

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 MACKEREL MANAGEMENT COMMITTEE

4
5 Astor Crowne Plaza New Orleans, Louisiana

6
7 February 1, 2017

8
9 **VOTING MEMBERS**

- 10 Pamela Dana.....Florida
- 11 Kevin Anson.....Alabama
- 12 Patrick Banks.....Louisiana
- 13 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- 14 Dale Diaz.....Mississippi
- 15 Martha Guyas (designee for Nick Wiley).....Florida
- 16 John Sanchez.....Florida
- 17 David Walker.....Alabama

18
19 **NON-VOTING MEMBERS**

- 20 Leann Bosarge.....Mississippi
- 21 Doug Boyd.....Texas
- 22 LCDR Leo Danaher.....USCG
- 23 Dave Donaldson.....GSMFC
- 24 Tom Frazer.....Florida
- 25 John Greene.....Alabama
- 26 Kelly Lucas (designee for Jamie Miller).....Mississippi
- 27 Campo Matens.....Louisiana
- 28 Robin Riechers.....Texas
- 29 Greg Stunz.....Texas
- 30 Ed Swindell.....Louisiana

31
32 **STAFF**

- 33 Steven Atran.....Senior Fishery Biologist
- 34 Matt Freeman.....Economist
- 35 Douglas Gregory.....Executive Director
- 36 Morgan Kilgour.....Fishery Biologist
- 37 Ava Lasseter.....Anthropologist
- 38 Mara Levy.....NOAA General Counsel
- 39 Emily Muehlstein.....Public Information Officer
- 40 Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- 41 Bernadine Roy.....Office Manager
- 42 Charlotte Schiaffo.....Research and Human Resource Librarian
- 43 Carrie Simmons.....Deputy Director

44
45 **OTHER PARTICIPANTS**

- 46 Greg Abram.....Panama City, FL
- 47 Pam Anderson.....Panama City, FL
- 48 Eric Brazer.....Reef Fish Shareholders' Alliance

1 Mark Brown.....SAFMC
2 Jason Delacruz.....FL
3 Julie Falgout.....LA Sea Grant
4 Myron Fischer.....LA
5 Martin Fisher.....FL
6 Troy Frady.....Orange Beach, AL
7 Susan Gerhart.....NMFS
8 Chris Horton.....Congressional Sportsmen's Foundation
9 Gary Jarvis.....Destin, FL
10 Bill Kelly.....FKCFA
11 Carrolton Market.....New Orleans, LA
12 Jack Montoucet.....LDWF
13 Bart Niquet.....Lynn Haven, FL
14 Bonnie Ponwith.....SEFSC
15 Joe Powers.....SSC
16 Lance Robinson.....TX
17 Mike Rowell.....Orange Beach, AL
18 Bill Staff.....Orange Beach, AL
19 Andy Strelcheck.....NMFS
20 Mike Thierry.....Dauphin Island, AL
21 Steve Tomeny.....Port Fourchon, LA
22 Dale Woodruff.....Orange Beach, AL
23 Bob Zales, II.....Panama City, FL

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25
26

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TABLE OF CONTENTS

1
2
3 Table of Contents.....3
4
5 Adoption of Agenda and Approval of Minutes.....4
6
7 Action Guide and Next Steps.....4
8
9 Review of CMP Advisory Panel Meeting.....4
10
11 Review of SSC Discussion of Updated Gulf King Mackerel
12 Projections.....12
13
14 Final Action - CMP Amendment 29 - Allocation Sharing and
15 Accountability Measures for Gulf King Mackerel.....21
16 Review of Public Hearing and Written Comments.....21
17 Committee Recommendations.....25
18
19 Adjournment.....30
20
21 - - -
22
23

1 The Mackerel Management Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Astor Crowne Plaza, New
3 Orleans, Louisiana, Wednesday morning, February 1, 2017, and was
4 called to order by Vice Chairman Patrick Banks.

5
6 **ADOPTION OF AGENDA**
7 **APPROVAL OF MINUTES**
8

9 **VICE CHAIRMAN PATRICK BANKS:** If you will check on the agenda,
10 under Tab C, Number 1, I will call this committee to order. Our
11 first portion of the agenda is the Adoption of the Agenda, under
12 Tab C, Number 1, and I would certainly welcome and entertain a
13 motion to approve.

14
15 **MR. JOHN SANCHEZ:** So moved.

16
17 **MS. MARTHA GUYAS:** Second.

18
19 **VICE CHAIRMAN BANKS:** It's so moved by Mr. Matens and seconded
20 by Ms. Guyas. Any discussion? Any opposition? The agenda is
21 adopted. The second agenda item is Approval of Minutes, under
22 Tab C, Number 2, and I will welcome a motion to approve.

23
24 **MR. DALE DIAZ:** So moved, Mr. Chair.

25
26 **VICE CHAIRMAN BANKS:** It's moved by Mr. Diaz to approve.

27
28 **MR. SANCHEZ:** Second.

29
30 **VICE CHAIRMAN BANKS:** It's seconded by Mr. Sanchez. Any
31 discussion? The minutes are adopted. The third item on our
32 agenda is the Action Guide and Next Steps, Tab C, Number 3, and
33 I will turn it over to Ryan, in case we want to go through
34 those.

35
36 **ACTION GUIDE AND NEXT STEPS**
37

38 **MR. RYAN RINDONE:** Thank you, Mr. Chair. The action guide is
39 just for your reference, and, just to give you a breakdown,
40 we're going to review the CMP Advisory Panel meeting summary and
41 then go through Amendment 29. Then we'll have a brief
42 discussion of the updated king mackerel projections that the SSC
43 reviewed at their last meeting.

44
45 **VICE CHAIRMAN BANKS:** Thank you, Ryan. Any discussion? Then we
46 will move on to Agenda Item Number IV, Review of CMP Advisory
47 Panel Meeting, and I will turn it back over to Ryan.

REVIEW OF CMP ADVISORY PANEL MEETING

1
2
3 **MR. RINDONE:** Thank you, Mr. Chair. If the committee has
4 questions about some of the things that happened at the advisory
5 panel meeting, Mr. Martin Fischer, the Chairman of the CMP
6 Advisory Panel, is also here.

7
8 Tab C, Number 4 is the meeting summary, and the main meat of the
9 discussion at the advisory panel meeting was Amendment 29. I am
10 not going to read through this verbatim, but I'm going to hit
11 some highlights for you guys, so you have a good idea of what
12 happened there.

13
14 For Amendment 29, the council is considering the allocation
15 sharing idea that was originally tossed around with Amendment 26
16 and then was pushed back into its own amendment later on. The
17 AP members noted their previous opposition to any reallocation
18 efforts in CMP 26, and they also noted that the same amendment,
19 CMP 26, is increasing the recreational bag limit for
20 recreational anglers, and there was some discussion about
21 uncertainty as to how that change in management might affect the
22 recreational landings.

23
24 The current declining ABC levels were also discussed and
25 questioned, and staff had reminded the AP that, when you have a
26 declining yield stream like that in a fishery that is not having
27 its stock ACL harvested every year, you end up with extra fish
28 left over at the end of the year that are then biologically
29 carried into the next year, and so the stock assessment is
30 assuming though that you're going to catch every single fish
31 every year. If you don't, then you're going to have those
32 leftovers. When the projections are run, that's why you have
33 that declining yield stream down to some lower asymptote, which
34 is your equilibrium yield.

35
36 Some AP members said that they weren't seeing as many large king
37 mackerel in the fishery as in years past and didn't think there
38 might not be as much of a surplus in the fishery, and,
39 conversely, other AP members contested this observation, saying
40 that they had seen plenty of large fish, with one member noting
41 that a tournament in south Florida caught I think it was a
42 seventy-eight-pound kingfish, and so they were split on that.

43
44 The AP members also questioned what increasing the commercial
45 ACL would do with respect to the traveling fishermen, which is a
46 concern that was expressed in previous meetings, noting that the
47 number of traveling fishermen coming from the east coast of
48 Florida to fish in the Gulf has increased over the last several

1 years and they were curious as to what sort of effect a larger
2 commercial ACL would have on that trend.

3
4 The AP made a motion that, for Action 1 in CMP 29, that they
5 continue to prefer Alternative 1, which is no action. If there
6 are any questions, just throw your hands up, and I will stop and
7 you can ask.

8
9 **MR. DAVID WALKER:** I have a question. Maybe, at the end of your
10 summary, we could invite Martin Fisher up to speak a little bit
11 about the previous AP meetings on this.

12
13 **MR. RINDONE:** You guys can invite him up as soon as you want to.

14
15 **MS. LEANN BOSARGE:** Mr. Fisher, would you like to come to the
16 podium?

17
18 **MR. MARTIN FISHER:** Thank you, and good morning, everybody.
19 Thank you for providing the opportunities for Chairs to come and
20 report out for the APs that you guys appoint to give you
21 recommendations on the actions that you're taking.

22
23 I guess it's just important to point out that, in three
24 different meetings, the last three meetings that the AP has had,
25 it's either been a unanimous or one dissenting vote to not go
26 forward with any kind of sharing between the two sectors for
27 kingfish, if that answers your question, David.

28
29 **MR. WALKER:** And some of the concerns that maybe was mentioned
30 in the meetings. Could you go through some of that? I guess
31 the size limits were some of the concerns on that too, as well,
32 and people not seeing as many fish.

33
34 **MR. FISHER:** I think the main thing is that we don't want to
35 encourage further effort shifting from the east coast to the
36 west coast, and, also, you know Mr. Maitland is very strong on
37 letting the commercial sector have the opportunity to meet its
38 OY, and so we're just now, hopefully, with this new Amendment 26
39 that's going to be sent for final rule, you have a three-fish
40 bag limit for the recreational sector, and so that will be our
41 first opportunity to test whether or not the recreational side
42 is going to actually use those fish. If they do, they need all
43 the quota they can have, but we would like to see each sector be
44 able to utilize its quota to optimum yield.

45
46 **VICE CHAIRMAN BANKS:** Mr. Anson.

47
48 **MR. KEVIN ANSON:** Thanks for being here. This is a conditional

1 transfer. It's not automatic, and so, if the recreational
2 sector catches a certain percentage, or goes above that
3 percentage, then there will be no transfer, and so this is or
4 was an attempt to try to meet OY objectives, and I understand
5 about encouraging more folks to come over from outside of the
6 region, but it's an attempt to try to achieve OY, and that's why
7 it was offered, I guess.

8
9 **MR. FISHER:** I think the AP appreciated the council's and Ms.
10 Bosarge's idea. It's great if we could all live in a world
11 where we can help each other. That would be great, and so it's
12 not the intent of the AP to -- All I can do is reflect back what
13 the AP intent was. Thank you.

14
15 **VICE CHAIRMAN BANKS:** Dr. Crabtree.

16
17 **DR. ROY CRABTREE:** Was there any discussion at the meeting of
18 some of the changes that are coming to the recreational survey
19 later this year and switching over to a mail effort survey and
20 that the pilot studies indicate that results in much higher
21 estimates of private sector recreational catch? Did that come
22 up at all anywhere?

23
24 **MR. FISHER:** I don't think that information was available to us,
25 and, also, I think there's some new information available from
26 the SSC that effort really shifted or effort was really
27 increased on the recreational side, but we didn't have that
28 information at the time of the meeting.

29
30 **DR. CRABTREE:** Okay. Thanks, Martin.

31
32 **VICE CHAIRMAN BANKS:** Mr. Sanchez and then Mr. Rindone.

33
34 **MR. SANCHEZ:** Thank you for coming. I just wanted to note that,
35 as far as the AP composition goes, even though the Florida Keys
36 fishermen have been historically large participants in king
37 mackerel, and it goes back forever, there was only really one
38 person vocal, George Niles, that was there.

39
40 While I appreciate their hard work and their comment as a group,
41 I would note that he was standing by his lonesome in advocating
42 for this, that they want it, for a myriad of reasons. I would
43 also note that we had lengthy discussion in prior discussions
44 regarding this issue, that there will be no impact in this
45 exercise of sharing to the recreational industry, in terms of
46 accountability measure impacts or anything.

47
48 All the safeguards were kind of put in to address that, and so

1 this is kind of like an attempt to try to address the
2 underutilized resource that one group has been begging for for
3 years, and the message, I guess, is that, for years, the
4 fishermen have seen more kingfish, and they have asked for more,
5 and they're filling their quota.

6
7 Then one group is leaving a balance, and this provided a
8 safeguarded mechanism to be able to do some sharing that could
9 stop at any moment, if these threshold triggers were engaged.
10 The message that I don't like that it's sending is, if you
11 endure the lean years of management, to try to help foster the
12 rebuilding of a stock of fish, once you get there, and you're
13 not even reaching your optimum yield, we never seem to give
14 anything back.

15
16 As a fisherman, you want them to be vested in their fishery, to
17 safeguard it, to police it, to protect it, but that's a
18 disincentive to do that, and so I just wanted to mention all of
19 that.

20
21 **MR. FISHER:** If I may, the only thing I could add to that is,
22 with Amendment 26, everybody is getting a very large increase,
23 and with the change in the mixing zone, and so I'm not -- All I
24 can do is represent what the AP as a whole -- What the will of
25 the body was. We really appreciate the hard work on Amendment
26 29.

27
28 **VICE CHAIRMAN BANKS:** Mr. Rindone.

29
30 **MR. RINDONE:** Thank you, Mr. Chair. Just to Dr. Crabtree's
31 point about the MRIP mail survey and the effects that that might
32 have on the recreational landings, the initial results of that
33 weren't really passed around to us until after the AP meeting,
34 which was in early to mid-November, and it was after that that
35 word started coming out that the mail survey might be resulting
36 in increased recreational numbers.

37
38 There were also the landings from 2014 and 2015, which were the
39 ones that went up to four-and-a-half million pounds for the
40 recreational sector, and these are curious landings, in that the
41 previous year and the following year are both in the
42 neighborhood of three million pounds. For there to be such a
43 considerable spike for only one year is interesting, but we
44 trust that the stock assessment process, which is coming about
45 in 2018, will help tease that out.

46
47 **VICE CHAIRMAN BANKS:** Thank you, Mr. Rindone. Mr. Sanchez.

48

1 **MR. SANCHEZ:** I just wanted to comment that Amendment 26 might
2 be in midnight-rule limbo, and so I don't know. I would like to
3 proceed with something, and I think we've discussed it at length
4 in prior meetings.

5
6 **VICE CHAIRMAN BANKS:** Any additional discussion on this item?
7 Mr. Gregory.

8
9 **EXECUTIVE DIRECTOR DOUG GREGORY:** Regarding Amendment 26, at the
10 request of the South Atlantic Council, we have just sent a
11 letter to National Marine Fisheries Service asking them to do
12 whatever they can to expedite the implementation of Amendment
13 26.

14
15 **VICE CHAIRMAN BANKS:** Thank you, Mr. Gregory. Any further
16 discussion? Mr. Rindone, do you want to continue your report?

17
18 **MR. RINDONE:** Sure. Thank you, Mr. Chair. We will move on to
19 Action 2. This is discussion for the AP on Amendment 29, and
20 Action 2 talks about the recreational accountability measure
21 that's being proposed. The AP entertained the idea, but they
22 asked why a bag limit reduction wasn't being considered instead
23 of a delayed closure, as is currently being considered.

24
25 The staff explained that the bag limit has just been increased,
26 or proposed to be increased, in Amendment 26, and the council
27 decided not to propose a bag limit reduction immediately
28 following proposing a bag limit increase. It seemed like it
29 might have not been the right direction to take, or at least
30 that was the sentiment of the council.

31
32 The AP expressed support for Action 2, but only if considered
33 independent from Action 1. In Action 2, the AP preferred
34 Alternative 3, which is also the council's current preferred
35 alternative. Again, I am just going to continue on unless you
36 guys stop me.

37
38 We had a couple of items pop up under Other Business. The first
39 was the king mackerel size limit. One AP member asked whether
40 it would be a good idea to increase the size limit to a size at
41 which all the fish would be sexually mature, thereby ensuring
42 that each fish would have a chance to reproduce prior to
43 entering the fishery, and the other AP members noted that the
44 stock is healthy and that increasing the size limit would just
45 increase discard mortality, and so they didn't think that any
46 change was necessary in the size limit.

47
48 For the southern zone hand-line trip limit, and this was asked

1 just to be included for discussion, an AP remarked that the
2 commercial kingfish fishermen in the Keys have been trying to
3 have the hand-line trip limit increased for some time and that
4 changing the trip limit was proposed and not pushed forward in a
5 previous amendment.

6
7 The fishermen that are lobbying for this are mostly those from
8 south Florida, and, from that area, fishermen tend to be pretty
9 split on this, and the AP ultimately made a motion to advise the
10 council that the APs considered, but rejected, the idea of
11 increasing the trip limit for king mackerel in the Gulf southern
12 zone.

13
14 For management proposals under Other Business, an AP member
15 thought that it might be possible to split the commercial quota
16 throughout the year, resulting in more stable prices and
17 consistent supply of fish to the market.

18
19 Other AP members were worried that the data collection system
20 for tracking commercial landings wouldn't be able to prevent the
21 overages and, in response, they proposed increasing the number
22 of port agents and seafood dealers and requiring seafood dealers
23 to report landings to the port agents or through some other
24 metric more frequently, and so they made a motion to recommend
25 that the council require federally-permitted seafood dealers to
26 report hand-line landings of king mackerel to NMFS port agents
27 weekly once king mackerel landings reach or are projected to
28 reach 80 percent of the ACL in that respective Gulf commercial
29 zone.

30
31 Kind of in tandem with that, the AP discussed the Louisiana non-
32 compliance with federal regulations for commercial harvest of
33 kingfish last year, and they noted that Louisiana had made the
34 decision to leave commercial landings in state waters open to
35 harvest for kingfish through the end of 2016.

36
37 Staff noted that the commercial landings, state and federal, are
38 counted against the commercial quota for the fishing year for
39 the zone in which they are landed, and AP members were surprised
40 to learn that there was nothing in place to prevent a state's
41 non-compliance on this issue, and there was concern about the
42 considerable amount of fish that could have possibly been landed
43 after the closure of the federal season.

44
45 The AP members proposed a payback provision to be considered for
46 the commercial sector, thereby reducing any incentive for a
47 state to open its waters to commercial harvest when the federal
48 season was closed, but this was entirely predicated on getting

1 the increased data collection that they had made the motion for
2 just previously.

3
4 The AP led with this motion, that, in the event that the council
5 adopts a motion to improve commercial data timeliness, the port
6 agent reporting, the AP then recommends to the council that, if
7 commercial king mackerel hand-line landings exceed the ACL in a
8 given zone, there should be a zone-specific payback provision in
9 the following fishing year, and that motion carried unanimously.

10
11 The last Other Business item was a research request, where AP
12 members revisited a previous discussion about kingfish research
13 and expressed concern about the potential effects from Deepwater
14 Horizon, and they made a motion to request that the council
15 support comprehensive studies of Gulf king mackerel with respect
16 to their habitat, life history, response to environmental cues,
17 and the effects of the Deepwater Horizon spill. That concluded
18 the meeting.

19
20 **VICE CHAIRMAN BANKS:** Thank you, Mr. Rindone. Any further
21 discussion? Ms. Bosarge.

22
23 **MS. BOSARGE:** I just have a question. That seemed to be kind of
24 a strange topic to come up, or maybe not strange, but, at this
25 late date in time, that BP Deepwater Horizon oil spill. What
26 was the conversation about why that was kind of coming up on the
27 fishermen's radar all of a sudden? Are they seeing something in
28 the fish that worried them or not seeing fish in certain
29 locations or what was it? Do you remember?

30
31 **MR. RINDONE:** Mr. Fisher can back me up on this, if I speak
32 incorrectly, and it's not just in the CMP AP, but I have seen
33 this in the Reef Fish AP also, where fishermen still seem to be
34 pretty well aware that this was a significant event that had
35 unknown impacts, and there are still a lot of scientific
36 questions that get posed at just about every stock assessment,
37 and a lot of our AP members are kind enough and willing enough
38 to participate in these stock assessments with us, and so they
39 hear these questions come up from other people in the scientific
40 community.

41
42 It's still in the forefront of a lot of people's minds,
43 especially since there have been a lot of questions asked, and
44 very few answers given, with respect to how things like the
45 interaction between oil and dispersants can affect the fish, et
46 cetera.

47
48 **VICE CHAIRMAN BANKS:** Mr. Walker.

1
2 **MR. WALKER:** Martin, do you have some comments?
3

4 **MR. FISHER:** Thank you. Ms. Bosarge, I think a lot of western
5 king fishermen were speaking of seeing year classes that were
6 absent, and that would -- In a commonsense mind, that would be
7 directly related to the oil spill, and so that's why we wanted
8 to request for you guys to do a concerted, dedicated study just
9 on that, but primarily because they were seeing year classes
10 that were missing.

11
12 **VICE CHAIRMAN BANKS:** Mr. Walker.
13

14 **MR. WALKER:** I was just going to add a little bit. From some
15 communication that I had with the commercial fishery who fish
16 out of Louisiana, they were seeing a lot smaller fish during
17 some years there after the oil spill, and it was a concern,
18 smaller than they had ever noticed before, and there was
19 concern. Maybe we could hear some more public testimony on
20 that.
21

22 **VICE CHAIRMAN BANKS:** Thank you, Mr. Walker, and thank you, Mr.
23 Fisher, for being here and providing that additional
24 information. Any further discussion on this agenda item?
25 Seeing none, we will move on to the next agenda item, and I will
26 turn the gavel over to Madam Chair of this committee, Dr. Dana.
27

28 **CHAIRMAN PAMELA DANA:** Thank you, Patrick, for opening up the
29 meeting. With the indulgence of the committee, and if there is
30 no objection, I think it might make more sense if we do the
31 Review of the SSC Discussion of Updated Gulf King Mackerel
32 Projections with the SSC representative, Dr. Powers, perhaps.
33 Then it might bring us better into the item on CMP Amendment 29.
34 Does anyone object to that? Okay. Dr. Powers, thank you for
35 being here.
36

37 **REVIEW OF SSC DISCUSSION OF UPDATED GULF KING MACKEREL**
38 **PROJECTIONS**
39

40 **DR. JOE POWERS:** Thank you. The SSC was asked to review some
41 analysis that was done by the Center scientists, and, basically,
42 the Center was asked to do this by the council. Essentially,
43 there were some misconceptions, I think, in terms of the SSC,
44 and so there is a bit of back-and-forth that went on. This
45 time, we got a very good explanation of what was going on.
46

47 Essentially, the request that was made was to update the time
48 stream of OFLs and ABCs for the next few years, and there was a

1 perception that the catches that were used in the original
2 assessment projections were lower than -- Let me word it this
3 way. The actual catches that occurred in the out years of 2013
4 and 2014 were lower than that which was used in the assessment.

5
6 It created some misunderstanding, and probably, by my
7 explanation of it, I am probably continuing that
8 misunderstanding a little bit anyway, but this is a key point.
9 The assessment, which is a benchmark assessment, was done in
10 2012. When you do those assessments, then you make a projection
11 for the next few years, and so that's the basis for defining OFL
12 and ABC for those years.

13
14 That projection, when they originally do it, you have to make
15 some sort of assumption about what the catches will be for, in
16 this case, 2013 and 2014. What they originally did in that
17 assessment was they assumed that they would be the same as in
18 2012. What actually happened was the catches in 2013 and 2014
19 were about 26 percent higher than 2012, and so that affects the
20 projections of ABC.

21
22 Essentially, what we end up with is -- This is what it amounts
23 to. The two columns on the left, the yellow table, is what we
24 originally had, and this was the projections of what the OFL and
25 ABC was following the rules of the control rules and that sort
26 of thing, and so the two left-hand columns are what we
27 originally had. The two right-hand columns are what the update
28 projections were, based on the actual catches of 2013 and 2014,
29 and so there is a difference.

30
31 Then it came back to the SSC as well of which columns should we
32 be considering, and there was a lot of consternation about doing
33 these updates, update projections, without having good
34 information about the sizes of fish caught and who was doing the
35 catches and so on and so forth, and so there was some reluctance
36 to move away from those original projections of OFL and ABC.

37
38 Essentially, we wanted to make it clear that this wasn't an
39 update assessment that we're doing. It was just basically an
40 ancillary analysis and that the SSC wasn't willing to modify its
41 conclusions about the ABC and OFL, and so, essentially, what we
42 decided to do is to reaffirm that the OFL and the ABC for 2017
43 through 2019 are what is given in the two left-hand columns,
44 which are what we originally ended up with, which basically
45 means no change. That is, more or less, where we stand. It was
46 a very convoluted process, but it really comes down to a
47 recommendation of no change.

48

1 **CHAIRMAN DANA:** Greg.
2
3 **DR. GREG STUNZ:** Thank you, Madam Chairwoman, for recognizing
4 me. I am not on your committee, but, Joe, I am still trying to
5 figure this out. So it's less, even though the recreational is
6 catching less, but then I read something, I thought that -- Is
7 that because of just less uncertainty in these numbers? I
8 couldn't understand, from your report -- I am not getting how
9 that could be.
10
11 **DR. POWERS:** All right. There was a lot of uncertainty about
12 how you do these projections, based on what new information do
13 you have, and you can do those with just the catches. It is
14 saying, all right, now we know what the catches of 2013 was or
15 now we know what the catches of 2014 were, and then go ahead
16 like that, but there is other things that go into it, in terms
17 of information about the sizes of fish caught.
18
19 That is kind of the definition between whether you are doing
20 updates or benchmark assessments and that sort of thing, and so
21 there -- In this particular case, there was a lot of uncertainty
22 in that, and so that process of projection, the SSC,
23 collectively, was not real comfortable with, because of this
24 uncertainty, and so the indication was that we would accept the
25 original, that there wasn't enough information to move away from
26 the original projections of OFL and ABC, which are the two left-
27 hand columns.
28
29 **CHAIRMAN DANA:** Any further questions of Dr. Powers on this?
30 Kevin.
31
32 **MR. ANSON:** I guess I'm a little perplexed too then. If this
33 was supposed to be an update assessment --
34
35 **DR. POWERS:** No, it wasn't.
36
37 **MR. ANSON:** It wasn't? Okay.
38
39 **DR. POWERS:** No, this was a request of the council, to my
40 understanding, to the SEFSC, and so the SEFSC provided that
41 information, Dr. Schirripa.
42
43 **CHAIRMAN DANA:** Are there further questions? Bonnie, you look
44 confused.
45
46 **DR. BONNIE PONWITH:** Just for clarification, what you're saying
47 is the typical update of a projection takes the assumed catch
48 and substitutes the actual catch and then reruns those

1 projections. The assignment from the council was to simply
2 update those projections with the actual landings, and that
3 result is what is in yellow.

4

5 **DR. POWERS:** No, that result is what is in blue.

6

7 **DR. PONWITH:** In the blue. The yellow has incorporated
8 additional changes into the new projections?

9

10 **DR. POWERS:** No, the yellow is what was originally done from the
11 benchmark assessment some time ago.

12

13 **CHAIRMAN DANA:** Robin.

14

15 **MR. ROBIN RIECHERS:** I am not on the committee either, and I
16 appreciate you recognizing me. Normally, when we do an update
17 assessment, without the -- Sorry. When we do an update, and not
18 a benchmark, but, basically, we're bringing in those yield
19 streams and looking at it like we would here, and is that -- I
20 mean, obviously, there may be more factors than just the catches
21 that we may bring in, but --

22

23 **DR. POWERS:** What you're asking is the definition of an update
24 assessment?

25

26 **MR. RIECHERS:** Well, I mean you all -- No. What you did here
27 was you basically took yield streams and you adjusted your OFLs
28 and ABCs based on those new yield streams, based on more
29 knowledge about what the actual catch was, but yet -- I mean, I
30 am not faulting any of the SSC members at all, but what you're
31 suggesting is that you're still -- Because of uncertainties, you
32 are wanting to stick with the originals, and so I'm trying to
33 think about that in terms of how we often do this.

34

35 When we add those yield streams, we make those adjustments as we
36 look forward, and obviously we're always waiting on that next
37 benchmark, but we do this kind of thing routinely, and I am just
38 -- Normally, I would say that we would be looking at those
39 updated columns, but, in this case, because of some uncertainty,
40 we are looking at the original columns, and I am just trying to
41 understand that a little bit.

42

43 **DR. POWERS:** Well, basically, collectively, the SSC felt like
44 that uncertainty, including things like the MRIP issues, that
45 that wasn't sufficient to move away from the original
46 projections that were done.

47

48 **CHAIRMAN DANA:** I am going to ask Ryan to provide some

1 clarification and then Leann, please.

2
3 **MR. RINDONE:** Thank you, Madam Chair. Essentially, when we do
4 an assessment, we get updated age and length composition data,
5 recruitment, growth, landings, everything, the whole suite.
6 With this, all we got were the updated landings, and so there
7 wasn't any new information about age and length composition
8 data. There was no new growth or recruitment data that were
9 added. It was all just fixed at the previous levels.

10
11 It doesn't inform us near to the degree that an actual
12 assessment would, and so, if this is your uncertainty with a
13 stock assessment, an update or benchmark, and it doesn't matter,
14 this is your comparable uncertainty with the projections that we
15 received.

16
17 Obviously there are a lot of questions around this, being that
18 we have these leftovers. We had money left to spend from a
19 previous year, and that should give us more money to spend in
20 the next year, and we kind of got the inverse of that, and so it
21 begged a lot of questions by the SSC to asking why that was the
22 case, and, without knowing all the additional information about
23 growth, recruitment, et cetera, none of those questions were
24 asked and none of those data were rerun. There just isn't a way
25 to answer those questions right now.

26
27 **CHAIRMAN DANA:** Robin, do you have a follow-up? Then Leann and
28 then Bonnie.

29
30 **MR. RIECHERS:** I appreciate you recognizing me. I won't say
31 another word after this, but what that basically tells is, all
32 things being equal, Ryan, we would take the updated numbers.
33 Everything else being equal, with the landings that we now know,
34 we would take the updated numbers, as opposed to the original
35 numbers, but the SSC is suggesting, with all that other
36 uncertainty out there, they're just not ready to move, but, if
37 everything else is equal, you go to the updated numbers.

38
39 **CHAIRMAN DANA:** While Ryan thinks about that, Leann.

40
41 **MS. BOSARGE:** I listened into the webinar. I wasn't at the SSC
42 meeting, and I will grant you that I was multitasking as I
43 listened to that webinar, and so please correct me if I'm wrong,
44 but the dumbed-down version, you know Leann's normal-person
45 version of what I heard -- When I was listening to it, the
46 biggest take-away, for me, and it was a misconception that we
47 had around this table about what the projections were showing.

48

1 I think we always assumed that, in these king mackerel
2 projections for the future, the model was assuming that,
3 whatever the ACL was, that was going to be caught, in total, and
4 the forward projections were based off of that, when actually,
5 and I don't know if it's always this way, but, for this
6 particular model, when they originally did it to get those
7 original OFL and ABC numbers, they used the recent average
8 catches and projected that forward.

9
10 Well, we know that the numbers they were using, the recreational
11 sector was somewhere, on average, between about 35 or 40
12 percent. It's upper-thirties, if I am ball-parking that average
13 right, and so then, when we asked them to rerun it, they
14 factored in that -- They had to. They factored in the latest
15 data. That latest data was that one outlier year, where the
16 recreational sector just about doubled their landings and went
17 up to 63 percent of their landings.

18
19 Then the model is thinking that is what is going to continue for
20 the future, and projecting that is like a 26 percent increase in
21 your overall landings, and so, when that gets projected out
22 forward, then you get these lower OFLs and ABCs, and I guess, if
23 I was a scientist and I said, okay, yes, I am looking at
24 hindsight and that is the trend, year-after-year, and I can see
25 it, I can see it in the landings, but that wasn't.

26
27 That was an outlier year, and things went right back down. If
28 you have that information in front of you, to say that, yes,
29 that truly is going to be the way that it's going to stay, you
30 can't hardly really make that jump-up, and so -- But I think, if
31 that explains why your numbers kind of went down, and, to me
32 though, that was a good thing for us to know around this table.

33
34 Sometimes, maybe, we assume that the entire ACL will be caught,
35 and that's what the projections are run off of, but maybe
36 sometimes it's not. Maybe that's a question we can ask as we
37 look at certain stock assessment results and projections, to get
38 a better feel for where our fisheries are.

39
40 **CHAIRMAN DANA:** Bonnie.

41
42 **DR. PONWITH:** The Chair's explanation, the normal-person
43 explanation, was quite excellent, actually, and so, putting all
44 mackerel aside and talking about just generically what we do, a
45 stock assessment is done and we generate projections and make a
46 prediction about the future in those projections.

47
48 Then, as the first year of fishing happens, you substitute in

1 for your assumptions about what was going to be caught what was
2 actually caught. That is a very common thing. That's an update
3 of the projections and not an update. It's an update of the
4 projections, and so it's a very common thing. We do it all the
5 time.

6
7 The caution that the Science Center puts is that, the older that
8 assessment is, the more dangerous it is to simply update the
9 landings data, because that makes assumptions about all the
10 other things that go into making the status of that stock known,
11 and it makes the assumption that they are static and the only
12 thing that has changed is that known change in the landings.
13 The closer you are to the assessment, the more legitimate it is
14 to substitute the actual landings for the assumed landings.

15
16 The second thing that's true is the most uncertain data point in
17 any time series is the last one, and the last one is uncertain
18 because it doesn't have a companion on the other side of it.
19 Every other data point has one before and one after that creates
20 a trend. That last one is your most uncertain one, and it's
21 really uncertain if it's very, very different from the ones that
22 are before it, either very, very different high or very, very
23 different low, because that begs the question of is that change
24 the new norm is that just an unusual year, and there is really
25 no way to know that.

26
27 If that's the situation that is driving where we are here, it's
28 definitely a cause for concern. It is a common problem. Any
29 time that last dot in the time series is different than all the
30 other dots, it does create that uncertainty, and you have to act
31 with reasonable caution in making assumptions about whether
32 that's the new norm or whether that's a one-year thing, because
33 you won't know until the following year.

34
35 That, I think, if that is an accurate depiction of where we are
36 and why these numbers are different, there is certainly
37 justifiable concern in looking at these numbers, but I would
38 also say that, just jumping back to the original projections and
39 excluding those known, I think you have to be informed by what
40 you learn from the actual landings in making a decision about
41 how to move forward.

42
43 **CHAIRMAN DANA:** Ryan.

44
45 **MR. RINDONE:** Thank you, Madam Chair. Kind of building on what
46 Bonnie was saying, the projections that the Science Center had
47 put forward used landings through 2014 and 2015, which includes
48 that recreational spike, but they did not include 2015 and 2016,

1 because, at the time the initial request was submitted, we
2 didn't have those finalized 2015/2016 numbers, which was last
3 year.

4
5 Like Dr. Ponwith was saying, we don't have a reference point
6 included in this for the other side of that one year where we
7 had that big spike in recreational landings, and so not only is
8 that spike high, but it's also the most uncertain, and so
9 carrying forward with that was something that concerned the SSC.

10
11 To Mr. Riechers's point about if, all things being equal and
12 moving forward with what the updated landings show, when you
13 have that kind of uncertainty and you don't know what has
14 happened in the population since then, and you're talking about
15 data that are from -- At this point, they're four years old,
16 five years old, and, again, it just increases that uncertainty.

17
18 When you're looking at the projections that were generated from
19 the original stock assessment, more information was put into
20 those projections on a year-by-year basis than is being applied
21 here, and so that's another factor to consider.

22
23 **CHAIRMAN DANA:** Is there any further questions? Patrick.

24
25 **VICE CHAIRMAN BANKS:** Mr. Rindone, was there any analysis of
26 that one data point, in terms of being a true statistical
27 outlier?

28
29 **MR. RINDONE:** That is an interesting question, and, explicitly,
30 the answer is no, but we have asked the Science Center and the
31 analysts directly to spend some time investigating that, and
32 that is something that will be included in our terms of
33 reference for the king mackerel assessment that's going to be in
34 2018, and so it's to take a closer look at those 2014 and 2015
35 landings and see if they are what they say they are or did
36 something happen or what happened.

37
38 **CHAIRMAN DANA:** Ed.

39
40 **MR. ED SWINDELL:** I'm looking at one of the graphs we have here
41 since 2001, and I am looking at recreational landings that have
42 never come anywhere reasonably close to meeting the catch limits
43 that were there. The recreational ACL appears to be, according
44 to the graph, about seven million pounds, I guess is what it is,
45 and they're catching less than four all the time.

46
47 It says, in the document, that this plan was started in 1983. I
48 was probably around just prior to that time, and I do not

1 remember what the catch limits per recreational fisherman were.
2 When this plan was developed, do we have an idea of what the
3 catch limits, per the recreational fishermen, were? I mean,
4 there is a large discrepancy in the catch limits and the two-
5 fish per person that seems to be occurring here, and I just
6 wonder, how does that play in this whole picture of things?

7
8 Looking at the whole data stream, it just doesn't make any sense
9 to me that we're being this far different all of these years. I
10 just don't know. Does anybody have any idea to help me
11 understand this a little better?

12
13 **CHAIRMAN DANA:** Mr. Gregory.

14
15 **EXECUTIVE DIRECTOR GREGORY:** To make a long history short, in
16 the beginning, the recreational landings, the estimate of the
17 landings, exceeded the ACL, year after year after year,
18 throughout the 1980s. King mackerel was actually the most
19 controversial and the biggest fishery this council was dealing
20 with at that time, partly because red snapper was just getting
21 started as being a controversy, and it was a smaller fishery.

22
23 In 1997 and 2000, the Marine Recreational Statistics Survey,
24 MRFSS, decided to estimate charter boat landings effort by using
25 a separate effort survey of the charter boat captains
26 independent of the telephone survey. When they did that, the
27 recreational landings went down to 50 to 40 percent of the ACL,
28 but it kind of went unnoticed by most people, and it just stayed
29 that way until -- We just now, recently, noticed it.

30
31 In the year 2000, and, if you go back to the history, that's
32 when you will see that the landings estimate went below the ACL,
33 and dramatically below the ACL. In fact, throughout the 1980s,
34 there was a large concern about the charter boats, because we
35 allowed the charter boats to fish and sell their catch even
36 after the commercial quota closed, and that was part of the
37 problem of the recreational sector going over their ACL during
38 the 1980s, but it all stopped in 1997, when they went to the new
39 charter boat captain effort survey, and we're just now starting
40 to address it.

41
42 **MR. SWINDELL:** Okay. I thank you, because I am still having
43 some second-thoughts about how to manage this thing to get even
44 close to the OY in one way or the other. Thank you.

45
46 **CHAIRMAN DANA:** Any further questions or discussion items?
47 Seeing none, thank you for the thoughtful discussion. Dr.
48 Powers, thank you for the presentation, and we will now move

1 into the Final Action of CMP Amendment 29, Allocation Sharing
2 and Accountability Measures for Gulf King Mackerel, Tab C,
3 Number 5. Ryan, can I have you open it up, and then we will
4 look over the public hearing written comments?
5

6 **FINAL ACTION - CMP AMENDMENT 29 - ALLOCATION SHARING AND**
7 **ACCOUNTABILITY MEASURES FOR GULF KING MACKEREL**
8

9 **MR. RINDONE:** Absolutely. Again, just a crash review. Action 1
10 would establish some measure of allocation sharing between the
11 commercial and recreational sectors for Gulf mackerel. Your
12 current preferred alternative is Alternative 2, which would
13 conditionally transfer, right now, 10 percent of the stock
14 allocation to the commercial sector for the following fishing
15 year if the minimum recreational landings threshold of 75
16 percent of the recreational ACL is not met. If the commercial
17 sector does not land at least 90 percent of its ACL, this
18 transfer would not occur and landings data from two years prior
19 would be used to determine allocation transfers. I am just
20 covering what you guys currently prefer, since we've been
21 through this a couple of times.
22

23 In Action 2, which would adjust the recreational accountability
24 measure for Gulf kingfish, you guys currently prefer replacing
25 the current in-season accountability measure with a post-season
26 accountability measure. If both the recreational ACL and the
27 stock ACL are exceeded in a fishing year, the length of the
28 following recreational fishing season will be reduced by the
29 amount necessary to ensure the landings do not exceed the
30 recreational ACL.
31

32 Just a reminder that Action 2 builds off of the safeguards that
33 are in Action 1, which is all part of trying to ensure a 365-day
34 recreational season, which was a priority that was expressed by
35 the council. I don't know if you want to go into the public
36 comments.
37

38 **CHAIRMAN DANA:** Yes, if I can ask Emily to review public
39 comments and written input.
40

41 **REVIEW OF PUBLIC HEARING AND WRITTEN COMMENTS**
42

43 **MS. EMILY MUEHLSTEIN:** I would be happy to. Thank you, Madam
44 Chair. If you guys refer to Tab C, Number 5(a), you will find a
45 summary of both the public hearings, the in-person public
46 hearings that we went to, and also the written comments that we
47 got, and I will start by talking about what we heard at our
48 meetings, and I think we will go -- Let's start in Key West and

1 head over towards Texas.

2
3 In Key West, there was unanimous support expressed for the
4 council's current preferred alternatives. Some of the rationale
5 provided was that the stock is healthy and that we should be
6 managing to optimum yield rather than letting fish remain out
7 there.

8
9 The current allocations are antiquated, according to the folks
10 in Key West, and they would really like to see the council
11 actually consider a hard allocation shift, if anything, and so
12 there was support for the current preferred, but also some
13 support given to thinking about doing this as a permanent hard
14 shift rather than this idea of sharing.

15
16 It was also mentioned in Key West, just sort of as a side note
17 by a number of people, that a lot of the guys down there would
18 like to see a raise, or the Southern Zone hand-line trip limit
19 to be raised, from the 1,250 that it is right now. I think I
20 saw the number of 2,000 was suggested, but those guys are saying
21 that basically, with their low trip limit, it's hard to be
22 profitable in that fishery.

23
24 Then let's move on to Tampa, and so there was kind of tepid
25 support for this amendment in Tampa. It was cautioned that the
26 long-term effects of the three-fish bag limit in the
27 recreational sector has not fully been vetted yet and that the
28 council might want to consider seeing what that change that we
29 have proposed would do before considering some sort of
30 allocation shifting.

31
32 It was also said that Action 1, Alternative 3, places a great
33 burden on the SSC, but it would provide for an important check
34 on some sort of transfer amount, and so that was supported by
35 the folks in Tampa. Then it was also pretty strongly mentioned
36 that none of the accountability measures that are presented in
37 the document are supported, because the recreational sector
38 should not be held responsible for any overage that occurs as a
39 result of this allocation shifting.

40
41 It was also mentioned, in Tampa, that the commercial trip limit
42 reduction to 500 pounds that should occur when 75 percent of the
43 quota is met should be enforced more promptly and more regularly
44 than it is.

45
46 Moving on to Panama City, Florida, there was pretty unanimous
47 support for no action up in Panama City. The rationale provided
48 was that the stock needs to be healthier than it is. I think

1 there was some caution that maybe we're not seeing something
2 with how healthy the stock is. More in the northern and western
3 parts of the Gulf we heard that than we did sort of down in the
4 southern part. Then there was a suggestion that historical
5 captains should be given some sort of allocation of their own in
6 Panama City.

7
8 Moving on to Pascagoula, support for the no-action alternative
9 in this amendment. Leaving fish in the water is acceptable, and
10 fishermen cautioned that there was no reason for us to try and
11 squeeze everything we could out of the stock.

12
13 Then on to Galveston, and the no-action alternatives were
14 supported in Galveston. The gentlemen there cautioned that
15 there seemed to be some limited data on landings in Texas,
16 regarding king mackerel, and they were not supporting any sort
17 of allocation shifting away from the recreational sector in
18 Galveston.

19
20 Then, finally, we had a pretty robust crowd in Corpus Christi.
21 In Corpus Christi, we found unanimous support for no action on
22 this document. Some of the rationale provided was that the
23 liability of sharing should absolutely not hurt the recreational
24 sector, if those are the folks that are sharing their
25 allocation.

26
27 Then, again, the recreational catch information is not good
28 enough to make any sort of decision that would allow for such a
29 manipulation of the allocations. It was interesting. It almost
30 seemed, as we progressed from Key West over to Texas, that
31 support for the document waned more and more.

32
33 We also got a pretty large number of online comments for this
34 document, more than we typically get, and a vast majority of
35 those comments that we heard did not support any sort of
36 allocation shifting, and I could go through some of what we
37 heard here.

38
39 The comments that we received on Action 1, some of them said
40 that, in recent years, the king mackerel stock has become less
41 prevalent in the northern Gulf, and, as a result, there has been
42 less tournaments, and the recreational sector has been unable to
43 harvest their allocation. That was some of the rationale for
44 potentially why they haven't been catching their portion of the
45 annual catch limit, is because it's been more difficult to do
46 so.

47
48 Folks also said that recreational seasons are already short

1 enough. The population and the average size of king mackerel is
2 in decline, and the commercial sector should not harvest the
3 uncaught recreational allocation, and so, again, there seems to
4 be a lot of concern that maybe there is something going on with
5 the stock.

6
7 It was also said that it's hard to find king mackerel off of
8 southern Florida already and allowing the commercial sector to
9 harvest the excess would make that problem even harder.
10 Leftover fish should not be harvested, so that they can continue
11 to spawn. High fuel prices, in recent years, have limited
12 recreational fishermen from harvesting king mackerel to their
13 full potential, which, again, is another explanation as to why
14 maybe these guys have not been harvesting their quota.

15
16 Allowing the commercial industry to harvest the excess will
17 deplete the stock and lower the overall quota in the long run.
18 Allocation sharing sets the council up for a permanent
19 allocation shift in favor of the commercial sector. Consider
20 the leftover fish as added insurance for a healthy fishery
21 future. Then, finally, fish harvested recreationally are more
22 beneficial to the economy.

23
24 Comments that did support some sort of allocation sharing said
25 that, if a quota isn't met by one user group, then it should be
26 transferred to the other group as long as the annual catch limit
27 is not exceeded for that stock, and so this was sort of a
28 blanket statement that was saying this for all of the stocks we
29 manage and not just this one.

30
31 Also, the recreational sector should not be held accountable for
32 going over the conditional allocation. This thought process
33 seemed pretty unanimous across the Gulf, that the recreational
34 sector should not be held liable if there is some sort of
35 allocation shifting that occurs.

36
37 Then, regarding Action 2, the comments that we heard were that,
38 if the conditional recreational annual catch limit is exceeded,
39 the stock annual catch limit is exceeded, then post-season
40 adjustments should occur to the commercial sector rather than to
41 the recreational sector, who has shared their portion of the
42 allocation.

43
44 Also, in these written comments, we got a number of different
45 comments, or other comments, that didn't quite fit into the
46 amendment itself. The first one is that there is not adequate
47 social and economic analysis to show how a soft allocation shift
48 would affect the fishery. Commercial permit holders should have

1 to declare which zone they intend to fish in, so that fishermen
2 can fish in their local areas.

3
4 Recreational anglers should have a mechanism to report their
5 harvest. The recreational bag limit for king mackerel should be
6 increased further. The Southern Zone commercial hook-and-line
7 trip limit should be raised to 3,000 pounds. The Southern Zone
8 commercial hook-and-line trip limit is fine as it is. If they
9 were to raise the quota, the quota would be met too quickly.

10
11 Then the SSC should examine the models that provide for a
12 declining yield stream. There was sort of some concern
13 expressed about these declining yield streams that are happening
14 and an idea that maybe the SSC should re-look into why these
15 things are happening. That concludes the public comment that we
16 got on Amendment 29.

17
18 **CHAIRMAN DANA:** Thank you, Emily. Do you have a rough idea of
19 how many written comments came in?

20
21 **MS. MUEHLSTEIN:** At last count, I think there was about sixty-
22 eight, and so that might have changed since last week, but
23 that's what we saw. There was a lot more written comments than
24 we had public attendance at the meetings.

25
26 **COMMITTEE RECOMMENDATIONS**

27
28 **CHAIRMAN DANA:** Thank you. Yes, I was disappointed in the
29 number of folks that did show up to the public hearings, because
30 I know that there are a lot of opinions on this topic, but we
31 sure didn't see them in the public hearings, and I don't know if
32 it's a matter of us not communicating well enough that the
33 meetings are happening or what, but, anyway, that's neither here
34 nor there at this point, I guess.

35
36 Given the public hearing comments and the written comments, next
37 on the agenda is to move into the codified text, but we heard an
38 SSC report that gave us kind of some new things to think about,
39 as well as AP input and public input, and so what's the -- Ryan.

40
41 **MR. RINDONE:** There is one more thing that I need to cover with
42 you guys with respect to the allocation sharing and how the math
43 actually works, and this is something that was identified
44 between our last meeting and this one.

45
46 I promise that this is just how I wrote it, because I thought
47 this would be easier and, upon further IPT reflection, it was
48 identified that this was an issue. The way that we currently

1 have it written in Action 1 is that, when we're determining
2 whether allocation sharing is going to happen, we are using
3 whatever ACL is in place for a given year, regardless of whether
4 allocation sharing happened for that year.

5
6 Now, the way to think about that is let's say you're shifting 10
7 percent, 10 percent of the stock ACL from the recreational to
8 the commercial. Now your new sector allocations are 58/42
9 instead of 68/32. 75 percent of 58 percent is a smaller number
10 than 75 percent of 68 percent, when you're thinking about
11 whether or not that recreational minimum landings threshold is
12 going to be met. That means something, in terms of whether
13 allocation sharing is going to happen or not.

14
15 The way that it's written in the document right now, again, it's
16 whatever ACL is in place for a given year, regardless of whether
17 allocation sharing is happening. I have spoken with a couple of
18 you, between the last meeting and this meeting, just to try and
19 gauge what you thought was actually happening, and it seems that
20 what the council's thought was is that it would be based on the
21 original sector allocations of 68 percent recreational and 32
22 percent commercial.

23
24 I am not saying that there needs to be a motion on this, but if
25 I could get some feedback from you guys as to what your
26 intention was, so that we make sure that we capture your intent
27 correctly in the document, we would really appreciate that.

28
29 **CHAIRMAN DANA:** David Walker.

30
31 **MR. WALKER:** I would just like to -- First of all, I listened to
32 the public testimony with the AP's preferred, and then I
33 listened to the gentleman from the Keys, and there seems like
34 there's a lot of support for no action on the allocation sharing
35 from the commercial industry, but I would like to hear some
36 public testimony on it.

37
38 Then I also like what the guys in the Keys -- They're interested
39 in looking at a hard TAC, maybe some kind of a hard TAC, looking
40 at shifting some allocation that way. I mean, the recreational
41 fishery has been unrestricted in their ability to catch the
42 fish, and they haven't been catching the fish, and so maybe we
43 should look at that, instead of allocation sharing.

44
45 I would just like to hear some testimony. Then the AP was
46 heavily opposed to it, except for, like John said, the
47 composition of the AP was in support of some type of allocation,
48 and so maybe looking at a little small shift in hard allocation

1 shift, since the recreational, like I said, they're unrestricted
2 and they can catch the fish.

3
4 Of course, they have also had an increase in fish, to catch
5 three fish, and so that's just kind of something that I would
6 like to add to the comment. Of course, I really want to hear
7 what the industry has to say as a whole.

8
9 **CHAIRMAN DANA:** Mara.

10
11 **MS. MARA LEVY:** Just with respect to what Ryan pointed out, the
12 codified text is written such that you're always measuring
13 against the original annual catch limits. If the thresholds, as
14 measured against the original annual catch limits, are met, then
15 the transfer would occur. That's how we wrote the codified
16 text, because that's, frankly, how I read the amendment.

17
18 If that's not what the council's intent was, then we need to
19 know that, but I would also ask why you would measure against
20 the adjusted ACLs, because, if we're saying, originally, this is
21 why we want to transfer, why would you then want to change that
22 as you go down the road? Wouldn't you always want it to be
23 measured against the original? If you don't, just why you
24 wouldn't, and then we would have to change some things.

25
26 **CHAIRMAN DANA:** Ryan.

27
28 **MR. RINDONE:** To Mara's point, again, that's just how it was
29 written. It wasn't intentional. It may have just been a
30 misinterpretation of the council's intent.

31
32 **CHAIRMAN DANA:** Mr. Diaz.

33
34 **MR. DIAZ:** I just want to weigh in to give Ryan some feedback.
35 As we were going through the document, I was always assuming
36 that we were measuring against the original, and so that's the
37 way I was looking at it as we were going through the document,
38 but certainly I'm just speaking for myself.

39
40 **CHAIRMAN DANA:** Mr. Anson.

41
42 **MR. ANSON:** I will agree with Dale. That's the way I
43 interpreted it as well, is it would be the original. We would
44 have the management measures in place for that year, with the
45 carryover from prior year, more than likely, and so everything
46 would kind of be operating as close to status quo as possible.

47
48 **MR. RINDONE:** Okay. Regardless of outcome of how this moves

1 forward, we will make sure that that change is reflected in the
2 document, and it also would reflect what's already in the
3 codified text, and so thank you.

4
5 **CHAIRMAN DANA:** Okay, committee. We have two actions. We have,
6 in the past, selected preferreds. In one instance, the Advisory
7 Panel has a different preferred. Do you have any changes to
8 those preferred actions or alternatives to those actions? Do we
9 go final? Do you want to wait until after public testimony?
10 What is the preference of the committee? Mr. Walker.

11
12 **MR. WALKER:** I would rather wait and hear some public testimony.
13 There is a substantial amount of fishermen here.

14
15 **CHAIRMAN DANA:** Ms. Guyas.

16
17 **MS. GUYAS:** I think I'm good with that. I definitely want to
18 hear some more about this. I think it's pretty interesting that
19 we've gotten a lot of negative feedback about this. I think
20 some of us kind of thought that this would be an easy thing that
21 we could do, and so, yes, let's hear more about it.

22
23 **CHAIRMAN DANA:** I agree. I think the intent of the council, up
24 to this point, has been for the right reasons, but it's
25 interesting. Mr. Diaz.

26
27 **MR. DIAZ:** I am fine if we want to wait and handle this at Full
28 Council. I currently am in support of this document, and just
29 to speak to some of the things that's been said this morning a
30 little bit, bear in mind that the recreational sector is leaving
31 a large amount of fish in the water every year.

32
33 It is a conditional transfer, as Kevin pointed out, and so it
34 would only happen if the conditions were met. Currently, our
35 preferred is to move 10 percent. I've heard people say that
36 it's a good thing to leave fish in the water, but this document,
37 if it goes forward, is not going to catch every fish that would
38 be under the ACL.

39
40 It's 10 percent, and so there's still going to be, if the
41 historical catches by the recreational community go forward,
42 we're still talking about leaving millions of pounds of fish in
43 the water every year, and so we're not trying to catch the last
44 one, and so that might just be some misconceptions about where
45 we're going with this document and what should happen, if you
46 look back in history at the numbers we've come from before.

47
48 There were several comments about the bag limits going up. We

1 did do a bag limit analysis. We had some conversation around
2 this table about the bag limit analysis. The disposition of
3 that is that the bag limit analysis would not have a huge
4 effect. It would be a minimal effect.

5
6 I share the concern about the fact that the recreational
7 community should not be responsible for any type of
8 accountability measure that would penalize them, and I think
9 we've done -- In the document, we've picked an approach that has
10 -- It has the very least chance of that ever happening, and so I
11 think we've tried to address at least some of the concerns that
12 we've heard. Let's hear some more public testimony and decide
13 where we go with this document. Currently, I am strongly in
14 favor of it. Thank you, Madam Chair.

15
16 **CHAIRMAN DANA:** Thank you, Mr. Diaz. Any further comments from
17 committee members? In that regard, we don't move forward on the
18 codified text, at least to forward it to the Full Council,
19 correct?

20
21 **MR. RINDONE:** Correct.

22
23 **CHAIRMAN DANA:** Okay. Based on the input from the committee, we
24 will wait for public comment on it and then we'll take this up
25 at Full Council for further action or whatever the Full Council
26 wants to do. Is there any other business to come before the
27 committee? Mr. Diaz.

28
29 **MR. DIAZ:** I just want to mention one more thing, and sorry that
30 I didn't mention it a minute ago. There were a couple of
31 comments about potentially there should be a hard reallocation
32 shift here, and I know -- I think this document is trying to
33 avoid doing that, and so, anyway, I just wanted to mention that
34 there are people out there that think that there should be a
35 hard allocation shift. Some of the folks commenting might not
36 realize that this document was an attempt to try not to go down
37 that road and do a hard reallocation shift, and I think that was
38 in the spirit of trying to work with both user groups. Thank
39 you, Madam Chair.

40
41 **CHAIRMAN DANA:** Point well taken. Thank you, Mr. Diaz. Mr.
42 Swindell.

43
44 **MR. SWINDELL:** Thank you, Madam Chair. I am sitting here trying
45 to understand just what the recreational sector is truly taking
46 versus what they are catching. All we are looking at here is
47 the allocation based on what they are bringing into the dock.

48

1 I know, as a recreational fisherman in Louisiana, I go out and I
2 catch king mackerel, and I don't take it in. It's just the fun
3 of catching king mackerel. It's a big fish, and I think most of
4 the people in Louisiana seldom take in king mackerel when they
5 catch it. I don't know about the rest, because I don't know
6 what the rest of the recreational fishermen are doing, but this
7 is a viable resource that is providing a lot of recreation,
8 quote, for the recreational fishermen, especially the big king
9 mackerel.

10
11 I mean, you have a lot of fun catching a big fish of any sort,
12 whether it's a big red drum or -- Red drum is a good example,
13 too. I don't keep big red drum. That's the last thing that I'm
14 going to try to cook, is a big red drum. You throw the thing
15 back in the water. I want good, medium-sized drum.

16
17 I am just trying to get a handle on whether or not we should
18 transfer any limits or not if the recreational people are
19 satisfied with what they're doing. Maybe they are indeed having
20 fun catching and not keeping. That's a good question, and I
21 don't know the size. Ryan, do you have any idea of what the
22 sizes are that the recreational people are taking in?

23
24 **MR. RINDONE:** I could look that up for you, sir, but I don't
25 know it off the top of my head.

26
27 **MR. SWINDELL:** Thank you.

28
29 **CHAIRMAN DANA:** Thank you, Mr. Swindell. We will move into the
30 public hearing and listen to what folks have to say about that
31 in public comment and take it up at Full Council. We have no
32 other business, and so I would adjourn, unless another committee
33 member -- We stand adjourned.

34
35 (Whereupon, the meeting adjourned on February 1, 2017.)

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