum 5, Status Determination
34 Criteria and Optimum Yield for Reef Fish and Red Drum, and
35 that's going to be Dr. Froeschke. Dr. Froeschke, if you would,
36 start out with the Action Guide and Next Steps, please. Thank
37 you, sir.

38
39 **DRAFT AMENDMENT REEF FISH 48/RED DRUM 5: STATUS DETERMINATION**
40 **CRITERIA AND OPTIMUM YIELD FOR REEF FISH AND RED DRUM**

41
42 **DR. JOHN FROESCHKE:** Sure thing. I will just kind of give you
43 some background on this document. This is a document that we've
44 been working on for a very long time. It's a reef fish and red
45 drum amendment, because it affects red drum as well, and the
46 idea is we've brought this to you, the council, to review a
47 number of times, and we've also brought it to the SSC to review
48 twice in the last year.

1
2 We've been working hard on the actions and alternatives and
3 trying to get them in a form that everyone is comfortable with
4 the actions and the range of alternatives. We have recently
5 brought that to the SSC for some additional review, and they
6 provided some input, which I will be showing you today, and so
7 what we're hoping for you all to look at is to provide some
8 additional feedback and let us know if you're comfortable with
9 the status of the document, in terms of the range of the
10 alternatives for each action, if you want to modify them or
11 restructure them, and that would be great to have that input.

12
13 If you feel like you can give us direction to somewhere where
14 you're comfortable, it would be great to have some guidance on
15 if we should develop a public hearing document prior to the next
16 meeting, and so that's sort of the thing to be looking for as we
17 go through the presentation.

18
19 What I have done is I have not brought back an entirely new
20 draft of the document. What I have done is prepare a
21 presentation that is similar to what was given to the SSC that
22 highlights the actions and the alternatives that we currently
23 have, and, in this document, also, the SSC recommendations are
24 also contained. If we have any specific questions about the
25 SSC's input, Dr. Barbieri is available, and he has indicated his
26 willingness to come up to the podium and address any specific
27 concerns.

28
29 Just a little bit of background, and I know we've gone through
30 this before, but it's been a longstanding document, and so
31 status determination criteria are the criteria used to determine
32 the condition of the stocks of the fisheries that we manage,
33 meaning primarily overfishing and overfished status, and so the
34 council -- The FMP requirements include a requirement to define
35 overfishing and overfished status and using measurable and
36 objective criteria to do this, which sounds easy, but it turns
37 out that it's pretty hard, when you actually get down into the
38 data that we have to work with, and so we can kind of come back
39 to this, as you feel is appropriate.

40
41 Maximum sustainable yield is the longest long-term average catch
42 or yield that can be taken from a stock or stock complex, and
43 the recognition that we rarely know maximum -- This requires a
44 lot of data. There is uncertainty in both how we get data and
45 how we use it in this process, and we often don't have a good
46 understanding of the spawner-recruit relationship in stock
47 assessments, that you need to understand what MSY really is, and
48 so we often use proxies for this, as is the case with most of

1 the stocks that we manage, or all of them.
2
3 What I am going to do now is present a summary of the changes
4 that we've made and give you an overview of the actions, and,
5 again, highlight the SSC recommendations, and so the consensus
6 that we have received from both the SSC and the council numerous
7 times is to make this document simpler, and it is complex in
8 many ways, and so what we've tried to do is to reduce the number
9 of decision points.
10
11 Action 1, which deals with the MSY proxies, since the last time
12 you've seen this, we have condensed the sub-actions into a
13 single action, and we've made fewer decision points, and we have
14 retained the use of stock complexes, but we have removed the use
15 of indicators for the complexes, based on the council input.
16 Goliath grouper and red drum are addressed as alternatives,
17 rather than sub-actions.
18
19 At the SSC meeting, we were asked for some additional
20 information about the red drum escapement rates and how those
21 relate to the SPR, and so we have provided that in the document
22 as well, or at least in this presentation.
23
24 This table here just gives you an overview of the action
25 alternatives within Action 1, and so there are four
26 alternatives, 2, 3, and 4, and the far-left column there shows
27 for the three alternatives, and the middle column shows the
28 complex, if applicable, that is addressed, and so all the
29 shallow-water, deepwater, tilefish, jacks, and mid-water species
30 and stocks within them, which are noted on the far-right column,
31 are all addressed in Alternative 2, as well as cubera and lane
32 snapper, and so these stocks -- The way it's current structured,
33 you would be making an MSY proxy recommendation for all of those
34 stocks within Alternative 2.
35
36 Alternative 3 would affect just goliath grouper, and we've
37 discussed this. The biology of this stock is sort of unique,
38 and then red drum, again, is a separate single species managed
39 under its own FMP, and it has unique biology and fishery
40 management characteristics, and so there are alternatives for
41 that as well.
42
43 What I'm going to do now is go through the alternatives as we
44 currently have them. Each of the alternatives has options in
45 them, and then the red box there notes the SSC recommendation.
46 The Alternative 2, again, for all those stocks and stock
47 complexes on that previous table, the MSY proxy is the yield
48 when fishing at either 20 percent, 30 percent, or 40 percent

1 SPR. The SSC has given a recommendation for the 30 percent SPR
2 for all of those stocks.

3
4 For goliath grouper, which is long-lived species, susceptible to
5 overfishing, they have recommended a slightly more conservative
6 SPR of 40 percent. Some additional information is that this is
7 a jointly-managed stock, and the South Atlantic Council has
8 previously established an MSY proxy of SPR 40 percent for the
9 species, and so this recommendation would be consistent with the
10 South Atlantic.

11
12 Alternative 4 deals with red drum, and, again, this is a species
13 that is a state-water fishery, although it's a federally-managed
14 species. The federal harvest has been restricted for a number
15 of years, and the current management is based on escapement
16 rates from the states rather than something more typical with
17 the other reef fish stocks that we manage, and so the current
18 management is the states aim for an escapement rate of 30
19 percent, which should allow 30 percent of the fish to leave the
20 bays into Gulf of Mexico federal waters, which they are then
21 protected from harvest. It's 30 percent that would have escaped
22 relative to an unfished condition.

23
24 Then Option 4b would be a yield when fishing at 30 percent SPR,
25 and this came up at the SSC meeting a couple of meetings ago,
26 was the relationship between an escapement rate and SPR, and so,
27 way back in Amendment 2 for the red drum, it was assumed that 30
28 percent escapement would be roughly equivalent to a 20 percent
29 SPR, and so we have sort of carried that forward here.

30
31 Then a last Alternative 5 doesn't address a specific stock, but
32 this is something that has been in the document for a while, and
33 it's an alternative that would hopefully streamline the process
34 of which SPR proxies or MSY proxies could be updated in the
35 future, based on the results of a stock assessment.

36
37 What this would do would -- If the SSC reviewed a stock
38 assessment for any of these stocks and felt like a different
39 value was more appropriate, they could make that recommendation.
40 The council, if they agreed with it, could adopt that in a
41 document, but it would not require the consideration of
42 alternatives and things like that in a traditional approach, how
43 we usually do things, and so it would streamline it, and so that
44 would -- It would not obligate the council to take the SSC
45 recommendations, and so it wouldn't remove that from the
46 council's purview and the decision-making process, and so you
47 don't give away any of your authority or decision-making.

48

1 Sometimes the SSC may give more than one recommendation, as they
2 did for gray snapper, and so, if that were the case, then it
3 would go through an amendment process with alternatives and
4 things, just as we have in the past, and so, again, this was
5 recommended by the SSC.

6
7 I will just keep going, and, if you have questions, please
8 interrupt me. This table just tries to sum up the various
9 alternatives and the SSC recommendations relative to the SPR
10 proxies, and so, again, the SPR of 30 percent, which is
11 consistent with many of the other reef fish stocks that we
12 manage, would apply for all of the stocks and stock complexes in
13 Alternative 2.

14
15 Alternative 3 for goliath grouper, the SSC recommended SPR 40
16 percent, and, again, that's consistent with the South Atlantic's
17 prior recommendation for this stock as well, and then
18 Alternative 4 would apply to red drum, and they recommended the
19 option for a 30 percent escapement rate, which is consistent
20 with how the stock is currently managed, and we think that's
21 approximately equivalent to the SPR 20 percent, based on the
22 language in Red Drum Amendment 2.

23
24 That's all I have for Action 1. If there is no questions, I
25 will keep going, and we can come back to anything that you like.
26 Are we good? Okay.

27
28 Action 2 addresses the maximum fishing mortality threshold, and
29 there are three alternatives in here, two action alternatives,
30 and these would apply to all of the stocks in Action 1 that we
31 just discussed, and the SSC recommendation for Alternative 2 is,
32 for a stock where an MSY has not been defined, set the MFMT
33 equal to the fishing mortality rate at the MSY proxy for each
34 stock or stock complex, and so, essentially, the MSY proxy that
35 you would adopt in Action 1, you would make the MFMT consistent
36 with that.

37
38 Alternative 3 would apply to stocks that are in a rebuilding
39 plan, and it would set the MFMT equal to the fishing mortality
40 that is projected to rebuild the stock to the BMSY within the
41 rebuilding time period, F rebuild. This is more restrictive
42 than is currently done in practice, and it is not something that
43 is required, and so the SSC did not feel that this was
44 necessary, and it could be restrictive, in some cases, and so,
45 again, they went with Alternative 2 and not Alternative 3.

46
47 The minimum stock size threshold, this addresses the overfished
48 stock status for various stocks. The idea is that, in a perfect

1 world, you would want the biomass for your stocks to be at the
2 biomass to support MSY. However, we recognize, in practice,
3 that, for various reasons, the biomass may fall below that, and
4 for recruitment or environmental conditions or a number of
5 reasons. If you were to set your overfished status at MSY
6 biomass and, at any time, for any reason, if it fell below that
7 -- You would be doing rebuilding plans all the time, and it's
8 recognized that that's not practical.

9
10 The council has the ability, or the authority, to set the MSST
11 anywhere from the biomass at MSY all the way down to 50 percent
12 of that, and so the tradeoffs are, the lower you set that
13 towards the 50 percent level, it allows a greater fluctuation
14 before you enter an overfished status and have to do a
15 rebuilding plan. The tradeoff is that, the farther down you go
16 before you begin a rebuilding plan, the likelihood is that the
17 rebuilding time period is going to be longer, and the harvest
18 restrictions to rebuild are going to be more severe.

19
20 The SSC recommended an MSST of 75 percent times the biomass at
21 MSY or MSY proxy, and their recommendation was based on that
22 this would allow the stock to undergo some normal or natural
23 fluctuations and sort of balance that with the idea of getting
24 too far down and requiring these more arduous rebuilding plans.

25
26 This was also informed by some previous analysis by the Science
27 Center that showed, based on some simulations, that it's quite
28 unlikely that this stock would fall below the 75 percent level
29 without some degree of overfishing, and so, based on
30 environmental conditions or something like that alone, it's
31 unlikely that you would achieve that.

32
33 Full disclosure is, in more recent -- In Reef Fish Amendment 51
34 for gray snapper, and the Amendment 44, which looked at seven
35 other stocks, the recent history for the council has been to set
36 this at the MSST equals 50 percent.

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

39
40 **MS. BOSARGE:** Just a comment, and not to your alternatives and
41 changing anything, but, as you know, I haven't been comfortable
42 with that 50 percent of BMSY alternative in there, and I did try
43 and pass a motion at the last meeting to change that and replace
44 it with 0.65, and I think we actually have a real-life example
45 of what that could look like at this point, and I am probably
46 stealing some of Dr. Barbieri's thunder, but, with red grouper,
47 with that assessment, under our old metric for red grouper, we
48 would have currently been overfished and undergoing overfishing.

1
2 When we changed the goalpost and moved it to that 50 percent of
3 BMSY, it's fine, and we're not overfished or undergoing
4 overfishing, and I think that we all know where the state of red
5 grouper is at this point. We're not comfortable with where it's
6 at, and we as a council have gone in and proactively reduced the
7 ACL on that stock, to try and get some hooks out of the water,
8 to try and reduce some fishing pressure, because all of our
9 fishermen, recreational and commercial, have said this thing is
10 not healthy.

11
12 Right now, we can fish it down even further, based on our
13 metric, and it would be just fine, and I just wonder exactly how
14 far we're going to let a population get depleted using that 50
15 percent BMSY metric, if we go with that like we have in the
16 past.

17
18 **CHAIRMAN DIAZ:** Ms. Levy.

19
20 **MS. LEVY:** Well, just to clarify that this is dealing only with
21 overfished, and so I just didn't want people to think that,
22 because you chose 50 percent BMSY for red grouper, that that
23 somehow was implicating an overfishing determination or not.
24 This is solely whether something is overfished or not.

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

27
28 **DR. FROESCHKE:** Okay. Alternative 5, if you will notice, also
29 has that red box on there, and that addresses -- There are four
30 stocks within the document, goliath, mutton, yellowtail, and
31 black grouper that are jointly managed with the South Atlantic,
32 and Alternative 5 would concur, essentially, with the MSST
33 definition for these stocks, which is 75 percent BMSY for
34 mutton, yellowtail, and black grouper. Goliath grouper, I
35 believe, is managed using the one minus M formula for MSST,
36 where M is 0.12, and so the MSST would be 88 percent of the
37 biomass at MSY proxy. That, again, was a recommendation by the
38 SSC.

39
40 Action 4 is one that we've worked on, and we have rearranged the
41 deck chairs a number of times, and so what I have here is -- At
42 the IPT, we sort of came up with some ways to simplify it.
43 Again, that was the recommendation that we have received from
44 both the council and the SSC, and so we have three different
45 ways that I am going to show you, and then I will indicate the
46 SSC-preferred recommendation.

47
48 This Action 4, what we have on the screen now, I'm calling it OY

1 simplified, and there are three action alternatives, four
2 alternatives total, and Alternative 2 would apply for reef fish
3 stocks, with the exception of goliath, and, again, it has three
4 options, the 50 percent, 75 percent, and 90 percent FMSY proxy,
5 and these are the same options that we recently went through
6 with gray snapper.

7
8 Alternative 3 in this version of the action would address
9 goliath grouper, and then Alternative 4 would address red drum,
10 and so, essentially, you would have the ability to specify
11 different OYs for all of the stocks in Alternative 2 and then
12 goliath grouper and red drum.

13
14 This next idea is the OY even simpler, and this would just apply
15 to reef fish -- This would apply to all reef fish stocks, to red
16 drum and OY, where it's undefined, and the SSC's recommendation
17 is that any of the OY values within this range of 50 percent to
18 90 percent was okay, and so this is -- They didn't provide
19 specific guidance for one option over another in this, and they
20 felt that any of those in that range was reasonable.

21
22 The last approach was more of a number-crunching approach, and
23 we had talked about this at the IPT, and what we did is we
24 looked back at what our definition for some of these stocks that
25 we have, OFLs and ACLs and things, specified primarily through
26 the data-poor approach, and we developed a formula where the
27 ACL, the annual catch limit, divided by the OFL multiplied by
28 the FMSY proxy -- We could use more of that formula-based
29 approach to develop an OY.

30
31 The caveats are that, again you would still need typically a
32 stock assessment to get this FMSY proxy, so that there would be
33 some challenges in operationalizing something, but perhaps the
34 more informative portion of this is, if you look at that column,
35 the ACL divided by the OFL, these are the numbers that we have
36 in practice now for -- We don't have an OFL for shallow-water
37 grouper, because of black grouper, but, the ones that we do have
38 -- You can see the range anywhere from 55 percent to 90 percent.

39
40 We did this after we had developed these 50 through 90 percent
41 OY for the other alternatives, and so we felt like this was
42 informative and that perhaps the range of alternatives, or the
43 options that we have, is reasonable, even if we wanted to go
44 with something like this.

45
46 Again, the complications, two other ones, are shallow-water
47 grouper, the complex, and there's not an OFL for black grouper,
48 and that has a long and storied assessment process, and it would

1 be difficult to do that, because of the way the assessment is
2 done, and we don't think that's reproducible. Then, stocks like
3 red drum and goliath grouper, you don't have an OFL or an ACL.
4 It's set to zero, and so those are some challenges with doing
5 something like that.

6
7 **DR. CLAY PORCH:** John, you could clarify that other slide? Is
8 the intent there to be the OY is the long-term yield at that
9 fishing mortality rate, because the formula, as written, says
10 the OY is a fraction of a fish, because you're reducing the
11 fishing mortality rate, and so is the intent for that to be the
12 long-term yield at that fishing mortality rate, or is the intent
13 OY equals ACL divided by OFL times the ACL, and so basically to
14 decrement the ACL, or MSY proxy, I guess that would be?

15
16 **DR. FROESCHKE:** Let me think through this. The intent was the
17 ACL divided by the OFL, and then I guess times the -- Well, how
18 we have it is the yield at the FMSY proxy is what -- Whatever
19 the yield was at the FMSY, say that was a million pounds, and,
20 if you took the ACL and OFL -- Whatever percent the OFL was
21 reduced by that, you would take that million pounds -- Say, for
22 example, if the ACL divided by the OFL was 0.7, and your yield
23 at the FMSY proxy was a million pounds, you would get 700,000
24 pounds. That was how we were trying to do that.

25
26 **DR. PORCH:** So then it wouldn't be FMSY. It's just MSY proxy
27 and so ACL divided by OFL times MSY proxy.

28
29 **DR. FROESCHKE:** Yes. Noted. Okay. So where we're at now is
30 we're here to get input on just sort of the structure of the
31 actions and alternatives. One, are you happy on the OY, when
32 you will notice there is three different choices, and, if you
33 could give us some guidance on that, we could develop this as a
34 public hearing draft and bring it back to you and sort of move
35 this forward.

36
37 What I think might be helpful is if we bring up Tab E-5(a), and
38 so this is just a short -- It's not really even a document, but
39 it just has an overview of the actions and alternatives as I
40 went through the document, and this may be helpful to summarize,
41 and what I have done in here is, for the actions, I have the
42 alternatives as we currently have them, and I have noted the
43 SSC's recommendation, where appropriate.

44
45 If you wanted to go through this action-by-action and let me
46 know if you felt comfortable with the range of alternatives or
47 you wanted to add or modify them, that would be really helpful.

48

1 **CHAIRMAN DIAZ:** Tom.

2
3 **DR. FRAZER:** I think, John, at this point, we're scheduled for a
4 break, at 12:30. We are going to take that break, and we will
5 come back, and I will get with Dr. Barbieri, to think about an
6 order of discussing this, and so we will either get SSC input on
7 this or we'll through this table first. We will reconvene at
8 two o'clock.

9
10 (Whereupon, the meeting recessed for lunch on October 21, 2019.)

11
12 - - -

13
14 October 21, 2019

15
16 MONDAY AFTERNOON SESSION

17
18 - - -

19
20 The Sustainable Fisheries Committee of the Gulf of Mexico
21 Fishery Management Council reconvened at the Tremont House,
22 Galveston, Texas, Monday afternoon, October 21, 2019, and was
23 called to order by Chairman Dale Diaz.

24
25 **DR. FRAZER:** John, do you want to pick up where you left off?
26 Go ahead.

27
28 **CHAIRMAN DIAZ:** Thank you, Mr. Chair. We are going to start
29 back up and finish up Agenda Item Number V, which is the Draft
30 Reef Fish 48 and Red Drum 5 and the Status Determination
31 Criteria and Optimum Yield for Reef Fish and Red Drum.

32
33 What we are driving towards is we're trying to eventually get
34 this document to the point where we could move it out for a
35 public hearing draft, and so please be thinking about if you're
36 okay with the structure of the document, the structure of the
37 actions, and the content of the document and the actions as we
38 go through this. Dr. Froeschke.

39
40 **DR. FROESCHKE:** Thank you. I hope everyone had a good lunch. I
41 have, up on the screen, Tab E, Number 5(a), and what this is,
42 it's just a very short document that just has the actions and
43 the alternatives, and no discussion or any other supplementary
44 material, as we currently have them, in the hopes that, again,
45 you could look at the structure of this document, and, if you're
46 satisfied with this, we would populate the document and bring it
47 back.

48

1 On the screen is the maximum sustainable yield proxies, Action
2 1, and there are five alternatives. What is indicated on this
3 are the recommendations, or preferreds, that were noted in the
4 presentation we did before lunch, and so the Alternative 2 would
5 address all those stock complexes and the individual stocks.

6
7 Alternative 3 would address the goliath, and Alternative 4 would
8 address red drum, and then Alternative 5, if you scroll down,
9 would address a mechanism to streamline revising the MSY proxy
10 based on updated information and a recommendation from the SSC,
11 and so that would allow the council, if they chose, to accept
12 that recommendation without the need of a plan amendment and
13 alternatives. They could just note it in a document. If the
14 SSC gave multiple recommendations, we would proceed with the
15 normal alternative kind of options. That is the structure of
16 Action 1. Is there any questions or feedback on that? Okay.
17 Then I'm assuming it's okay.

18
19 Action 2, this is maximum fishing mortality threshold, and so,
20 as we kind of discussed, this action is tightly coupled to the
21 MSY proxy, and the SSC preferred is this Alternative 2, where
22 the MFMT would correspond directly to the MSY proxy, and this is
23 what they recommended. There's not a lot of alternatives in
24 this one, and there doesn't seem to be many reasonable
25 alternatives for that.

26
27 Alternative 3 deals with stocks when they are in a rebuilding
28 plan, and it would set the MFMT equal to the F rebuild. The
29 Science Center has indicated that this is more conservative than
30 what they do in practice and what is required under Magnuson,
31 and so the SSC didn't feel this was necessary, and it was too
32 restrictive, and so they did not recommend that as a preferred.

33
34 Action 3, if there are no questions, is the MSST, or minimum
35 stock size threshold, and, again, this would establish the
36 allowable buffer, or reduction, from the biomass at MSY to the
37 biomass at where we would declare the stock overfished.

38
39 There are three action alternatives, and Alternative 2 uses the
40 one minus M, where the M is the natural mortality of the stock.
41 Typically, this is 0.25, between 0.1 and 0.25, for most of the
42 stocks that we manage, and so we typically -- We used to do this
43 more frequently in the past, but it could change, based on the
44 estimate of natural mortality, and, in general, it led to
45 biomass estimates that were fairly close to the MSY biomass.

46
47 Alternative 3 is 0.75 times the biomass at MSY. In most cases,
48 this is a little more lenient than Alternative 2, but, again,

1 since the natural mortality rate could vary for stocks, it's
2 hard to say that definitely.

3
4 The SSC preferred this alternative, in part based on some
5 simulation analysis that the Science Center had done that
6 showed, again, that it's unlikely that a stock would fall below
7 this level based on natural variations in stock size alone, that
8 there was more than likely an overfishing component contributing
9 to biomass below this level.

10
11 The Alternative 4 is the 0.5 times the BMSY, and this is as low
12 as the council is allowed to set an MSST under Magnuson, and
13 that would be consistent with what the council has done for gray
14 snapper in Amendment 51 and for seven other stocks in Amendment
15 44, I believe, not too long ago. I will stop there.

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

18
19 **MR. SWINDELL:** Do you want to establish a preferred alternative
20 here?

21
22 **CHAIRMAN DIAZ:** No, we're just working towards a public hearing
23 draft, and we don't need preferreds at this time, and so we just
24 want to send out to the public an idea of what we're thinking
25 about and get some feedback from them, to see if they think it's
26 complete and structured right. Mr. Anson.

27
28 **MR. ANSON:** Then how will this be given to the public? Will it
29 just be a standard action with the alternatives, and there won't
30 be any reference to what the SSC had a recommendation for,
31 correct?

32
33 **DR. FROESCHKE:** This structure is just sort of for this review.
34 The way we would do is we have the background in Chapter 1. All
35 of that, we would build out the Chapter 2 actions and
36 alternatives and write the discussion, and then we would develop
37 Chapters 3 and 4 for the public hearing, Chapter 3 being the
38 description of the environment and then the effects section in
39 Chapter 4, and so that's what you would see next time, and just
40 we're trying to get some stability in the alternatives before we
41 write that again.

42
43 Then, on this one, there is that Alternative 5 on the screen,
44 and I forgot to mention that, that would allow for concurrent
45 management with the South Atlantic for the four jointly-managed
46 stocks of goliath, mutton, yellowtail, and black grouper, which
47 is the 0.75 times BMSY for all the stocks except goliath
48 grouper, which would be 0.88.

1
2 I am ready for the next action, if you are. It's the last one,
3 and so if you recall, in the presentation, I presented three
4 different forms of this action, based on the IPT, and we had a
5 simple and a simpler and then sort of the numerical approach.

6
7 What I have presented here is the even simpler model that the
8 SSC recommended, and, essentially, there is only a single action
9 alternative and three options. The SSC preferred is Alternative
10 2, and the three options range from 50 to 90 percent of FMSY,
11 and they didn't provide a recommendation, and they felt that any
12 of those recommendations were reasonable, and so that's the
13 reason why it's there.

14
15 Again, we wouldn't be asking you all to select a preferred at
16 this time, but, if you prefer a different structure or
17 additional alternatives or something, this would be a great time
18 to give us that feedback.

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

21
22 **MS. LEVY:** I see a potential issue with this extreme simple
23 version, partially because it includes everything, including
24 goliath and red drum, which are managed completely differently
25 than the other ones, and so, right now, there is no harvest of
26 goliath, yet, somehow, we're going to set an OY that is
27 potentially 75 percent of the FMSY.

28
29 I mean, it seems like at least those two species warrant some
30 sort of different consideration than the bulk of the rest. I
31 mean, my personal opinion is that the fourth alternative that
32 was offered, which I sort of suggested to the IPT, actually
33 provides the most information, meaning we're already managing
34 based on OFLs and ACLs, and looking at the ratio of that sort of
35 gives you an idea of how you're managing now and what you expect
36 the OY to be over the long term, and it's most specific to each
37 stock or species, although we do have the problem that we would
38 have to deal with shallow-water grouper. I am not saying you
39 have to go that way, but this seems too simple, to me.

40
41 **CHAIRMAN DIAZ:** To Mara's point, I believe it says with the
42 exception of goliath grouper here, and then, in the past, we
43 haven't considered red drum to be part of the reef fish complex,
44 and does that cover your concerns?

45
46 **MS. LEVY:** Well, red drum is part of this amendment, and so what
47 are we doing with respect to OY? I guess it does say except
48 goliath grouper, and so what are we doing with respect to those?

1 Are you planning on putting the other two alternatives in that
2 deal with goliath grouper and red drum, as in the presentation,
3 because those two species are included in this amendment, and
4 they have to have an OY somewhere.

5
6 **CHAIRMAN DIAZ:** Go ahead.

7
8 **DR. FROESCHKE:** Hopefully this doesn't get us in a hole, but we
9 did discuss, and, as we've discussed here, we certainly could
10 add those in. The rationale, I suppose, for doing this approach
11 is that, regardless whether any of the options were selected, it
12 doesn't affect the catch levels, which are specified through
13 annual catch levels, in any way. We don't have a way to link
14 the catch levels, which are annual limits, with the optimum
15 yield, which is the long term.

16
17 **CHAIRMAN DIAZ:** Ms. Levy, to that point.

18
19 **MS. LEVY:** Right, and you're not acquainting them, but to say
20 that you have no method to link them is a little bit not true,
21 which is what that Alternative 4 does. It takes your catch
22 levels, as compared to the OFL, and translates that into an OY
23 proxy, per se. This is how we're managing.

24
25 We are catching these levels, and, as compared to the OFL, which
26 is based on the MSY-type thing, it kind of is your OY over the
27 long term, and that's fine. I am not saying that you can't do
28 it this way, but I don't see how goliath grouper -- What are we
29 doing with respect to goliath grouper and red drum under this,
30 the way this is structured, because they have to have something,
31 and, to say that, for example, goliath grouper, we should be
32 saying that an OY is 75 percent of FMSY, when we allow no
33 harvest -- I mean, how are we even conceivably achieving OY? Do
34 you see what I'm saying? Like, even theoretically, we're not
35 allowing harvest, and how could it possibly be 75 percent of
36 FMSY?

37
38 **CHAIRMAN DIAZ:** Dr. Porch.

39
40 **DR. PORCH:** To a slightly different point, but, since we're not
41 explicitly accounting for things that would normally go into
42 optimum yield, and this is sort of implicit anyway, an even
43 simpler approach is, in cases where you actually have an MSY
44 proxy, your options could just simply be things like 75 percent
45 of the MSY proxy, or 90 percent of the MSY proxy, instead of the
46 way it's written here. 75 percent, say, of the FMSY proxy
47 requires an additional projection. You have to make projections
48 to see what the long-term yield would be at these different

1 rates, whereas, if you already had an MSY proxy, since it's not
2 -- I am trying to avoid certain words.

3
4 It's implicit, and it's not an explicit accounting of the
5 relevant social and ecological and other factors that would
6 affect OY, but you just make the scalar times the MSY proxy. I
7 mean, why do the extra work of going through projections?
8 Anyway, that's just a suggestion. You could make it even
9 simpler. In that case, then the formula would look a lot like
10 what Mara is suggesting, except that the ratio isn't based on
11 the ACL to OFL. It would be just something the council picks.

12
13 **DR. FROESCHKE:** The question I have is that that wouldn't solve
14 the problem that we don't have an MSY proxy for any of these
15 stocks.

16
17 **DR. PORCH:** So you mean you're just here specifying a formula
18 that you know you can't fill, which we've done before, until we
19 collect enough data, but, I mean, if that's the goal here, then
20 I can see the logic, because, otherwise, you don't actually have
21 an MSY proxy to apply the approach, but then that's going to
22 affect what Mara is suggesting as well.

23
24 **DR. FROESCHKE:** It's my understanding that the more numerical
25 approach -- You couldn't fully complete that equation, because
26 you don't have an MSY proxy to do the multiplication by, and
27 that was all the discussions we've had at the IPT.

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

30
31 **MS. LEVY:** I don't think you can complete the equation on any of
32 these, right? I mean, we are specifying MSY proxies in Action
33 1, but we don't know what -- I mean, we're not going to fill in
34 a numerical value in any of these formulas, right, at this
35 point, because you need a stock assessment and all of this other
36 stuff to do it, and so that, to me, seems like neither here nor
37 there, but they're all formulaic, and we're not getting to a
38 number.

39
40 I guess my concern with the OY thing is that it's lumping at
41 least two species -- Well, again, it says except goliath
42 grouper, and so how would we deal with goliath grouper under the
43 way you have this structured? It also doesn't address red drum,
44 and so how would we address red drum, the way you have this
45 structured?

46
47 I don't think that red drum and goliath grouper should
48 necessarily be lumped in with the other reef fish stocks,

1 because they are managed very differently, and so, to somehow
2 say that their OY should just be across the board whatever it is
3 for these other reef fish stocks, what is the reasoning for
4 that? Shouldn't we be considering them in their own context, is
5 what I'm saying.

6
7 **CHAIRMAN DIAZ:** Dr. Froeschke, is this -- Would there be an
8 option to add an Alternative 2 here and to address Mara's
9 concern with an Alternative 2, or should we go back and look at
10 the other alternative that she referenced earlier?

11
12 **DR. FROESCHKE:** I think let's bring up the presentation again
13 that has the other approaches in there. There is the OY
14 simplified that has the alternative that we have on there, but
15 then it has an additional alternative for Alternative 3 for
16 goliath and red drum. I don't know if that's more in line with
17 your thinking or you feel something else is better.

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

20
21 **MS. LEVY:** I think, at the very least, we should be doing this,
22 considering those two species in their own context. If you
23 don't want to go all the way to the other alternative that looks
24 at the ratio, doing ACL to OFL and then using that as the
25 percentage that you get for the OY, that's fine, but it seems
26 like at least this version looks at these two species in their
27 own context and allows you to define the OY differently for them
28 if the information warrants that and the other reef fish
29 species.

30
31 **CHAIRMAN DIAZ:** Any comments on that from the committee? Ms.
32 Bosarge.

33
34 **MS. BOSARGE:** I just wanted to chime in on Dr. Porch's
35 suggestion, and I think that would be a wise move, to have it
36 linked to your MSY proxy, because MSY is a long-term function,
37 and the OY is supposed to be a long-term goal as well, and so it
38 seems prudent to have those two linked, instead of adding an
39 additional step in there, and I would think that you would want
40 those two to correlate a little better.

41
42 **MR. FRAZER:** Dr. Porch, I just want to make sure that I
43 understand here. What you're suggesting is that what you could
44 do is don't use the FMSY, but just a straight MSY proxy, but,
45 the way that I read this document right now, the MSY proxy
46 really is the FMSY for goliath and for red drum -- Well, it's
47 FSPR, and so it's not an MSY value. It's another proxy.

48

1 **DR. PORCH:** Yes, and so, I mean, this actually should read
2 something like long-term yield from fishing at that rate, but I
3 guess my point is you would define -- You already have the MSY
4 proxy defined as the long-term yield at the FMSY proxy, and so
5 it's just a little bit simpler just to say that, okay, then OY
6 is just a percentage of the MSY proxy, whereas -- I mean, now,
7 it doesn't matter that much, because we can't compute the values
8 anyway, and so it's just specifying the formula, but let's say
9 we do get a stock assessment.

10
11 This way, it just requires more work without any real obvious
12 gain, because now you've got to do an extra set of projections
13 to find out what the long-term yield is at 75 percent of the
14 FMSY proxy.

15
16 My point is, since there is not an explicit accounting of what
17 that buffer should be between OY, you're just kind of looking at
18 something that is sort of what feels right, and you may as well
19 just work directly with catch numbers that are more intuitive to
20 people, and so, if the MSY proxy is X tons, then OY is 90
21 percent of that, or something like that, and it's more intuitive
22 than saying 90 percent of a fishing mortality rate.

23
24 Then, when you run out, 90 percent of FMSY proxy over the long
25 term probably amounts to 95 percent of the MSY proxy itself,
26 because it's non-linear. The population grows a little bit with
27 less fishing mortality rate, and so I'm just saying that it
28 makes sense to me just to do the simpler approach.

29
30 The formula that Mara suggested actually, when you rewrite it as
31 an MSY proxy, which is what I think the intent was, it actually
32 is along the lines of what I'm saying, except that formula, the
33 ratio of ACL to OFL, is a way of kind of automatically
34 specifying what the buffer is.

35
36 **DR. FRAZER:** But, because for those two species, you can't
37 calculate that ratio, because you have neither an ACL or an OFL,
38 and so what do you do for those species where you can't
39 calculate that?

40
41 **DR. PORCH:** Well, in that case, we're not going to be able to
42 calculate any of these things, and so you're just specifying a
43 formula. I am more looking down the road. If we do an
44 assessment, there is not really reasons to do two sets of
45 projections, one to find what the MSY proxy is and then you do
46 another long-term projection with a different F to find out what
47 the OY proxy is. You could just multiply some scalar times the
48 MSY proxy itself and keep it simple.

1
2 **CHAIRMAN DIAZ:** Dr. Froeschke.

3
4 **DR. FROESCHKE:** This is sort of coming full circle to the
5 conversations that we had on the IPT, and, for the numerical
6 approach, I think we all -- The IPT agreed that the end result
7 is similar to between the simplified and the formulaic approach.
8 The problem is the shallow-water grouper, the goliath, and the
9 ACL, and the problem is, with the red drum and the goliath, it's
10 not that the formula doesn't work, but it's that formula does
11 work. It's just zero divided by zero is zero, and so then you
12 are essentially setting an OY for stocks like red drum, which we
13 do harvest a bunch in state waters, at zero.

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

16
17 **MS. LEVY:** Well, that's partially why those might require a
18 different consideration, because it may be appropriate to have
19 an OY for goliath at zero. We don't allow harvest of it
20 anywhere, and so maybe the OY is zero for goliath.

21
22 Now, for red drum, that doesn't work, because you know there is
23 all this state harvest, and so the OY for the whole stock really
24 shouldn't be zero, and so you have to come up with some other
25 different approach, and shallow-water grouper just has a
26 problem, because we haven't defined an OFL, and so you can't do
27 that ratio.

28
29 I don't know how to deal with that, if you want to go with the
30 ACL/OFL approach, but, like I said, that was just a suggestion,
31 but, at the very least, I would at least have the four
32 alternatives dealing with goliath grouper and red drum
33 differently than you do the other bulk of the reef fish stocks.

34
35 **CHAIRMAN DIAZ:** Mr. Swindell.

36
37 **MR. SWINDELL:** I have to go back to the fact that the Scientific
38 and Statistical Committee has to use the best scientific
39 information that is available, and, if they can't come up with
40 some way to adjust the OY, based on whatever scientific
41 information they can gather, then you can't have an OY, but
42 certainly you can, in some form or fashion, develop an OY, as
43 rudimentary as it may be at the time, and it's absolute at the
44 time. The SSC is our body to tell us what it is and what it
45 should be with the information they have available.

46
47 Already, when you do an MSY proxy, you have already selected --
48 The Scientific and Statistical Committee has already selected

1 how much -- You have already adjusted some of your MSY with
2 their spawning potential ratio that they are somewhat having to
3 guess at, because it still the scientific best information
4 available, and we could go on with this forever, but, if they
5 cannot come up with an OY, we certainly can't just guess, and
6 it's going to be 50 percent, 75 percent, or 90 percent, and
7 that's not acceptable.

8
9 You can't do it this way. I mean, we have no reasonable idea as
10 to what to do, and so I suggest that this -- This ought to be
11 eliminated from the document. You're either going to do an OY
12 or you're not going to do an OY. Thank you.

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

15
16 **MS. LEVY:** Well, OY is -- Specifying that is mandated by the
17 statute, and so you have to use the best you can, and you have
18 to pick something and specify it. Now, from my understanding,
19 the SSC -- They had a preferred as to how they wanted to
20 structure it, which was this very, very simplified way. They
21 weren't going to give you a recommendation on what the OY should
22 be, because they felt like there wasn't enough information for
23 them to do that, and OY is not purely a scientific call.

24
25 There are policy decisions based on OY, and, I mean, relevant
26 economic, social, and ecological factors, and that's not a
27 purely scientific call. The council can just as easily look at
28 what they think are relevant economic, social, and ecological
29 factors on a stock-by-stock basis or overall for reef fish
30 stocks that are managed similarly and discuss what they think an
31 appropriate OY formula would be, and so I guess I'm just going
32 to disagree a little bit with the fact that the SSC is the sole
33 body that can give advice on this. They can give advice, but,
34 ultimately, the council needs to make a policy decision, and we
35 need to specify this to be compliant with the Act.

36
37 **CHAIRMAN DIAZ:** Mr. Schieble.

38
39 **MR. SCHIEBLE:** I have a technical question, and maybe you guys
40 can help me with this. As a council, can we recommend or
41 request to the SSC that perhaps maybe they convene the
42 Socioeconomic Committee or Panel or whatever to review this a
43 little further before we try to make a recommendation? Is that
44 a possibility?

45
46 **EXECUTIVE DIRECTOR SIMMONS:** I think they were convened when
47 they reviewed this. I don't want to speak for the SSC, but I
48 think they were trying to simplify it, and I think that's why

1 they made this recommendation that's on the slide, and, based on
2 the revisions and the recommendation to red drum being
3 equivalent to an SPR proxy with the escapement rate, I think
4 that's why it was considered in Alternative 2 as one of the reef
5 fish species that would be appropriate, but I will let Dr.
6 Barbieri straighten us out here.

7
8 **DR. LUIZ BARBIERI:** I'm not sure if I'm going to be able to do
9 that, but I can bring some perspective from the SSC. Fisheries
10 management in general, and this is historically -- You can
11 globally, since the beginning of times that fisheries science
12 has been developed and implemented -- It has evolved into modern
13 fisheries science based on this concept of limit and target
14 reference points, and so this applied in several fisheries
15 around the world.

16
17 The Magnuson-Stevens Act is structured along those same lines,
18 and so you have a limit, which is MSY, and then you have a
19 target above that that is OY, which is not simply a biological
20 or a fisheries-specifically designed type of metric, but it
21 integrates these other components, the socioeconomic components
22 as well, and the desirability. What is the value of a stock or
23 a fishery? There is all these other dimensions that really
24 transcend just the purely biological metric that you get from
25 something like MSY.

26
27 The SSC wasn't really here trying to provide any option for the
28 council to consider. It was presented a number of options that
29 we were asked to review and weigh-in on which one of those we
30 felt was more scientifically defensible, I guess would be the
31 term to use, and, because there is so many things here that we
32 cannot measure, we cannot evaluate, without really getting more
33 information, a lot more information, and analysis on the
34 socioeconomic components, and ecological as well, we felt that
35 any of those reductions -- The definition of OY is a reduction
36 from MSY as you take into account the socioeconomic and
37 ecological.

38
39 If that reduction is the 50 percent or 75 percent or 90 percent,
40 that is a judgment call that involves the value of that fishery
41 to stakeholders, to the economy or to industry or to society,
42 and those are things that, unless we have that information in
43 front of us, we cannot really properly weigh-in, and so this is
44 part of why we basically said that any of those, as you look at
45 those reductions, would be acceptable, and it depends on the
46 stock, and it depends on the value of that stock to society and
47 to stakeholders or of those components of the fishery.

48

1 In terms of whether there are catches that are happening right
2 now with the fisheries open, keep in mind that stock status
3 determination criteria -- You are actually setting something
4 that eventually, if we get to the point that you have an
5 assessment that can actually estimate these parameters, you have
6 something to guide the interpretation of the assessment in terms
7 of those reference points.

8
9 You want to have some metric of MSY, and you have to have a
10 management limit and a management target to look for, and so,
11 even though it's not something that we can implement and
12 operationalize right now, because there is no fisheries open to
13 do it, it's something that you set, and so, when the assessment
14 team actually gets together with the data, when the data gets
15 there, there is something that they can use, and this is the
16 criteria that you are looking towards, when you get to the point
17 of operationalizing. If you can't do it right now, because the
18 data is not available, that's a different story.

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

21
22 **MS. LEVY:** Just to that point, I mean, under the Magnuson Act,
23 you're supposed to be achieving optimum yield from each stock on
24 a continuing basis. If you decide, for example with goliath
25 grouper, at this point in time that you cannot harvest anything,
26 anywhere, then your optimum yield at this point is zero.

27
28 Now, I get that that might change, and then you can adjust what
29 you think your optimum yield is, but, I mean, I think there are
30 certain circumstances in which you're not just looking forward
31 if something happens. We are currently managing these species
32 right now, and, if what we're saying is nobody can take it at
33 all, then the only way we're achieving that is if our optimum
34 yield is zero.

35
36 **DR. BARBIERI:** Just to that point, Mr. Chairman. Right, but
37 remember that this council is actually setting those management
38 parameters, right, and so the council is making these choices on
39 how it wants to manage that fishery. If it decides that
40 because, right now, the fishery -- There is no harvest, there is
41 no active fishery of those species, legally, and it wants to set
42 those values to zero, it does have that authority to do it.

43
44 The SSC did not want to overstep its bounds and set those
45 parameters and make recommendations on what OY should be, or
46 even MSY, because that was really managing it, and that
47 management responsibility really rests with the council, and we
48 were trying to be recognizing that, and so that's why we kind of

1 evaluated what was there and didn't really go outside of those
2 parameters that were presented to us.

3

4 **CHAIRMAN DIAZ:** Dr. Frazer.

5

6 **DR. FRAZER:** I just Mara -- Based on your comments, I mean, if
7 you look at Alternative 1, in the context of MSA, is that --
8 Philosophically anyway, is that a viable alternative to even
9 have?

10

11 **MS. LEVY:** I mean, it's Alternative 1 because it's the status
12 quo, but, in terms of picking it as a preferred, no.

13

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

15

16 **MS. BOSARGE:** Not to draw this out any longer, but just a quick
17 question. We can use our formula for goliath, and, as Dr.
18 Froeschke said, when you plug in the numbers, it will come out
19 to zero, but it doesn't work for red drum, and so this is
20 required by Magnuson, and we manage federally, right?

21

22 We're managing federal waters, and so does it matter what they
23 take in state waters if we're coming up with a formula for OY
24 for what we manage? I mean, do you see what I'm saying? For
25 red drum, I don't see -- I mean, it's so closed for us, and so
26 it's okay if, when you plug the numbers in, it equals zero,
27 because federal waters are closed, and have been, but that
28 doesn't affect the states though, right?

29

30 **CHAIRMAN DIAZ:** Ms. Levy.

31

32 **MS. LEVY:** Well, you're managing the stock, right? I mean,
33 you're managing the red drum stock, and so you've decided to
34 close the EEZ to harvest, knowing that a certain percentage of
35 the stock is getting harvested in state waters. I mean, yes,
36 the MSY and OY are for the stock, just like with red snapper.
37 The MSY and OY are for the stock, and we don't divide it up into
38 OY for state waters and OY for federal waters, and we're doing
39 it as the stock.

40

41 **CHAIRMAN DIAZ:** Mr. Swindell.

42

43 **MR. SWINDELL:** I have to ask you another question about the SSC.
44 The makeup of the SSC, do you have just biological scientists on
45 the committee, and you don't have an economist or an economics
46 major? Why can't we then rely on that technology to help with
47 this economic, social, and ecological factors that we need in
48 OY? Otherwise, you shouldn't even be addressing OY from the

1 SSC. Thank you.

2
3 **DR. BARBIERI:** Well, I agree completely. I mean, I think that,
4 since the SSC serves at the pleasure of the council, it is
5 within your prerogative to request that the SSC provide you some
6 input and organize a workshop or pull together the scientists
7 that can weigh-in on this and provide you a report of what
8 should be OY.

9
10 The discussions that we've had is that a lot of the
11 socioeconomic data, even a lot of the ecological data, that's
12 used to make these decisions is not really readily available,
13 and so you have to go to another type of decision-making
14 process, just because the data is not available, but I don't
15 disagree with you. If you would like to see the Socioeconomic
16 Panel within the SSC weigh-in and provide you guidance on how to
17 proceed with OY, I think that's a reasonable request.

18
19 **DR. PORCH:** I would just add that this is something that we in
20 the agency have been talking about quite a lot, how can we get
21 better information in this regard, but it's tricky, of course,
22 because the different user groups have different criteria for
23 what OY is, and, in fact, recreational and commercial are quite
24 different, and so even maximum sustainable yield is sort of a --
25 It's a commercial quantity and more from the fish house
26 perspective, to get as many fish in the house as you can, and,
27 from a commercial fisherman, a boat owner's, perspective, you
28 would more want to look at something like maximum economic
29 yield, and so what's the maximum profit they can make.

30
31 In that case, usually you want more fish in the sea, so the
32 catch rates are up, and recreational depends on the fishery.
33 For some of them, it's more like maximum sustainable fishing
34 season, which would be minimum sustainable yield, but that's not
35 allowed by law, but there is a whole continuum of things on the
36 spectrum, and so it is really challenging to give concrete
37 advice.

38
39 On the other hand, we do need to make some more progress in it,
40 and I think you will see, over the next few years, more effort
41 from multiple organizations to try and characterize what it is
42 that people really want and how that feeds into OY, but the
43 short answer is I don't think the SSC has actually seen any real
44 clear analyses, because I don't think there really are any at
45 this point, and so we do need to do more work, and I'm sure that
46 Assane and other could weigh-in on this more intelligently than
47 I can, but it's something that we're thinking about a lot.

48

1 Yes, these here are 50 percent, 75 percent, and 90 percent.
2 When you give them to the council like that, it's more asking
3 you for your gut feel, where you're kind of weighing the
4 relative priorities, just like you do with allocations. There
5 is a gut-level decision being made there between different user
6 groups.

7
8 Mara is exactly right. When it comes to something like goliath
9 grouper, in practice, the OY has been zero, and the MSY is not
10 zero. That is maximum sustainable yield, and so that's some
11 finite quantity of catch, but, in practice, we have made the OY
12 essentially zero, and, for a lot of other stocks, maybe the
13 council does have enough of a feel that they're comfortable
14 putting a number to it.

15
16 Another way to do is to say that we'll buffer OY to MSY at the
17 same level we've been developing buffers and ACLs, which usually
18 is the buffer from OFL to ABC, which is scientific uncertainty,
19 generally, but then sometimes you buffer the ACL below the ABC
20 for accounting for management uncertainties, and so lots of ways
21 you could do it. In the end, we haven't given you the kind of
22 analyses that you can really put quantitative teeth to any of
23 these numbers. It's going to come down to some level of gut
24 negotiation.

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

27
28 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. I think,
29 to that point, aren't we just asking the council to set these
30 values based on the SSC's recommendations and information we
31 have at hand, and then, once we get an assessment, in the terms
32 of reference and deliberations and review of that process, that
33 goes back to the council, and the council can modify these
34 criteria, because, in reality, we have very little information
35 for many of these species. I think even Dr. Barbieri and I have
36 talked about should goliath be a fishing mortality MSY criteria,
37 or should it be -- What is the model? The catch free model.

38
39 **CHAIRMAN DIAZ:** All right. We're going to start moving this
40 towards a close. Did you have something that you wanted to say,
41 Dr. Barbieri?

42
43 **DR. BARBIERI:** I just had a quick question for Mara. I am just
44 trying to understand, because then I can bring this to the SSC
45 as we continue those discussions. My interpretation of this,
46 and I think is how the committee interpreted it too, is just
47 something that, when you set these reference points, and OY is a
48 reference point, it's something similar to, for example, if you

1 close a fishery, or you have a fishery that is overfished, and
2 it's operating under a rebuilding plan, you still have an MSY
3 reference point that is set, and you could still have an OY
4 reference point set, but you're not going to be fishing at those
5 levels, because there is something else taking place. In this
6 case, it would be a rebuilding plan, where fishing is going to
7 be at a different level.

8
9 The harvest level that is taking place during the rebuilding
10 period, and, in this case, the rebuilding period could be thirty
11 years, or thirty-five years, but it's not really reflective of
12 the level of yield that would be realized after the stock is
13 rebuilt.

14
15 Reference points are set as goals, targets, to be achieved
16 either as limits or as targets, right, but, during that
17 rebuilding period, you are fishing at different levels, and so
18 our interpretation of goliath grouper is that the council has
19 not made a final decision to close that fishery forever. Right
20 now, harvest has been stopped, interrupted, because the stock is
21 not known to have been rebuilt to a level that is considered
22 sustainable, and so my interpretation of how current level of
23 harvest ties to those MSY and OY reference points don't align
24 with this idea that the catch is zero now.

25
26 **CHAIRMAN DIAZ:** To that point, and then we're going to wind this
27 up.

28
29 **MS. LEVY:** Well, I mean, the Magnuson Act sort of expressly
30 addresses that by, in the definition of "optimum". It says, in
31 the case of an overfished fishery, it provides for rebuilding to
32 a level consistent with producing the maximum sustainable yield
33 in the fishery, and so optimum, under the Magnuson Act, accounts
34 for a rebuilding fishery, and so your optimum yield under a
35 rebuilding fishery might be different than your optimum yield
36 once it has reached that rebuilt state, I guess.

37
38 My only point is that we fish for things now, and we're supposed
39 to be achieving optimum yield on a continuing basis.
40 Presumably, we are doing that by the annual catch limits over
41 time, and so we are, in a sense, managing to what the council
42 has determined optimum over the long term by setting these catch
43 levels annually, and so there might be fluctuations above and
44 below the optimum yield, but our management is supposed to
45 reflect achieving that on a continuing basis, and so that was my
46 only point, that we're kind of going backwards a little bit,
47 because we're supposed to have optimum yield and then catch
48 levels, and we're sort of going backwards. We already have

1 catch levels, and now we're trying to say what an optimum yield
2 might be.

3

4 **CHAIRMAN DIAZ:** Dr. Frazer.

5

6 **DR. FRAZER:** I'm just going to try to move us along here. I
7 mean, clearly, there is multiple ways to look at the universe
8 here, and so we have this OY simplified version, but Mara has
9 offered kind of another way to look at it, and the suggestion,
10 perhaps, because I don't think we're having a very productive
11 dialogue at this point, would be to kick this back to John and
12 reflect on the minutes and notes and come back, perhaps in
13 January, with this a little more fleshed out, where we have both
14 views of the world to consider. At that point, we can decide
15 which one that we want to adopt, moving forward.

16

17 **CHAIRMAN DIAZ:** All right. That sounds good to me. Is
18 everybody on the committee okay with that? We'll see it again
19 in January, and the primary focus of the document will be this
20 Action 4. We pretty much went through the other actions, and
21 you can maybe hit them really quick in January, but nobody had
22 any comments or any problems with the structure of content
23 there, and so have you got a question, Dr. Froeschke?

24

25 **DR. FROESCHKE:** If we go to this approach, would we bring back -
26 - Not bring back a document that you would approve for public
27 hearing in January, but we would bring a document that --
28 Chapters 1 and 2, the focus of the review on OY, and then bring
29 it back in April for approval for public hearing, or do you want
30 us to try to wrap all of this into a document that we can bring
31 back, if it's okay?

32

33 **CHAIRMAN DIAZ:** I believe, if you could bring the public hearing
34 document fleshed out, and we just have this one thing to settle,
35 if we can settle that in January, you'll be ready to go. If we
36 can't, we'll move it to April. We just want to make sure that,
37 whenever we move forward, we move forward with information that
38 everybody is comfortable with.

39

40 **DR. FROESCHKE:** Got it. Thank you.

41

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

43

44 **MS. LEVY:** My apologies, but, I mean, I guess -- So you have
45 different ways to address OY, and, if you haven't told staff
46 whether you want to do version a, b, or c, then, in order to
47 bring back a public hearing draft -- I mean, you're going to
48 have to write it like it is a, b, or c.

1
2 I am not saying you have to have a public hearing draft for the
3 next time, but I think it would be good to say, for the OY, do
4 you want to pursue this type of thing, maybe with Alternatives
5 1, 2, 3, and 4, so you could consider goliath and red drum
6 separately, or do you want us to go down the path of using the
7 ACL-OFL ratio to get to a percentage for OY, and maybe you could
8 think about that, and we could come back in Full Council, but it
9 seems like we need one way or the other if you actually want a
10 public hearing draft for January.

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

13
14 **DR. FROESCHKE:** I guess what I was going to do, in my head, was
15 Alternatives 1, 2, 3, and 4 would remain in the document, using
16 the scalars, and then the formulaic-based alternatives would be
17 wrapped into some additional alternatives in the document, in
18 that same action, whether it be one Alternative 5 or if it would
19 require 5, 6, and 7, and I don't know, but that was my plan, as
20 of this moment.

21
22 **CHAIRMAN DIAZ:** All right. Unless anybody has a motion they
23 want to put out there, we're going to move on to the next -- If
24 anybody has any feelings about this between now and Full
25 Council, they can bring them up at Full Council. Let's go ahead
26 and move on to the next agenda item, to the Council Research and
27 Monitoring Priorities for 2020 through 2024. Mr. Rindone. If
28 you would, Mr. Rindone, go over the action guide before you
29 start your process. Thank you.

30
31 **COUNCIL RESEARCH AND MONITORING PRIORITIES FOR 2020-2024**

32
33 **MR. RINDONE:** Okay. You guys took a glimpse of these research
34 and monitoring priorities at our last meeting, and the SSC has
35 had the opportunity to look at them a couple of times, and so
36 what you're going to be doing today is reviewing these research
37 and monitoring priorities for the time period of 2020 to 2024
38 and recommending modifications to the council.

39
40 They cover a large swath of subjects, like data collection,
41 estimation of bycatch and discards, ecosystem management,
42 episodic mortality, et cetera, and these help prioritize what
43 the council sees as its gaps in knowledge, if you will, for
44 different species and for fisheries management in general.

45
46 Once approved by the council, this will be posted to the
47 council's website as final and submitted to the Southeast
48 Regional Office, and this gets used for prioritizing funding of

1 projects, and it will also be used by the Council Coordinating
2 Committee for some things that they have to work on, and so
3 multiple uses. It's important stuff.

4
5 The document is Tab E-6, and, again, the SSC has now looked at
6 this document twice, and they have set the -- They have either
7 set or agreed with the listed priorities, and one of the major
8 changes from the last time is that we removed a large number of
9 the species-specific items that were further down in the
10 document, because a lot of those are captured in the collated
11 research recommendations that are curated by SEDAR, and so we
12 didn't think it was necessary to keep both things in different
13 places. Are there any questions? I hesitate to go through the
14 whole thing.

15
16 **CHAIRMAN DIAZ:** Mr. Anson.

17
18 **MR. ANSON:** Just looking at the first one, fishery-independent
19 sampling, and there's -- The second sentence in it, that
20 particular emphasis should be placed on the expansion and
21 enhancement of the SEAMAP reef fish video survey, the Panama
22 City Laboratory reef fish video survey and such, and I'm just
23 wondering -- I mean, is that expansion of monitoring sites there
24 off of Florida, where most of the reef fish video is currently
25 being done, or does that expand across the entire Gulf? Do you
26 have any insight into that?

27
28 **MR. RINDONE:** It was off of Florida originally, but, now, most
29 of the time, what we're doing is we're combining multiple video
30 surveys. You will have the Panama City Lab video survey, and
31 the Pascagoula Lab survey, and the Florida Fish and Wildlife
32 Research Institute has a few different surveys.

33
34 These surveys have -- Where they can be, they have been
35 combined, over time, to result in a much larger spatial and
36 temporal coverage for the species to which they apply, and so
37 the goal would be to just continue that expansion effort of the
38 SEAMAP. In this case, it would be specifically the SEAMAP reef
39 fish video survey, perhaps to Gulf-wide, if it's possible to do
40 that, to secure funding, and so it's left open-ended, so that
41 it's not too prescriptive.

42
43 **CHAIRMAN DIAZ:** Ryan, I did read through the document, and I
44 agree with the current prioritization, as the document sits.
45 Dr. Frazer, did you have something? Okay. Anybody have any
46 issues with the prioritization? Do you need a motion, Ryan, for
47 us to accept these priorities?

1 **MR. RINDONE:** Yes, I think so.
2
3 **CHAIRMAN DIAZ:** I would entertain a motion from the committee,
4 if anybody wants to put it out there, to accept the priorities
5 as they are written. Dr. Stunz.
6
7 **DR. GREG STUNZ:** I will make that motion to accept these
8 research priorities, whatever the official name of these
9 research priorities are, as written.
10
11 **MR. RINDONE:** It's the Gulf Council's list of fishery,
12 monitoring, and research priorities for 2020 to 2024, which you
13 can clip just from the top of E-6.
14
15 **CHAIRMAN DIAZ:** We have a motion by Dr. Stunz. Is there a
16 second? Second by Mr. Donaldson. Any discussion? Mr.
17 Swindell.
18
19 **MR. SWINDELL:** Excuse me, but why is it that we have the data
20 needs under Priority Code B, instead of A?
21
22 **DR. FRAZER:** Ed, could you be specific where you're looking at
23 in the document?
24
25 **MR. SWINDELL:** Are we not talking about the whole document?
26
27 **DR. FRAZER:** We're trying to find exactly in the document where
28 you're referring to.
29
30 **MR. SWINDELL:** On down to --
31
32 **MR. RINDONE:** He's on page 3, Item F, Sub-Bullet A, Data Needs.
33
34 **MR. SWINDELL:** The bottom of page 2 is Ecosystem-Based
35 Management, Data Collection Priorities, and, on down, the data
36 needs is Number A, and it's Priority Code B. Item B is
37 Ecological Relationship, Linkages, and Networks, and it's
38 Priority Code B. Of all the thing that we need, if we're going
39 to do OY, which we just had a discussion on, we're going to need
40 those things. Otherwise, we can't do an effective OY. Thank
41 you.
42
43 **CHAIRMAN DIAZ:** Go ahead, Dr. Stunz.
44
45 **DR. STUNZ:** I saw that as well, Ed, and you're referring to
46 Section F, because I wondered why that wasn't an A as well, the
47 data collection needs or whatever, but I looked at that, and
48 under the ecosystem-based kind of umbrella is the way I am

1 interpreting that that's coming in, and so, obviously, we've got
2 to prioritize something here, and so, under that umbrella, to
3 me, it wasn't as much of a priority, and I felt it was captured
4 in some of the broader priorities that were above, but I can see
5 where that -- Where you could interpret that differently.

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

8
9 **DR. FRAZER:** Again, I just want to make sure that -- Many of
10 those economic and social recommendations that would be captured
11 in an OY analysis are actually in Item 3, and that is Priority
12 A.

13
14 **CHAIRMAN DIAZ:** All right. We're back to the motion. Is there
15 any discussion on the motion? **The motion is to approve the Gulf**
16 **Council's research and monitoring priorities for 2020-2024, as**
17 **written. Seeing no more discussion, is there any opposition to**
18 **the motion? Seeing no opposition, the motion carries.** Is that
19 it for you, Mr. Rindone?

20
21 **MR. RINDONE:** That's it for me.

22
23 **CHAIRMAN DIAZ:** Thank you. Moving on, it's the Eye on the Gulf:
24 An Electronic Monitoring Presentation on the Gulf of Mexico Reef
25 Fish Fishery by Ms. Neidig. Dr. Barbieri, did you have anything
26 to add on the priorities? No? Thank you. All right, Ms.
27 Neidig.

28
29 **EYE ON THE GULF: AN ELECTRONIC MONITORING PRESENTATION ON THE**
30 **GULF OF MEXICO REEF FISH FISHERY**

31
32 **MS. CAROLE NEIDIG:** First, I would like to thank the Gulf
33 Council for this opportunity for us to provide an overview of
34 some of the work that we're conducting in the Gulf of Mexico
35 with the snapper grouper fishery using the tool of electronic
36 monitoring.

37
38 I would like to thank my co-authors, Dan Roberts and Max Lee.
39 Max has joined me at the meeting, with the Mote shirt, and so
40 you can find him easily. Mote Marine Laboratory designated a
41 Center for Fisheries Electronic Monitoring at Mote in 2019, and
42 so we are now one of two centers at Mote Marine Laboratory, the
43 other being the Center for Shark Research. Mote Marine
44 Laboratory, for those of you who are not aware, is in Sarasota,
45 Florida, and we're a non-profit research and education facility.

46
47 I thought I would start with the basics, for some people that
48 weren't familiar with electronic monitoring. Electronic

1 monitoring is an integrated, onboard system, and it's composed
2 of cameras that are placed on vessels, along with GPS and
3 sensors, and the whole package is meant to provide a permanent
4 documentation of the fishing activities that are occurring on
5 the vessel, and so, in this sense, it's an electronic version of
6 an observer, but both have their pros and cons on what can be
7 conducted.

8
9 An important aspect in this fishery, in the snapper grouper
10 fishery, is why is the application of EM important in this
11 fishery? There is two main reasons. One is that there are
12 limited resources for observer coverage, particularly in the
13 bottom longline fishing vessels in the Gulf, and about 2 percent
14 of those are covered with observers. The other is that there is
15 limited reporting, and so management is not getting very much
16 data on bycatch and discards, particularly in the sense that
17 these are voluntarily provided by the fishers.

18
19 Some of the objectives of our center include to advance EM as a
20 tool, as a fishery-dependent tool. What we're looking at is, of
21 course, I mentioned the permanent documentation of catch and
22 bycatch and interaction with protected species, and, on that
23 note, we had fishers approach us and ask us if we could help
24 them in documenting their increasing shark bycatch and also to
25 show what was going on with their catch and gear depredation,
26 particularly off the west coast of Florida.

27
28 Also, to increase regional capacity for electronic monitoring in
29 the Gulf, which includes partnerships with science and
30 management and industry, and, also, another objective of ours is
31 to link EM data, so that management can more easily use it to be
32 able to associate it with observer reference numbers, dealer
33 reference numbers, and dockside biological sampling information.

34
35 We first got our feet wet with electronic monitoring in 2014,
36 with the Ocean Conservancy, when they asked us to come onboard
37 as reviewers with a pilot study in this particular fishery.
38 Currently, we have three research projects in which we're
39 working in the Gulf on this fishery and researching different
40 aspects of it.

41
42 A big transition that we made three years ago was to go from a
43 proprietary to non-proprietary software platform, and so we
44 changed companies, and it was a big leap for us, but it was
45 strongly suggested by National Marine Fisheries for us to do
46 that to carry forward in our work.

47
48 We have had up to eighteen snapper grouper vessels help us with

1 EM systems in the Gulf. Right now, we're at about fourteen, and
2 they are located in three ports in Florida and one right down
3 the road, at Katie's Seafood, here in Galveston.

4
5 The electronic monitoring components have Quality is improved,
6 and the footprint of them has gotten smaller over the last eight
7 years, and, primarily for us, what we're interested in with the
8 units is how many cameras can we fit onboard, and, with software
9 changes just this year, we can use up to eight cameras for full
10 coverage. With the systems that we are using on these vessels,
11 we are primarily using three to five, currently, but we're
12 looking at options on having additional cameras.

13
14 Some of our in-house components for our center is having very
15 careful detail with every aspect that we do with electronic
16 monitoring. We have to track the vessels when they're in and
17 out, and a big part of what we do is hard drive processing from
18 the point that it comes off to the vessel that it's sort of
19 completed and erased and QC'd at the lab and returned to the
20 vessel. We track every task that we conduct. We track the
21 time, the person hours, and this we're hoping will be useful for
22 evaluating EM cost-effectiveness.

23
24 In our projects, we review 25 percent of the events, and you can
25 see -- Since I don't have a pointer, you can see that there is a
26 graph on there, and it's a timeline, and I will show that in
27 more detail later, but what we're looking at is 25 percent of
28 the events from every trip, and they have to be a complete
29 event, which includes a complete set, soak, and a haul.

30
31 Also, we have a dedicated EM server, and we use back-up systems
32 and quality control at many different time points. We are using
33 our statistical software, and our data analysis is done in-
34 house, along with Waterinterface LLC, which is our sub-
35 contractor.

36
37 An example that I wanted to show you is a vessel trip review,
38 and, if you look to the upper-left, you will see a map of
39 tracks, and that would be a vessel moving back and forth in the
40 Gulf, with their sets and hauls, and, quite often, we will see
41 tracks that will cover very large areas, and sometimes they are
42 very tight, and I will be showing some of that.

43
44 Then we have the camera views, and, as I was explaining before,
45 we follow a trip timeline, which you can see in the upper-right,
46 and those green spikes are speed and also sensor recordings of
47 hydraulics and the reel turning also at the point on which the
48 line is going out on a bottom longline and the line is coming

1 back in with a haul.
2
3 Below it is a figure to show the yellow to the left, and then in
4 the middle is the soak, and then the purple is the haul, and the
5 red markings are annotations in which we have identified
6 specific species and gone to the detail with the drop-down list
7 on the left of the disposition when it came onboard, the fate,
8 if it went back over or was kept, and, also, additional things,
9 such as lengths with sharks, sex of sharks, and so forth, and so
10 we have spent several years working on these templates, to get
11 as much data as possible out of what we're doing. Then we can
12 look at a species annotation listing as we move along and
13 confirming what we have just entered.

14
15 Of course, the application for us of EM is important. One, as I
16 mentioned, is with the documentation of shark bycatch,
17 particularly depredation of gear and also the fishers' catch.
18 We are going into much detail and taking the size ranges of
19 sharks, the sex, capture condition, and release disposition, and
20 we're also looking, as I mentioned, at their catch and gear
21 damage, and, of course, there is some pictures of some of the
22 species that we have viewed.

23
24 Another important aspect is the application of EM to document
25 incidental marine mammal encounters, and, interestingly, I know
26 Carrie had asked us about loggerhead sea turtle encounters, and
27 we have had four in over 38,000 bottom longline and vertical
28 line events since 2016. Two of those were mortalities, and two
29 were live.

30
31 We have had zero other marine mammals that have been actually
32 hooked that we have viewed and six seabirds, and so a very low
33 number, but I wanted to show an example. The two pictures below
34 is a porpoise depredation occurring with damage with red
35 grouper, and we observed this through the video, of seeing the
36 porpoises coming alongside the vessel, and they were raking the
37 red groupers. They were not actually even taking them from the
38 hooks, but, among that longline, there were a number of fish
39 that came up injured, which, of course, affects the salability
40 of those fish.

41
42 We are also conducting pilot studies, and one of our projects is
43 an underwater camera system, and what we had found, with
44 particularly the onboard camera systems, even having booms with
45 cameras, was difficulty in seeing large shark cutoffs, making
46 out particularly what the species of sharks were, and so we're
47 now testing an underwater camera system that will be tied into
48 the whole software platform, and then we can identify the large

1 sharks, and, also, further, with fate of fish that are thrown
2 over and which we can see if they are swimming away.

3
4 Another aspect with the software we're using through Saltwater
5 Inc. is the digital ruler platform, in which we can -- We are in
6 trials with that right now, measuring fish as they are placed on
7 different work surfaces, and then we're comparing that data with
8 observer data provided through Elizabeth Scott-Denton and also
9 FWC dockside sampling data.

10
11 The other aspect that I mentioned was the linkages, which we
12 felt were very important for management to be able to use EM
13 data, and questions that I received when speaking to people with
14 National Marine Fisheries and the Gulf Council was how can we
15 use EM data, and so we tried to be proactive and think what
16 other fishery-dependent data is being collected, and can we
17 match that up with every EM trip that we have data from, and so
18 we acquire all the reference numbers. Not the data, but just
19 the reference numbers, and we match them up, so we can provide
20 that.

21
22 I am going to show just a few data slides, and the data that I
23 am presenting -- It includes from six bottom longline vessels
24 from the West Florida Shelf from 2016 to the middle of this
25 year, about May of 2019, and it includes 636 seadays and over
26 500 annotated set/haul events. Why I put 2,000 there is that
27 those are events that we have available that we can review, but,
28 since we do just 25 percent, this amounts to 537.

29
30 That included over 30,000 individuals that were annotated of 152
31 species, and, of those, sharks -- Of course, as we accumulate
32 more data, this number goes up, and it goes down, and, at this
33 point, it's 4.22 percent of the total catch. I put that in
34 there because of the interest of the fishers and the increasing
35 shark bycatch that they are reporting that they are
36 encountering.

37
38 I have a list here of our twenty most frequently encountered
39 species that we have annotated, and you can look at the relative
40 frequency percent. 62.81 percent of the red grouper relative
41 frequency, and so, obviously, that is the fish species that is
42 most often targeted in the Gulf in this fishery, and I wanted to
43 show that, within that twenty list of species, we have three
44 species of sharks that are commonly seen that are included in
45 that top twenty, the Atlantic sharpnose shark, the spiny
46 dogfish, and also blacknose sharks.

47
48 I wanted to show just a view, and this is to show our

1 concentration in the Gulf, and you can see the West Florida
2 Shelf off of Florida is our highest concentration, because we've
3 been working with those vessels for the longest, and we have
4 just introduced, earlier this year, the Texas vessels, and we
5 have over 10,000 annotations ready to load this coming week that
6 we would show more coverage here, but, right now, I'm showing
7 some of the vertical line or bandit vessel occurrences in the
8 northwestern Gulf, but, also, you can see, on the western shelf,
9 you can see also some of the yellow dots for vertical line.

10
11 What I wanted to show is, within that map that you just looked
12 at, we have an intensively-fished area in the West Florida
13 Shelf. This area that is in the blue outline on the right-hand
14 side -- You can see, first, the red is where all the occurrences
15 have occurred off of our coastline of Florida, but the blue is
16 intensively-fished area, which accounts for about 20 percent of
17 that whole area that is being fished, and that has produced
18 though -- Just that intensively-fished area has produced over 60
19 percent of the annotated catch from the bottom longline fishery.

20
21 Another aspect is that we're looking at optimized cold spot and
22 hot spot analyses, and you can see -- If you follow in any three
23 of these, from orange to red, those dots, within that
24 intensively-fished area, those are the areas of 90 percent or
25 more confidence levels, and what we're seeing is that, with the
26 red snapper and red grouper examples, basically, if the fishers
27 are out there fishing in that intensively-worked area -- If
28 you're going to go for red grouper, you're going to get into
29 shark species, also. It's basically difficult to avoid that,
30 and so that's just an example of some of that work we're doing.

31
32 Another is looking at condition. Of course, what is coming in
33 and then what is going back off the boat is important, and
34 condition at vessel arrival -- I am showing that relative
35 frequency, and you can see that more than half of the fish
36 coming onboard from bottom longline gear that we're annotating
37 are alive. We are seeing them moving, and we're seeing that
38 they are live.

39
40 Whether they suffered barotrauma or not, that is also recorded,
41 but we are recording if we can see the appearance of if it is
42 alive. We do have an unknown condition. If we're not sure,
43 then that's what gets annotated, as unknown.

44
45 The other is that, interestingly also, the sharks have a very
46 high, over 95 percent, coming onboard live, and, disposition-
47 wise, you can see that, of all the fish, we have over 50 percent
48 that are actually retained, as you would know from management,

1 but disposition of sharks -- We are showing that more than 90
2 percent are actually discarded live, which has been a question
3 that we often get on how are the sharks treated, particularly
4 when you're bringing in let's say juvenile dusky and so forth,
5 and species that are protected, knowing if they're going back
6 off alive, and then our other aspect, of course, would be those
7 cutoffs that I mentioned earlier of the larger sharks.

8
9 Next, I am showing a frequency summary. We took a stab at it
10 and picked eight species for this, but the main take-home
11 message on this is that the red grouper -- The discarded are
12 over half of the percent of the total catch, and what we're
13 observing with this is that these are generally undersized red
14 grouper that are going back over, and so there's a lot of effort
15 going into catching red grouper, but then there's also a lot
16 that are having to be thrown back.

17
18 The next three slides are to show you an overview of the
19 geographic frequency locations, and I will include retained
20 fish, discarded, and discarded dead. In the first, you can see,
21 in that blue square, that's that intensively-fished area, and,
22 if you look at the reds, which are the highest frequency, and
23 then the brown and tan, and so you can see that, in that area,
24 there is a very high catch of fish that are kept. You will
25 notice the one red that is a high frequency, and you will see
26 that one reoccurring in the next two slides.

27
28 Next is discarded fish of all species, and you can see, again,
29 that one grid, and these are 625-kilometer-square grids in size,
30 is our grid sample. You can see, again, the distribution of our
31 frequency location of discarded, and then discarded dead follows
32 on the last slide.

33
34 Another aspect that we do, but we only, at this point in time,
35 have three vessel captains that are filling out vessel data log
36 forms to help us -- We were using this as a comparison with the
37 data that they provide to us from our EM hard drives collected
38 off the vessels, but we were looking at some differences in what
39 they reported versus what we see, and, interestingly, though
40 they did report over 61 percent retained and discarded over 38
41 percent, but what stood out to us was actually the low percent,
42 less than 1 percent, of discards recorded, which, obviously, is
43 what management has seen, and that is one of the reasons we have
44 observers and are now testing EM.

45
46 A few things that we have in progress is EM data modeling, and I
47 am not going to go into this in depth, but we're looking at
48 catch per unit effort, catch in discards, and particularly we're

1 looking at random and fixed effects. We want to know if like
2 time of year, the months, season, moon phase, how that affects
3 the data that we're obtaining, and, also, geomorphic and benthic
4 habitat data that we're looking closely at, and so we're mapping
5 all of this information and obtaining as much as we can from
6 agencies and so forth to be able to pull more out of the
7 information that we're collecting and provide that to both
8 industry and management.

9
10 This project, I want to thank -- There is a lot of people
11 involved in this, and I particularly wanted to extend a thank
12 you to two of our scientific advisers on projects, Dr. Elizabeth
13 Scott-Denton and also Dr. Jessica Stephen have been tremendous
14 assets to us, and the Katie's Seafood group is in here, and so I
15 would just give them a thank you, but there's a lot of people
16 that make this happen, plus my invaluable fisheries EM review
17 team, and you see some of them there.

18
19 We have about twenty-four what we call citizen scientists that
20 are retired and so forth from different specialties that help us
21 in the field and also for reviewing, many that have been with us
22 the whole time and help even train additional people. I want to
23 thank you again for this opportunity. I tried to speed it up a
24 little bit, since we're running late, and so I didn't want to
25 see any heads go down to the tables there, and so thank you very
26 much.

27
28 **CHAIRMAN DIAZ:** Thank you, Ms. Neidig. There's no heads that
29 are going to go down on that. That's a very good presentation,
30 and there's a lot of good information.

31
32 **MS. NEIDIG:** Thank you, sir.

33
34 **CHAIRMAN DIAZ:** Any questions? Dr. Stunz.

35
36 **DR. STUNZ:** I do have a question, and thanks for that very
37 useful information. I am trying to get a handle, in general, on
38 the cost, both in time and in money per vessel, but, in
39 particular, the time it takes -- That was a lot of people in
40 your citizen science room looking at the videos, but what kind
41 of manhours is involved, and I don't even know sort of what
42 units to put it in, on an average day of -- You have the cameras
43 running and the process, and what is that timeline to process
44 all of that?

45
46 **MS. NEIDIG:** We haven't done all of the analysis, but we have
47 some parts broken down, but it definitely ranges based on
48 whether we're looking at vertical line vessels, data from

1 vertical line vessels, or data from bottom longline, and we can
2 run anywhere from -- Just reviewing a hard drive, it's from
3 let's say thirty minutes to over an hour. Sometimes there is
4 some, such as the Texas group has thrown something into this,
5 with having up to ninety-seven events, and so we're reviewing
6 then 25 percent of those events, whereas, in Florida, on the
7 West Florida Shelf, we're dealing with maybe eight to eleven
8 events per trip, and so they are making us work longer hours
9 here from Texas.

10
11 Also, the cost you mentioned, the equipment itself has
12 definitely come down in price from when we first started, and,
13 particularly, working with non-proprietary software is
14 approximately \$10,000 per unit that we invest, per vessel, and
15 then plus our technical cost for installation and so forth.

16
17 **DR. STUNZ:** Just a quick follow-up. I probably wasn't as clear
18 as I should have been. I guess, for like watching the video,
19 and you've got the events going on, because you look like you
20 have a dozen or so people watching this, but I am trying to get
21 it back to -- Like, if you had just one person looking at one
22 per day, how much time does it take, and how long do people have
23 to spend looking at the videos, is what I am trying to get to.

24
25 **MS. NEIDIG:** Actually, reviewing videos is very time consuming.
26 One trip may take us a couple of -- I would say at least forty
27 hours, maybe, to go through, if it has a lot of events. It's
28 quite time consuming, and that's why I have a lot of people
29 helping. Particularly if there's a lot of catch -- I mean, if
30 there's not much catch, then that's to our advantage. If
31 there's a lot of species that need to be annotated -- What we
32 stress, at least in our lab, is that quality and not quantity.

33
34 We are looking at the quality of the product of the data that we
35 provide from annotating, rather than having people speeding
36 through, and I know there are methods to that, such as Dr.
37 Wallace with AI that we'll be looking into that might help us,
38 artificial intelligence applications for possibly reducing
39 reviewing time, but reviewing time is time consuming for us, and
40 we've done a lot to actually make it quicker, just because of
41 people that are trained and have a good eye for it, and also the
42 people that we have, such as Max Lee, that is very trained in
43 QC'ing the species, and so, basically, if you even have some
44 people mark that they came up with a fish species, and, if they
45 are consistently possibly wrong, we can go back and correct it,
46 but QC is a big part of what we do, but the other aspect is
47 making sure that the disposition and fate are correct, also, and
48 so it is time consuming, yes.

1
2 **CHAIRMAN DIAZ:** I have a question for you, Ms. Neidig. After
3 all the data is processed, do you all share it with the
4 fishermen, after everything is done?
5
6 **MS. NEIDIG:** The data, we speak to them about it, and we haven't
7 -- Also, we provide them with actually mini videos of their
8 trips, with information, and I actually brought a bag of them
9 for the Texas fishers with us, but, yes, we do share the
10 information.
11
12 Actually, they're quite interested, because they want to see the
13 mapping of where they've been, even though they keep careful
14 records, but they want to know what we see as an overall picture
15 in those areas, the grids that they have been fishing, and what
16 were the results, particularly over time, and so they are very
17 interested in that, and I think that's what we have to do. We
18 have to give back to industry.
19
20 This is definitely for management, but industry is very
21 interested, and they want to participate in this. We actually
22 have people asking to have the equipment, and we don't have
23 enough funds to put on all the vessels that are interested.
24
25 **CHAIRMAN DIAZ:** That's what I was thinking. I was thinking that
26 fishermen would probably want to use this to help themselves be
27 more efficient.
28
29 **MS. NEIDIG:** Yes, sir. They want a sustainable fishery. This
30 is their livelihood, and, when we first started, people were
31 unsure, and they were concerned that the data that we would find
32 would then go to management, and that might turn the tables on
33 them, but we have seen, I think through education and awareness
34 and the word getting around -- One thing that we are very
35 careful with the fishers that we work with too is
36 confidentiality. I know that, if you've seen some of our
37 reports, we have big dots and things like that, and so we're
38 very careful about reporting, particularly information from
39 specific individual vessels.
40
41 **CHAIRMAN DIAZ:** Dr. Frazer.
42
43 **DR. FRAZER:** Thank you, again. I really enjoyed the
44 presentation. It may be too early to answer some of these
45 questions, but --
46
47 **MS. NEIDIG:** Fire away, and I will see what I can do. It may be
48 early, but --

1
2 **DR. FRAZER:** Here they come. We talked about sharks before, and
3 there are about 4 percent of the occurrences in your records,
4 and the dataset you have is only four years, but, looking at
5 those four years, is that 4 percent cumulative, or is there any
6 increase in --
7
8 **MS. NEIDIG:** At this point, but, actually, we -- Just before we
9 placed some of the additional vertical line data in there, and
10 this was just two weeks ago, the number went down from 6.24
11 percent, and so, as we're -- It's a little bit different with
12 the vertical line fishery. You're not seeing as many sharks on
13 their lines as you are with the bottom line fishery, and that's
14 something that I think we could separate out, and, actually, we
15 do in our reports, but there is a bit of difference, and so that
16 is cumulative, yes.
17
18 **DR. FRAZER:** That relates to the next question, and so, in one
19 of the figures as well, you showed, along the west coast of
20 Florida, where you have that high-intensity area, and there is
21 an apparent -- There's a pretty clear spatial correlation
22 between the red grouper catches and the red snapper catches, but
23 what I'm curious about is about 63 percent of the occurrences
24 are red grouper, and 11 percent, or something, are red snapper,
25 but, when you actually look at that statistically, how strong is
26 that relationship?
27
28 **MS. NEIDIG:** Well, we definitely -- For our fishery on the West
29 Florida Shelf, definitely the red grouper stand out as a much
30 higher percent, and we are starting to see, definitely with the
31 Texas data -- It's definitely the other way around.
32
33 **DR. FRAZER:** Let me rephrase it. If 60 percent of your
34 occurrences are red grouper, and 11 percent or so are red
35 snapper, is that -- I mean, how consistent is that relationship?
36
37 **MS. NEIDIG:** It is consistent. Yes, it has been.
38
39 **DR. FRAZER:** Okay. The second part of that, I guess, is then,
40 when you look and you parse that out by the sector, and so the
41 bottom longlines and the vertical longlines still have the same
42 catch ratio?
43
44 **MS. NEIDIG:** No. Actually, the bottom longlines is much higher.
45 With red grouper -- What we're seeing more is the vertical line
46 fishery becomes more species-specific. It depends on the area,
47 obviously, they're fishing, and so most of the time -- Also,
48 what's playing an effect with this are IFQs.

1
2 Some of our fishers barely have any IFQ for red snapper, and so
3 our data is kind of weighted with that also, because we have
4 more vessels that are really just trying to target those red
5 grouper, rather than the red snapper, because their owner,
6 possibly, hasn't allocated red snapper IFQs to them, and so
7 there are some points in there that, if we take that as
8 individual vessels, I think I could give you a clearer picture.

9
10 **DR. FRAZER:** Thank you.

11
12 **MS. NEIDIG:** You're welcome.

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

15
16 **DR. STUNZ:** Thank you, and I know there's a lot of questions
17 from this committee, because I personally think this is the way
18 that we need to go for a lot of things, and so I think you have
19 a lot of questions, and it's a way to reduce a lot of in-person
20 observer costs and that kind of thing, but I did have a
21 question, and it was on your Slide 24, where you're kind of
22 summarizing some of the things that you've done.

23
24 Of course, this group is very concerned about discard mortality,
25 and you had said, basically, it's about a 60/40 retained versus
26 discard in your slide, but, in that bottom bullet there, it
27 talked about less than 1 percent was recorded as discard
28 mortality.

29
30 **MS. NEIDIG:** Those were specifically on forms that we provide to
31 the captains, and that's what I thought was -- We wanted to see
32 what was going to come of it if we provided data forms to the
33 fishers, and some did a much thorough job than others, but it
34 seemed to be that not necessarily wanting to report about
35 discard mortalities, and it could just be left off.

36
37 It's similar to what is written about in management and the
38 problems with National Marine Fisheries not having that data,
39 that fishers are electively providing discard data, and some
40 don't -- They just leave it off, and it can come back as zero
41 discards, and so, unfortunately, but that's, I guess, actually
42 the reason too for observers and for EM, because, basically, a
43 lot of it can't be missed with either, and, with the cameras, we
44 have the permanent documentation, and so we can go back to it
45 and provide it if someone says we would like to see what you
46 have been doing, and we would like to review it and QC you, and
47 we can provide it for that.

48

1 **CHAIRMAN DIAZ:** Okay. Well, thank you, Ms. Neidig.

2
3 **MS. NEIDIG:** Thank you so very much.

4
5 **CHAIRMAN DIAZ:** We appreciate it very much.

6
7 **MS. NEIDIG:** I appreciate the opportunity, and, as Max said --
8 He wanted to mention that we're here all week, if you have any
9 other questions.

10
11 **CHAIRMAN DIAZ:** Okay. We're going to take a fifteen-minute
12 break, and we will start back at five minutes to four.

13
14 (Whereupon, a brief recess was taken.)

15
16 **CHAIRMAN DIAZ:** Next up is a presentation on allocation review
17 criteria and Dr. Diagne.

18
19 **PRESENTATION ON ALLOCATION REVIEW CRITERIA**

20
21 **DR. ASSANE DIAGNE:** Thank you, Mr. Chair. Good afternoon.
22 Today, we would like to discuss with you allocation review, and,
23 specifically, the bulk of the presentation will give you a
24 progress report on the work of the allocation review workgroup
25 that was set up, following your direction, but, before we get
26 there, I would like to define a couple of terms and perhaps
27 remind us of the allocation review triggers that you selected as
28 a council.

29
30 In terms of definitions, the two terms that I like to always
31 define when we talk about allocation review would be the
32 allocation review itself, because, as a council, this is not
33 something that we typically do. What we typically do is the
34 second bullet there, the evaluation of fisheries allocation
35 options, meaning the FMP amendment with options and
36 alternatives, and one could essentially just state that the
37 allocation review would be subsumed in that, but, based on the
38 NMFS allocation review policy, from now on, we will go through
39 this exercise and have formal allocation reviews, which would be
40 the evaluation that leads to the decision of whether or not the
41 development of an amendment would be required.

42
43 As a council, in April, you selected the following allocation
44 review triggers. You selected time-based triggers as your
45 primary trigger and the council's public and open process as a
46 secondary trigger.

47
48 Here, perhaps, we would like to emphasize the fact that the

1 triggers that you specified will not prevent you from conducting
2 additional allocation reviews whenever you see fit, and that is
3 the first point, and the second point, of course, is, as a
4 council, you could initiate additional reviews when, for
5 example, new information is made available to you. For example,
6 the example used here, or the one we used in the previous
7 document had to do with data adjustments and things of that
8 nature.

9
10 Just also a reminder of the various types of allocations that we
11 have in the Gulf. We do have allocations between the two major
12 sectors, if you mean the commercial and the recreational sector,
13 and we have allocations, at least one, within the recreational
14 sector, and, by that, we mean the red snapper allocation between
15 the federal for-hire and the private angling components.

16
17 We do have allocations between zones and gear types, and we have
18 allocations between councils, meaning between us and the South
19 Atlantic Council, and, finally, we do have, thanks to Amendment
20 50, allocations between the five states, five Gulf states.

21
22 This is also just, I guess, a recap of what it is that we are
23 looking, I guess, ahead to do when it comes to allocation
24 reviews, and this was included in the letter that you approved,
25 as you recall, and, essentially, this shows the timeline of the
26 initial allocation reviews that we would have to conduct in the
27 Gulf.

28
29 Starting from let's say April of 2023, all the way to I guess
30 April of 2027, and I would add one more year to this, every year
31 we will have some allocations to review, and we will start with
32 the recreational red snapper ACL between the private angling and
33 the federal for-hire and finish with the allocation between the
34 two councils at the seven-year mark. Right when we do that, of
35 course, what it is that we did in the first one there, in 2023,
36 the second review would come due, because it will have been
37 eight years since we started, and so on and so forth.

38
39 When you adopted the allocation review criteria, you proceeded
40 to approve a motion, which is here on the board, that directed
41 staff to contact SERO and the Science Center and convene an
42 allocation review workgroup to essentially discuss the
43 procedures and contents, criteria, if you would, that would be
44 in the allocation review.

45
46 After the meeting, we did contact Dr. Porch's and Dr. Crabtree's
47 offices, and they did offer a portion of their staff, members of
48 their staff, and we established the workgroup, and the names of

1 the people who participated are here, and, essentially, it is a
2 mix of between social scientists and biologists in the
3 workgroup.

4
5 We have had the opportunity to meet twice, once in June and once
6 in July, and, essentially, during our first meeting, we
7 discussed the procedures, meaning the different steps that one
8 would have to consider to conduct an allocation review, and the
9 second meeting looked more at the different criteria, meaning
10 really the content of the review, and so, in terms of procedure,
11 we started with a notice indicating, I guess to the public, the
12 list of species to be reviewed, and then the group proceeded to
13 discuss the membership of the allocation review panel, and, on
14 some of these items, we would like to get some feedback from the
15 committee, in terms of how you would see this proceed.

16
17 For example, in terms of the membership of the review panel,
18 would you suggest that we set up something like an IPT, meaning
19 between the council and NMFS and Science Center staff, to go
20 through this, or do you envision that allocation review may
21 include some outside parties or participants? That is, I guess,
22 one open question, maybe for later.

23
24 In terms of an allocation review template, the overall template,
25 if there are some, I guess, particular things that, as a council
26 or committee you would like to emphasize, I mean, we are going
27 to welcome those suggestions. Of course, within the procedures,
28 we did discuss that at some point the SSC, Standing as well as
29 the Socioeconomic SSC, would have to weigh-in and provide
30 recommendations, and the same would go for the relevant advisory
31 panels.

32
33 An allocation review being a council's responsibility, and the
34 review itself is a council document, and so, at the center of
35 this would be, of course, council discussions and
36 recommendations and conclusions.

37
38 During the second meeting, we had the chance to discuss the
39 criteria, if you would, to consider when reviewing a particular
40 allocation, and this slide here is a reminder for us when it
41 comes to the questions that an allocation review should answer.
42 One of those would be to review the FMP objectives and revise,
43 as necessary, and the question would be, essentially, are the
44 objectives, as revised, being met? Finally, have other relevant
45 factors that would impact allocation changed? A review would
46 have to address, if you would, these three issues.

47
48 Given that the workgroup spent time looking at the criteria or

1 variables, if you would, that one may consider for inclusion in
2 a review, the first one stems from the allocation review
3 guidance from NMFS, and so the FMP goals and objectives would
4 have to be included in an allocation review. In fact, one would
5 start there. The regulatory structure, meaning changes to the
6 regulatory structure also, seasons and bag limits, et cetera,
7 would have to be provided as background.

8
9 In reviewing allocation, ABCs and ACLs and quota and quota
10 utilization rates and landings histories by user groups would
11 have to be also considered, or could be considered, if you
12 would. Discards, as well as discard mortality rates, can also
13 be considered. Bycatch of protected species could also
14 contribute to the discussion when it comes to reviewing an
15 allocation.

16
17 The group also looked at accountability measures between the
18 different user groups, if there are any, and season closures and
19 payback provisions would be examples. The status of the stocks,
20 if there is a stock assessment that has been completed, that
21 would also be included, or could be included, in the review.
22 Also, the habitat impacts and I guess significant environmental
23 events, and the example that comes to mind here would be red
24 tide, and an overall discussion when it comes to participation
25 and effort trends, and that would include the number of permits,
26 number of vessels, number of trips, et cetera.

27
28 Finally, what we would call economic efficiency considerations,
29 and that would include consumer and producer surplus measures
30 and, if the particular species is managed under an IFQ, one
31 would look at allocation transfer price also, for example, and
32 we could also look at distributional effects, economic impacts,
33 demographic trends, and some relevant indices, such as the
34 engagement and reliance, as well as social vulnerability
35 indicators. These are some of the variables or criteria that
36 one could consider for inclusion during the course of an
37 allocation review.

38
39 The group, or at least a subset of the group, did suggest or
40 consider an idea of having a tiered allocation review, meaning
41 having varying levels of complexity, depending on the species at
42 hand. For example, if one wanted to review, let's say, the
43 allocation for tilefish, which is a group, the tilefish
44 aggregation, the IFQ, we would have much less data available to
45 work with, as opposed to, for example, reviewing the allocation
46 of say red snapper.

47
48 In that context, perhaps, we could have a tiered approach by

1 which, for certain species, we would use the expedited, if you
2 would, or short approach, but, for other species, perhaps, use a
3 lengthier and more complex review. That's just an idea for now,
4 and it will be developed further.

5
6 To develop this further, one would have to consider the number
7 of tiers or levels of complexity. The first brush may be a very
8 short, very simple, and then medium, and perhaps a full fairly
9 complex. The information to include in each tier would have
10 also to be decided, should we see that this approach has merits
11 moving forward.

12
13 Finally, we did, I guess, consider next steps, or potential next
14 steps. What we are thinking about now is, when the time comes,
15 to convene the allocation review workgroup to do, essentially, a
16 few things. One would be to look at the council's
17 recommendations, and two would be to look at SSC
18 recommendations, and three would be to look at the GAO report on
19 allocation.

20
21 I said when the time comes because that third item, essentially,
22 the report on allocation, is scheduled to be released, I think,
23 by the end of the year, and that is the Modernizing Recreational
24 Fish Act, and that's a long name, and it says something like
25 that, by December 31 of this year.

26
27 Should that report be made available to us, then, of course, we
28 will bring it to the council, and then we will be able to
29 discuss with the workgroup the implications of that report on
30 the work that we have completed to date.

31
32 Where we are trying to go, with the council's approval and
33 suggestions, as we progress, would be, down the line, to bring
34 before you an allocation review template, which would tell you,
35 beforehand, that, when you start reviewing allocations,
36 essentially you will start here and consider this and so on and
37 so forth. We will present that to the council and take your
38 feedback and then revise it accordingly, based on the
39 recommendations that you provide.

40
41 At least we have, I guess, what I would consider a good start,
42 given the fact that our first allocation review is scheduled for
43 April of 2023, and so it seems to me that we have a decent
44 amount of time to get the report from the GAO and I guess look
45 at it and add those to our work and then, at some point, prepare
46 a template for your review. Thank you. I will stop here and
47 try to answer questions, if you have any.

48

1 **CHAIRMAN DIAZ:** Are there questions for Dr. Diagne? Mr. Dyskow.
2

3 **MR. DYSKOW:** Thank you, Mr. Chair. I have two questions,
4 starting -- I guess I'll take the easy one first. If we have an
5 allocation review with your date of April of 2023, for example,
6 would we start this process before that date, since it appears
7 to be quite lengthy, or would you not start until April of 2023?
8

9 **DR. DIAGNE:** Our plan is to start in April of 2023, and that is
10 why, on the slide, what we have -- These are the expected start
11 date of the first review, per the time trigger that we selected.
12

13 **MR. DYSKOW:** Thank you. So then the second part of my question
14 is this looks to be a lengthy process, and have you considered
15 any time deadlines on how this -- Is this an eighteen-month
16 process or a twelve-month process? If we don't start until
17 April of 2023, and we have established a four-year time
18 interval, this may take years, the way it's outlined.
19

20 **DR. DIAGNE:** It need not be that lengthy. It could be, because,
21 right now -- Keep in mind that, in showing you the potential
22 variables and criteria to be included, that is pretty much
23 everything under the sun, but it doesn't mean that, by the time
24 you approve as a council a template for allocation review that
25 all of these would be included, and that is one thing.
26

27 The second thing is, for example, should you as a council
28 consider a tiered allocation review process, some of these
29 reviews would be extremely short. It could be a lengthy
30 process, but nothing near four years, I don't think.
31

32 **MR. DYSKOW:** Would it be meaningful to put a time constraint in
33 this process, so that we can ensure that it wouldn't go on
34 forever?
35

36 **DR. DIAGNE:** Absolutely, and that is within your prerogative.
37 Right now, we haven't really designed, if you would, or
38 presented to you a template, but, when the time comes, it is
39 absolutely within your authority as a council to say that this
40 review must be completed by a date certain that you put on it,
41 absolutely.
42

43 **CHAIRMAN DIAZ:** Mr. Sanchez.
44

45 **MR. SANCHEZ:** I guess, while we're thinking this through, one of
46 the concerns that I have too is that, rather than be so hung up
47 on a time schedule, some rigid time-target-oriented timeframe,
48 that we make sure -- If we're going to do something, let's do it

1 meaningfully and have all of the data, and, by that, I mean
2 recalibrated numbers for the fisheries where we don't have that,
3 and put those numbers into an assessment and get the benefit of
4 that, so we really see what the stock looks like, and then maybe
5 do some kind of generic amendment that captures all of those
6 species where we have this data now, and then we could look at
7 some reallocation and not just march this to a timeframe. Let's
8 wait and get the right numbers.

9

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

11

12 **MR. ROBINSON:** Thank you. Assane, this may have been in here
13 and I just glossed over it and I missed it, but, in your
14 discussion about the different elements, landings history and
15 all of those things for consideration, was the discussion of
16 biomass included in those conversations, where the biomass is
17 actually located? I am speaking to the example of red snapper,
18 but there may be other species that have a different
19 distribution.

20

21 **DR. DIAGNE:** Specifically, let's say which area of the Gulf, I
22 guess, represents which proportion of the biomass, something
23 like that? I don't recall that being discussed in the
24 workgroup, but, if that is something that, as a committee, you
25 would like to recommend for inclusion, that would certainly be
26 added next time you discuss this issue.

27

28 **CHAIRMAN DIAZ:** Dr. Crabtree.

29

30 **DR. ROY CRABTREE:** Just looking at the idea of not dealing with
31 the allocations between the states for five years, I think, when
32 you get the calibrations and the new assessment and calibrate
33 into common currency kinds of state currencies, I suspect you
34 will find it very difficult to wait that long.

35

36 **CHAIRMAN DIAZ:** Dr. Diagne.

37

38 **DR. DIAGNE:** I mean, along those lines, one of the -- If we go
39 back to Slide 3, along those lines, even though, on that table,
40 we have expected start dates, and those are a direct result of
41 the policy, essentially, the allocation review policy that you
42 adopted as a council, but those two last bullets here are, at
43 any moment, as the council, you have, of course, the authority
44 to direct us to start an allocation review, as you see fit.

45

46 **CHAIRMAN DIAZ:** Ms. Bosarge.

47

48 **MS. BOSARGE:** Roy, this would be a question for you. What

1 you're speaking to is -- So we have MRIP, and we're working
2 species-by-species to calibrate that into FES, and you're
3 talking about a calibration that would then calibrate FES to
4 each one of the state surveys?
5

6 **DR. CRABTREE:** Well, I can just sort of tell you how I sort of
7 suspect this will go. We get a new red snapper assessment using
8 the FES landings and the calibrated landings, and then we'll get
9 a recreational TAC and a commercial quota out of that, and then
10 the rec quota will be partly allocated to the for-hire guys, and
11 then the private sector will be allocated to each state, but, in
12 the course of giving each state its amount of fish, they will be
13 converted into the state survey currency, using the calibration
14 effect, which is likely to have considerable impact on the
15 amounts of fish.
16

17 It's hard to know if it will, and maybe you guys will be
18 fortunate and everything will come out just the way it is, but I
19 suspect it won't be that simple and we'll have to look at it,
20 but I think that's how it will go when we do a red snapper
21 assessment, but --
22

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

25 **MS. GUYAS:** Even before we get there, and we'll talk about this
26 tomorrow, when we're moving from old MRIP to FES, I think we're
27 going to have to have some serious discussions about this, and
28 so we'll look forward to tomorrow's red grouper discussion.
29

30 **CHAIRMAN DIAZ:** I agree. Next on the agenda there is a section
31 for SSC recommendations. Dr. Barbieri.
32

33 **DR. BARBIERI:** Thank you, Mr. Chairman. I actually don't have a
34 whole lot. The SSC was very pleased with the presentation and
35 the scheme that was proposed by Dr. Diagne, and so we just,
36 looking into this issue, felt that you should be aware of the
37 fact that some of this reallocation criteria, and the criteria
38 are good criteria, but some of them may not be as easy for you
39 to obtain, and this may not be as available, as readily
40 available, at least for some species, compared to others.
41

42 Think about the discussion that we had this afternoon about
43 optimum yield and what data is available to inform those
44 decisions and how that's going to be highly variable between
45 species, and so it's just something to plant that seed that the
46 criteria that are outlined in the plan right now are actually
47 very good criteria, and the whole plan is very well structured,
48 but be aware of the fact that there will be difficulties in

1 actually implementing some of this criteria as you look through.

2
3 Based on that, the SSC is highly supportive of a tiered
4 approach, adoption of a tiered approach, and so species for
5 which you don't have that much information to actually inform
6 the reallocation review can be done in a more simple way, and
7 others, for which the information is more readily available, you
8 can use more complex criteria, but, other than that, the
9 committee was pleased with the plan, and we are available to
10 continue reviewing as it goes along the way.

11
12 **CHAIRMAN DIAZ:** Thank you, Dr. Barbieri. Any other comments
13 about allocation review? Then I think we've got a path forward.
14 Dr. Diagne, if the GAO report comes out, if you would bring that
15 to us at the next meeting, we would appreciate it.

16
17 **DR. DIAGNE:** Thank you. Yes, Mr. Chair. As soon as it's
18 available, we will schedule to bring it before you.

19
20 **CHAIRMAN DIAZ:** Thank you, Dr. Diagne. Dr. Barbieri, the very
21 next agenda item is the Remaining Items from the Scientific and
22 Statistical Committee Summary Report. That is Tab E, Number 9.

23
24 **REMAINING ITEMS FROM THE SCIENTIFIC AND STATISTICAL COMMITTEE**

25
26 **DR. BARBIERI:** Yes, and this is very fast as well. There is
27 just one slide, and it's just a list of items under the -- It's
28 just for you to see some of the items that the committee
29 reviewed and discussed and that are not going to be handled
30 through other committees.

31
32 Number 1 is that variability in yield projections from stock
33 assessments, and you may remember that I mentioned this last
34 time, and, as you look, since about 2015, as you look at the
35 projections coming out of stock assessments that are conducted
36 by our Science Center, there is, more often than not, a spike in
37 the first year, and sometimes the second year, out of the
38 projections after the terminal year of data into that
39 assessment.

40
41 The projections are basically shooting your catch for the
42 following couple of years, or the next year, to be higher than
43 invariably it is realized after the fact, and so, when you look,
44 this is a whole variety of species, greater amberjack, gag, gray
45 triggerfish, red grouper, Spanish mackerel, and cobia.

46
47 Ocean Conservancy, Dr. Michael Drexler, actually put together a
48 nice little white paper, and he came to the SSC meeting and

1 presented that to us. It generated a lot of discussion, and Dr.
2 Cass-Calay was there, and other people from the Science Center,
3 and we discussed this with them, and they are looking into this
4 issue and trying to identify what may be causing this spike to
5 be coming out of the projections.

6
7 This issue is not resolved, and we are not saying that this
8 represents any major problem or concern, but it's something that
9 needs to be looked at, because it relates to the amount of
10 uncertainty that we are probably being able to account for in
11 our stock assessments, versus gets realized to these yield
12 projections.

13
14 It's a work in progress, but, as we move forward with this, we
15 would like to provide you with a report that those projections
16 coming out of the stock assessments are more in line with what
17 we would expect. I will pause there, Mr. Chairman, if there are
18 any questions.

19
20 **CHAIRMAN DIAZ:** I am not seeing any. Would you like to proceed?

21
22 **DR. BARBIERI:** Yes. The second one is just to make you aware
23 that we received a presentation from Dr. Dan Holland, who is an
24 economist with the Northwest Fisheries Science Center. He came
25 and gave us a presentation on technical guidance that is coming
26 out of the revisions to NS 1.

27
28 You may remember that NS 1 came out -- The first guidance paper
29 came out in 2009, and then eventually, in 2016, it was revised,
30 and there were some changes that were implemented in 2016 to
31 facilitate implementation of NS 1, and those changes came under
32 three main categories of reference points, carryover and phase-
33 in, and data-limited stocks.

34
35 NMFS formed some working groups, three different working groups,
36 to work on this, and Dr. Holland came to our meeting to present
37 on this one that deals with implementing carryover and phase-in
38 provisions and how to integrate those within ABC control rules,
39 and so carryover, as you may recall, is when you have leftover
40 yield from a year that could be carried over to the next year if
41 that wasn't completely fished, removed, and the phase-in is
42 really when you are trying to implement a reduction from OFL to
43 ABC, after a stock assessment for example, and a new ABC
44 recommendation comes out, but, instead of doing that reduction
45 in just one year, you can phase it in over two or three years,
46 just sort of go a little easy on the industry and cause less
47 socioeconomic impacts by implementing the new ABC, or the new
48 buffer between OFL and ABC.

1
2 Mr. Rindone, Ryan Rindone, is actually a member of this working
3 group, and the report, in draft format, was just released this
4 past August, and Dr. Holland is going around the country and
5 presenting this to different SSCs. They expect comments to be
6 sent back to them by the end of this year, with the expectation
7 that, by next spring, they will have the final report released.

8
9 It's something that is not mandatory for council's to implement,
10 carryover and phase-in, but, in case you do, there will be
11 advantages in looking into those guidelines.

12
13 Then Number 3 is just a reminder to you about the ABC Control
14 Rule Working Group, and I know that this topic is somewhat
15 boring, somewhat complex, but it's something that is really,
16 really important that your SSC has a process in place to really
17 evaluate the best way to implement and revise, if necessary,
18 your ABC control rule, and so, based on discussions that we've
19 been having -- You may remember from the last meeting that I
20 brought this up, and we are moving forward, working with council
21 staff, in restating the ABC control rule.

22
23 We would like this to be composed of SSC members and some
24 council members that we are hoping will be volunteering to come
25 and work with us and integrate the council's perspective into
26 this working group, as well as Science Center and SERO staff,
27 and, after that is put in place, we can put together a draft of
28 new recommendations and revisions of our ABC control rule that
29 we can come and present to you. That, Mr. Chairman, completes
30 my report, and I will be glad to address any questions.

31
32 **CHAIRMAN DIAZ:** Questions for Dr. Barbieri? Ms. Bosarge.

33
34 **MS. BOSARGE:** I just have a humorous comment. I hope it's a big
35 room that you're going to put that group in, because everybody's
36 hand shot up at the same time at this council table to volunteer
37 to be on that ABC Control Rule group.

38
39 **CHAIRMAN DIAZ:** Thank you, Dr. Barbieri. All right. We are
40 going to move right into our last agenda item, which is a
41 committee discussion on allocation issues, and Dr. Frazer is
42 going to lead that. Dr. Frazer.

43
44 **COMMITTEE DISCUSSION ON ALLOCATION ISSUES**

45
46 **DR. FRAZER:** Okay, and so, at the last meeting, we were hoping
47 to have at least an inkling of what the GAO might provide in
48 their report, which is, ultimately, due at the end of the year.

1 We did not get an update on that.
2
3 Similarly, we're working on trying to schedule some economists
4 that deal specifically with resource valuation issues, and we
5 hope to have them in January, and so what I want to talk about
6 is, in the absence of both of those things happening -- It has
7 to do with what Martha alluded to, and I don't want to get into
8 it yet, because I don't want to preempt it, but it's going to be
9 a big issue, because allocation issues aren't going to wait
10 until 2023.

11
12 We'll see that clearly when we get the red grouper assessment
13 and we're dealing with our first round of FES information, but,
14 when we do have that discussion tomorrow, I would hope that
15 people will be thinking about allocation issues and how we're
16 going to deal with them as a council, because, again, they're
17 not going to wait until 2023, and so I don't have any other
18 issues to talk about until tomorrow with regard to allocation,
19 unless somebody wants to initiate a conversation.

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

22
23 **MS. BOSARGE:** Just to plan for tomorrow a little bit, I think
24 it's even more than just an allocation issue with that red
25 grouper stock assessment. I know we'll get into this tomorrow,
26 but I am throwing it out there, in case there is some data that
27 can be brought to us.

28
29 I don't really even understand the new catch level
30 recommendations, and it's hard for me to look at those and say
31 if that's higher than what we had before or lower than what we
32 had before, because our old catches were in an MRIP-type
33 currency, and these new catch level recommendations include an
34 FES-type currency, and so I really don't know if we're going up
35 on our quota, on what we're telling people they can catch, or
36 are we going down, based on this new calibration.

37
38 You would think it's just as simple as looking at the number,
39 but it's not, and so, if somebody could bring us that
40 information to discuss tomorrow -- To me, the health of the
41 stock is the first and foremost thing, and what we're going to
42 take out of the water, and that would be informative to
43 understand.

44
45 **DR. FRAZER:** Dr. Porch, are we going to be prepared to have that
46 discussion tomorrow?

47
48 **DR. PORCH:** We are, but I don't think it's coming from me. I

1 think that's the Regional Office that has a presentation on
2 that.
3
4 **DR. CRABTREE:** We have some information to go over with respect
5 to red grouper that look at how it appears to change things, but
6 it's just red grouper.
7
8 **DR. FRAZER:** Sorry. I'm not trying to put you on the spot too
9 much, but, again, it's a real issue, and I think people are
10 trying to understand what those numbers mean.
11
12 **DR. CRABTREE:** What we can show is, if you have the new ABC
13 that's based on the FES numbers, if you stayed with the same
14 time period that the allocation is now based on, but revise the
15 numbers based on the new landings, then this would be the
16 allocation, and these would be the catch levels.
17
18 **DR. FRAZER:** Ms. Bosarge.
19
20 **MS. BOSARGE:** No, that's not what I'm wondering. That's an
21 allocation question. What I am wondering is -- So we have a
22 4.16 or 4.17-million-pound quota right now, okay?
23
24 **DR. CRABTREE:** Right, and so, if we show you that here's the new
25 ABC, and here's how it would be allocated, here's how much the
26 commercial quota would be, here's how much the recreational
27 quota can be, you can then look at the commercial quota relative
28 to about what they are catching, and then we've looked at what
29 we think this will mean with respect to the recreational
30 fishery, in terms of will they close or not.
31
32 **MS. BOSARGE:** What I want to know is what would that have been
33 in an MRIP number? What would that quota have been if you
34 convert backwards and tell me -- Take that FES and convert it
35 back to MRIP, so that I know, in my mind, are we actually seeing
36 an increase in quota, based on the way we used to measure
37 things, or are we seeing a decrease in quota.
38
39 **DR. CRABTREE:** I think the way to look at that though is the
40 implications in terms of the seasons and when we think it will
41 caught. The commercial quota will come out still a straight
42 number. You can compare the new commercial quota with the old
43 commercial quota, and you will be able to see if it goes up or
44 down. The recreational though, you have to look at it with
45 respect to what they're catching.
46
47 **DR. FRAZER:** I am going to weigh-in here for just a minute. I
48 expected this to get very complicated tomorrow, and so this is a

1 preview of where we're likely to go, and I saw that Martha was
2 about ready to --

3

4 **MS. GUYAS:** I will wait for tomorrow.

5

6 **DR. FRAZER:** Okay. It's an issue that's on the agenda, and we
7 will deal with it accordingly tomorrow. Dale.

8

9 **CHAIRMAN DIAZ:** Is there any other business to come before the
10 Sustainable Fisheries Committee? Seeing none, I yield it back
11 to you, Mr. Chair.

12

13 (Whereupon, the meeting adjourned on October 21, 2019.)

14

15

16

- - -