GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

MACKEREL MANAGEMENT COMMITTEE

IP Casino and Resort  Biloxi, Mississippi

OCTOBER 17, 2016

VOTING MEMBERS

Pamela Dana .................................................Florida
Patrick Banks .....................................................Louisiana
Chris Blankenship ...............................................Alabama
Roy Crabtree ....................................................NMFS
Dale Diaz ........................................................Mississippi
Martha Guyas (designee for Nick Wiley) ................................Florida
John Sanchez ......................................................Florida
David Walker .....................................................Alabama

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LCDR Leo Danaher ...............................................USCG
Dave Donaldson ................................................GSMFC
Tom Frazer .........................................................Florida
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Ed Swindell .........................................................Louisiana
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John Froeschke ..................................................Fishery Biologist - Statistician
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PAGE 7: Motion to approve CMP Amendment 30 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 7.

PAGE 9: Motion to approve CMP Framework Amendment 5 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 9.

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The Mackerel Management Committee of the Gulf of Mexico Fishery Management Council convened at the IP Casino and Hotel, Biloxi, Mississippi, Monday afternoon, October 17, 2016, and was called to order by Chairman Pamela Dana.

**ADOPTION OF AGENDA**

**APPROVAL OF MINUTES**

**CHAIRMAN PAMELA DANA:** I am going to call to order the Mackerel Management Committee, and the new members are myself, Patrick Banks or Myron Fischer, Chris Blankenship, Roy Crabtree, Dale Diaz, John Sanchez, David Walker, and Martha Guyas. We have a quorum.

Can I have a motion to adopt the agenda? Is there any additions to the agenda as written? I would like to propose a change in the order on the agenda. I would like to do Number VI and place that as Item Number IV and keep Item V the same, but then put Number IV as Number VI. Do I have a motion to adopt the agenda?

**MR. DALE DIAZ:** I make a motion that we approve the agenda as amended.

**MS. MARTHA GUYAS:** Second.

**CHAIRMAN DANA:** All those in favor. The agenda is recorded. If everyone has had the opportunity to review the minutes, particularly those who are returning committee members, can I get a motion to approve the minutes?

**MS. GUYAS:** So moved.

**CHAIRMAN DANA:** We’ve got a second. All those in favor. The minutes pass. In Tab C, Number 3, we have the Action Guide and Next Steps, and, again, we’re just changing the order slightly of that action guide, and let’s just go ahead into the Final Draft for CMP Amendment 30, Atlantic Cobia Recreational Fishing Year, Tab C, Number 6. Ryan, do you mind going over that?

**FINAL DRAFT: CMP AMENDMENT 30: ATLANTIC COBIA RECREATIONAL FISHING YEAR**

**MR. RYAN RINDONE:** Thank you, Madam Chair. Amendment 30 had originally started out as part of Framework Amendment 4, and we amended the framework procedure for mackerel stuff a while back, so that each council could deal with things on their own through framework amendments without having to involve the other council. Unfortunately, changing the fishing season isn’t one
of those things that is included in the framework procedure, and
so that had to do be done via a plan amendment.

You guys probably heard a little while back that the Atlantic
overran their recreational cobia ACL by a fair bit, and so
they’re taking several actions to try to step back the fishing
effort, so that they don’t run into problems like that again and
they can make sure that the season stays open during the time
when most fishermen really want to be out there and be able to
catch those fish, which is starting in May and going through the
end of the summer and into the early fall.

The South Atlantic created Amendment 30, which I know you guys
are just seeing for the first time here, but thankfully it’s
just one action, and that is to modify the recreational fishing
year for Atlantic cobia.

The South Atlantic posed a few alternatives looking at different
start dates for the recreational fishing year, which currently
just runs the calendar year, and they ultimately settled on
Alternative 2, which would modify the recreational fishing year
for Atlantic cobia to be May 1 through April 30.

An important note is that this only applies to the stock of
cobia which occurs north of the Florida/Georgia line, and so
that body of fish north. The fish off the coast of Florida
would still be on the calendar year season. Are there any
questions so far?

CHAIRMAN DANA: Again, this does not impact the Gulf stock of
the cobia. This is the South Atlantic from the north of the
Florida/Georgia line.

MR. RINDONE: Just to continue on, the public comments that were
received are in Tab C, Number 6(b), and there were only a few
comments that were received by the South Atlantic with respect
to this action, and one individual supported Alternative 1. One
supported Alternative 3, and several stated that it’s important
that the recreational fishery for cobia, for Atlantic cobia, be
open for the month of May and for a season of May through
September or October, and so that was the priority, is that the
season be opened from that late spring start through the summer
and into the early fall. That’s why the South Atlantic picked
Alternative 2. Madam Chair.

CHAIRMAN DANA: Okay. Given that this is primarily a South
Atlantic amendment, but we are in a joint -- We do handle these
things jointly, and how do we move forward, Ryan? Do we need to
go through each of these alternatives and actions and support their preferred or -- Martha Guyas.

MS. GUYAS: I think that’s a yes. For Action 1, I move that the Gulf preferred be Alternative 2.

CHAIRMAN DANA: We have a motion that in Action 1 to have Alternative 2 be the preferred, which is to modify the recreational fishing year for Atlantic cobia to be May 1 through April 30. Do I have a second? Second by Dr. Crabtree. Any discussion? Seeing none, all those in favor, raise your hand. It’s a unanimous vote, and the motion passes.

Now I am told that we need a motion to go final with this Draft CMP Amendment 30. Do I have a motion?

MR. JOHN SANchez: So moved.

CHAIRMAN DANA: John Sanchez moves to take this Amendment 30 to final action. Do I have a second? Second by David Walker. Any discussion? Mara Levy.

MS. MARA LEVY: Can we just put the motion up and then also note that I think you have the codified text that goes with it in your briefing book, just to let you know that it’s there.

CHAIRMAN DANA: Mara, just for clarification, are these two different motions or does the codified text override the --

MS. LEVY: Can we just read the motion, for the record, since we didn’t actually have the language up there?

CHAIRMAN DANA: The motion is to approve CMP Amendment 30 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. Any discussion on the motion? All those in favor, raise your hand.

EXECUTIVE DIRECTOR DOUG GREGORY: Eight.

CHAIRMAN DANA: The vote is unanimous, and the motion passes. Okay. Mara.

MS. LEVY: Thank you. I just wanted to clarify one thing about the idea of doing a fishing year through a framework or not.
The framework language is a little bit ambiguous, but I don’t think the decision was that you couldn’t do it through a framework. The South Atlantic Council decided that they didn’t want to do it through a framework, because the language is somewhat ambiguous, and so they decided to do a full plan amendment.

We have very identical language in the Gulf reef fish framework, and we just did a framework action to change the yellowtail snapper fishing year, and so I just don’t want it to be on the record that you cannot legally do it through a framework.

CHAIRMAN DANA: Thank you for the clarification. Speaking of frameworks, now let’s move into Item Number V, which is Final Draft for CMP Framework Amendment 5: Modifications to Pelagic Commercial Permit Restrictions in the Gulf of Mexico and Atlantic. It’s Tab C, Number 5. Ryan, can you help us?

CMP FRAMEWORK AMENDMENT 5: MODIFICATIONS TO PELAGIC COMMERCIAL PERMIT RESTRICTIONS IN THE GULF OF MEXICO AND ATLANTIC

MR. RINDONE: Yes, ma’am. This was a framework that was proposed to the council by the CMP Advisory Panel, and, essentially, what it does is it allows commercial fishermen to fish recreationally for king and Spanish mackerel when the commercial fishing season is closed.

They still can’t sell these fish, but it’s just that it allows them to go on their commercially-permitted vessels with their family or friends or by themselves and be recreational fishermen for the day.

If you guys move down to page 5, you will see the one and only action for this framework amendment, which is to modify restrictions applicable to federal commercial permits for king and Spanish mackerel.

We are working with the South Atlantic Council on this as well, and we have agreed-upon preferred alternatives here, which are Alternatives 2 and 3, and I will read those. Preferred Alternative 2 would remove the restriction on fishing for and retaining the recreational bag limit of king mackerel on a vessel with a federal commercial permit for kingfish when the vessel is on a recreational trip and commercial harvest of kingfish in that zone is closed. Preferred Alternative 3 would essentially do the exact same thing for Spanish mackerel. Any questions?
Where we are right now with this is that we have agreed-upon preferred alternatives between the Gulf and the South Atlantic, and this is one of those rare frameworks that we’re doing together, because it affects both sides, and both sides want the same thing, and so, if you guys are happy with where things are, you can also recommend that this go to the Secretary for implementation. Madam Chair.

CHAIRMAN DANA: Thank you, Ryan. This was what Martin Fisher had brought up probably two meetings ago, just as a refresher. Is there anyone wanting to make a motion on 2.1, Action 1? John Sanchez.

MR. SANCHEZ: I think we’re already there, and we’re in agreement, and so let’s send it to the Secretary for approval.

CHAIRMAN DANA: We have a motion to --

MR. RINDONE: The codified text is available in the briefing book for you to review.

CHAIRMAN DANA: John, is this your motion? Would you like to read your motion?

MR. SANCHEZ: To approve CMP Framework Amendment 5 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.

CHAIRMAN DANA: Do I have a second for the motion? David Walker seconds. Any discussion on the motion? Seeing none, all those in favor, please raise your hand.

EXECUTIVE DIRECTOR GREGORY: Eight. It passes eight to zero.

CHAIRMAN DANA: The motion to approve CMP Framework Amendment 5 passes. Next, we move into Item Number VI, which is Public Hearing Draft for CMP Amendment 29: Allocation Sharing and Accountability Measures for Gulf King Mackerel, Tab C, Number 4. Ryan, if you can walk us through that.

PUBLIC HEARING DRAFT: CMP AMENDMENT 29: ALLOCATION SHARING AND ACCOUNTABILITY MEASURES FOR GULF KING MACKEREL

MR. RINDONE: Yes, ma’am. Just to review, this is the action
that we pulled out of CMP Amendment 26, and it’s looking at allocation sharing between the recreational and commercial sectors in the Gulf for Gulf kingfish.

If we move on down to page 6 in the document, we get to Action 1. The general purpose here is to try to get closer to harvesting OY and to reduce the chance for regulatory discards, and we have a lot of underharvest in the Gulf migratory group of king mackerel right now, and you guys are just exploring ways to try to use that.

We have three alternatives in Action 1. Alternative 1 is no action. Alternative 2 is the alternative which considers a conditional transfer, whereby some percentage of the stock allocation would conditionally transfer to the commercial allocation, so long as a recreational ACL minimum threshold hasn’t been met, and Alternative 3 would go back to the SSC to consider increasing the ABC for the following fishing year if some percentage of the stock ACL has gone unharvested.

At this point, this is our public hearing draft that we’re considering here, and, if you guys are satisfied with these alternatives in Actions 1 and 2, which we’ll get to in just a minute, then we will carry that out to public hearings, and we do need to talk about the public hearing locations, but we’ll do that in just a second. Are there any questions though that you guys have for Action 1? Martha.

MS. GUYAS: I have one, and it’s just a clarification, and I think I know the answer, but I couldn’t tell if it was -- It wasn’t totally clear to me in the document. Let’s pretend this is in place now, maybe Alternative 2. If the ACL is adjusted during the year that you’re using for the data, are you using the original sector ACL or that adjusted ACL when you’re trying to calculate your triggers or determine if the trigger has been met?

MR. RINDONE: It would be whatever the ACL was for that year. If the ACL had been adjusted for that year, then it’s whatever it is. If you transferred 10 percent, let’s say, from the stock ACL to the commercial sector, and so, by default, the recreational sector’s ACL would be decreased, then that minimum threshold would be based on that adjusted ACL, and so, going into the future, the ACL for that year, the threshold would be based upon that adjusted ACL.

MS. GUYAS: Okay.
MR. RINDONE: So it wouldn’t be based on what it could have been, but whatever it was set at as a function of the amendment. A clarifying point is that we’re saying that we’re using two-year-old data for Alternative 2, and the purpose of that was to make sure that we were focusing on using data that had been QA/QC’d and were final.

However, if the recreational minimum threshold is met in the year in between the data year, which is two years prior, and the intermediary year, if you will, then the transfer also would not occur, and that language is described in a little more detail in Chapter 4, but, that way, if the threshold isn’t met in say 2014, but it was met in 2015, then it might not be responsible to do that shift in 2016, because there could be an even temporary change in the effort environment, which could impact the ACL and could trigger an accountability measure, and so that was just a clarifying remark. Does everybody understand that?

CHAIRMAN DANA: Mara.

MS. LEVY: Does that just apply to the recreational trigger then and not the 90 percent of the commercial landings that are required? Meaning, if the two years prior, if they meet the 90 percent, but somehow in the intermediate year they don’t, we’re not going to look at that?

MR. RINDONE: The 90 percent -- It would apply to that, too. That’s across the board for the commercial sector. They have to be landing 90 percent of their ACL in order to be eligible for this. That’s the way it’s written right now.

MS. LEVY: So what does having the two-year-old data do then? We’re saying we’re using two-year-old data, but then we’re saying if either of the thresholds aren’t met in the year in between with the newer data, it’s not going to get triggered, and I guess I’m just trying to figure out what the purpose of even saying we’re looking at two-year-old data is if we’re really not and we’re really looking at the most recent data to decide whether to do the action.

MR. RINDONE: It gives the council a little bit more landings history to base the decision on, and it includes using data which are in fact final and not preliminary, which was one of the things that the council had expressed a desire to include.

If we had just used the previous year’s data, then we would be using preliminary landings, which, in the past, you guys have expressed a little bit of hesitation to leaning on fully, and
so, by including the two-year-old data, we have a little bit more history that’s involved, and you’re using final landings data in addition with the data in the intermediary year to make the decision.

CHAIRMAN DANA: Did that answer your question, Mara? Do we have more questions of Ryan? Martha.

MS. GUYAS: Just thinking about that and the two-year lag, is the two-year thing an issue for Alternative 3 also? It looks like, for that one, we’re just using the following fishing year.

MR. RINDONE: It’s not an issue for Alternative 3, because we’re taking that one to the SSC to consider, and you guys will hear this in the SSC report later on, but, just in summary, the SSC isn’t as comfortable increasing the ABC without there being a certain number of things that they’re able to take a look at, including -- It’s not just limited to landings, but also growth and recruitment and age frequency distribution and things like that. They want to have a better examination of what’s actually going on with the stock, as opposed to just the landings.

Alternative 3 would require a more in-depth look than Alternative 2, since Alternative 2 is based on landings triggers and conditional transfers and only lasts for a year and then it comes right back. Alternative 3 also would only be good for a year, but it has a much larger degree of scrutiny involved.

CHAIRMAN DANA: Ryan, what are we looking for here? Do we need to get some preferreds?

MR. RINDONE: Yes, ma’am.

CHAIRMAN DANA: What is the timing for moving this to the South Atlantic, et cetera? There are some timing factors here, aren’t there?

MR. RINDONE: If you guys pick preferreds here for Actions 1 and 2 and we go out to public hearings and we get those public comments back and we get those to the South Atlantic before their December meeting, the South Atlantic, if they are in agreement, could agree with the Gulf’s preferreds and take final action. Then the Gulf, subsequently, would take final action in January. Then we could submit it to NMFS soon thereafter.

However, if you don’t pick preferreds here and it goes out to public hearings without preferreds, then the South Atlantic isn’t likely to do much of anything with it in December, and it
would come back to you in January to pick preferreds then. Then
the next time the South Atlantic would have an opportunity to
see it would be March, and so it wouldn’t have an opportunity to
be finalized by both councils until March, and so that’s what
you’re looking at for timelines.

CHAIRMAN DANA: Thank you. What is the pleasure of the
committee? John Sanchez.

MR. SANCHEZ: I have a question. When do you think the SSC is
going to meet on this, to look at Alternative 3?

MR. RINDONE: We haven’t brought Alternative 3 to them
specifically, but we did go along a very similar tangent with
the red snapper carryover that the council is considering, and
it kind of falls in the same boat. What I mean by that is that,
for the SSC to consider an increase in the ABC, there is a suite
of things that they want to be able to examine before they make
that recommendation to the council.

Since we’re talking about timelines, and Martha had actually
asked a while back how long some of this stuff would take,
Alternative 3 would require the SSC to be convened and to have
certain data received from the Science Center to be considered
to change the ABC. Then the subsequent adjustments to the ACLs
would happen after that.

Alternative 2, we’ve tried to set it up to be a little bit more
automatic, and so, from a timeliness standpoint, the idea is
that it wouldn’t take as long to actually implement on an annual
basis. Either way though, it’s going to require a temporary
rule to be issued by NMFS to make an adjustment to the ACL, and
so that has to happen either way. Alternative 2 probably
happens a little bit faster than Alternative 3.

CHAIRMAN DANA: What is the pleasure of the committee? John
Sanchez.

MR. SANCHEZ: I guess I will try to move with picking up
preferreds. For Alternative 2, as written, Option 2c, the 15
percent, and then couple it with the minimum threshold below of
Option 2g.

CHAIRMAN DANA: We have a motion that in Action 1 that
Alternative 2 --

MR. SANCHEZ: Alternative 2, Option 2c and 2g.
CHAIRMAN DANA: The motion is, that in Action 1, to make Alternative 2c and 2g the preferred alternative. Do I have a second for that motion? Dale Diaz seconds for discussion. Any discussion? John, would you like to explain your position?

MR. SANCHEZ: Yes, and we’ve discussed this before, and the rationale or the motivation is you have one sector that has been leaving a balance on their allocation, whereas another one has been fully utilizing it, and it could benefit from more.

One of the oaths that I took was to maximize the benefits to the nation of these resources that we’re using, and I think this would help to accomplish that, and it does have some safeguards in it. If they start to also fully utilize their allocation, then this would cease and desist, and so I think it does follow one of the National Standard mandates that we’re supposed to use, and we’ve discussed it before, and I think it’s kind of something we could use in other fisheries too, where it benefits the sector, perhaps, in need, while the one that isn’t perhaps utilizing it, they can give some to someone that might need it.

CHAIRMAN DANA: Thank you, John. Is there further discussion? Myron Fischer.

MR. MYRON FISCHER: Thank you, Madam Chair. John or Ryan, in the conditionally transferring the first portion of our options, it’s 15 percent of the entire stock allocation and not of the recreational quota, and is that correct?

MR. RINDONE: Yes, sir. Essentially, what that means -- Right now, the allocations are 68 percent recreational and 32 percent commercial, and so Option 2c, for one-year increments, would change that allocation to 53 percent recreational and 47 percent commercial, and that would be annually evaluated, and it would stay that way so long as the recreational sector stayed under 75 percent of that adjusted ACL, and so that 53 percent, and it’s not cumulative. It doesn’t keep changing. It’s just that -- Since it’s done in one-year increments, that’s what it means.

MR. FISCHER: My comment is, if recreational doesn’t have to catch very much more, because I would hope commercial stays around their 100 or 105 percent, we’re just not leaving that big buffer of fish in the water that we have for the last few decades.

I just thought these options were a little more risk-averse than maybe some of the conservative options, because you’re pulling the historic 70/30 that was changed to 68/32 down to 53/47, and
we are really just working off of that buffer that we’ve been saving out in the ocean for all these years.

CHAIRMAN DANA: John, to that point?

MR. SANCHEZ: Thank you. Yes, I think, in most of our management strategies and our quota allocations and everything, there is buffers -- Since I was in fisheries management in the 1990s, there’s buffers on top of buffers, and I think this is completely within the realm of doing something without remotely risking a biological impact to this. These fish, from what I’m hearing, some of them are growing old, and I just -- There is buffer on top of buffer, and I don’t agree with that.

CHAIRMAN DANA: Dr. Crabtree and Martha Guyas.

DR. ROY CRABTREE: If I am understanding this right, Ryan, assuming in Action 2 that we change the recreational accountability mechanism to eliminate the in-season closure provision, then, by doing this, the recreational fishery would never be shut down just because of this, because the AM would apply the next year and the temporary allocation shift would be negated at that point, and is that correct?

MR. RINDONE: Yes, sir.

CHAIRMAN DANA: Martha Guyas.

MS. GUYAS: I am not so sure about this. I am good with this general concept, but I may be inclined to go a little more conservative, just because we do have that amendment hanging out there that’s adjusting some things, including the recreational bag limit, and I know that it’s projected to -- The recreational still wouldn’t hit their quota, but stranger things have happened. Let’s just say that.

On the other side, if we made the move and then we had a situation where it reverted back to the default allocation, I wouldn’t want to have a situation where commercial anticipates getting this huge hunk of quota and they spend a bunch of money on gear and stuff, anticipating this higher yield, and then they have to pull back on that and they’re kind of out, but --

CHAIRMAN DANA: John Sanchez.

MR. SANCHEZ: I wouldn’t be opposed to a friendly adjustment in percentage, perhaps, like Option 2, the e or f or g or what have you. Now, as far as gear investments, pretty much there is what
there is in the runaround gillnet fleet, and I don’t see that
people are going to make any significant investment in the
fishery because of this.

CHAIRMAN DANA: Dale Diaz.

MR. DALE DIAZ: Thank you. I seconded for discussion because,
right before John made his motion, I was leaning towards making
a motion that was slightly more conservative, and it might be
something that would be a little bit more appealing, but I was
leaning towards making a motion, and I’m going to substitute
motion, and that’s what I would like to do right now, for Option
2b and Option 2g to be the preferred alternatives for Action 1.

CHAIRMAN DANA: Okay. We have a substitute motion that in
Action 1 to make Alternative 2b and 2g the preferred
alternative.

MR. DIAZ: That’s my motion.

CHAIRMAN DANA: Do I have a second for the substitute motion?
Martha Guyas seconds. Any discussion? John Sanchez.

MR. SANCHEZ: I am agreeable with this.

CHAIRMAN DANA: Okay, and so John is agreeable with that, and so
do you then -- Mara, how do I handle this?

MR. SANCHEZ: Can I withdraw that?

CHAIRMAN DANA: Should we just vote on the substitute? Okay.
Any other discussion? Seeing none, all those in favor, please
raise your hand. Let me just read the motion. The motion is,
in Action 1, that Alternative 2, which reads to conditionally
transfer a certain percentage of the allocation to the
commercial sector in the next fishing year if the minimum
recreational landings threshold is not met. If the commercial
sector does not land at least 90 percent of its annual catch
limit, this transfer will not occur. Landing data from two
years prior will be used to determine allocation transfers.
Option 2b is conditionally transfer 10 percent from the stock
allocation to the commercial allocation. Option 2g is less than
75 percent of the recreational ACL. All those in favor, please
raise your hand.

EXECUTIVE DIRECTOR GREGORY: Eight. It passes eight to zero.

CHAIRMAN DANA: Thank you. The substitute motion passes. Ryan,
let’s move into Action 2.

MR. RINDONE: Action 2 starts on page 11, and this is the accountability measure for the recreational sector that Dr. Crabtree alluded to a little bit earlier, and Action 2 would adjust the recreational accountability measure for Gulf kingfish. Our current AM for the recreational sector is an in-season AM, whereby, if the recreational landings reach or are projected to reach the recreational ACL, the bag limit will be reduced to zero for the remainder of the fishing year, and so that’s what is on the books right now.

Two alternatives to that have been proposed. Alternative 2 would replace the current in-season AM with a post-season one, whereby, if the recreational ACL is exceeded in any fishing year, the length of the following fishing season, so the next year, will be reduced by the amount necessary to ensure the landings don’t exceed the ACL.

Alternative 3 would also replace the current in-season AM with a post-season one, whereby, if both the recreational and stock ACL are exceeded in a fishing year, then the length of the following recreational fishing season would be reduced by the amount necessary to ensure that landings don’t exceed the recreational ACL.

In terms of leniency, Alternative 1 is the most stringent, and then Alternative 2 is less stringent, and Alternative 3 is less stringent still, and the point of all of this is to account for the activity that you guys may elect to do in Action 1 with the allocation sharing.

If the recreational sector, for whatever reason, exceeds its ACL in say 2016, then their fishing season in 2016 isn’t abbreviated. Any change to that would happen in 2017, but, in 2017, the recreational sector would have already received back the fish that it might have shared, based on the landings, and so I don’t know if that makes any sense. Action 1 would give those fish back to the recreational sector before the accountability measure could have any effect. They kind of work together. Does that make sense to everybody?

CHAIRMAN DANA: Dr. Crabtree.

DR. CRABTREE: Yes, it does make sense to me. Just from a practical standpoint, I don’t think there is a lot of difference between Alternative 2 and 3. If you assume the commercial guys are going to catch their ACL every year, if the recreational
goes over, the total ACL is going to be exceeded.

Nonetheless, it does seem to me if somehow the recreational went over a little bit and the commercial were under and we were beneath the overall ACL, there wouldn’t really be a need to do anything, and so Alternative 3 makes sense to me. I would make a motion that we adopt Action 2, Alternative 3 as our preferred.

CHAIRMAN DANA: We have a motion in Action 2, to make Alternative 3 the preferred alternative. Alternative 3 reads to replace the current in-season AM with a post-season AM. If both the recreational ACL and the stock ACL are exceeded in a fishing year, the length of the following recreational fishing season will be reduced by the amount necessary to ensure the landings do not exceed the recreational ACL. Do I have a second?

MS. GUYAS: I will second it, and then I will ask a question.

CHAIRMAN DANA: Martha Guyas seconds. Is there discussion? Martha.

MS. GUYAS: I feel like I ask this question every time, but I maybe haven’t asked it in the right words. I understand that we are using an adjusted fishing year for recreational here, to match the commercial, when we’re tracking catches. When is that data actually final? In other words, if there is an overage on the recreational side, when is that caught? When would that overage -- Not the overage, but the season be adjusted to account for that for the recreational?

MR. RINDONE: The recreational fishing year technically runs from January 1 to December 31, but the landings are recorded on the same timeline as the Western and Southern Zone hand-line seasons, which is July 1 to June 30.

If there was going to be -- Since we’re talking about making an adjustment to the commercial ACL with the allocation sharing thing in Action 1, it would be based on that July to June season, and so we would know whether there had been an issue within I guess forty-five days after the closing of Wave 3, and so the middle of August.

MS. GUYAS: So preliminary landings would be used for that, in this case?

MR. RINDONE: In this case, yes.

MS. GUYAS: I guess the reason I’m asking is because a few years
ago, with red grouper, we got into a situation where we were over the ACL, but it didn’t get caught until the following spring, and I guess it wasn’t handled for that following year until like May or something like that, and that caused some problems, and so I’m trying to make sure that we’re not -- Even though the fishing year would be ending I guess the end of June, for accounting purposes, and we’re not waiting until the following March or April to say, okay, the recreational went over and then do a rule to adjust the quota, and do you see what I’m saying?

MR. RINDONE: These things all would kind of happen together, the allocation sharing thing and the analysis of the accountability measure. It would all happen at the same time, and so, if the recreational sector is over, or if they have exceeded the minimum threshold, then there’s not going to be any allocation sharing, but, if they have exceeded their ACL, then the accountability measure would be considered.

Since there wouldn’t be any allocation sharing in the following year, because the minimum threshold was met, then all of those fish come back to the recreational sector and then the AM kind of becomes a moot point and doesn’t get put into place.

Now, for a large number of the AMs that we have, we have to use preliminary data, and so when we say they’re projected to be reached, and so that’s that whole head-it-off-at-the-pass thing. As far as that, that’s kind of hard to get around with this specifically, but it just serves as an insurance, combined with Action 1.

MS. GUYAS: Okay. I am just trying to ask the questions, because I sense there is still some people that are uncomfortable with this on the recreational side.

CHAIRMAN DANA: Is there further discussion? Doug Boyd.

MR. DOUG BOYD: I’m not on the committee, but I have a question. Ryan, if I understand this correctly, what will happen, procedurally, is that if the recreational sector shares, and then they go over their reduced ACL, the following year, they will be punished with an accountability measure that next year out of their increased limits the next year, and is that correct?

MR. RINDONE: In a way. The accountability measure would come into effect, but it would be based on what the ACL was going to be for that next fishing year, and since that next fishing year
would include all the fish that would have been shared, then
that would be taken into account. If they were over by say a
few percent, then it would be a moot point, because, in the case
of what you guys picked in Action 1, their chunk of the stock
ACL pie would go up, to back to 68.

MR. BOYD: Okay, but the point that I would like to make is that
they would have -- In that next year, they would have a reduced
ACL because they are being punished because they went over
because they shared fish that they wouldn’t have had anyway, and
so my thought would be, and, again, I’m not on your committee,
is those fish shouldn’t come out of the recreational, but it
should come out of the commercial at that point and let them
have a reduced bag limit, a reduced ACL.

MR. RINDONE: Technically, it is, because, instead of that 10
percent annual increase going to the commercial, it’s now
reverted back to the recreational, and so the commercial loses
that 10 percent of allocation sharing and the recreational gets
it back.

MR. BOYD: But if there was never a shift in the first place,
the recreational sector would not have gone over and there
wouldn’t be any accountability measure.

CHAIRMAN DANA: Dr. Crabtree.

DR. CRABTREE: But the accountability measure doesn’t apply that
year. It’s the next year, and you get the fish back the next
year, and so you would only have something happen if your
projected catches for the next year are higher than your entire
ACL without any of this taking place, and so I don’t see that
there is any kind of punishment or anything there, because you
get the fish back before anything happens, and you would only
have some adjustment if you were going to catch those fish and
your entire ACL, and so I’m not sure I see what you’re saying,
Doug.

MR. BOYD: What I’m saying is that, in effect, the recreational
sector, whether they go over their ACL or not the next year,
have a reduced ACL because they shared fish.

DR. CRABTREE: The status quo, Doug, right now, is, if you go
over your ACL, we’re going to shut you down, and so you’re going
to get a closure if you exceed your ACL under status quo.

MR. BOYD: But if we had never shared fish, we wouldn’t be in
this situation.
DR. CRABTREE: You would, because, if you exceed your ACL now, you would get a closure.

MR. BOYD: But we don’t, and that’s my point.

DR. CRABTREE: If you don’t, then you will never get a closure, and you will never exceed it.

MR. BOYD: Well, I am going to agree to disagree with you. My point is that the recreational sector is talking about sharing fish. Then we end up with a punishment, at some point in the future, if we go over our reduced ACL because we were nice enough to share. Regardless of what the outcome is, we still have a punishment of some sort, because we went over a reduced ACL. That’s my point.

MR. RINDONE: Mathematically, it’s the commercial sector that loses the fish in the following year.

MR. BOYD: They just lose what we gave them. If they were really going to lose something, we would take whatever the recreational overage was and take it away from their then reduced ACL back to what it should be.

CHAIRMAN DANA: Dale Diaz.

MR. DIAZ: Thank you. I just want to state that I like this concept of what we’re trying to do. Basically, we’ve got a fishery that we have not been fully utilizing. The recreational sector, if you look at it over the last fifteen years, we’ve been leaving roughly four-million pounds a year unharvested, and I think we’re just trying to figure out a way to utilize this king mackerel fishery a little bit more efficiently and still be conservative, and I think what we’ve got on the table does that.

I do agree with Mr. Boyd that I don’t want to see a situation where the recreational fishery is ever punished. I think the IPT gave us some good recommendations, and they helped improve what we had from the first couple of drafts, and I believe, where we’re at right now, we’re in a pretty good place and we’re doing as much as we can do to protect the recreational fishery.

Even the Alternative 3 that Dr. Crabtree is proposing is the one that is the most restrictive and does the most to protect the recreational fishery, and so, anyway, in my mind, I think we’re breaking some new ground. We’re doing some stuff that’s innovative, and I think we’re trying to do everything we can to
make this fair and to protect the recreational folks, and I am hoping, at the end of the day, we get some good public comments. Maybe we can even improve the document from where it’s at now and we can look at trying to look at this way of managing fisheries. Thank you.

CHAIRMAN DANA: Thanks, Dale. Dr. Crabtree and then Leann.

DR. CRABTREE: I just want to come back to this, because there is no punishment here or anything like that, and I don’t think folks are understanding it. Under the current status quo regulations, if the recreational fishery is projected to catch their ACL, they are going to be closed.

Under this provision, if the recreational exceeds their ACL in the same year as this transfer takes place, they don’t get closed. They would only be closed the next year if we projected they’re going to exceed their entire ACL without any sharing. That is the same provision that is on the books now, and so, under either the status quo or under this scenario, they will only have a closure if they’re going to exceed their full ACL. That is currently the way it is, and that’s the way it is under this amendment.

CHAIRMAN DANA: Martha, to that point?

MS. GUYAS: Roy, to that point, I am trying to help break it down to what this actually looks like. Let’s pretend that the recreational ACL and the stock ACL are exceeded during one of these transfer years. The following fishing year, you guys would be watching the landings as they come in that following year.

Then, if you get towards the end of the year and it’s looking like the recreational is going to hit their quota again, you would do some kind of early closure. It wouldn’t be like, okay, it’s July 1 and it’s a new fishing year and we think, instead of the fishery running through June 30, that we need to close March 1.

DR. CRABTREE: Yes, we would look at what data we have and make a projection out. If they’re projected that they’re going to exceed their entire ACL, without any borrowing or anything, and if the entire ACL was exceeded in the previous year, then they would have a closure. Under the current regulations, if we projected out that they’re going to catch their entire ACL, they would have a closure. It is effectively the same thing.
CHAIRMAN DANA: Leann Bosarge.

MS. BOSARGE: Thank you, Madam Chair. I was just to ask Ryan if maybe, at Full Council or at some point in the future, if you could maybe give us two examples of this with actual numbers. Could you come up with some numbers for us to look at? Like maybe base one of them off of what typically has been landed in the past and give us that evaluation, and I am talking about for these accountability measures, and then give us a worst-case scenario. Show us something that, if these numbers were what was landed, this is how somehow the recreational sector would be penalized, so that we can really visualize it and make sure we have a good grip on it.

MR. RINDONE: It will be done.

CHAIRMAN DANA: Thanks, Leann. Let’s bring this in for a landing. Again, this does go to the Full Council for further discussion, and so we have a motion on the board. Unless anyone has a burning further comment, and I don’t see any, the motion is, in Action 2, to make Alternative 3 the preferred alternative. Alternative 3 reads to replace the current in-season AM with a post-season AM. If both the recreational ACL and the stock ACL are exceeded in a fishing year, the length of the following recreational fishing season will be reduced by the amount necessary to ensure the landings do not exceed the recreational ACL. All those in favor, signify by raising your hand.

EXECUTIVE DIRECTOR GREGORY: Seven.

CHAIRMAN DANA: All those opposed. The motion passes.

EXECUTIVE DIRECTOR GREGORY: It was seven to zero.

CHAIRMAN DANA: All right. Now we have to discuss the locations for the public hearings.

REVIEW OF PUBLIC HEARING LOCATIONS

MR. RINDONE: Thank you, Madam Chair. You guys actually already selected locations for this particular amendment, but you had selected them in tandem with the coral hearings, which aren’t going to happen quite as quickly, or aren’t likely to happen quite as quickly, as these.

You had included Brownsville, Texas, which is not a city that we typically visit for mackerel stuff, and so, basically, I’m just
asking that you guys clarify whether you think that we need to take this to Brownsville or not, because it’s not somewhere we have gone before for mackerel.

CHAIRMAN DANA: Lance.

MR. LANCE ROBINSON: Brownsville is not necessary for mackerel.

CHAIRMAN DANA: Ryan, offhand, can you remember the locations?

MR. RINDONE: We had Corpus, Galveston or adjacent, and I think it was League City, Houma, Biloxi, Mobile, Panama City, Tampa/St. Pete, and Key West.

CHAIRMAN DANA: Okay. Unless there is any opposition to having Brownsville taken off the list, we can just go ahead and go with the revised list of locations.

MR. RINDONE: I will assume that’s good enough. Thank you.

CHAIRMAN DANA: Let’s go into our final item, which is Review of the SSC Discussion of Updated Gulf King Mackerel Projections. Dr. Powers.

REVIEW OF SSC DISCUSSION OF UPDATED GULF KING MACKEREL PROJECTIONS

DR. JOE POWERS: Thank you. There is a short PowerPoint presentation. Essentially, there was a presentation of the time streams for yield, and these were being adjusted because of the changes in catch, or not changes in catch, but the fact that the catches were lower than originally projected when we did these projections first.

This more or less explains that. The previous projection ran through 2020, and they were based on landings in 2013 through 2014, and assuming that those would be equal to the 2012. Of course, as we accumulated information for those years, then those catches were different. Therefore, the objective was to just use those catches and do another projection. It also defines here what was the definition of the overfishing level and the ABC, in terms of the P* sorts of probabilities.

Unfortunately, there are some things that the SSC doesn’t really understand, and, if you look at the original projections for the fishing years 2017 through 2019, you see the OFL there, which is basically the overfishing limits that are based on fishing mortality rates at maximum sustainable yield, and so you see
there on the order of about nine-million pounds. Then the ABC, which adjusts for that $P^*$, was on the order of about eight-and-a-half to 8.8 million pounds for those three years.

When they were updated, using the actual catches for those years, you can see there that they are significantly lower. Now, there are a lot of questions about this, and, essentially, what the SSC was saying is we don’t really understand this. Some of the concerns were, some of the references were, that these were 4 percent lower, but, in fact, that table is something on the order of 15 to 18 percent lower.

There is all kinds of things that can go on when doing these sorts of projections. Basically, when you do the projections, the original projections, what you’re saying is what is going to happen to recruitment over that whole time series, up to 2020? What is going to happen to the sizes of fish that are being caught? Like I said, there is a number of things that can go wrong.

Ultimately, from a scientific standpoint, you recognize that doing any of these sorts of projections, where you’re sort of adjusting the baseline from which you start from, those are always going to be better if you have the most recent data and you include all the information, which, in essence, is what a stock assessment is. These updated projections are just sort of ad hoc way of including some of the information, and particularly the changes in catches.

These are some of the comments that were being made, that, because there isn’t much change between the 2017 to 2019, the supposition is that this is near to where the maximum sustainable yield or the overfishing level ought to be, the sustainability point, but, in fact, the assessment itself said, in 2013, that the spawning stock biomass was above the overfished level, and so the question is why would you have, over a relatively short period of time, have a dropping down to that level over a relatively short period of time.

It also was noted that you can get shifts in the sizes of animals or fish that are being caught, and those can change things like the allocations and the relative fishing mortality rates between sectors, and those are important, in terms of the projection.

In essence, the SSC said basically that we were unwilling to accept these adjustments without some further guidance from the Center, and, essentially, that’s the conclusion, but I would
also indicate that you’re always going to have some sort of problems with doing long-term projections and then adjusting them mid-stream, based on partial data. It is partial data, and so you kind of get what you pay for there. Ideally, of course, it would be better to do an assessment every year, but nobody in the Center would want to do that, and nobody here would want it done either, I think.

Essentially, the SSC is saying that we were unwilling to go forward with those sorts of adjustments until we get further information, but also sending the signal that you’re always going to have some sort of problems, because you’re making midstream adjustments based on partial data. Thank you.

CHAIRMAN DANA: Thank you, Dr. Powers. Any questions? Dale Diaz.

MR. DIAZ: Thank you, Dr. Powers. I am just trying to figure out what the next step is. At the next SSC meeting, are you all going to address this and give some further guidance?

DR. POWERS: Yes, and I think that was the essence of it, is that it was referred back to get some further guidance from the Center and that then we would address that at the next meeting.

CHAIRMAN DANA: Any further questions? Are you here for the whole meeting, Dr. Powers, or just today?

DR. POWERS: Through Wednesday morning.

CHAIRMAN DANA: I encourage anyone, if you have questions offline, to please ask Dr. Powers. Okay. That concludes our committee meeting.

(Whereupon, the meeting adjourned on October 17, 2016.)