GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

REEF FISH MANAGEMENT COMMITTEE

Omni Hotel
Corpus Christi, Texas

August 21-22, 2018

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The Reef Fish Management Committee of the Gulf of Mexico Fishery Management Council convened at the Omni Hotel, Corpus Christi, Texas, Tuesday morning, August 21, 2018, and was called to order by Chairman Martha Guyas.

ADOPTION OF AGENDA
APPROVAL OF MINUTES
ACTION GUIDE AND NEXT STEPS

CHAIRMAN MARTHA GUYAS: Let’s start with the Adoption of the Agenda. Are there any additions to the agenda? Dr. Simmons.

EXECUTIVE DIRECTOR CARRIE SIMMONS: Thank you, Madam Chair. Could we please add, under Other Business, an update on the scheduling of the Red Snapper Charter/For-Hire and Headboat Reef Fish APs, please?

CHAIRMAN GUYAS: We can do that. I had another item on my list as well, a quick discussion of amberjack and the timing of that amendment that we were working on. You all may remember this, and it’s been tabled, I think, for a few meetings, or just kind of hanging out on the side, and so anything else that we need to add to the agenda? Okay. Is there a motion to approve this revised agenda? Motion by Tom Frazer, and it’s seconded by Paul Mickle. Thank you. Any opposition? Seeing none, the motion is approved. Are there any additions or changes to the minutes? Seeing none, the minutes are approved.

MS. LEANN BOSARGE: Sorry, but I forgot to mention that we have Dr. Shipp that’s on the webinar today, and so, if anybody sees him raise his hand electronically on the screen -- Please, everybody, keep an eye and let us know. Dr. Shipp, if for some reason we’re not recognizing you, you can always text me, and I will see that, and we’ll stop and get you unmuted.

CHAIRMAN GUYAS: All right. We have an action guide, and I don’t know that we need to go through that, but keep it with you as we move through the agenda today. That will guide us in what we need to get done on each of these items. Let’s just move into our first agenda item, which is the Review of Reef Fish Landings, and I assume that Sue is going to walk us through those.

REVIEW OF REEF FISH LANDINGS

MS. SUSAN GERHART: Thank you. For commercial landings, we just look at gray triggerfish and greater amberjack, because most of the other major species are under the IFQ program. You can see
that, for this year, we have landings through mid-August, and
triggerfish is still open, with 71 percent. I have actually
gotten an update since then, and it’s about 78 percent now, and
we’re looking at perhaps a mid-October closure for that one, if
it continues at the rate it currently is. Amberjack closed in
April. We also have the 2017 landings down below for
comparison.

On the next page, here we have recreational landings of several
species. For MRIP, we only have through the end of April. The
rest of the landings there are LA Creel, and we don’t have any
Texas data for 2018 yet, and so you can see where we are with
those species at this point. We don’t have any of the red
snapper for-hire landings yet, because that was in Wave 3, or
began in Wave 3, and so we don’t have those yet.

What we do have is the private angling for red snapper from each
of the state EFPs, and there are updates to this table since I
put it in the briefing book, and I believe we have all of the
states closed now for private angling from their EFPs. These
landings are from the time period which you can see under the
date, and that is the date through which those landings apply.

We don’t have landings from Florida, because they are tied into
the MRIP, and so, obviously, if we don’t have MRIP, we don’t
have the Florida landings as well, and so, right now, Florida
closed on July 20, Alabama closed on July 22, Mississippi closed
on August 17, and that was last Friday, and Louisiana closed on
August 12, and Texas is projecting to close tonight at midnight.

On the next page, here is the amberjack landings. Remember we
changed the fishing year for amberjack, and that’s why they are
set out separately. The fishing year now starts in August, and
so I’m showing you the 2017/2018 landings. We were closed at
the end of 2017, although there are some state landings that are
included there for August through December that you can see.

In January, we were open, I believe, for three weeks, until the
final rule took effect to do the January/February closure, and
so there is landings from that, and then we were closed until
May, and so the season was open for the month of May. Of
course, we don’t have MRIP landings, and so those are only LA
Creel landings that you see there, but, as we are right now, it’s
well, well below the ACL, and, again, that season ended at
the end of July, and so we are on a new quota starting August 1,
and we should have landings for that at the next meeting. Then,
again, there is 2017 final landings that are down below just for
comparison sake.
On the next page, these are a couple of stocks that I highlighted. There are quite a few other stock ACLs that we have, but these are two that you have management actions that you will be discussing today or in October, and so gray snapper and hogfish recently had stock assessments.

You can see the preliminary landings for 2018. Again, those commercial landings are through mid-August, but the recreational landings, or MRIP at least, is only through the end of April, and then we have some LA Creel data in there, I think, and I’m not sure if those species are in LA Creel, but you can see where we are with those, and you can also, again, see 2017 for comparison, that neither of those closed, although we are looking at reductions in ACLs for both of those species, and that is the end of my report. Thank you.

CHAIRMAN GUYAS: Thank you, Sue. Are there questions?

MS. BOSARGE: Robin, I had a question. I was seeing, on your landings, that you’re at about 52 percent as of the 10th, and you all are closing. Are you thinking that you’re going to have a fall season? Is that what you’re doing or --

MR. ROBIN RIECHERS: No, the way we set up our EFP was we basically started our state water season in January, like we normally do, long before the EFPS came in, and we’re going to continue that, and so we basically pulled those landings off the top, so that we could continue that season. We opened on June 1, and we have had our federal-water season, and it will be closing tonight at 12:01. That basically is the first minute of closure.

CHAIRMAN GUYAS: Any other questions? Yes, Patrick.

MR. PATRICK BANKS: I just have a question of you. Do you all have any indication at all of your landings?

CHAIRMAN GUYAS: Well, we’re nervous, but we’re waiting for the MRIP stuff, and so our best estimates are when we have our Gulf Reef Fish Survey and MRIP combined, and so, until we have Wave 3, we don’t have numbers to post on the website.

MR. BANKS: When do you expect those?

CHAIRMAN GUYAS: Wave 3, I think, was due yesterday, but we don’t have it yet, and so we’re working with NMFS staff to get that as soon as we can.
MR. BANKS: Thanks.

MR. RIECHERS: To your point, Leann, the other question -- Mara just made me think about it, but, obviously, that was as of through last weekend, and so we’ll have an additional X percentage points that are added after we calculate where we are at closure time.

CHAIRMAN GUYAS: Okay. Let’s move into our first agenda item then, if there aren’t any other questions, I guess other than the reef fish landings, which is the Final Action on the Framework Action to Modify Red Snapper ACLs and ACTs and Gulf Hogfish ACLs. We’ve got a couple of different staff that are going to help on this one, and it looks like first up we have the Summary of Public Comments Received from Ms. Muehlstein.

FINAL ACTION: FRAMEWORK ACTION TO MODIFY RED SNAPPER ACLS AND ACTS AND GULF HOGFISH ACLS
SUMMARY OF PUBLIC COMMENTS RECEIVED

MS. EMILY MUEHLSTEIN: Thank you, Madam Chair. We received three written comments on this issue. Two of them were specific to the amendment, and one of them stated that the red snapper annual catch limit should be increased, because red snapper are everywhere. The other comments suggested that the council do not reduce the hogfish annual catch limit, because they can only be harvested via spearfishing, and that’s it.

CHAIRMAN GUYAS: Thank you very much. Questions about the public comments? Let’s go ahead and move into the document itself then. I assume, Mr. Rindone, you’re going to lead us through?

FRAMEWORK ACTION

MR. RYAN RINDONE: Yes, ma’am. Like we did with the CMP Framework Amendment 7, the last time, we have a hogfish hot sheet, which is Tab B, Number 5(d), which has some of the general hogfish information for you guys to look at. We won’t go through that in detail, but it just shows the characteristics of the west Florida stock, which is the one that we’re looking at, and it also has a synopsis of the landings down in the lower left, and so you can kind of reference that as we go through this and for your own edification.

In the actual document, which is Tab B, Number 5(b), we’ll start with the purpose and need here. The purpose is to modify the
ACLs and ACT for these two species based on the recent stock assessments. The need is to set those catch limits consistent with the best available science, which the SSC just finished reviewing, and to achieve optimum yield consistent with Magnuson.

As you guys may remember, hogfish are considered to be three separate stocks. We have a west Florida stock, we have a Florida Keys and east Florida stock, and then we have another one that goes from Georgia up through North Carolina, and so this particular document for hogfish is only looking at the west Florida stock.

Jumping right into the actions, and, of course, as usual, I expect you guys to just interrupt me if you have a question, but the first action would modify the red snapper annual catch limits and recreational annual catch targets. Alternative 1 shows what we currently have, based on the last update stock assessment, and these figures are fixed at 2017 levels.

Alternative 2 would modify the red snapper ACLs and recreational ACTs based on the ABC recommendations from the SSC for 2019 through 2021 and subsequent years. What the subsequent years part means is, if no further updated information is received to change the catch limits after 2021, they just get fixed at that 2021 level in perpetuity, until that is changed again.

The ACL is set equal to the ABC, and allocations and ACTs are applied as appropriate in that table, and so this is a declining trend here from 2019 through 2021, in terms of the size of the ABCs and the ACLs, and this is because we are currently a little bit ahead of our rebuilding plan. We’ve had some good recruitment, and so we’re -- Because we are fixing the projections to rebuild the stock at 2032, this is allowing us to fish a little bit harder now and fish that surplus that we have, since we’re a little bit ahead of where we projected that we would be based on the rebuilding plan. Does that make sense? All right.

Alternative 3 sets up a constant catch scenario, which is essentially just the average of what is shown in Alternative 2, for 2019 through 2021 and subsequent years, and, again, the ACL is set equal to the ABC, and the allocations and the ACTs are applied as appropriate within the table for the sector and sector components.

The SSC recommended both of these in an equal manner. The constant catch one, like I said, is just an average of what is
shown in Alternative 2, and so it’s really up to you guys as far as how would you like to approach this. Madam Chair.

CHAIRMAN GUYAS: Thank you. Let’s have some discussion on this. Remember this is a final action document, and so it would be nice to come out of committee with some recommendations for the public to react to, and so who wants to start? Ms. Boggs.

MS. SUSAN BOGGS: I do have a question. With the new stock assessment that will be coming up next year, how will that affect this, or will that be just a new amendment that would have to take place if we take final action here?

MR. RINDONE: Any new stock assessment that we get will eventually go through the SSC and will yield new OFLs and ABCs and so, after that, we would take that management action, and so that doesn’t really affect this. This is based on the assessment that we just received, SEDAR 52, and so this represents the best science that we have now.

CHAIRMAN GUYAS: Dr. Frazer.

DR. TOM FRAZER: I don’t have a real strong preference between these Alternatives 2 and 3. One of the things I would ask, I guess, with regard to Alternative 3 is oftentimes we hear about stability in the various industries, and it seems to me that a constant kind of catch scenario might be favorable in that regard, and so maybe we can get somebody to weigh-in on that point.

CHAIRMAN GUYAS: Kevin.

MR. KEVIN ANSON: Yes, that’s what I was going to say as well, is that’s what folks here in the last four or five years, as I recall, want some stability, or as much as possible in management, and so the Alternative 3, I think, provides that.

CHAIRMAN GUYAS: Andy.

MR. ANDY STRELCHECK: I would speak in support of the average catch as well. I think with where we’re at in the rebuilding plan and seeing the growth of the stock, it makes a lot of sense to go with the constant catch for that stability.

CHAIRMAN GUYAS: Ms. Boggs.

MS. BOGGS: I would also agree to Alternative 3 with a constant catch.
CHAIRMAN GUYAS: All right, and so we’ve got some support for Alternative 3. Dale.

MR. DALE DIAZ: Based on the conversation so far around the table, I would like to make a motion that we make Alternative 3 the preferred alternative.

CHAIRMAN GUYAS: Okay. Is there a second for that motion? It’s seconded by Kevin Anson. All right. Let’s get that up on the board. Is there any discussion or questions on this motion, while we’re waiting for that? It seems like we may be in relative agreement on this one.

All right, and so the motion is up on the board now, which is, in Action 1, to make Alternative 3 the preferred alternative, and that’s our constant catch scenario. Is there any opposition to this motion? Seeing none, the motion carries. Let’s go to our next action.

MR. RINDONE: All right. Good job, everybody. That was quick. In Action 2, we’re looking at the west Florida stock of hogfish. Alternative 1 is -- Just as an aside, we also have the document that is going to look at the red snapper recreational ACT buffers, and, right now, we have two separate drafts of codified text, one for changing the ACLs and one for looking at the ACTs for those respective documents, but, during rulemaking, those are going to get merged together to do that at one time.

For this document, the codified text for you guys doesn’t really show you an awful lot, because there were no preferred alternatives, but that will all be filled in for you before we get to Full Council, and so we’ll have that squared away for you.

All right, and so back to Action 2, west Florida hogfish. What we have now is in Alternative 1, and so, for 2018, we have an OFL of 232,000 pounds and an ABC of 219,000, and the ACL is equal to the ABC. Then, in 2019 and subsequent years, the ABC drops to 159,300 pounds. That is the yield at 75 percent of F30 percent SPR, which is our FMSY proxy.

Alternative 2 would modify the west Florida hogfish OFL, ABC, and ACL based on the SSC’s recommendations for 2019 through 2021 and subsequent years from the SEDAR 37 update stock assessment, and, again, the ACL is equal to the ABC. There is no ACT in here, because, in Amendment 43, you guys chose not to use ACT, and so we figured we won’t put that in here and rehash it, and
so those are the catch limits for 2019 through 2021 that you see in the table there under Alternative 2.

Hogfish are not thought to be overfished or experiencing overfishing. However, the update assessment -- There was considerably more uncertainty around the projections for the update assessment, and so that’s why the catch advice is lower than it was before, to reflect that. We do not have sector allocations for hogfish in the Gulf. It’s just managed as a stock ACL, but the recreational sector does harvest the preponderance of hogfish. Any questions?

CHAIRMAN GUYAS: All right. If there aren’t any questions for Ryan, we still need to talk about this one as well. This one is also on the agenda for final. I am looking at my Florida people here.

MR. RINDONE: Something that may -- Maybe this will help anyway, and sorry to just jump in like that, Madam Chair, but something that may help is if you look at Table 1.1.2.2, you can see the landings of hogfish for 2001 to 2017. We’ve been trying to stick to say about 2000 on and forward for some of these documents, just because the dynamics of how we fish and the people that fish and where effort comes from are -- They are not what they were in 1986, and so, if you guys want to see landings back that far, we can certainly provide those to you, but we just thought this was more representative.

You can see the percent landings recreational and commercial for hogfish and the total landings in the second column from the right, and there is some considerable swings in landings that have happened in the last seventeen years there that you can see, as high as 306,000 pounds in 2016 to as low as 61,000 pounds in 2006, and so some big swings for sure. Then, last year, the 2017 estimates were 108,000 pounds, which would be below the catch advice provided in Alternative 2, but, in 2016, there would have been quite an overage, and so that’s just something else for you guys to chew on a little bit.

CHAIRMAN GUYAS: Paul, did I see your hand go up?

DR. PAUL MICKLE: Yes, thank you. With MRIP landings, what we do at DMR is we really look at the percent standard errors. It gives us some sort of, I don’t know, thermometer of the number that we’re pushing through a possible analysis, and is there any way that we could get the PSEs into the table, or are we too far down the road on a final?
MR. RINDONE: If you give me about twenty seconds, I might be able to tell you.

DR. MICKLE: I can talk for twenty seconds. I know hogfish fairly well, being from Florida, but I don’t know how variable the catches are. This shows it to be fairly variable. I would say, from year to year, these are large swings, which do you believe that or not, and PSEs kind of give that overall understanding, and does anybody agree or have anything else to add, as far as localized reef fish populations in parts of the Gulf and their variability in catch?

CHAIRMAN GUYAS: Patrick.

MR. BANKS: I was going to put Martha on the spot with that very question, is how much do you believe those big swings? I mean, does that seem consistent with what you guys know about hogfish landings in your state, or could that just be simply an error issue in the data?

CHAIRMAN GUYAS: I mean, I guess I will wait until Ryan pulls up the numbers, but I think it could be an error issue. With hogfish, because they’re speared and it’s largely recreational, there is a lot of I guess you could say uncertainty in those MRIP landings, which doesn’t really set us up for a good situation here, since we would be cutting the quota pretty significantly, but we’re not overfished or undergoing overfishing, and so we wouldn’t be in a payback situation, but we could be in quota trouble.

Also remember that last year we increased the minimum size limit a few inches, at the request of the industry, to keep ourselves out of trouble. Whether or not that works or not, I guess we’ll find out. Because it only took effect last year, we really don’t have a lot to go off of, and so --

MR. RINDONE: I am trying to find it on the NOAA website or CountMyFish, and I am not seeing it.

CHAIRMAN GUYAS: Ryan, while you’re doing that, we’ve got a couple of questions here. Tom, you go first and then Leann.

DR. FRAZER: Sure. I guess this question would be for Clay and/or Luiz, if he’s around, but we talked yesterday about changing kind of -- There’s an assessment this year for hogfish, right, and I think FWRI does that assessment, and so are they going to complement the NMFS way of doing things? Are they going to have like a research type of an assessment here?
I mean, because hogfish is unique in the way that it’s harvested. There is a lot of spearfishing, and it’s maybe subject to that type of an assessment, and I just didn’t know what the plans are moving forward with it. If the modeling is problematic or a concern, how conservative do we want to be at this point, maybe, with things?

DR. CLAY PORCH: The proposal, as it stands, is to do it across the board, but we actually haven’t had that discussion with Luiz, and so, as you know, we’re meeting for lunch to talk about those sorts of things, and so maybe we can iron that out.

CHAIRMAN GUYAS: Carrie.

EXECUTIVE DIRECTOR SIMMONS: Thank you. I just wanted to mention that the SSC did request a benchmark-style assessment for the next assessment regarding hogfish, and so, on our draft agenda for 2021, we did have that noted as a benchmark-style research track, because of the concerns with the last update assessment.

MS. BOSARGE: My question might be for Luiz. I was just -- I was looking at Alternative 1, which I’m assuming those numbers came out of not this assessment that we just did, but the last assessment, because that is status quo. We would just be living with our old numbers, which I grant you is probably not what we want to do, but I noticed, from 2019 forward, that ABC dropped down to 159,000 pounds, roundabout, and, in the new assessment, it’s a little lower than that, and it looks like probably because of uncertainty.

Look at the OFLs. Let’s look at that. In Alternative 1, you had 161,000 as your OFL for 2019. Then, in Alternative 2, with the new assessment, it’s not that far from it. It’s 151,000. Either way, that’s a pretty big drop from the 232,000 that it was in 2018, and so it almost looks like, whatever came out of this new assessment, the new assessment saw the same issue as the old assessment in 2019, but what’s driving that? I guess that’s what I’m wondering. What was driving that dramatic downturn?

CHAIRMAN GUYAS: I think I remember this right, but, Ryan, correct me if I’m wrong. I think, after I guess 2019 and beyond, the SSC defaulted to the equilibrium yield, and so that’s what that was. They just didn’t want to project beyond three years, in terms of the ABC and the ACL. They were concerned about that, and we had a similar discussion, where we
really wanted to have another assessment after those three years, and so we do, hoping that we could update with fresh numbers, and we have, but they’re not very optimistic. Andy.

MR. STRELCHECK: To add I guess a finer point to this, in terms of what our options are here, the SSC has specified an ABC that will be lower than that average ABC, and so it might be that we only have Alternative 2 to choose from.

CHAIRMAN GUYAS: Yes, we’re in a tough spot here, but anybody have motions or questions? Ryan, were you able to pull those data?

MR. RINDONE: John was able to find it using a different time series, and maybe that was the trick.

DR. JOHN FROESCHKE: Well, I just picked some numbers, and I figured that was close enough.

MR. RINDONE: Well, it worked, and so you’re looking at percent standard errors, Dr. Mickle, that range anywhere from -- Proportional standard error, excuse me, but from 47.4 in 2012 to as low as 17.9 in 2014, but I would say, eyeballing an average, it’s about 28.

CHAIRMAN GUYAS: Dr. Mickle.

DR. MICKLE: Thank you, Madam Chair. The decision that I am chewing on and I want to share with the group is, with the rebuilding plan, you’re going to -- If you increase catch now, you’ve got to reduce later on, and so this is a decision to make between these alternatives, in my mind, and so, if you believe the data that it’s a fairly steady catch, and you believe that the fishery is exploited to a certain level of steadiness, then you can be aggressive, but you’ve got to pay them back down the road on the rebuilding plan.

CHAIRMAN GUYAS: Just to be clear, we’re not in a rebuilding plan with this fishery.

DR. MICKLE: I thought we were on 2032. Okay. I thought we were on a rebuilding plan. I apologize. I withdraw.

CHAIRMAN GUYAS: Kevin.

MR. ANSON: Picking up on what Andy had said, I will make a motion to make Alternative 2 the preferred alternative in Action 2.
CHAIRMAN GUYAS: Okay. While that’s going up on the board, is there a second for that motion?

MR. STRELCHECK: Second.

CHAIRMAN GUYAS: Second by Andy. Thank you. Do we have any more discussion on this issue and this motion in particular? All right. Is there any opposition to this motion? Seeing none, the motion carries. Leann.

MS. BOSARGE: I am wondering -- Can we not have a constant catch on this one as well? In the past, we’ve done it as a straight average, and even the SSC has been doing a straight average of those three years.

CHAIRMAN GUYAS: I see lots of staff hands. Dr. Simmons, do you want to go first?

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. I was just going to bring up that we were there during the SSC meeting, and I think I specifically asked that question, and the SSC said, because there was an increasing yield stream, they didn’t think the constant catch was necessary.

CHAIRMAN GUYAS: Is that what you were going to say?

MR. STEVEN ATRAN: Yes, basically. With a declining yield stream, you want to make sure that you’re not overfishing because you’ve ended up with an ABC that’s higher than it should be. With an increasing one, you’re just being a little conservative by not having the constant catch.

By the way, I was looking up on the SEDAR update assessment, and somebody had asked about the big variations in landings, and it points out that, in 2006 -- It says recruitment was exceptional, and that resulted in strong year classes during the 2006 to 2010 period, and so apparently -- It might not be the only reason, but you had some periodic strong recruitments that have resulted in that fluctuation in catches from year to year.

CHAIRMAN GUYAS: Kevin.

MR. ANSON: I was just going to add that the landings probably were impacted in 2005 and 2006 with the hurricanes and then recovery of the hurricanes and weather, since this is mostly a spearfishing-type event.
CHAIRMAN GUYAS: All right. Anything else on this one? If not, I guess let’s keep moving. That’s our last action.

MR. RINDONE: I was just going to say that, if you guys have any other feedback on that one-page hogfish information sheet, by all means give that to us, so that we can improve those and make those better. Thank you.

CHAIRMAN GUYAS: Dale.

MR. DIAZ: I would just say keep those sheets coming. They are helpful to me when I’m reading through these documents. Right off the bat, I can get a lot of basic life history about them, and so I like them, and I would encourage you to keep doing them, if you can.

CHAIRMAN GUYAS: Yes, I agree. We do something like this usually for ourselves as staff for our commission meetings, for those moments where you’re at the microphone and you just can’t produce numbers and statistics off the top of your head, and it’s super helpful, and so thank you. I think, Ryan, you mentioned that it would be probably best for us to go through the codified text at Full Council on this one?

MR. RINDONE: Yes, ma’am. There’s really not a lot of -- Well, I will defer to Sue.

CHAIRMAN GUYAS: Go ahead.

REVIEW OF CODIFIED TEXT

MS. GERHART: Let me just say that we do have codified text. Because the council didn’t have preferreds, we chose Alternative 2 for both actions, and that’s correct for hogfish, but now the codified is not correct, given that Alternative 3 is your preferred for the red snapper, and so we will see that in Full Council.

Also, what we have given to you here is this codified text in the absence of any other action by the council, but you are going to be looking at the ACT buffer in another document in a little bit, and that changes the same numbers and the same codified text as this one does, and so, as Ryan said earlier, we’ll be doing joint rulemaking for those two, and we’ll, at Full Council, have a single codified for the both of them that you can review.

CHAIRMAN GUYAS: Sounds good. Okay. We have made it through
the actions for this document. Is anybody willing to make a
motion to recommend the council take final action on this at
this meeting? We can wait until Full Council. Dale.

MR. DIAZ: I will make a motion that the council take final
action on hogfish and red snapper catch limits.

DR. FRAZER: I will second that motion.

CHAIRMAN GUYAS: Okay. I think we’ve got the motion up there,
and, again, we’ll come back to that codified text at Full
Council. Is there any opposition to this motion? Seeing none,
the motion carries. We are scheduled for a break.

MS. BOSARGE: All right, guys. We’ll take a quick, fifteen-
minute break, and then we’ll pick back up with Draft Amendment
36B.

(Whereupon, a brief recess was taken.)

CHAIRMAN GUYAS: The next thing on our agenda is Draft Amendment
36B, and Dr. Lasseter is going to walk us through this one.

DRAFT AMENDMENT 36B: MODIFICATIONS TO COMMERCIAL IFQ PROGRAMS

DR. AVA LASSETER: Thank you. Okay, and so the next agenda item
is located at Tab B, Number 6, and this is the Reef Fish
Amendment 36B, Modifications to Commercial Individual Fishing
Quota Programs.

This is your first version to see with -- The first stab at
actions and alternatives, and so we’ve gone from the options
paper, most recently, to this document, and so it was pretty
tricky to develop, and we’re really going to ask for some
feedback from the committee.

In developing the decision points, we’re not entirely clear what
the council is intending to accomplish with some of these
actions, and so, if we can get some feedback from you as we go
through the document, it will help us refine the text, the
actions, and the alternatives, and it will hopefully focus it
more around what you’re trying to do.

All of this is going to focus around the purpose and need, what
is it that you’re trying to achieve, and that’s going to either
reflect a specific purpose and need in the document or, more
broadly, addressing any changes to the goals and objectives of
these programs, which start on page 20, the purpose and need,
and so if we could scroll down to page 20.

Currently, the purpose of this amendment will be to -- At this moment, we’re still reviewing and considering what updates to the program’s goals and objectives you may want to be taking, and you have recently approved the five-year review for the grouper-tilefish review, and we had the previous red snapper review, and so are there any additional changes that you want to address in the fishery since implementation of the programs, and, of course, any changes need to be supported by revising the program goals or further specifying and laying out this purpose and need.

You did pass a motion recently to add a new goal, which was to identify quota set-asides to address and assist small participants and new entrants and to reduce discards, and so we laid out the proposed actions around this particular motion as well as some of your other motions that you have passed in regards to this amendment, but I will highlight this last sentence in the purpose part, which is that the purpose and need statement will be revised as the council establishes its objectives for modifying the programs, and so we really do need to spend some time on the goals and objectives and what is it that you are trying to do.

We go to the next page, and this is the first proposed action, Chapter 2, and so page 21. It would concern program eligibility. How can people -- Who is eligible to participate in the program in what ways, and we divided it into two sub-actions.

The first one would be Action 1.1, Program Eligibility Requirements, and so I’m going to go through Alternative 1 and then take a step to kind of define some terms, just to refresh everybody.

Alternative 1 is always our no action alternative, and this would not establish requirements to obtain or maintain shares. What we’re referring to here in obtaining shares in the IFQ online system -- This refers to transferring shares into your shareholder account, obtaining more shares. For maintaining shares, we’re referring to that account, that shareholder account, being able to keep or hold in the account the shares already in the account.

If you remember, shares are always a percentage of the quota of each share category. Allocation refers to the pounds represented by that share, that proportion of quota, for that
given year’s quota, and so allocation is in pounds and shares are a percentage of the quota. The shares are considered durable. Unless the shareholder transfers out or in the account their shareholdings, their percentage would stay the same, the proportion of the quota, whereas their allocation, the pounds represented by their shares, could change if the quota changes. There is a short little explanation for that also in Chapter 1, if you would like to go through that as well.

We will go through the alternatives. Alternatives 2 through 4 increase in being more restrictive, who would be required to have some kind of a permit, provide some kind of permit eligibility to be in the program. Then Alternative 5 would be limiting the quantity of shares that someone could hold.

I will start with Alternative 2. Alternative 2 states that, in order to obtain or maintain shares, all shareholders must possess a permit. Now here is also where we need a little bit of guidance from you.

What kind of participation are you looking for? In previous discussions, we have heard this association with a commercial reef fish permit, but we’ve also heard you talking about, well, maybe dealers and fish houses that have bought shares and are holding them to ensure fish are being sold to them -- They have shares, and they are very invested in the fishery, but they’re not necessarily owning a vessel that is associated with a permit.

We have provided you two options here to require that, to obtain or maintain these shares, shareholders would need either -- Option a is a valid renewable commercial reef fish permit or the Option b are a valid Gulf or South Atlantic dealer permit. Now, of course, with your shareholder account, that’s one type of account. A shareholder account can hold shares, or a shareholder account can only hold allocation, just the pounds associated with -- Those could be transferred in or out from another person that has shares.

A dealer account is a different type of account. Another difference between Options a and b are the commercial reef fish permits are limited access, and there is a finite number of permits that are out there, and, to obtain a new permit, you must find someone who has a permit that is valid or renewable and transfer that permit.

The Option b, the dealer permits, are open access permits, and so they are available. However, there are attending
requirements that you must provide on your application in addition to the cost of the permit, such as having a state wholesale license, and you need to have receiving facilities, and that can’t just be a public dock or a boat ramp, and so there are attending other responsibilities that you must provide with a dealer account, dealer permit, excuse me, but those are open access. Let me pause there for just a moment, because that was a lot of information. Are there any questions on those concepts or terms? Okay. Seeing none, I will carry on.

Coming back again, Alternative 2, 3, and 4, we’re going to increase in the restrictiveness -- I’m sorry. Decreasing who would be required to have some kind of a permit. Again, Alternative 2 would apply to everybody. In order to obtain or maintain shares, all shareholders must have one of the options for a permit.

Alternative 3 essentially grandfathers in people who entered each respective program by the end of the five years of each program. For the first five years of each of these IFQ programs, the ability to obtain more shares, to buy shares, essentially, was limited to people who did have a commercial reef fish permit.

Now, if you did sell your permit within those first few years, you could still maintain those existing shares, but you could not purchase additional shares. After the first five years of each program, becoming a shareholder opened up to the general public, and so then we refer to that as public participation.

Then thereafter, anybody could -- That was a U.S. resident or permanent resident -- I’m sorry. U.S. citizen or permanent resident, and I have so many terms here, was eligible to open a shareholder account and obtain shares. However, it’s always required that you still must have the commercial reef fish permit to land the allocation associated with a share, and so that is not changing under any of these alternatives.

Alternative 2, everybody would have to have one. Alternative 3 grandfathers people in from the first five years of each program. Alternative 4 would begin the requirement to obtain or maintain shares going forward from the time of implementing this amendment, and so it essentially grandfathered everybody in until the time that this amendment is passed and finalized and implemented. Again, those same two options are provided there with which type of permit.

Finally, Alternative 5 reflects that there was discussion that
there could be -- There definitely are people that hold small
amounts of shares that are possibly buying into the programs who
are small participants and have recently joined, or perhaps they
are crew that are buying small amounts at a time, for which then
they don’t have to locate the allocation associated with those,
but they may not have a permit, and so this is a type of an
exemption from a requirement to have a permit.

You could allow shares to be held by a shareholder who has
perhaps one of those requirements or does not -- Allow them to
not have the requirements, but they could only hold shares up to
small quantities, and, here, we have just thrown out the ideas
of 5, 10, 20, or 30 percent of each share category’s share cap.

We can take a look -- If you see on page 24, you can see what
the resulting share percentages would be for each of those share
caps. The share cap for each share category is provided along
with the respective 5, 10, 20, and 30 percent for those options
and what that looks like. Again, remember that these are
percentages, and this is share percentage of the quota and not
the allocation associated with that.

If we could scroll back up to the alternatives, this is an
action that we do not currently have a purpose and need that
supports it, and that has made it kind of difficult to frame the
alternatives, because we’re not entirely sure who it is you are
attempting to put this requirement on and what is the objective.
I will stop there and turn this over and see if there is any
discussion on this action.

CHAIRMAN GUYAS: Dale.

MR. DIAZ: I just wanted to bring this up. Alternatives 2 and 3
would require people to divest shares, where Alternative 4, if
we chose Alternative 4, there would be no requirement for
anybody to divest shares, and is that correct?

DR. LASSETER: That’s a good point. I should mention the next
action. We do have the subsequent Action 1.2 that would address
share divestment, and so it would provide a grace period for
people to obtain the permits required under Alternative 2 or 3.

That action also has an alternative for going forward, and so,
in the next, share divestment, there is an alternative for going
forward. If you do not meet one of these requirements, you
would have to divest your shares, but you are correct that under
Alternative 2 or 3 that it is possible, if people are not able
to obtain a permit, that they would need to divest their shares.
Under Alternative 4, that would not be immediate, but it would be likely to occur at some point going forward, if people gave up their permit. They would need to have whatever the requirement, meet the requirements to obtain their permits, but absolutely, Dale.

MR. DIAZ: I don’t know -- Maybe I don’t understand one thing then. If it was implemented under Alternative 4, on that date forward, you have to have a permit, and so you said, in the future, they might likely have to obtain a permit, and why would that necessarily be if -- Why would they have to get one in the future? That’s what I am not understanding.

DR. LASSETER: I apologize. Those individuals who have already been in the program would not -- Should future people -- I apologize. I probably misspoke. Future people that enter, that perhaps let their permit lapse or whatnot, the next sub-action provides a mechanism for how to address compliance with that.

CHAIRMAN GUYAS: Patrick.

MR. BANKS: Just for some more clarity on Alternative 4, people who already have shares, would they then, in order to buy more shares or get more shares from that point forward, they would have to go and get a permit or they would already be grandfathered in and they could still get more shares, if they were able to, even without a permit and it would only be the new people who would have to have a permit to get more shares or get any shares, and is that correct?

DR. LASSETER: That is correct. Everybody that currently is participating in the program as they’re participating would not be affected, but now I want to take a step back that these are just alternatives that we are proposing to you and we’re not entirely sure who you are trying -- What you are trying to do, and so you could give us direction on how to change these, but, as we are presenting these to you today, that Alternative 4 -- The idea is everybody participating right now could stay the same.

MR. BANKS: Business as usual.

DR. LASSETER: They could even buy additional ones, right, because they are grandfathered in. They will be grandfathered from this date, but it would just be going forward.

CHAIRMAN GUYAS: Kevin.
MR. ANSON: Dr. Lasseter, for Alternative 4, shares in an account, how would the permit requirement be for someone, let’s say a company, in those accounts -- We have discussed this, and it’s fairly complicated as to who can have or how you set up accounts and how they’re linked with permit holder or non-permit holder and such, but if someone has currently an account, and then they want to set up an additional account after let’s say this is approved and implemented, if that person did not have a permit, yet they had the account established, one account established already, and so the new account would have to be tied with a permit at that point, and is that correct? It would be the same individual or company that would have the account set up prior to the amendment and then set up an additional account after the amendment is implemented.

DR. LASSETER: Okay. I think we kind of have a lot here to unpack. We could let that be up to you, for one thing. What would you like to do and who would you like to restrict? Do you want to allow that or not?

None of this is really laid in stone, and we have not -- These are proposals to you, and so I think maybe what you’re suggesting there is something that maybe could help guide what it is that you -- Who it is that you are trying to affect here, and so perhaps that’s something that we as staff could work that in to reflect -- If you’re getting at a point that maybe is something that you want to address.

CHAIRMAN GUYAS: Kevin, go ahead.

MR. ANSON: You brought it up when you were discussing the purpose and need, and it’s been talked about a little bit at prior meetings, but, from my perspective, just looking at the programs, the IFQ programs, the one thing that I often hear is the long-term ownership associated with the initial shares, or the shares, and I guess that’s just one thing that I would be interested in as we go forward and look at the document, is to how to shape things so that long-term ownership is not maintained in perpetuity with the original fisherman that acquired the shares.

That’s just my take on it right now, and we can come back and address the purpose and need if others also feel the same, but programs are set up for stability in the fishery for the resource, but also for the fishing community, and so it takes fishermen to catch the fish, and so it ought to be somehow tied back to the people who are actively engaged in catching the
fish, and that will change over time, and so that’s all that I would be interested in as we look at things, is to, over time, to capture or allow those folks that are actively engaged in fishing to acquire some more of the benefits that are associated with the catching of those fish.

**MR. STRELCHECK:** Thanks, Kevin. One of the things that I was struggling with, jumping back into this after I’ve been away for a while, is what are we trying to accomplish, and so I think you at least have explained, from your viewpoint, what you would hope to accomplish. I don’t think what you just said though can be accomplished by this action.

I wanted to just specifically kind of walk through the alternatives and give a few thoughts on the alternatives for council consideration. Alternative 2 is obviously, from NMFS’s standpoint, the easiest to implement. Options a and b -- To me, b cannot be selected without also selecting Option a, and the other thing is it’s a fifty-dollar cost for anyone to obtain a dealer permit, and so it’s an open access permit. If you’re trying to solve something, people can simply go out and buy a fifty-dollar dealer permit to get around this.

With Alternative 3, as you well know, most of the participants in the program hold both red snapper and grouper-tilefish shares, or at least a lot of them do, and so it would make more sense to have the same date for all of them, rather than splitting the date, and so something to think about as the alternatives move forward.

With Alternative 4, and this is the same with Alternative 3, by differentiating based on some deadline, administratively, you are then asking NMFS to track different entities at different periods of time, and so I look at that as just something that will be more burdensome, and it’s not something we couldn’t do, but that’s why I go back to Kevin’s main point, which is that I don’t think this is fully addressing at least what he is interested in addressing, and I

Then Alternative 5 I guess is written -- Right now, the way the system works is you can apply for a public participation account without having it linked to a reef fish permit or anything else, and, if someone wanted to get around this, then they simply would apply for a number of public participation accounts and move shares around in a distribution that would ultimately allow them to hold that portion of their shares in some public participation account, and so, with all of that said, I go back to Kevin’s main point, which is that I don’t think this is fully addressing at least what he is interested in addressing, and I
really would want to hear from the rest of the council if there is another way that you would want to approach this, in terms of suggesting what Kevin had suggested.

CHAIRMAN GUYAS: Ava, can you clarify one thing that you said and that Andy just brought up as well with the dealer permits, and so it is really -- I mean, are there inspections to make sure that they have met these requirements, or is it really just you’re filling out the application and paying your fifty-dollars or whatever?

DR. LASSETER: I will have NMFS respond more specifically to that. On the permit application, it requires your state wholesale license, and it requires you identify your receiving facilities, and it specifies that it can’t be a public dock or boat ramp, but I would like to defer the question to Mara for more clarification.

CHAIRMAN GUYAS: Mara.

MS. MARA LEVY: Right, and so they definitely have to have a state wholesalers license, to the extent the state requires such, right, and so there is that. Then they do have to identify each physical facility at a fixed location where the business receives fish, and we have said that cannot just be a public dock or boat ramp. However, I believe it could be someone’s house, and so we don’t go out and say you gave us an address of a fixed location and we’re going to go inspect it to make sure that it’s a fish house.

I think we are aware of some folks giving us public boat ramp addresses and saying that’s not acceptable, but, to the extent they have a brick-and-mortar address, then I think the Permits Office would just issue the permit.

CHAIRMAN GUYAS: All right, and so that’s helpful, I think. We need to provide some feedback on this, and I’m hoping, maybe after we go through all these actions, we can look at the purpose and need in a little more detail. I thought it might be helpful to have these conversations first, and it’s good that you brought that up, and we can bring it up as we move through it, but I think, collectively, that will be an easier conversation if we talk about the actions. I see your hand popping up.

MS. BOSARGE: So I guess what you’re suggesting is that we need to remove Option 2b from all of these alternatives? Otherwise, if we were really wanting people to go out and have a permit,
they’re going to just circumvent it by getting a dealer permit, and is that what I’m hearing over there?

MR. STRELCHECK: Yes.

MS. BOSARGE: All right. Do we have to have a motion to do that?

CHAIRMAN GUYAS: I guess so, yes.

MS. BOSARGE: Okay. Council, if that’s your prerogative, we’re going to need a motion that would remove Option 2b from all the alternatives in Action 1.1.

CHAIRMAN GUYAS: Are you making a motion or just suggesting how someone might word a motion?

MS. BOSARGE: I was suggesting how it would be worded, since I’m the Chair, and that would make it very easy for somebody to make it.

CHAIRMAN GUYAS: Kevin.

MR. ANSON: I don’t know if it would be easy if I’m doing it, but I will make an attempt that we remove the Option b from each of the alternatives in Action 1.1.

CHAIRMAN GUYAS: We have a second from Dale. While that’s going on the board, Ava, can I just ask you a quick question about Table 2.1.1.1 on page 22? There is a table with a number of accounts and the percent of shares, permit versus no permit, and are those permit columns just the commercial reef fish, or is that also accounting for dealers? It’s not accounting for dealers? Okay.

DR. LASSETER: If I could just add to the -- It is Alternatives 2 through 4 that I believe you were -- No, it is Alternative 5 as well. We just have the separate set of options in Alternative 5, and so I wanted to clarify that those, of course, will be renumbered.

CHAIRMAN GUYAS: Okay. Is there discussion on this motion? Does everybody understand what we’re doing, at least? Patrick.

MR. BANKS: I just have a question. That only leaves us with that one option, and should we put it as Considered but Rejected instead of just removing it?
DR. LASSETER: I think -- This is our first draft bringing actions and alternatives. If you just say remove here, and if our NEPA advisor recommends that we start it there, we will go ahead and take care of that.

CHAIRMAN GUYAS: All right. Mr. Boyd.

MR. BOYD: Thank you, Madam Chair. Mara always reminds us that we need a suite of alternatives in order to protect ourselves and to have the proper document. We don’t have an alternative that says remove the reef fish permit completely, and I think we ought to have that.

CHAIRMAN GUYAS: You’re suggesting that in the future -- Can you just clarify that?

MR. BOYD: Well, I am just saying that another alternative, which we have not addressed, is the possibility of just removing the reef fish permit from a requirement and have it an open access fishery.

CHAIRMAN GUYAS: Mara and then --

MS. LEVY: Well, I mean, I will just say that the reef fish permit covers -- I mean, if you’re talking about getting rid of the commercial reef fish permit, that goes way beyond the IFQ programs, right? Right now, you don’t need the commercial reef fish permit to hold shares or allocation, and so that’s the current status quo, but, if you’re talking about just not having a commercial reef fish permit, that goes way beyond what this is addressing, which is the IFQ programs. It seems like a broader thing, and I’m not saying that you can’t look at it, but it doesn’t seem like it fits within this particular amendment.

CHAIRMAN GUYAS: To that point, Doug?

MR. BOYD: Yes, to that point. No, I did not mean get rid of the reef fish permit, and I probably need to be a little more specific. I would say that you do not have to have a reef fish permit to fish allocation under the IFQ program.

CHAIRMAN GUYAS: Go ahead, Mara.

MS. LEVY: You’re saying you would have a commercial reef fish permit that would only be applicable to non-IFQ species, meaning you have to have the commercial reef fish permit to be exempt from the bag limit and sell all reef fish species except those managed under the IFQ system, because that’s what I’m trying to
get at, is that the commercial reef fish permit covers thirty-some species and not just these.

MR. BOYD: I think what I’m trying to say is we are backing up from what the council did before in these alternatives, and that is that we’re bringing all those fish back into only IFQ reef fish permit holders holding shares and being able to fish them. Why don’t we have an alternative that allows everybody to fish these shares if they purchased them?

CHAIRMAN GUYAS: All right. Tom, do you want to weigh-in here?

DR. FRAZER: I think, and Mara can correct me if I’m wrong, that, in order to fish for reef fish, you have to have a reef fish permit, and it’s pretty simple, I think.

MR. BOYD: That’s exactly my point.

CHAIRMAN GUYAS: All right, and so we’re starting to stray a bit from our motion on the board. Let’s cover that, and then, if you want to come back to this topic, we can do that. Any other discussion on the motion on the board regarding whether or not we would like to keep the Option b in Action 1.1? The motion would remove them. I don’t see any discussion. Is there any opposition to this motion? Seeing none, the Option b are removed. The motion carries. Kevin.

MR. ANSON: One of the points that Andy brought up was in Alternative 3 and just to maybe have one date in there rather than the two, and so maybe to amend Alternative 3 to say, in order to obtain (transfer into an account) or maintain shares, all shareholders who -- After January 1, 2015 must possess, Option 3a.

CHAIRMAN GUYAS: Is that a motion?

MR. ANSON: Yes.

CHAIRMAN GUYAS: All right, and so it looks like we’re on the board, a motion to amend Alternative 3 to say: In order to obtain (transfer into an account), or maintain shares (hold existing shares in an account), all shareholders who entered the red snapper IFQ program or the grouper-tilefish IFQ program after January 1, 2015, must possess one of the following. That’s right? Okay. Is there a second for this motion?

MR. RIECHERS: Second.
CHAIRMAN GUYAS: Okay. It’s seconded by Mr. Riechers. Is there discussion on this one?

MS. BOSARGE: Andy, you mentioned that, if you have one date, I guess it’s going to be a lot easier to just kind of search that out and figure out what that date is, and I’m assuming the two dates that are there right now, and Ava might have to answer this, but 2012 is five years after the red snapper IFQ went into place, and five years after it went into place is when we nixed the requirement to have a permit, and I’m assuming the same thing happened with grouper-tilefish, that you had to have a permit and five years later that requirement went away. I guess what are the ramifications of just having one date?

MR. STRELCHECK: First of all, just to point out that the control dates were in late 2011 and 2014, and so it makes sense to have the latter date of 2015, but you’re right that they correspond with five years into each one of the programs.

From an administrative standpoint, I would just pointing out that a single control date is easier to administer than multiple or a single date, simply because most of these fishermen have both red snapper and grouper-tilefish IFQ shares, and so they’re going to be participants in the program already and ultimately have entered the program, both programs.

CHAIRMAN GUYAS: Other discussion on this motion? Are you ready to vote? Okay. Is there any opposition to this motion? Seeing none, the motion carries. Okay. Are we -- Ava, what else do you need on this action?

DR. LASSETER: I would just like to clarify that if this passes in Full Council that, removing the 2b, we would then incorporate that a back into the alternatives, and so there would no longer be options.

Then I don’t know if we’re going to come back to Mr. Boyd’s comment, but I’m also thinking -- What I was a little confused about, what I need a little more clarification on, is we were interpreting this as requiring additional requirements, and so if I could just get a little more of an understanding, because it sounds like what you’re proposing is maybe opening it up, and so I’m trying to grapple with that for how to frame -- What is the purpose then of this action? I will turn it back to the committee.

CHAIRMAN GUYAS: Doug, do you want to respond to that?
MR. BOYD: I am not trying to make it more complicated. It just seems like the alternatives here are all very restrictive and more restrictive than we have today, and my comment is simply that one resolve to all of this would be to not require -- To select Alternative 1, of course, but then to not require a reef fish permit to fish those shares. That’s all I’m saying.

CHAIRMAN GUYAS: Ms. Bosarge.

MS. BOSARGE: So the reporting requirements and all the other requirements are attached to the permit, and so, if you get rid of the permit for these particular species, then you lose a lot of your accountability. You are no longer going to -- There is no vessel requirement, and there is no VMS requirement, reporting your catch requirement, and, I mean, all of those requirements go away.

MR. BOYD: No, that’s not what I am saying. If you’re in the program, you have to have all of that stuff. What I am saying is there is an alternative that we could deal with that just says, if you have a valid fishing permit, you can fish these shares. You would still have to have all that requirement, and you would still have to be in the program, because you’re buying shares.

MS. BOSARGE: So you do have to have a -- You just said if you have a valid permit.

MR. BOYD: A fishing permit.

MS. BOSARGE: Like a recreational state --

MR. BOYD: A recreational fishing permit, yes.

MS. BOSARGE: So the states would have to attach the --

MR. BOYD: As an example, I guess, if I wanted to go out and buy shares, go buy a share and buy allocation from somebody, then I could fish it. That’s what I’m saying. Without having a reef fish permit, a commercial reef fish permit. If I had a recreational fishing permit, why couldn’t I fish it? That’s not what we do today, but I’m saying that is an alternative to being more restrictive than what we are today.

CHAIRMAN GUYAS: Andy and then Mara.

MR. STRELCHECK: A couple of comments. Hearing Kevin and then hearing Doug speak, it goes -- It takes me back to what is the
purpose we’re trying to accomplish here, because I feel like what they’re talking about are two entirely different things, in terms of what we’re trying to accomplish here, and so I think the council needs to get on the same page in terms of what the goal is.

The second comment is, in removing the reef fish permit, there is a lot of downstream effects of that that we would have to consider, if that’s a direction we would want to head, and so there’s a lot of things that are tied to the reef fish permit that, by removing that requirement, would also have to be modified.

For instance, just one example would be VMS requirements. If you have a reef fish permit, you have to have a VMS on your vessel, and so I guess think of the downstream consequences of an action like that and what else we would have to modify based on removal of the reef fish permit requirement.


MR. RIECHERS: I think we are at somewhat of a different alternatives here that we’re speaking to. What Kevin, I think, was speaking to was some of the long-held discussion that we’ve heard at locations across the Gulf as we’ve talked about this, where basically people are holding on to shares and other people are fishing those shares at some point in that time series or timeframe.

When we think about the current alternative, it really allows -- I am not certain really the current alternative does it yet, but I think we’re getting closer to that concept of how do you basically ensure that new entrants can come into the fishery and, as Kevin put it, those people who are fishing it are receiving the full benefits of having that share ownership, in some respect. Whether it’s ownership for a period of time or some leased period of time or however you execute that, but you get it closer to the person actually fishing it.

I think what Doug is suggesting is we take a step back from the whole notion of how we’re confining those share transfers and possibly create an alternative that allows for a greater share transfer than we have today, and it’s basically transferring across sectors, which we know we have some of that going on between certain sectors now, but we don’t have it completely open to all sectors. I am speaking for Doug here, but I think that’s what he’s suggesting.
CHAIRMAN GUYAS: Mr. Banks.

MR. BANKS: I was going to say the same thing, Robin. I think that’s what I was hearing, was some sort of quota sharing across sectors, which I think it’s certainly worthwhile for us to consider, but I think, if we have one sector that’s under a lot of requirements, in terms of VMS and all that kind of stuff, and electronic reporting, would the recreational sector be willing to do the same thing? I would hope we would at least -- If we can allow one sector to use another sector’s portion of the quota, they would at least be required to have the same kinds of reporting requirements, and I think that’s what you mentioned, and so that seems okay with me.

CHAIRMAN GUYAS: Ms. Bosarge and then Dr. Frazer.

MS. BOSARGE: Okay, and so this document came out of a five-year review of an IFQ program. You’re talking about intersector trading, essentially, okay, and that’s fine. We have a document that we looked at in the past on that, and we put it on the shelf, and, if you’re wanting to look at that, we can pull that document back, but this document is to look at a program that we have in place and take a good, honest, hard look at it and see if there is any way to improve that program.

That other discussion, that is not a discussion in this particular document. It can happen. We have got a document for it. Bring that forward, but, as we’re going through this document, we really need to hone our efforts in on what is in this document and what the purpose of it is.

If you want to go down that path, we’ll bring in that other document, but I think that’s why we get so hung up on this document, because we’re trying to bring in all these other items that is really not the focus of this document. Let’s see if there is a way to improve this program. If we want intersector trading, we will bring that document forward, and we will take a hard look at it, because there is lots of questions to answer to flesh that out and make it work.

DR. FRAZER: I would just add that what I was going to say is I think these are valuable philosophical discussions, actually. I think that they’re really important, but I think that they’re getting off-track of this particular document, and I don’t think this is probably the appropriate place to do it.

CHAIRMAN GUYAS: Go ahead, Doug.
MR. BOYD: To those points, the way I read this is that, if we select Alternative 2 or Alternative 3, we have negated the ability later to do that, basically. We have already said that we want to have a valid commercial reef fish permit in order to fish them, and that’s why I bring it up here, is that it looks like it’s restricting it, and, Leann, I don’t know that we have a document that we have brought out that talks about intersector trading.

CHAIRMAN GUYAS: Can staff speak to that document?

EXECUTIVE DIRECTOR SIMMONS: Thank you. I don’t know if I can speak to that exact document, but we did have one that we postponed, and perhaps this is the one that people may be remembering, but maybe I can get Assane or Ava to help me here, but the allocation sharing mechanism between the commercial and recreational sectors -- That was something we started, it looks like, in October of 2016, and then I don’t see when we postponed that, but that was something I think we started, and we can pull that out and have it available shortly.

CHAIRMAN GUYAS: Mr. Riechers.

MR. RIECHERS: I think that allocation sharing document, as I’m recalling, was a little bit different, in that it was basically a reallocation document associated with unused quota, as I’m recalling.

I think, Leann, the document you are referring to is 36B, because I think, when we split 36A and 36B, we had some of these tougher discussions over here in 36B, and intersector trading may have been one of those that we had at the time, and we would have to go back to that document at that time to see if we had a section in there for it, but I think it was one of the items that we kind of parked over here in this document and were going to come back and have this discussion.

To Tom’s point, I mean, none of these discussions are easy, but certainly we’ve talked about this whole issue of kind of people fishing shares or profiting from shares that they aren’t fishing, meaning they’re just in a lease program, and we’ve talked about intersector trading, and we’ve talked about other ways we could go back and allocate this fishery to receive the rents, the economic rents, and the profits for those fisheries back to the public. These are difficult discussions, but I think this was the document, Leann, unless I’m completely off-base with how we split those, but --
CHAIRMAN GUYAS: I am going to suggest maybe let’s do a little bit of research and figure out -- I mean, we’ve had conversations about intersector trading. It’s been a few years, but exactly what we did and where we are, and then we can maybe come back to that topic later.

MS. BOSARGE: That’s fine.

CHAIRMAN GUYAS: In the meantime, we do have quite a lengthy document here that we can tackle while we’re researching some of these past positions, and then we can figure out where we want to go. Is that amenable to everybody? Is everybody all right with that? Okay. All right, Ava, and is there anything else you need on Action 1.1?

DR. LASSETER: I just want to say something about how I’m now understanding some of the direction. In the options paper, in some of your previous discussion, it did focus on this idea of wanting shareholders to have a reef fish permit. What the options paper also kind of addressed was -- Your discussion seemed a little more broad about wanting people who were participating in the fishery.

What we need to do is translate, operationalize, that idea into what that means for the IFQ program, and there are fish houses, for example, that rely on people to bring fish to them, but those fish houses may not have a vessel with a permit, and so that is why the options were provided for the dealer permit, because we were trying to get a sense of did you want people who were more broadly participating in the fishery, and so now I understand that motion as you do want the shareholders to be --

So that’s giving us -- I am interpreting that, kind of reading between the lines, and getting that understanding, and so I just wanted to express that is what I’m hearing, and so if that’s not what your feeling is, then we probably need a little bit more, but that’s how I understand the motion that you just passed here. With that, I can move on.

CHAIRMAN GUYAS: Kevin.

MR. ANSON: Just to expound upon that a little bit, yes, I think that’s a correct way to approach, potentially, as we look at this document.

You know, I don’t fully agree with Andy’s statement that Doug’s and my comments were totally outside of the bounds of this particular document. At least for mine, I think it is
applicable. My comments were directed toward those who are engaged in the IFQ program directly, and so I think that would be a correct way to go through it, Ava, your description.

As we set up these things, it is complicated, this process, and it may end up as no changes in the IFQ program relative to where we are today, but certainly there has been some folks that have come to the table and provided comment that things are not quite right, in their mind, and so we need to have some discussions about things that could address some of their particular concerns and, as we go through this document, there may be ways to address some of those more peculiar or odd cases, if you will, relative to a traditional fisherman in a harvest landings situation and look at dealers and such and try to provide them some protection as well as we go forward in looking at this, and so that’s all.

CHAIRMAN GUYAS: Let’s move on.

DR. LASSETER: Okay. Thank you. A very related action, 1.2, starts on page 25, and this action will, of course, need to be modified depending on how the previous action shapes up, because this action is going to affect those people who are not able to comply with whatever requirements you define in Action 1.1.

Right now, Action 1.1 also is only in terms of shares. We didn’t address what people could do with or without allocation, and so that’s another tangent that we could go off on, but this one addresses share divestment. If people are not able to meet the requirements of 1.1, they would then be out of compliance with the program, and NMFS would reclaim their shares if they’re out of compliance.

This Action 1.2, first of all, is only valid if an alternative other than Alternative 1 is selected in Action 1.1, and so you have to actually be putting in a new requirement on people in 1.1 to make this applicable.

Alternative 2 would require that a shareholder with shares that does not have an account associated with a commercial reef fish permit or a dealer permit, which has now been removed, must divest of shares as needed to meet the requirements set in the previous action or the shares will be reclaimed by NMFS.

Then we have provided you four options for a grace period to allow people to obtain the permit or to otherwise meet whatever requirement, to reshuffle their accounts, and we do understand that some people have separated, perhaps, their assets or
they’re in different corporations or business entities. It would give them the opportunity to modify their business approach in order to meet whatever those requirements are.

Option 2a is the shortest time period, and Option 2d provides the longest grace period, and so Option 2a would require that shareholders be in compliance with Action 1.1 by the effective date of the final rule implementing this amendment. Option 2b provides them until the beginning of the calendar year following the effective date of the final rule implementing this amendment, and Option 2c allows one year after that time, and Option 2d is three years following the effective date of the amendment.

Now, what happens after you put -- If you should put the requirement in place in the future, if someone does not maintain their permit and then later is no longer in compliance, and Alternative 3 addresses that.

If you also selected the alternative in the previous action that would only require the permit, that shareholders have a permit from the time of this amendment going forward, then this Alternative 3 would also be applicable, and so Alternative 3 is, after implementation of this amendment, if a shareholder sells their permit or does not renew their permit or for some reason their account is no longer associated with their permit, within one year of the expiration date, termination of their permit, they must divest of shares as needed with the requirements of 1.1, whichever permit you may require under whatever conditions, or the shares will be reclaimed by NMFS, and there is three options here for time periods, for grace periods, either before the beginning of the calendar year following the sale or termination of the permit or allowing one or three years following the sale or termination of that permit.

I will just add that a commercial reef fish permit is valid for one year, but then there is a one-year period after which it is no longer valid, but it’s considered renewable. In that one-year renewable time, it may not be actively fished, and it may not be used to land fish, but the holder of the permit has that one year to renew the permit. At the end of that renewable, invalid but renewable, period, the permit is terminated. It is no longer eligible to be transferred or renewed. Let me pause there and see if there is any discussion.

CHAIRMAN GUYAS: Okay, and so I’ll start with this one. Ava, it seems like, in Alternative 2, Option 2a -- It seems like that could be problematic if this gets implemented late in the year,
right, and someone has shares and they’ve already been caught up, or the allocation has been caught that’s associated with those shares, but maybe that doesn’t matter. Can you explain that to me?

DR. LASSETER: Okay, and so this does only affect shares, and so the remaining allocation from that year would not be affected, and I don’t think whether this happened at the beginning or the end of the year matters as much. This is at the time of the effective rule, but, again, we are only talking about shares here and not allocation.

CHAIRMAN GUYAS: I’m just trying to understand if it mattered if the allocation associated with those shares for that year had been caught already, if that was a problem. Dale.

MR. DIAZ: Kind of following up on what Martha is talking about, it seems to me like Alternative -- Option 2a under Alternative 2 is -- It doesn’t give people time. It seems to me like the timeframes in Alternative 2 should be the same as the timeframes in Alternative 3, and so I would suggest that we remove Option 2a from Alternative 2.

CHAIRMAN GUYAS: Is that a motion?

MR. DIAZ: Yes.

CHAIRMAN GUYAS: Excellent. Okay. Let’s get that on the board and see if there’s a second out there for that motion. It’s seconded by Dr. Frazer.

MR. DIAZ: Part of my rationale is, even if we was to pass this amendment with Option 2a, and people divested their shares, anticipating it getting implemented, and it didn’t get implemented for some reason, I mean, they would be really in bad shape, and so I think that’s unrealistic to ever put somebody in a situation where that could potentially happen. Thank you.

CHAIRMAN GUYAS: All right, and so it looks like we have our motion on the board now, which is, in Action 1.2, to remove Option 2a. Any other discussion? Any opposition to this motion? Seeing none, the motion carries. Anything else on this action? Kevin.

MR. ANSON: Kind of in the same vein as Dale, for Option 2b in Alternative 2, if the effective date is November 1, or November 30, that doesn’t leave much time either, and so I think we might want to consider removing that option as well, just for timing
purposes and just the unknown of the whole process. I would
make a motion that we remove Option 2b from Alternative 2.

CHAIRMAN GUYAS: Okay. Let’s get that on the board. Kevin,
would you also want to add Option 3a to this?

MR. ANSON: That would be -- I was going to go down that road.
Yes, I would like to remove 3a.

CHAIRMAN GUYAS: Okay. The motion would be to remove Option 2b
and 3a from -- 2b from Alternative 2 and 3a from Alternative 3
in Action 1.2. Are you good with that, Tom?

DR. FRAZER: Yes.

CHAIRMAN GUYAS: Okay. Any discussion on this one? Any
opposition to this motion? Seeing none, the motion carries.
What else? Do you need anything else on this, Ava? Okay. Then
let’s move on.

DR. LASSETER: Wonderful. Okay. The next action, Action 2,
starts on page 27. This action you had moved from Amendment 36A
to address in this 36B amendment, and so, back in 36A, you took
action to close accounts that had never been used, activated,
accessed, in the IFQ programs.

NMFS reclaimed those shares. That action was 36A. What you
defferred to now is how to distribute those shares, and, if you
remember, the amount of shares being held in those accounts was
continuing to decrease as other shareholders were locating those
inactive shareholders and offering to transfer their accounts in
various ways.

If we scroll down to the bottom of page 27, Table 2.2.1, you can
see the amount of shares that were revoked or reclaimed by NMFS
from these accounts at the time that 36A went final. Then the
final, the very end column there, shows you the corresponding
amounts of pounds, which is our allocation, for the amount of
shares that NMFS is currently holding. When we first started
looking at this action in 36A, it was a substantially larger
quantity of quota for all of these, and so a lot of the quota
did get moved around in that time.

This action provides you the opportunity, again, to address how
to distribute those shares, but we have also added in the idea
of redistributing the shares that may be reclaimed under any
requirement you put in place through Action 1 of this amendment.
Again, if you require people to have a reef fish permit,
shareholders to have a reef fish permit, under whichever conditions you decide, and they are unable to divest of their shares or obtaining a permit in such a time, NMFS reclaims those shares, and this action would address how to distribute those shares, both the ones from 36A reclaimed as well as any that become available to NMFS, are reclaimed by NMFS, under the first action of this amendment.

Your Alternative 1, your no action, would be not to distribute these reclaimed shares from both of these sources. NMFS would continue to hold these shares, and the allocation associated with the shares would go unused.

Alternatives 2 through 4 provide methods to distribute the shares. Alternative 2 and 3, these were from 36A, and these were options that you were considering for how to distribute those shares.

Alternative 2 would equally distribute the reclaimed shares held by NMFS among all accounts with shares of each share category, and so the shares of each share category would be distributed to other shareholders of that share category equally, and then the timeline is provided there, that this would be done within one month of the effective date for the final rule implementing this amendment.

Alternative 3, in contrast, would distribute those shares proportionally based on how many shares shareholders already have, and the kind of difference here -- For one thing, in Alternative 2, there could be people that have different accounts with different shareholdings, and perhaps they have different investments in different businesses and whatnot, and each one of those accounts would get the same amount, whereas, in Alternative 3, it would really be based on the amount of shares that people already have.

Alternative 4 takes a different approach, and this comes from one of your motions, where NMFS would establish a quota bank with the reclaimed shares, and so the shares that NMFS is already holding as well as any additional shares that are reclaimed if they haven’t been divested from Action 1.2 and 1.1. Those shares would be held by NMFS, and the allocation associated with those shares would form the basis of this quota bank and then would be distributed as you detail and you specify through the remaining actions of the amendment.

Alternative 4 is both creating the quota bank and having its little seed share, the amount of shares there, and then there is
going to be subsequent decisions for you to decide how to distribute the allocation associated with those. I will stop there for just a moment and see if there’s any questions.

CHAIRMAN GUYAS: Sue.

MS. GERHART: There may need to be a little bit of rewording with these alternatives, and I did look at them before and didn’t really realize this, but, when we’re talking about the shares reclaimed from 36A, all of this works. You can say within one month. We have already reclaimed those shares, and NMFS is holding them, and so, once this rule is effective, we can redistribute, but if we’re talking about the shares that are reclaimed from the previous action in this amendment, that will be -- We gave them one or three years, are the options there, and so, one month after the effective date, we couldn’t divest them, because we wouldn’t -- We couldn’t redistribute them, because we wouldn’t have reclaimed them yet, and, also, if we have an ongoing thing, where someone sells their permit or allows it to terminate and then they don’t divest of their shares and then we reclaim them at that point, we need a time period to do that.

I think we can work out the wording on this, and, instead of saying one month from the effective date, it’s maybe one month from the effective date or the date at which the shares were reclaimed or something along those lines, but I think that’s something staff can work out.

CHAIRMAN GUYAS: Ava.

DR. LASSETER: That’s a great point, and related to this as well is the issue of when are we looking shareholders -- The existence of shareholders and how many accounts are there and who would be eligible and at what point are their shareholdings valid, and so there are a lot of additional issues that we need to work out as we’re developing these actions.

CHAIRMAN GUYAS: Go ahead, Andy.

MR. STRELCHECK: Yes, and I’m not making a recommendation here, but one other thing to keep in mind is that the date that the shares are reclaimed, if it’s during the middle of the year and you redistribute those shares, you wouldn’t necessarily reclaim the allocation associated with those shares, because it could have already been fished or transferred, and so there might be some benefit to these shares being distributed with allocation at the beginning of the fishing year following whatever the date
the reclamation occurs.

CHAIRMAN GUYAS: That’s a good point. Anything else? Go ahead.

MS. BOSARGE: Well, I mean, there was some discussion at the IFQ AP meeting about this document in general, but these alternatives, and there was a good discussion about that quota bank, and there seemed to be some enthusiasm about looking at it. Obviously there was some hesitation of how would this be set up and what would be the innerworkings of it, and I think that’s something we ought to explore, that Alternative 4.

There may be some good things we can do with that. Obviously it will take a lot of work to hash it out, and I would think you would want to have a working group get together, and it would probably have to be, yes, some industry, but I assume that you’re going to have to have NMFS in the room too, to answer questions about what they can and can’t make happen, but I think that’s something we should explore further.

We might could address some new entrants. Now, obviously we’re not going to do it with the little bit of pounds that’s there, but it may be something that develops into something else in the future, and I think that’s a good starting point for it. We may be able to use the little bit that’s there to start to address bycatch. Just I think it’s something we should explore further.

CHAIRMAN GUYAS: Go ahead, John.

MR. SANCHEZ: I recently received, and I don’t know if anybody else did, a letter from a former council member in Florida who has a fish house, and you probably know who it is, Karen Bell, and she asked me to kind of mention that, because she has an interest.

She is having a discard problem in the directed red grouper fishery with her groupers, and she was kind of asking if there was a way, while we’re discussing the IFQ here, if there was a way that she could do some kind of, I don’t know, a sharing, for lack of a better word, of grouper quota for snapper quota to address the discards and kind of give, I guess, the red grouper a break at the same time as well, and I don’t know if that’s something we would want to entertain or consider, but certainly a quota bank might be the place to have some of that allocation.

CHAIRMAN GUYAS: Okay. Once we leave this action, the next few actions are specific to the quota bank option in Alternative 4. It sounds like we’re maybe going there at this point, and so if
there are other questions or comments on this Action 2 -- Dale and then Robin.

**Mr. Diaz:** I just want to say that I agree with Ms. Bosarge, but I do think we’ve got to find a way to get more fish into this quota bank. The small amount of fish there is -- It’s such a small amount that it’s not enough to have an impact, and so I do agree with what she said, and I think it’s a good idea for us to try to make some improvements to this program for the new entrants and the discard problems, but we just have to find a way to put more fish into the quota bank that’s fair. Thank you.

**Chairman Guyas:** Okay, and so I think, with this action, the next time we see it, it will be reworded a bit, it sounds like, maybe.

**Dr. Lasserter:** I believe a lot of the document is going to be reworded.

**Chairman Guyas:** Okay. If there is no other discussion on this action, then let’s flip to our next actions and talk about quota banks.

**Dr. Lasserter:** Thank you. Dale, again, perfectly introduced the next section for me. Thank you. Action 3 begins on page 30, and there is actually several sub-actions here, and it’s likely we will need to develop some of these into even additional sub-actions. There is a lot of decision points here, and identifying the decision points for how to lay this out was very complex.

We did kind of start from some of your early motions that talked about wanting to explore a quota set-aside, and you had added the goal about helping new entrants and addressing the bycatch concern, and so we tried to frame it around that. This whole Action 3 and the sub-actions are only applicable if Alternative 3 of Action 2 is selected as preferred, and that, again, is that you’re going to put those reclaimed shares into a quota bank. In that action right now, you’re establishing the quota bank.

Here, we assume that you did take that action in the previous action, and so you have the quota bank, and you have a little bit of quota there. Now, there is several decisions that are going to need to be made. How much quota and from which share categories would be set aside, and so that’s the first sub-action, 3.1.
Who is going to be the recipients of the allocation, and that’s where it gets really complicated. How are you going to define these groups? You have already expressed interest in addressing small participants, replacement fishermen, called new entrants, or addressing discards.

We did assume that discards is referring to red snapper, but that wasn’t specified in the motion, and so all of that is in the Section 3.2. Then how are you going to distribute that allocation to these eligible recipients and how much allocation would be distributed to them, and is it cyclical or is it a one-time opportunity, and so there are several decisions to be made here.

Now, we also have written this up as only allocation would be distributed to the quota bank and not the shares, and so, for those shares that would form the foundation of the quota bank, they would remain with NMFS, and the allocation would be distributed, but that was our understanding and our interpretation of this quota bank, was that we’re going to be distributing allocation and not shares through these.

Moving into 3.1, thresholds of allocation to add to the quota bank, again, our Alternative 1 is no action. It would not add allocation to the quota bank from any share category. The quota bank would continue to hold the shares reclaimed through Amendment 36A, or Action 1, as we talked about. If you are going to require additional requirements, there may be some shares that end up being reclaimed by NMFS. This would likely entail a very, very small amount of allocation.

Alternative 2 and 3 provide a threshold of quota. When the quota for each share category, and we’re talking here about red snapper is its own share category, red grouper is its own share category, gag, tilefish, deepwater grouper, shallow-water grouper, and so each one of those categories has its own quota and has its own quota set every year, and that amount of quota can go up or down, and so that would be a different amount of pounds of allocation you would receive.

Alternative 2 would set that threshold at the amount of quota, the amount of the commercial quota, at the time each of the programs final approval by the council was accomplished, and so the year before the program went into place, and so red snapper was 2006, and the program started in 2007, and, for the grouper-tilefish share categories, that would be 2009.

Any quota above the respective amount for each of those would be
put into the quota bank, and then that threshold amount, that
specified amount below that, shares would remain in place and
the allocation associated with the shares would be distributed
to existing shareholders.

Alternative 3 would set the threshold at the largest commercial
quota since the beginning of IFQ programs, and so 2007, and, of
course, this would be 2010 for the grouper-tilefish, up until
the current year, and so, whichever is the largest quota for any
of those share categories, the quota above that would go into
the quota bank, and that threshold, that cap, would then be the
100 percent. Then shares, allocation, would be distributed
according to the shareholdings below that amount.

Then we have provided you options here, if you wanted to just
add to the quota bank red snapper only or all the grouper-
tilefish share categories, and we did separate them out, only
because you had this idea of the discards, wanting to address
discards, and we understood that as being red-snapper-specific,
and so it’s possible that you could pick both of these, red
snapper and all grouper-tilefish categories.

If there was a reason that you wanted to look at just one or two
of the grouper-tilefish share categories, of course, we could
talk about that. This is our first proposal to you, but if we
take a look at Table 2.3.1.2 on page 32, the top of 32, this
provides the thresholds. This is what we’re talking about.

For each of the share categories you can see are the columns,
and then you have, under Alternative 2, which is the commercial
quota respectively at the time each program was finalized, each
amendment was finalized by the council, when the council took
final action, or Alternative 3 represents the largest respective
share category quota since the program implementations until
this year.

Whenever the quota, depending on what you select, is above -- If
it’s greater than any of these amounts, the quota, the volume of
pounds, above that would go into this quota bank for
distribution. That amount of quota and below, that’s 100
percent that gets distributed out to shareholders according to
their percent of shares that they hold. I am going to stop
there and see if there’s any discussion.

CHAIRMAN GUYAS: Question from Dr. Frazer.

DR. FRAZER: With regard to red snapper, if we complete the
rebuilding process by 2032, what would that quota look like?
Does anybody know off the top of their head?

DR. LASSETER: I definitely don’t, but actually maybe you’re going towards something -- Again, all of these alternatives in here were staff taking a first stab at what we think you’re trying to look at. If you would like to modify these thresholds or not consider these, look at one that is larger than these, then, please, we are looking for feedback.

DR. FRAZER: Sure, and I appreciate that. I guess what I’m trying to do is think about what the consequences of these actions might be ten or twenty years down the road.

CHAIRMAN GUYAS: Dale.

MR. DIAZ: Ava, try to help me think through this, and so this is what I’m thinking about. I think there is a fair amount of fishermen that have borrowed money to buy shares, and am I using the right word?

DR. LASSETER: Yes.

MR. DIAZ: I mean, that’s kind of what I’m thinking about, and so folks are in debt trying to buy shares, and, if we choose Alternative 2, that share is maybe worth less than what it is today, or it more than likely will be, depending on when they purchased those shares, but that’s what I’m trying to think. How can we do this fairly, where we don’t have people that have went into debt to buy something where we’re taking the value away of what they thought they were purchasing at the time?

I don’t know, but, at the same time, I want to do what’s right for the fishery too, but I could see where some people could be in some bad financial problems, maybe, depending on what they paid for those shares, and so can you elaborate on that? I mean, am I thinking correctly, or am I wrong?

DR. LASSETER: Yes, I definitely see where you’re going, and I think that’s been brought out very much in the document, that people’s participation, the way that they participate in these programs, is very complex. You do have some shareholders right now who have had their shares since the beginning of these program implementations, and some of them are still out there actively fishing them, and some of them owned multiple vessels at the time.

Some of them have since sold their permits, and then you have people that have bought into the program in different ways, both
ones who have permits and don’t have permits, and so you have a really diverse group of participants in this program, and so that does make it very tricky. Absolutely you have people who have bought in since some of these thresholds, especially the Alternative 2.

What these would essentially do is cap what shares would be like, would ever be based on, right, and it have definitely negative effects on some people who have perhaps even recently taken out loans, and it would have disparate effects on other people, and that is what makes all of this so tricky, is how different people participate and how different people have joined, when they have joined, and how they are participating. I see your concern for negative impacts on people.

CHAIRMAN GUYAS: Robin and then Leann.

MR. RIECHERS: To kind of answer, I think, Dale’s question, at least based the way this is framed now, Alternative 3 would provide maybe greater protection than Alternative 2, and there could even be some -- You could even push dates out into the future, which if you’re talking about loans and loan guarantees, that would be helpful.

I mean, so there is either some other alternatives that could be structured that might also help in that protection mechanism, if that’s what you were attempting to do, and we’re not going to be able to address every situation of each individual’s business structure, but there are some things here you could do. I mean, like I said, in general, 3 is more protective than 2, and you could probably push some years out a little bit, if you wanted to do something like that.

CHAIRMAN GUYAS: All right. I’ve got Leann and then Kevin.

MS. BOSARGE: Yes, and I was just trying to think through it, too. Was there a reason we didn’t pursue maybe looking at percentages, and I don’t know if that would be a straight percentage, generally speaking, or if that would be a percentage of -- If it would be a sub-alternative on what you have here, like a certain percentage above whatever these maximums were, or if it’s just a straight percentage of the quota. I am just trying to think of other options.

DR. LASSETTER: I think that very well could be an alternative. If the committee is interested in adding that, we would really like some feedback on what percentages you would like to look at. Again, we had to go by your little bit of motion, your
motion for modifying the goal, and so we’re trying to adhere to that, and we’re trying to provide you some things, but, absolutely, if you would like to add an alternative to look at something such as a percentage, we could do that.

CHAIRMAN GUYAS: Okay. Let’s go to Kevin first, before we go down that road.

MR. ANSON: Thank you, Madam Chair. Andy, I didn’t recall -- I think Dr. Frazer brought up the question that, when we get to 2032, do you have an idea as to what that ACL is going to be at that time, relative to the commercial side?

MR. STRELCHECK: I guess the answer is no. We do have projections, but we know that those will change. My recollection, and Clay and I were just talking about it, is that the ACL will be fairly comparable to where it is today, maybe slightly higher, but a lot of it depends on the spawner-recruit relationship.

CHAIRMAN GUYAS: Okay. So all think about that. It seems we have two questions in front of us. Do we want to add additional alternatives here, and then, at some point, we may need to discuss the sub-options for these, red snapper or all grouper-tilefish, whether we want to do one of those, both of those, or break out the grouper-tilefish.

Again, driving back to our rationale, if we’re dealing with discards, we have mostly had that discussion in a red snapper sense and not so much with the grouper-tilefish. We have a suggestion to maybe add some alternatives with straight percentages. Does anybody want to expand on that and maybe offer up some suggested language to get staff started on that? Dr. Frazer.

DR. FRAZER: I just would like maybe Leann to kind of expand on your thought about percentages. I wasn’t quite sure how that would work.

MS. BOSARGE: Well, I don’t know that I have thought all that much about it. It was an idea that popped into my head, but, I mean, I guess I would have to think about it a little bit. I mean, obviously, if you’re talking about a percentage of the quota and not a percentage of a piece that’s above a certain level, that needs to be a pretty small number, and it shouldn’t be some astronomical figure, just a couple of percent, and then it gives you a decent amount of poundage, but I don’t know. I mean, I guess it all depends on what we’re going to end up using
all of this for, and do you know what I’m saying?

That kind of dictates how many pounds you really need to accomplish your goal, and I just feel like we haven’t fleshed that part out yet, and that’s why I was kind of hoping that we could get into a discussion on the quota bank a little more and try and figure out what we want to use that to accomplish.

Are we having this be pretty much a discard quota bank, to deal with some discard issues and as a certain species range increases and you’re seeing it show up in your discards where you didn’t before, or are we wanting to use this more in like a social equity type scenario, where we’re trying to provide for that next generation of fishermen in a way that maybe they’re not provided for now?

That is why I said I’m not real sure what percentages -- In my mind, they would be small percentages, but I don’t know how small is small at this point. It depends on where you want to go with it and what you want to do with it. I really think we should have a working group to sit down and think about that. What could we accomplish with this, what’s feasible and what’s not, and then we can start getting into numbers.

**CHAIRMAN GUYAS:** Robin.

**MR. RIECHERS:** Well, I mean, at least based on the current poundage we have here now, we’re really looking at a bycatch mitigation kind of notion here. We’re not really looking at new entrants, or at least I don’t think so, unless we find, as Dale suggested, other ways to add poundage.

I mean, at least framed up within this document now, I think we can suggest that it’s pretty much going to be dealing with the bycatch notion, because I just don’t think there’s a lot of other places that it could deal with.

Now, it could also deal with some other issues that we are going to deal with later in the document, or that we’ve talked about earlier, if you just wanted to see how some other things would work, and so I’m not minimizing that there is other places that this could go or be used as, but, if we’re thinking new entrants and/or bycatch for other commercial enterprises, it’s really going to lead towards bycatch, because we just don’t have the poundage here.

I am not against a workgroup, but I just don’t think that we have a lot of poundage here to deal with, Leann, and so, at
least from that perspective, I am a little hesitant to send a workgroup off until we know more or a little bit about where we’re going to think about this.

I will also add and remind everyone that we’ve got a quota bank that people are working on now and have worked with, and so the only difference is that’s not being pulled back by NMFS and it’s being allocated by shareholders and then provided in some form, and I don’t even know the complete business relationships there, but there is some business relationship where they are doing some of that now.

CHAIRMAN GUYAS: Ava.

DR. LASSETER: I can provide a little background, also. The AP had met and discussed this, and one of their recommendations was they requested a steering committee to address quota banks, and then, when I presented these recommendations, Mara had provided feedback that that would actually be an AP, and so that is also always an option, that we have the AP look at some of these issues with a quota bank and then the designing of a quota bank.

CHAIRMAN GUYAS: Leann and then Greg.

MS. BOSARGE: Are they scheduled to meet again yet?

DR. LASSETER: We don’t currently -- Depending on how far along we get in the document, I would be speaking with Dr. Simmons as to when we’re convening them, but I just remembered that recommendation that they had made.

MS. BOSARGE: Okay.

CHAIRMAN GUYAS: Go ahead, Greg.

DR. STUNZ: I mean, I have certainly been a big champion of the quota bank since we have been discussing it and other creative ways to use it with the challenges of the little quota that we have, but what I’m wondering is -- I am not at all opposed to the workgroup, but I’m worried about how much that might slow this down and if that couldn’t be a future activity, or is there -- I don’t have an answer for this, but is there some way to build into these alternatives enough room that we would have to do things in the future?

For example, you deal with it now as a way to reduce discards and those issues, but there is some type of future things we can do, as we find ways to build this quota bank, that we’re not
tied to just using it for discard offsets or something like
that.

Now, I don’t know how we do that or how we build it in, but it
would be nice to see that the intent is that we have this
flexibility to be creative with quotas, but, for now, we do what
we can, since the quota is so limited, but I don’t have a good
solution on how to do that.

CHAIRMAN GUYAS: Mara.

MS. LEVY: Well, I guess I’m just -- I mean, I hear what you’re
saying about there being a limited amount, but I guess maybe I’m
not -- Maybe we went back to another action, but the one that we
were talking about, about what sort of threshold to choose about
what to put into the quota bank, I mean, that is where you are
basically deciding how much is going to be in there, and so we
have some that’s already available, that little bit that we took
back in 36A, but then there’s an action here that is addressing
how much more you would want to make available.

It’s basically putting a set-aside in, and so I think you’re at
the point now where you’re thinking about how much you want to
put in there, and I think what I heard Leann say was that might
depend on what you want to use it for, right, and so they seem
to be related, and it seems to be addressed somewhat through
this action.

CHAIRMAN GUYAS: Leann.

MS. BOSARGE: I think my suggestion would be that, when we’re
able to reconvene that group, we should have them look at this
again. I mean, that’s a pretty diverse group, our AP is, and we
do have some next-generation fishermen in there and some that
are not even really entrants yet, and do you know what I’m
saying?

They’re new, new entrants, I guess would be the word, and so I
think maybe we should reconvene that group at some point, and
let’s try and flesh out, with all those people in the room, the
people that are already established, people that want to become
more established, and people that want to become established, the
period, that aren’t established, and how should we set this up
to where this could work? Should it just be for discards? Can we
work on some perceived social inequities, and how much can we
give and take and shift?

CHAIRMAN GUYAS: Andy.
MR. STRELCHECK: I agree with you, Leann. I think that’s a good path. A couple of additional thoughts. I know the council spent some time talking about allocation between sectors, and one of the concerns I would have with the current alternatives is, if allocation changed down the road, what impact that could have as well, and so especially if there was a reduction in the commercial quota, if you’re reducing their quota and then also redistributing more of it because of that reduction, and so I think it’s something that we probably need to put in the amendment with regard to allocation.

With regard to if the intent is to address discards, and I know we don’t have necessarily great discard information, but it seems like we could at least ask the Science Center, work with the Science Center, to try to come up with some calculations as to what those amounts would be and try to establish the quota bank based on existing amounts of quota that would be needed to help cover discards, and so it would get us away from a fixed percentage or some amount above the previous quota levels and really focus on the problem, which is trying to reduce discards in the fishery.

CHAIRMAN GUYAS: Kevin.

MR. ANSON: I know this would be not a very accurate way, but just to kind of give a sense as to maybe what the demand would be for a quota bank, and, Andy, I think Jessica has provided some information on trying to track some of those leased fish and the amount of pounds that are actually leased to another either account holder or, ideally, I guess, another reef fish permit holder, but that might also give a sense as to maybe what level or where we might need to be in order to address some of these issues with access and such and some of the ways that the system is built in right now and some of the costs that are put upon fishermen.

I wonder if maybe we can revisit that, and, Ava, you might -- Again, it might be in that presentation that Jessica provided a couple of meetings ago, but that might be also -- It would kind of set some bounds as to what we might be looking at in terms of a target.

CHAIRMAN GUYAS: Andy, go ahead.

MR. STRELCHECK: In response, we can look at it. My recollection is the amount of allocation that was transferred in especially the early years of the program exceeded the quota,
because oftentimes allocation was moved multiple times, and, the
way the program works, we’re not able to track individual
allocation from the initial transfer to wherever the final
transfer occurs, if it is transferred multiple times.

There was also challenges with account holders having multiple
accounts and transferring allocation back and forth amongst
accounts, and we probably can address that, but it’s something
we can look into in more detail to see if there’s something we
can provide the council.

CHAIRMAN GUYAS: Leann.

MS. BOSARGE: Maybe another way to back into that figure is to
look at the pounds landed by individuals that have no ownership.
Then you know they had to lease those fish, right, and, you
know, you could get into a lot of different details. You could
take it further and say -- Or they have minimal ownership, but
at least that would be a starting point, if they have no
ownership, and that would kind of be like a baseline of leasing
by fishermen that are actively fishing, and do you know what I’m
saying?

CHAIRMAN GUYAS: Andy.

MR. STRELCHEK: Once again, I guess I would just caveat that
that there’s just a tremendous amount of nuances with this
program, and, for example, I am aware of dealers that hold the
shares and allocation, and they lease it to vessels that have no
ownership related to that dealer, and so you often will then see
them as independent from the dealer, when, in reality, there is
a business relationship that has been formed, and so it might
overstate some of the leasing needs that are occurring in the
fishery.

CHAIRMAN GUYAS: Okay. Ava, we’ve given you a lot to chew on,
至少, and not in any motions, but is there anything else
that we need to cover here? I don’t think you’re seeing actual
alternative suggestions here, but --

DR. LASSETTER: I hope it’s kind of been conveyed how staff was
really struggling in presenting -- I mean, there are so many
things to think about, and what we’re struggling with is just
knowing -- It would just help if we could really focus on what
is it that we’re trying to do, and I think I’m getting some
points there, and so that’s really helping, but maybe, as I
carry on with the rest of the sub-actions, we’ll have additional
issues that will come up.
If we move on to the Sub-Action 3.2, that starts in the middle of page 32, and so now we’ve kind of lost the structure of actions and alternatives, because there is just -- There could be an infinite number of ways to approach this, and so we’re hoping that we could get some feedback to narrow this down and allow staff to craft some initial alternatives.

3.2 would address the eligible recipients of allocation from the quota bank, and there is going to be additional questions as a result of this, and some of these questions may drive how you want to define eligible recipients, and so the next questions would be how much quota would be provided to each type of recipient, would the quota be distributed, multiple mechanisms, and is there a limitation on how many years that these eligible recipients would be eligible for getting quota? Like is this just something to help short-term ownership, until people build up in the fishery, et cetera?

From your motion pertaining to the quota bank, you had identified three potential eligible groups of recipients, and they were small participants, new entrants, and, again, when we’re talking new entrants here, we’re talking about replacement fishermen. We’re talking about the next generation of fishermen, and then, finally, those who need allocation to address discards.

There are so many ways that we could approach each one of these. The next section of the document talks about the council, several years ago, in 2011, detailed a finance program, and this program has never come about, but you had some deliberation on defining what an entry-level fisherman was and fishermen who fish from small vessels, and so we could call that small participants, if you would like, although there is other ways to define small participants.

You defined them in terms of they had purchased, previously held, or hold shares in the respective program in excess of a percentage of shares that provides a certain amount of allocation, and it’s a little similar to the small vessels as well, with a vessel size restriction on there.

Then if you look, beginning on page 34, we have laid out some potential characteristics of these small participants and new entrants. Most of this is taken from 36A. Again, this was moved from 36A into this 36B, and we have separated them out into those who would be shareholders and those would be small participants or new entrants who do not have shares, and that’s
just one way to look at maybe who you are wanting to define.

These are more approaches, all of which would need further defining and operationalizing for how we would identify them within the program, and, the approaches that we are providing to get some guidance, perhaps some of these resonate with you as to what you’re thinking of when you think of a new entrant, replacement fisherman, or a small participant, and if we could get some kind of direction for some of these, some of these that you feel are essential characteristics, we could start to operationalize them and put them into alternatives. I will pause there for comment.

CHAIRMAN GUYAS: Dale.

MR. DIAZ: I am just speaking for myself, but the size of the vessel, to me, doesn’t -- It’s not important, and so I don’t -- Just speaking for myself, I don’t like that. When I think of a small participant, it goes on their landings, is the way I think about it, and so, anyway, I just wanted to put that, and I’m not sure if that’s the kind of input you’re wanting, but, when I read through it, that just doesn’t -- That doesn’t make a lot of sense to me. Thank you.

CHAIRMAN GUYAS: Go ahead, Ava.

DR. LASSETER: Great, and so what I hear from there is one of those potential characteristics was to be eligible to participate in the finance program as fishermen who fish from small vessels, and I have put an X through that, and so I get that that doesn’t resonate with you, but perhaps there is other characteristics that do.

CHAIRMAN GUYAS: Leann.

MS. BOSARGE: I was just going to echo what Dale said.

CHAIRMAN GUYAS: Okay. Are there other thoughts on this list? I guess one observation that I had was, if we are defining these people by having landed red snapper or these other species in the past, we’re probably missing the people that are just interacting with them and discarding them. I don’t know how you deal with that problem, but I think it’s a real one.

DR. LASSETER: Okay, and we struggled the most with that group, and so, on page 35, there’s really just a paragraph there. One, we’re just assuming that discards did mean red snapper, because that wasn’t in the original motion, but that seems to be the
obvious assumption, but how we’re going to define that universe, and I would assume it might be those, more likely, in the eastern Gulf, but then are you going to have an issue with accessing allocation in the western Gulf? There’s a lot of things to consider here.

CHAIRMAN GUYAS: Other thoughts on this? I am not hearing much, and so maybe we want to move to 3.3?

DR. LASSETER: Great, and so you can see how these are kind of building on each other, but I will come back to that -- It may have been Andy who pointed out that the amount of quota you may want to be putting in in the previous sub-action might be dictated by these later decisions as well, and so all of this will eventually be some kind of an iterative process, where maybe when you start to refine one section and what it is you’re wanting to look at, that might inform staff to help us design alternatives that might be supportive of that in the other direction.

If we could get some more guidance on these small participants and new entrants, the next decision, as we have it laid out, would be the amount of allocation available to the people that you define as the eligible recipients, and so, of course, those alternatives will be shaped once we know -- They will come out of how we understand small participants and new entrants and potentially addressing these discards.

That would be the 3.3. We’re really kind of stuck until we get a little bit more feedback on how eligible participants are defined, leading in then to Action 3.4. It would be actually distributing that allocation from the quota bank to these eligible recipients, and there is a series of points here.

You could be distributing the allocation for each share category just equally among all the people that you determine as eligible recipients, and you might want to weight the distribution of allocation according to some measure of fishing activity, and that’s going to be quite an extensive range of alternatives there to consider as well, but you may want to consider those who are demonstrating more activity or might be -- Would be eligible to receive more quota.

Another motion that you had passed was to consider an adaptive management redistribution method based on cyclical redistribution, this idea coming from what you were exploring in Amendment 41, the allocation-based management program for charter vessels, the idea being that moving quota through the
quota bank would depend on ongoing fishing participation, and you would distribute the annual allocation based on some cyclical measurement of changing participation.

Distributing the allocation by lottery, you could do some other kind of either random distribution, but I would expect, I would guess, that you might have more people wanting allocation, needing allocation, than you might have in your quota bank, and so that’s why these will need to kind of play together, depending on how much quota you have available and how much demand there is and how much quota would you provide available and how would you do that. I will pause there.

CHAIRMAN GUYAS: Dale.

MR. DIAZ: Are there any fees associated with quota that’s distributed to people that would receive quota from the quota bank? I am thinking the answer is no there, but I’m not positive, and that’s why I’m asking.

DR. LASSETER: We have not explored that option either. You did have a discussion paper that was presented on the use of auctions, and you did receive a determination that you could auction quota. Now, that seems -- I wasn’t sure if that was part of the quota bank or not, and I did ask if we should be including that in the amendment, and we did not at this time. We were not directed to at this time, but that might be a way -- Currently, there is not, but there is the potential that there could be.

If you’re referring to the 3 percent, perhaps, that is something that we’re wanting to discuss further at the IPT level. We’re trying to like look around at what other councils may be doing, but there is language in Magnuson that does specify what that must be based on, the maximum amount, and when it must be collected, and so we’re not really -- We’re still discussing if there is any mechanism in that to move that 3 percent to a different time or not.

MR. DIAZ: Depending on what we try to do with this quota bank, I don’t know that auction strikes me as a good way to do it, because, with new entrants, there is a chance that they might not have a lot of resources, and that’s one reason they’re a new entrant. They’re a poor person trying to get into the fishery, and so, if we do auctions, the people with the most money is going to always get the fish, and I don’t know that we help new entrants that way. Part of me likes the concept of auctions, but, if we’re trying to do new entrants, I don’t think -- For
some other purposes, it might be okay, and so thanks.

CHAIRMAN GUYAS: Leann.

MS. BOSARGE: Just looking at those bullets that are on the board, that last one, distributing the allocation by lottery, and I’m just thinking of this, and it’s a business, right, and you kind of have to plan for the future. You have to know what’s coming, and you need stability. A lottery, I’m just not sure how advantageous that’s going to be for a business enterprise.

CHAIRMAN GUYAS: Robin.

MR. RIECHERS: Well, to both of those comments, and I understand, just on the face of it, both of those comments are true, but one could set up eligibility requirements that would get you into a lottery or would get you into an auction where thereby you have already met certain qualifications, and whether it’s those business requirements you were talking about, Leann, and you’re prepared to meet those if you got some quota, if it were a lottery, or you’re prepared to come into the auction and hopefully meet certain requirements, so that you would be prepared, if you did end up purchasing that.

Now, again, I understand your point about that may deter some new entrants, as opposed to some others who were ready, and it’s all about how you want to structure it. It’s kind of going back to some of Greg’s points about there may be some ways we structure infrastructure items in this whole document that may not deal with this current situation right now as we’re seeing it, but we could be forward-thinking a little bit in how we may want it to look with some other options available to us. That’s just a thought.

CHAIRMAN GUYAS: Are there other thoughts on this? Andy, go ahead.

MR. STRELCHECK: Ava, I think, was alluding to this as well, and one of the challenges here would be what’s the size of the quota bank and then how many applicants do you get for the quota bank, because it could be not meaningful to distribute a very small amount of allocation to a large number of applicants, and, right now, I just don’t have a sense of what the demand is and how many people could qualify, because we haven’t defined that, and then how big the quota bank would be.

I think that would be something you would want to think about,
or we would want to think about, going forward, just kind of is there sort of minimum thresholds that would make the quota bank viable as well as is the distribution of that allocation meaningful for participants.

CHAIRMAN GUYAS: Yes, and that brings up something else that I’ve kind of been thinking about with this. At least looking at this list, with the exception of -- Well, even the lottery one, I suppose, but, the way I read these bullets, as long as you’re an eligible recipient, you’re essentially in the pool.

I am wondering if we need to consider some kind of options where people step forward and they apply to be in the quota bank or whatever to be eligible for the quota, and I don’t know if we would need to lay that out in actions, and not necessarily in an auction system, but just I assume how the Shareholders Alliance quota bank works, where you say, hey, I need some quota, and then you move forward from there, rather than working with a potentially large pool of people right off the bat that may or may not really need that quota.

MS. BOSARGE: I think what you’re saying is, okay, we put in requirements for eligibility.

CHAIRMAN GUYAS: Correct.

MS. BOSARGE: But what she’s saying is everybody that is eligible may not actually want it, right, and you’re going to have to apply and show us -- So you’re eligible and you meet the requirements, right, and it’s like you might -- It’s like college. Think about college. You’ve got to have a certain minimum ACT. Just because you took the ACT and you made that score, it doesn’t mean you’re going to go to college. You might choose to do something else. You have to apply to go to the college, right?

I think that’s what Martha is saying. They meet the eligibility, and then there is maybe an application that they fill out, and that is saying, yes, and, by the way, I’m interested and I want to be part of it. Is that what you’re kind of saying?

CHAIRMAN GUYAS: Yes, and, I mean, if there’s a fee associated with this, then obviously you have to do that, because, otherwise, we would just be basically making people pay for something that they may or may not want, I would think, but I’m just trying to think about this list and if everything that we need is on there, and maybe we need to think about that kind of
situation as well. Go ahead, Ava.

DR. LASSETER: I think most definitely. However you define the people that would then be eligible, unless there was some kind of a cost, I can’t imagine why people would not, if they qualified for eligible, engage in the application process if it is otherwise free, and so that’s why kind of the lottery idea was just thrown out there, as you may have to have some random way to decide if your demand is much greater than your quota pool, but I think what I’m hearing here is there is a lot of issues here, and we’re struggling with them as well, as how many decisions to make and how to make all of this work. For us, it really comes down to starting to narrow down who might be eligible recipients, and that’s kind of a core thing that will drive a lot of these other sub-actions and decisions.

CHAIRMAN GUYAS: Okay, and so, looking ahead, I think this is our last action, or sub-action, dealing with the quota bank, and so I would say, if you have other thoughts on the quota bank, now would be the time. Otherwise, we’re going to shift gears. Okay. Let’s go to Action 4, or did you have something else that you needed to say?

DR. LASSETER: I will just say that I didn’t really hear a whole lot to help us develop this action more, and I just really want to make that clear, that staff worked to put this together, but we are going to need some direction as for how to refine this into -- So that we can provide you with actions and alternatives, but we can come back to that, I’m sure, and let me go through the final action of the document, just so we can think about something else for a moment.

The final action is Action 4, and that starts at the top of page 36. This action pertains to the accuracy of estimated weights and advanced landing notifications. This action came about from the Law Enforcement Technical Committee that made a recommendation to the council, and the council recommended that this action be added to this document.

Currently, Alternative 1 would not change the current reporting requirements. When a vessel carrying IFQ-managed species is going to land, they must provide an advanced landing notification. Part of that notification includes an estimation of how much poundage they are carrying for each of the share categories, and, currently, when you land, then the actual weights are determined, and the actual poundage is deducted from the accounts, the allocation accounts, but there is not a requirement that that estimated poundage be within a certain
amount of the veracity of what is actually landed.

My understanding is that, for the most part, people are very close to what is actually landed, but Alternative 2 would specify -- The actual alternative specifies that the estimated weight reported on those advance landing indications be within a percentage of the actual landed weight per share category.

Alternative 2 would require that to be within 10 percent, and Alternative 3 is 20 percent, and, of course, 10 percent above and 10 percent below and 20 percent above and 20 percent below, but it would be a percentage range.

We are throwing this number out there. We do not have law enforcement feedback on whether they feel that these are appropriate or not. They are meeting in October, and we could do so at that time.

The options pertain to a minimum amount of pounds, like a threshold of pounds, above which that percentage would apply, because, if you’re less than -- If you have fifty pounds and you said, well, you actually had -- You thought you actually had thirty pounds, and 10 percent could be a very small amount of fish. It could be even a matter of an individual fish for a small weight of fish, and so you might want to have a threshold, a minimum threshold, of a weight above which this percent accuracy would apply, and so we’ve also thrown two minimum weights out there to you, being 100 pounds and 500 pounds. I will pause there for discussion.

CHAIRMAN GUYAS: Patrick and then Kevin.

MR. BANKS: I am trying to figure out what the problem with this is, really. If somebody calls in and says that I’m going to land 1,000 pounds of snapper, and then they get to the dock and they have 2,000 pounds of snapper, is the landings calculated -- Are management decisions being made so quickly between the time of that pre-report and the official report that we have to make sure they’re that accurate? I mean, what is -- Can somebody explain to me what the problem is there?

CHAIRMAN GUYAS: Robin and then Ava.

MR. RIECHERS: Patrick, I think, at the Law Enforcement Committee, and I know some of this stemmed from some goings on in Texas, and we certainly have an enforcement officer here who can help speak to it as well, if you would like to bring him to the mic, but I think the issue was the reportings were coming in
significantly lower than what the poundage ended up being, and so that lends itself, unless checked by a warden, and we know that every landing is not going to be checked by a warden, it lends itself to the possibility of some abuse, and I believe we’ve even made some cases with that going on.

It’s just a notion of we believe people can be more accurate, and you said either above or below, and I think the real issue is if you’re estimating below, but we think people can probably be more accurate, and even we require them to be more accurate on their last trip, because I think we have a within 10 percent requirement on our last trip, and so I think that’s what it’s getting at, Patrick, and whether or not the poundage here is exactly where it needs to be or whether other states are seeing that, I don’t completely know, but, again, if you want someone to come to the mic, we can also have someone discuss it from a law enforcement perspective, and it’s also supposed to go back to LE at some point, isn’t it, or the LEAP Committee?

DR. LASSETER: That would be the October meeting with the Gulf States Commission.

CHAIRMAN GUYAS: Kevin, and I’ll come back to you.

MR. ANSON: I’m wondering where this would fall in as far as any legal action. How would the agency process this, and what would be the fines associated with this type of violation? Is that something that would have to be established?

CHAIRMAN GUYAS: Andy or Mara, can you answer that, or anybody at the NMFS table?

MS. LEVY: I can’t answer it. I mean, I don’t know if it’s currently contemplated in the penalty schedule. I don’t have the penalty schedule here. We could certainly ask, but, I mean, I guess, to me, it would fall under some sort of reporting violation, presumably, but I really don’t want to speak to it too much, because I’m not involved in that area a lot.

CHAIRMAN GUYAS: To that point, Kevin?

MR. ANSON: Under the standard reporting violation, there is just a fine that’s associated with that and no penalty associated with the permit or the ability to land fish? Is that correct?

MS. LEVY: I would have to check with the enforcement attorneys to see what the standard process is for reporting violations,
and I don’t know if it gets worse the more you have or how that
works, but I can certainly check.

CHAIRMAN GUYAS: Let me go to Patrick.

MR. BANKS: Going back to my original question, and I appreciate
the explanation by Robin, but -- I can understand that issue,
but the true issue is whether the final report is correct or
not, and so who really gives a damn about the estimated report?
I mean, are we making a decision to close a season between the
time that estimated report comes in and to when we get a final
report?

It’s the final report that I can understand that we need to bust
somebody if they’re way underreporting or way overreporting or
whatever, but this estimated weights in the advance landing
notification, I just don’t understand. If somebody misreports
that, have we made a management decision between that and when
the final landings come in? If we don’t, then what is the
difference?

CHAIRMAN GUYAS: Let me go to Leann and then --

MS. BOSARGE: Then, to further complicate matters, you have to
give your time that you’re going to be at the dock and your
estimation three hours in advance, and that is a courtesy to law
enforcement, to let them get to the dock, to give them time to
get there, and you’ve got three more hours to fish, and so now
you’re estimating anyway. Do you see what I’m saying?

You’ve got to tell them what you think you might catch in the
next three hours, and then we’re going to penalize them for
being off, not to mention that you’re on a boat, and there is a
couple of people on the boat. For the captain to have an
accurate estimate when you’re starting to catch 5,000 or 10,000
pounds, he’s going to have to be there to watch every single
fish that goes in the box. Do you see what I’m saying?

You are usually estimating, a lot of times, and some boats have
scales and stuff, but, like in the shrimp industry, we estimate
based on the average pound of the sack. Well, that depends on
how full that deckhand fills his basket, right? Some deckhands
are going to have a seventy-five-pound sack, and some of them
are going to have a fifty-pound sack, depending on whether they
crown the basket over or not.

I mean, I just can’t imagine getting quite this detailed. They
already hail-out, and they already hail-in. They give an
estimate, and they have to have the pounds in the account, and I
don’t see where this is an issue with some sort of overfishing
or anything like that.

If there’s a few bad apples somewhere that we’re worried about
that are saying they have 1,000 and law enforcement maybe has
some unwritten rule that if it’s just 1,000 pounds that we’re
not going to go check it, I don’t know, and it’s really 2,000,
then we need to target maybe those individuals, but I don’t see
putting this blanket across the entire industry.

CHAIRMAN GUYAS: I’m going to go to Andy and then John, and then
we have law enforcement here from Texas Parks and Wildlife, and
I don’t want to put you on the spot, but if one of you gentlemen
want to come to the mic and we can have you speak on this issue
after John goes. Go ahead, Andy.

MR. STRELCHECK: You took my thunder away. Yes, and so we’ve
spoken to NOAA Law Enforcement about this, and I think it would
be helpful for them to come up and speak to this issue as well,
because I don’t think there is support, at least from NOAA Law
Enforcement.

Just quickly, in response to Patrick’s comment, no, we’re not
making any decisions on what is provided in a landing
notification. Their quota allocation and what we deduct out of
their account is what is reported by the dealer and ultimately
subtracted from their quota allocation that they maintain
throughout the year, and so if I could have someone from NOAA
Law Enforcement come up and speak.

MR. MATT ROBERTSON: Good morning. I am Special Agent Matt
Robertson with NOAA OLE here in Corpus Christi. I can
definitely -- As far as this Action 4, it’s a general consensus
within OLE that the requirement to include a weight estimate
during landing notification of IFQ species was not intended to
expose the fishermen to violations based on accuracy of their
estimation.

It was intended to provide all parties involved with an
estimate, by definition of approximate calculation or judgment.
OLE is not of the opinion that regulations requiring a certain
level of accuracy would provide an increased level of compliance
to current regulations and does not support a change to
reporting requirements regarding estimated weight of IFQ
species. Currently, OLE has no reason to believe that a
fisherman’s accuracy in weight estimations have correlation to
noncompliance of other regulations that are governing the
landing process.

CHAIRMAN GUYAS: All right. Thanks. John, do you want to weigh-in on this still, or any other questions for NOAA Office of Law Enforcement, first? Everybody is good? Okay. Thank you.

MR. SANCHEZ: No, Leann said what I wanted to say, that either you have the fish in your account or you don’t, and so, when you’re hailing-in, I don’t see the --

CHAIRMAN GUYAS: Robin and then Dale.

MR. RIECHERS: Well, and I hear what people are saying. Certainly, on the backend, if you have the allocation, then you can rectify your situation, but that’s only if either you’re totally being honest, number one, and/or, number two, you weren’t intending to be honest, but the warden is setting there waiting on you.

I appreciate the three-hour notification and that we have plenty of other regulations, but we’re all setting around this table kidding ourselves if you think that every three-hour notification gets checked, because that just doesn’t happen, and so there’s only a subset of those allocations that are going to get checked, and so there’s a chance for some abuse here.

I’m going to ask Les to come up as well from the state side, because, again, we do a lot of our management with state enforcement, both here and across the Gulf, and at least let him speak to the situation, and then we’ll see where this goes. Again, this is a beginning document, and there’s certainly no need to suggest we pull something out now, and it’s a simple alternative at this point. It could be maybe done better or in a different way, but at least at this point we were getting that concern out here into an alternative. Les, if you will.

LT. LES CASTERLINE: Thank you, Robin. I appreciate you all allowing me to speak. I’m Les Casterline, Lieutenant of Fisheries Enforcement for the Texas Parks and Wildlife Department. In dealing with this subject, one of the main things that I would bring up to you is what Robin actually already spoke about, is, when these fish are coming in, what I’m hearing a lot of is the thought is that it’s being reconciled by the dealer when it’s being landed and then it’s being right.

What we have found in some cases in the past are the fish that maybe do not make it to the dealer, where the fisherman is
actually acting on behalf of the dealer and delivering his own fish to the dealer. Fish don’t make it all the way to the dealer that were landed, that were in excess of what they landed, and, as he spoke about earlier, due to manpower in certain areas, there are times where we don’t have 100 percent of the vessels that are checked at the dock.

Even the vessels that are checked at the dock, if they’re allowed to actually adjust the weight, that can be done while you’re standing there. If you weren’t there and you had a vessel that came in and declared 500 pounds, but they really had 1,000, the question is, if the game warden was not there, would that other 500 pounds have been calculated.

I can tell you that we had a case in the last few years where we had a vessel that did that exact same scenario. He unloaded his own fish and utilized a copy of the license for the dealer he was unloading to. Throughout over about a year’s time, it was found that there was over 14,000 pounds of fish that were not deducted from the quota that that vessel was selling not through the actual dealer himself.

There are circumstances where we do have issues where we have somebody that is not honest, and I do agree that a large portion of our fishermen are honest folks, and they’re going to make that change, but we do have the select few that we do have issues with in that respect, and the other thing is, for you all that do not realize how we respond to these vessels, that three-hour notification is vital. That’s what we utilize to respond to these landings.

We get a three-hour notification in, and it could be in the middle of the night. Of course, they cannot unload until six in the morning, and so that means you have to make the decision, depending on your manpower, are you going to go sit on the boat starting at two o’clock in the morning when it actually makes its landing or are you going to show up there for the offload, and you’ve got more than just a few hours that you’re actually sitting there, depending on the issues that you have with a certain vessel.

The accuracy in this program allows us to better target our enforcement by the mechanisms that went into it. The email will actually identify if there is sufficient allocation, if they over-drafted from another account. If you have a drastic underreporting of what that actual landing is going to be, none of those mechanisms will work.
If they show 500 pounds, and they have 500 pounds, but they unload 1,000, none of those mechanisms are going to trigger that there could possibly be a violation, and, in those situations where those occur, it’s very highly likely that, if there is one of those notifications that is triggered, there will be an officer show up to the dock.

Depending on manpower, if they do have sufficient allocation, although we do make it to most landings, it’s not going to be 100 percent, and so that’s a vulnerability to the system, to where basically the three-hour notification -- If there is no requirement for that information to be accurate, then you almost have to assume that the byproducts or alerts -- You have to question their accuracy as well.

CHAIRMAN GUYAS: All right. Thanks for that information. Are there other questions? Dale.

MR. DIAZ: I was just going to ask if Mr. Atran -- You know, our Law Enforcement Technical Committee asked for this, and I like to take things serious when they ask for stuff, but if we could maybe get Mr. Atran to give us some idea of how that meeting went and give us a little summary of the discussions, if that would be okay.

CHAIRMAN GUYAS: Before we do that, I just want to make sure there is no questions for this gentleman here. Yes, Patrick.

MR. BANKS: So the estimated weight is going to be the estimated advanced landing notification. What you’re -- I think what I was hearing you say is that it helps you corroborate the final dealer report and whether the final dealer report of the landings is truly what the fisherman caught or not, and is that what I’m hearing, because I look at it as the landings, the official landings or whatever, comes in on the dealer report. That’s what we need to be checking for accuracy, but I think what I heard is this estimated advanced landing notification helps you corroborate those final landings, and is that right?

LT. CASTERLINE: In part, but, also, I would suggest that you’re also looking at the amount of landings that the vessel is declaring, because your assumption is that all of that fish is going to go to that dealer.

In instances, we have had high volumes of fish that the actual vessel is bringing in in addition to what he has sold to a dealer and selling it to another party, and the fish do not make it into the system, and so you have the dealer may or may not
have actually received the fish from the vessel.

MR. BANKS: Is the party that they sell the other fish to not a dealer or --

LT. CASTERLINE: Correct, in some cases.

MR. BANKS: So they’re purchasing fish without any kind of dealer license or anything?

LT. CASTERLINE: Correct, in some cases.

CHAIRMAN GUYAS: Tom.

DR. FRAZER: Thank you, and so you’ve provided an example of one case where there was 14,000 pounds or something that went unaccounted for, but I guess I’m trying to get a better feel for the extent of the problem, more generally.

LT. CASTERLINE: I can tell you that we do run into a few of the landings where there is a considerable amount of difference, but, just in general overall, the ability for us to provide law enforcement to this effort, it would be more effective for us to target these enforcement efforts towards, putting time towards this, if we knew an accurate amount of the fish.

As far as the exact number of how many times it has occurred in Texas, I don’t have that with me today. I can give you the example that I gave you earlier, and I can also help answer the question that was given to me, because we actually had, in two instances within that 14,000 pounds, where we had covert officers that were actually the purchasers of that fish, and so we can assure that those two purchases were done by non-legitimate dealers.

The other thing that I would ask you all to look at, as far as the manpower, is future funding that is used to increase the amount of patrols that we have. We receive funding from NOAA. After this year, it’s undetermined whether we’re actually going to have the CEP funding, the Cooperative Enforcement Program, after August of next year, and so, as resources are available or shorter, we have to be better at targeting our approaches to inspections of vessels at-sea and at dockside.

This mechanism that we have with the three-hour notification allows us to do that and determine which inspections it’s highly likely that we need to be present at and identify if there are some overages as far as overdrafts or within that program.
CHAIRMAN GUYAS: Okay. Go ahead, Andy.

MR. STRELCHECK: This is where I’m struggling to understand how this helps law enforcement. It is a notification system, three hours, to let you know when a vessel is landing. You guys are making decisions as to whether you’re going to go inspect that or not, based on manpower and resources, and it is done, I will say, fairly randomly.

There might be some targeted enforcement though, based on what you know about a particular vessel. At the end of the day though, if you have a person that wants to violate the law, how does this deter them from violating -- It’s going to be another deterrent, but it doesn’t necessarily mean that it will be a deterrent.

LT. CASTERLINE: I believe that the amount of inspections we do conduct, if there is a percentage of accuracy to those landings, although you are going to have some folks that will violate the law, by doing that, you will at least tighten that number of overages that may occur, in the event that you’re not there and that they wouldn’t record, and it would give us the ability to conserve the resource.

MR. STRELCHECK: Then a follow-up question. How often do you encounter fishermen overreporting their landing estimate?

LT. CASTERLINE: I would have to pull the statistics, sir.

MR. STRELCHECK: Okay.

CHAIRMAN GUYAS: All right. Thank you for coming up here and answering questions. We really appreciate it. Steven Atran, I think Dale had requested some info from the LEAP meeting. Are you able to comment on that real quick?

MR. ATRAN: Yes, Madam Chairman, and I actually have the LETC report open right now. There were actually two times when the LETC brought this up as an issue. The first time was in October of 2013, in which some committee members reported that, under the hail-in requirements, they had reports that some fishermen were underreporting their catches.

Now, at that point, the reason given was because, if they’re going to make a mistake, they would rather err on the side of underreporting than overreporting, because correcting an overreport involved more paperwork. The question though was
that, when officers were present to observe the vessel being offloaded, corrections were made at that time, but there was some question whether or not the corrections would be made in the absence of enforcement. Back in 2013, the LEAP had suggested that NMFS have an auditor investigate this, and I don’t know if anything came of that.

The next time they brought this up was at their last meeting, which was in March of this year. Again, they brought this up, one specific instance of a boat that had hailed-in with an estimate of 500 pounds of red snapper, but, at the dock, it unloaded 1,100 pounds.

The officer was there to observe the unloading, but there was concern that, in a situation like that, the underreported catch might either go unreported or reported and sold as a different species, such as vermilion snapper.

One of the committee members also had indicated that they felt that some of the fishermen weren’t taking this reporting requirement seriously. They had to report a number, and so they would just throw out any number and that would satisfy their requirement.

They discussed some of the issues that Ava brought up about, if there is a small amount being landed and a percentage requirement, it could be more difficult to be accurate within the percentage. Also, if you have new fishermen, it may be more difficult for them to make a correct estimate, and so what was suggested then is that NMFS can match every landing notification by the fisherman with the landings transaction by the dealer to see if there is any discrepancies and at least find out if there is a -- How much of a problem we have here.

The only other thing they mentioned was, because of the three-hour hail-in requirement, some vessels that are just making day trips may have to both hail-out and hail-in as they are leaving the dock, and so they may have to make an estimate before they even caught any fish.

They did pass a motion in March. The LETC recommends that the Gulf Council entertain discussion regarding the accuracy of reporting estimates in the advance notification of landing of the red snapper IFQ program, due to an increased observance of underreporting, and I think that’s what you’re doing right now. Thank you.

CHAIRMAN GUYAS: All right. I’m going to recognize Kevin, and
then we have got to go to lunch.

**MR. ANSON:** I will try to be brief, and so a couple of points. It’s a little surprising that we’re actually having this conversation, I guess, and I will follow-up with Leann’s comments and respond to those. You know, the IFQ program was all built on accountability and being accurate, and I just find it hard trying to recall other instances -- We have seen on television shows about commercial fishing related to the red snapper IFQ that the customer places an order and there is IFQ available. The fisherman goes out and catches those 500 or 1,000 pounds and brings them back and sells them to fill the order.

I would suspect that there probably isn’t a lot of -- They don’t want to short the customer, and so they’re going to at least provide those pounds, and I don’t suspect there’s going to be much above that order when they bring them in, relative, and so I think having a range in there of 10 or 20 percent probably is going to be sufficient.

As the officer from Texas alluded to, it just increases the enforcement presence, if you will, passively -- Or in a passive manner and not an active manner, and so, bringing up a point that Steven just brought up about the matching and the validity of those trips when they’re trying to look at and reconcile trips that have been reported and such, on our Snapper Check Program, for us to have a matching valid trip for our private anglers, we have to match by the number of anglers and by the number of fish, and I understand it’s a much smaller number of fish, or the way you’re counting them, but there is some accountability there, in that we’re only able to match or we’re only matching those trips down to the number of anglers and the number of fish, and so it’s trying to get to a point where you can avoid some issues or avoid the possibility and the enticement of the situation that the enforcement officer from Texas alluded to.

**CHAIRMAN GUYAS:** Okay. So we’re really behind, and we’re up against lunch, and so, at this point, I think we need to walk away from the IFQ document. We can maybe come back to the purpose and need in Full Council, if anybody has any ideas, and, Kevin, you kind of put some things on the table that we can consider adding. Can you maybe craft some language for us, if you can think about it, but I will turn it over to Madam Chair.

**MS. BOSARGE:** I will be the one to tell you that we might have to shorten this lunch break a little bit. We did not get to our
Modification of Recreational Red Snapper ACT Buffers before lunch, and that’s a half-hour discussion in and of itself, and so let’s go to lunch, but you have a regular one-hour lunch today, and so let’s be back here at one o’clock.

(Whereupon, the meeting recessed for lunch on August 21, 2018.)

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August 21, 2018

TUESDAY AFTERNOON SESSION

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The Reef Fish Management Committee of the Gulf of Mexico Fishery Management Council reconvened at the Omni Hotel, Corpus Christi, Texas, Tuesday afternoon, August 21, 2018, and was called to order by Chairman Martha Guyas.

CHAIRMAN GUYAS: Sue has an IFQ newsletter that she is going to pass around for people to take a look at, and do you want to describe what this is?

MS. GERHART: We had been asked for information on IFQ programs and reminders and updates, and so our group that works on IFQ programs put together these newsletters, and it’s really more of a brochure sort of thing, and I thought the council might like to take a look at the kind of thing that we’re putting out there, and so we don’t have a lot of copies, and I have two issues that we have put out so far, and I will just start them, and you can pass them around the table.

If you want one for yourself, Alicia from our office is over here, and she has some extra copies if you’re interested, and so I just wanted you guys to see some of the information that we’re putting out to the participants in the program.

CHAIRMAN GUYAS: Okay. Thank you. So I’m also told that Carrie was able to track down the intersector trading history, wherever we left that subject, but she is missing at the moment, and so we’ll just have to come back to that. Assane, can you speak to that?

DR. ASSANE DIAGNE: About the intersector trading, in August of 2013, we presented a scoping document to the council, and there was extensive discussions, and, in October of 2014, the council approved a motion requesting that we stop working on the
intersector trading document, and so that motion is available, as well as the scoping document, if someone wanted a copy.

CHAIRMAN GUYAS: All right, and so there you have it. That’s where we are with that. Our next item on the agenda is the Recreational Red Snapper ACT Buffers. All right, Ryan. We’re ready.

FINAL ACTION: MODIFICATION TO THE RECREATIONAL RED SNAPPER ACT BUFFERS

SUMMARY PRESENTATION

MR. RINDONE: Yes, ma’am. You guys saw this framework action the last time, and we’re looking at potentially taking final action this time around. The codified text for this document is 7(d), and it reflects the current preferred alternative that you guys have, and it will be combined with the codified text from the other framework action, which modifies the red snapper and hogfish catch limits, so that those red snapper catch limits all line up, given whatever decisions are made here, and you guys will see that at Full Council.

Just to review the purpose, it’s to reduce the federal for-hire component’s ACT buffer for the red snapper recreational sector to a level that will allow greater harvest while continuing to constrain the component ACL as well as the total recreational ACL. The need is to allow the recreational sector components to harvest red snapper at a level consistent with optimum yield while preventing overfishing and rebuilding the stock.

You guys currently have listed as preferred in Chapter 2 Alternative 3, which would apply the council’s ACL/ACT control rule to the landings from 2014 to 2017 to set the respective component ACT buffers for the private angling and for-hire components.

This results in a for-hire component ACT that is set 9 percent below the for-hire ACL, and the private angling component’s ACT would be 20 percent below that component’s ACL, and the total recreational sector ACT would be approximately 15 percent below the recreational ACL.

Then you guys have also preferred the Alternative 4, which establishes a sunset on this decision for the end of the 2019 fishing season. Are there any questions about the preferred alternatives?

CHAIRMAN GUYAS: Okay. I don’t think we have any questions, and
so let’s keep going.

MR. RINDONE: Well, Madam Chair, we have added a couple of additional tables in here for you guys, to help with any additional decision-making you think that you need for this particular document, particularly Table 2.1.2. It shows the breakdown of the recreational catch limits by component for red snapper under Alternative 2, which was discussed some last time, to show how all -- Because there was a question about how all of those values added up, because we had basically a sliding scale for how the for-hire component’s buffer may change compared to the private angling component, and so that’s one of the main things that was added, but, other than that, you guys have preferred alternatives at this point, and so, if you don’t see fit to change those and you would like to recommend that the council go final action on this, you could do that.

CHAIRMAN GUYAS: Mara.

MS. LEVY: Just a suggestion, when we go back and finalize the document, if you take final action. We have the table that shows the ones for Alternative 2, and I think it would be helpful in this action or discussion to also have the numbers associated with Alternative 3, so that -- I didn’t see that in Chapter 2, and I think it’s somewhere in Chapter 4, but I think it would be helpful someplace in Chapter 2, where the alternatives are, to show what the actual numbers come out to be.

MR. RINDONE: Let me blaze through Chapter 4 real quick and see if I can’t drum that out.

MS. LEVY: I don’t know that you need to do it now. It’s in the codified, but just when we’re looking at finalizing the document.

MR. RINDONE: Sure, and so it’s Table 4.3.1. This shows the catch limits relative to Alternative 1, or the status quo, and so a negative percent ACT change would represent a decrease, and a positive would represent an increase over the status quo.

CHAIRMAN GUYAS: Dale.

MR. DIAZ: I think we’re at the point where I would like to recommend that we take final action on this document.

CHAIRMAN GUYAS: Okay. Let’s get that motion on the board. Is there a second for that motion? Patrick. Thanks.
MR. RINDONE: You guys also have public comments that you might want to hear before you go forward with this.

SUMMARY OF PUBLIC COMMENTS RECEIVED

MS. MUEHLSTEIN: Okay. Thank you, guys. We did receive twenty written comments on this framework action. We heard support for no action, and we also heard support for the buffer on the for-hire sector to be decreased in order to allow the federal for-hire component to reach its annual catch limit.

We heard that the red snapper fishery is robust and that it has recovered to the point that anglers must actively avoid them, and so the red snapper annual catch limit should be increased so that the recreational sector can increase its buffer without impacting the number of fishing days.

We also heard that the for-hire sector’s buffer should be reduced to 10 percent. We heard that the for-hire annual catch target should be reduced while the private recreational annual catch target should remain the same. We heard that there needs to be a true scientific analysis of the for-hire landings before annual catch targets are adjusted.

We heard that there is no accountability or special data collection for the recently separated for-hire sector, and so the council should not be able to saddle the private anglers with a higher buffer while easing the buffer on the for-hire sector. We heard that 407(d) mandates that all within the sector must be punished for overages. The for-hire sector is a sub-component of the recreational quota, and it is not a sector in itself, and so it should be managed alongside the private anglers unless the entire quota is split three ways amongst commercial, for-hire, and the private recreational sectors.

We also heard that it’s more appropriate to reset the total allocation between the for-hire and private components based on an equal number of days fished. Manipulating the annual catch targets is the wrong approach, and it discriminates unfairly against private anglers. If the for-hire fleet can’t catch its allocation, then the allocation is wrong.

We also heard some other comments that I don’t think are pertinent to share right now, and you can see those and read them in Tab B, Number 7(b). Thank you.

CHAIRMAN GUYAS: Okay. We have a motion, and we have public
comments. Any discussion on this motion? Andy.

MR. STRELCHECK: Not discussion, but I think it’s just a word of caution. Obviously we’ve done a good job of managing the charter sector in the last few years, and we’ve been under, and certainly reducing the buffer is to their favor, but, as everyone well knows, 407(d) applies here, and we’ve had two years of private overages, and we have not yet determined, obviously, what will happen under the EFP, and so we’ll take that into consideration, obviously, as we look to approve this amendment.

CHAIRMAN GUYAS: All right. Anybody else? If not, is there any opposition to this motion? Seeing none, the motion carries.

That helped us catch up a little bit. All right. Our next item is going to be Gulf of Mexico Allocation Review Triggers, and so that might slow us down again. We’ll see how it goes.

GULF OF MEXICO ALLOCATION REVIEW TRIGGERS
DISCUSSION PAPER
PRESENTATION: GULF OF MEXICO ALLOCATION REVIEW TRIGGERS

DR. DIAGNE: Good afternoon. We are going to discuss the allocation review policy and triggers, and there is a discussion paper that is Tab B, Number 8(a), and a short presentation to guide us through it.

Essentially, NMFS and the CCC, the Council Coordination Committee, got together and developed several documents, and these documents were developed to help councils in reviewing existing allocations as well as adjusting those allocations, if need be.

The three documents are, one, a fisheries allocation review policy and, two, associated documents, which are procedural guidelines. The first guideline provides directives addressing criteria for initiating allocation reviews, and the second document emphasizes the recommended practices and factors to consider when reviewing and making allocation decisions.

The first two documents, meaning the policy and the first directive, are as an appendix to the discussion paper, and the second directive is added as an appendix to the document that Dr. Freeman will discuss right after this one. Essentially, this presentation will really concentrate on the first two, the policy as well as the triggers.
Before we start, let us look at the definitions of some of the key terms, so that we will all be on the same page. By "fisheries allocation", it is meant in the policy -- It is defined in the policy by NMFS as a direct and deliberate distribution of the opportunity to participate in the fishery amongst identifiable discreet user groups or individuals.

"Fisheries allocation review" is defined as the evaluation that leads to the decision of whether or not the development and evaluation of allocation options is warranted, but is not, by itself, an implicit trigger to consider alternative allocation. Finally, the " of fisheries allocation options for an FMP amendment", if the allocation review warrants it, then there is a full analysis and evaluation of allocation options to be initiated. The goal is an FMP amendment, or framework action, if applicable, to update the allocation or maintain status quo.

To put this in perspective, the allocation amendment that the council has begun developing is the last step, essentially, because that will be an FMP action with alternatives and so forth to be discussed, following our usual process, and so the allocation review is one step before that.

Now let’s spend a few minutes looking at the policy, which is really the main document, and then we have the guidelines associated to it. The allocation review policy recommends the use of adaptive management for allocation reviews, and, by adaptive management, it is meant to be an ongoing process of evaluating if management objectives have been met and adjusting management strategies in response, if need be, and I believe, in the allocation amendment and the development, there is a section that discusses the FMP objectives, goals and objectives.

The process that is suggested by the review policy includes a periodical reevaluation and updating of the management goals and objectives to ensure that they are relevant to current conditions and needs.

The policy, allocation review policy, clearly states that the council is responsible for establishing the triggers, and, by that, it is meant that selecting the criteria for initiating fisheries allocation reviews. The policy recommends three types of triggers. One group would be time-based triggers and the second is public-interest-based, and, finally, a third group would be indicator-based criteria. We will come back to these and discuss them in more details.

For the last one, the indicator-based criteria, the council must
lay out the process that it will use to assess whether the
trigger or triggers are met. The council has to identify these
triggers by August of 2019, or as soon as practicable, and I
understand, from discussions with Dr. Simmons, that the deadline
is not really a hard-and-fast deadline.

This adaptive management ongoing process recommended would be a
three-step process, and this diagram here summarizes the
process, and the first step would be the identification of the
triggers. As we said, it would be one of the three groups,
indicator-based, time-based, or public-input-based.

After those triggers are identified, the allocation review will
then proceed, and, by allocation review, we would look at the
FMP objectives and revise them, if necessary, to make sure that
they are current, and, number two, ask the fundamental question
as to whether the objectives are met, whether the allocation
that we are looking at meets the objectives of the FMP, the
goals and objectives of it, and, three, inquire and see if there
are other relevant factors that have changed and if those
changes would have impacted allocation.

One of two things. We could answer, let’s say, after reviewing
the objectives, that the allocation still meets the FMP
objectives and no additional relevant factor has changed to
impact the FMP. In that case, then there is no need to go to
the following step.

Then we will stop and, when the time comes, or when warranted,
go back to the first step, meaning the identification of the
triggers, but if it is found, following the review, that the FMP
objectives are no longer met by the existing allocation or that
some relevant factors have significantly changed, then we would
proceed to the third step, meaning have the formal evaluation of
the allocation and possibly recommend a reallocation, which is
the formal council process, which the current amendment for red
snapper has initiated.

The three-step process is, one, the identification of the
triggers, two, the allocation review, and, three, if needed, the
formal, I would say, just FMP amendment to look at the
allocation.

Now let’s spend a little more time and look at the triggers,
and, as we mentioned initially, we have three types of triggers,
public-interest-based, time-based, and, finally, based on some
indicators. In terms of public-interest-based criteria, this is
something that the council has used, given that our process,
meaning the council process, is an open process at all stages, and there are many opportunities for the public to provide inputs on all the issues, including the issues of allocation, and the public has routinely expressed themselves and recommended for the council to take another look at allocation.

Specifically, the review policy looks at the public input in three different ways, at three levels. One is the ongoing public input on public performance and two is the specific solicitation of public comment regarding allocation review, and three is a formal initiative, and, by formal initiative, is meant in the policy of having a petition, for example.

The ongoing public input, again, our process is open and transparent, and the public has opportunities to provide comments, and this creates, if you would, a feedback loop. Let’s say, for example, during public testimony, the public could express itself, and then the council can pick it up and discuss it and perhaps offer a motion and then take us to the next step of the process.

Then, just to reemphasize that, the public’s interest in allocation review is likely to be expressed and, I guess in our case here, has been expressed on various occasions during, for example, public testimony.

The council could also require or request, in specifics, input on allocation review, and that would be then deliberate, and it specifically targets the public input on the need for allocation review, and that is a question then that, as a council, you would ask from the public.

In doing so, the council would have the ability to dictate the schedule, but it should be aware of the expectation of its stakeholders, because, before asking that question, one has to be, I guess, relatively sure, when it comes to the resources and the capacity and the willingness of the council as a body to follow through, should that information come back and the public saying that, yes, we would like the allocations to be reviewed.

The final group or type of criterion to be used would be the public-interest-based criteria here, formal initiative, under the public interest, and, here, a petition would be formally initiated, and then it would require that the council review a particular allocation within a specified time period.

It may be appropriate to include some type of an indicator-based criteria to establish a minimum threshold to initiate the
review. If not, I guess you may have too many of them, and, if
the council decided to rely on petitions, it would be
recommended to establish guidelines for those petitions, how
they should be drafted, what would be the purpose, and so on.

Time-based criteria, and this is by far the most straightforward
and the easiest way to approach this issue. Essentially, this
would be a periodic allocation review on a set schedule, and
this would be, again, the simplest and most straightforward
approach. One of the advantages is that this approach is less
vulnerable to, I guess, political pressures, as well as to
changes in council dynamics.

However, time-based criteria would mandate a strict schedule,
which would take away some of the council’s flexibility, in the
sense that, if a more pressing issue was to come to the front,
then the council would have its hands tied in saying, well, we
said we would do this every ten years, and it is ten years, and
we have to do it.

Another, I guess, advantage of time-based criteria is that they
are very suitable for fisheries where the conflict amongst user
groups are very important, which makes the allocation issue
fairly contentious, and so, if it is on a schedule, everyone
knows the schedule. Let’s say every ten years the allocation
for X species would be reviewed.

The last group of triggers would be the indicator-based
criteria, and these criteria are based on the definition for OY,
optimum yield, in the Magnuson Act, and optimum yield, as you
know, is MSY as reduced by those relevant social and economic
and ecological factors.

Those factors are the ones that would be used as triggers, and,
of course, one could have these triggers as a single criterion
or a combination of criteria, let’s say some economic, social,
and ecological, as the council would see fit.

In terms of economic criteria, we have, at our disposal,
multiple tools, and those include cost-benefit analysis, impact
analysis, and efficiency analysis. The policy here has one
caution, and that is that the public sometimes misunderstands
the differences between the different tools, and the example
that is given there is the undue emphasis that is placed on
economic impacts when allocations are discussed, because it is
everywhere published that some other tool, meaning looking at
efficiency, would be the better way to look at that.
In terms of social criteria, some studies have been published looking at the measurement, the development and measurement, of social metrics, such as resilience, vulnerability, and wellbeing, and, if the council were to look at indicator-based criteria, then it may choose one or a combination of these criteria.

Finally, ecological criteria, changes in fishery status resulting from a stock assessment and an increase in discards would be some of the examples of ecological factors that could be used as review criteria.

Now, how many allocations do we have in the Gulf of Mexico that may be subject to this policy? I would say may because a final determination has yet to be made, and we will discuss that further. To date, as a council, you have allocated resources, fishery resources, between sectors, meaning mainly between the commercial and the recreational sectors, and we have allocations within a given sector, and that would be within the recreational sector, for example red snapper, between the federal for-hire and the private angling components and between councils.

There are some jurisdictional apportionments between the Gulf Council and the South Atlantic Council for several species, and, finally, you are considering allocating resources between the states in Amendment 50, state management.

This table provides the allocations between the commercial and recreational sectors that we have to date, and the percentages are provided, as well as the amendment and the year in which that allocation was set, or implemented, if you would. We have the reef fish on top, and we finish with the CMP, the coastal migratory pelagics, allocation that we have at the bottom.

We also did mention the allocation of the red snapper annual catch limit between the federal for-hire and the private angling component, and the percentages are given here, and the bottom of this slide would give the allocations between our council and the South Atlantic Council for black grouper, yellowtail snapper, and mutton snapper.

Now, stepping back a little bit and looking at the steps that as a council we need to follow to essentially go until the identification of our triggers and notify NMFS of the process that we have selected.

The first step would be for us to identify the fisheries that have allocations that would require a trigger for the allocation
review. It seems to me that all of those allocations that we mentioned in the previous two slides may be subject to the policy, but, of course, this is after consultation with legal, et cetera, that we will get, and I will stop here for Ms. Levy.

CHAIRMAN GUYAS: Mara.

MS. LEVY: Just since we were at the point of identifying -- The presentation pointed out the allocations, I think, in the reef fish fishery, but it didn’t show that there is mackerel allocations. There is a commercial allocation between king mackerel for the different zones, and we have the, I guess, gear types and things like that, and that, I think, should probably also be mentioned.

DR. DIAGNE: Yes, and I think we just showed the allocation between the sectors, the commercial and the recreational sector, but, yes, for the policy, as you said, we need to expand this and go further into the Gulf Zone and the different gear types, yes, but, here, I guess we just limited this to the commercial versus rec, but we will expand that, of course.

Then we have additional information to consider to expand the identification of the fisheries, or let’s say sectors and zones and so forth, that would require a trigger, and the second part of Step 1 is important, that we consult with the agency if we are uncertain in making that determination, and so that will be part of the process, us working together with SERO as well as the Science Center to have that established for the other things.

Number 2 is reassess the relevance of the FMP objectives for the fisheries identified in Step 1, and so the council has, I guess, an opportunity to look at the objectives of the various FMPs, I guess the two, the Reef Fish FMP and the others, to reassess their relevance and recommend changes, if need be.

Number 3 is discuss and decide if a trigger already exists, and, if not, select an appropriate trigger for the various fisheries, and, again, here, discuss with the agency to make sure that we have the complete information.

Step 4 is the creation of a policy document or an FMP amendment. The council has a lot of flexibility in approaching this. It could be that when we finish 1, 2, and 3 that the council drafts a policy document and, on the basis of that policy document, send a letter to NMFS documenting the fisheries and the triggers that were selected or the council could use what I would call a
more laborious route in drafting an FMP and taking final action subject to approval and then, at the end, sending a letter to NMFS.

From looking around a little bit, it seems to me that the North Pacific has already done some of these, and I believe it was discussed at one of the CCC meetings, as you told me, and what they chose was essentially to draft a policy document, and also their primary targets selected was a time-based criteria, which is absolutely simple and straightforward without, I guess, too much discussion, but just for your consideration.

That is the last slide of this presentation, and this is the first time that this issue is discussed with you as a council, and, moving forward, I guess with your approval, the first thing we would do, of course, is work with NMFS SERO and the Science Center to have a final determination as to the sectors and the fisheries that would be subject to this policy.

Then, next time you see this, I guess spend a little more time on the three types of triggers, and, hopefully at that time, as a council, you may be ready to pick the trigger or triggers that you are comfortable with and decide whether you would want a policy document or request that, as staff, we write an FMP amendment, or several in this case, because we have CMP and Reef Fish, et cetera. For now, I will stop here and try to answer questions. Thank you.

CHAIRMAN GUYAS: Thank you, Assane. Are there questions about this? It’s kind of a lot to digest, and we have more allocation things to discuss. Kevin.

MR. ANSON: Dr. Diagne, I guess I’m trying to think about this after we get through the amendment, and we have one on the books, so to speak, and we need to go in there and we need to change one of the triggers, and let’s assume it’s not a time-based, which would be the easiest, I believe, yes, but if we have some other type of trigger or triggers that are identified, and let’s say, hypothetically, some new information comes in, or maybe one of the data streams, triggers, if you will, are no longer applicable or available, and they just kind of stop and aren’t available for us to use in our criterion for establishing a trigger.

Do we have to come in and -- I mean, we have to come in and make a framework action then to change that trigger or to modify the trigger matrix that we utilized for that fishery, and is that how we’re going to have to do all of that? I guess I am
thinking of if we do something outside of just simple time-based, and is that how the process would work?

DR. DIAGNE: I think it all depends on how, essentially, you structure the process that you would want to use moving forward. For example, you could have a combination of triggers, meaning you can have a primary trigger and then attach conditions to it.

You could have a time-based trigger, but you could have a secondary trigger that says that, if X, Y, and Z information, or relevant information, comes up, for example let’s say data subject to calibration, new calibration results and so forth, and that gives the council the latitude to revisit the allocation, or a time-based trigger with a secondary trigger, based on public interest, and, as council members, you guys typically come and offer motions, because you have received public input by discussing with stakeholders, and that is the basis of a motion that you offer, and so then a primary trigger could be time-based and a secondary trigger could be based on public input, either received in public comments or relayed by let’s say council members or an AP and so forth.

In this, I believe the councils, or this council in particular, has a lot of flexibility. It is just to be able to lay out a transparent process so that everybody knows that, based on X, Y, or Z set of criteria, allocations would be reviewed. That review is just the first step, and it doesn’t mean that you would turn around and initiate an amendment. You could just review and say nothing to see and we are waiting until the next opportunity, but it is just to allow yourselves the transparent procedure for everybody to know where you go.

MR. ANSON: Thank you.

CHAIRMAN GUYAS: Are there other questions for Assane? Yes, Robin.

MR. RIECHERS: This is really a question of Anna. How is the South Atlantic approaching this, or where are you all at in your efforts in this regard, given it sounds like only the Pacific Fishery Management Council has moved through this process completely at this point in time, or at least to a point where they have written a letter and suggested this is what we want to do, and maybe answer about all councils and then we’ll turn to the South Atlantic.

DR. DIAGNE: I do not know for certain about all councils. What I know for sure is that, during the last CCC meeting, the North
Pacific did provide an update, and, in that update, the triggers that we discussed were mentioned and how they are approaching this.

**MS. BECKWITH:** We’re in a similar position. We’re just starting the discussions, and so I think we’ve had some similar questions about using a time-based trigger and then adding in some additional special case scenarios, depending on the fishery, but I suspect that it’s going to take us a while as well to figure this out.

**CHAIRMAN GUYAS:** Okay. Any other reactions to this? Should we move on to our next allocation task, which would be Comparing our current allocation policy as a council with the NMFS allocation guidance documents? I guess let’s move on, and I will let Dr. Freeman come up here. Go ahead.

**EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I just had a question, Mara and Sue. If we went the way of an FMP for this and the non-policy side of things, for basically documenting this process, that would have to be for reef fish or for CMP, or it would be some type of generic document that we would have to put it in if we went the FMP route, and it certainly wouldn’t have any regulations behind it, but it would just be a document, a generic document, where we’re documenting what our policy is, and is that correct, how you guys see it?

**MS. LEVY:** I really haven’t thought about what it would look like. I mean, I think you would need to -- If you’re actually going to amend an FMP, you would amend those FMPs that have the allocations that are relevant to the policy, right, and so I think it would probably be reef fish and CMP, and so it would be an FMP amendment to both of those, and you would be laying out what you want to do and incorporating that into your fishery management plan.

I don’t think we would put it in the regulations, but we have a number of things in our FMP that we don’t put in the regulations, but they’re still part of the fishery management plan. I haven’t really looked into the benefits of doing it way versus the policy, and I’m not sure why you would want to do it that way versus just doing a policy document, but we can explore that, whether there are any upsides or downsides to doing it one way or the other.

**CHAIRMAN GUYAS:** Okay, and so I think we are on to Tab B-9 at this point. Are you ready to take us through?
COMPARISON OF COUNCIL’S ALLOCATION POLICY WITH NMFS ALLOCATION REVIEW POLICY

DR. MATT FREEMAN: Certainly. As a reminder, at the last council meeting, there was a discussion on the paper regarding reallocation of red snapper. During that discussion, it was mentioned that there were a few NMFS Procedural Directives, and the council was curious how those compared with the current Gulf Council’s allocation policy, and the motion is presented on that second line, asking for this side-by-side evaluation.

The way that this is structured, there are three tables, one for each of the main sections from the Gulf Council’s fishery allocation policy, and those three sections are principles of allocation, guidelines for allocation, and suggested methods for determining allocation/reallocation, and then it ends by listing items that are included in NMFS Procedural Directive 01-119-02 that don’t appear in the Gulf Council document.

Going through these tables, I think the best way probably for me to present this is to acknowledge that a lot of what appears in the Gulf Council’s current allocation policy either occurs as well in that NMFS Procedural Directive and/or in one of the National Standards or other legal mandates, such as Magnuson-Stevens.

What I am going to do instead is sort of highlight the items that occur in the Gulf Council’s policy that we don’t see in one of those other columns, and so, on this first page of the table, for instance, we see, in that third line, where it says that fairness should be considered for indirect changes in allocation, while it doesn’t appear specifically in the Procedural Directive, it is mentioned in MSA, and it relates as well to National Standard 4, but you will see that most of the other items under this first line for principles for allocation does occur as well in the Procedural Directive, and if I could get you all to page down to the next page.

Similarly, at the end of this first table, the last four items, which are specific to red snapper, they don’t appear specifically in that NMFS Procedural Directive. However, they are almost verbatim from MSA, and so they would still be applicable. If anyone has any questions as I am going through these tables, please feel free to stop me and ask.

CHAIRMAN GUYAS: Let me ask you one on I guess what is page 3, the fourth one down, establish separate quotas for recreational fishing, including charter fishing, and commercial, is that

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<th>Principles of Allocation</th>
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<th>Guidelines for Allocation</th>
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specific to red snapper, since it’s correlating with 407(d), I assume?

DR. FREEMAN: Okay, and so the language you’re talking about is in the left-hand column?

CHAIRMAN GUYAS: Yes.

DR. FREEMAN: Okay, and so Part e starts out and it mentions that it’s for the red snapper fishery, and so that is a sub-part to that, yes.

CHAIRMAN GUYAS: Thanks.

DR. FREEMAN: If you all can go to the top of page 4, there are a few items in this table, and in this case, it would be a, b, and d on this first page, that do not appear either in the NMFS Procedural Directive or that I could locate in one of the National Standards or other legal mandates.

I would note though that Item b, and I was speaking with Dr. Diagne, there is a little bit of overlap there, in terms of what he was just presenting on with the trigger mechanisms, and so that would sort of tie in in terms of initiating sort of a review for allocation or reallocation.

If we can scroll down to the top of page 6, this is where the Gulf Council has listed suggested methods for determining allocation/reallocation. Here, a lot of the items occur solely in the Gulf Council document and are not seen either in the Procedural Directive or in one of the National Standards or other legal mandates.

For instance, it is the third line down of a(2), which is quota purchases between commercial and recreational sectors, and there are about five sort of sub-items there, and they’re very specific, under the Gulf Council policy. However, again, everything in this particular table, they are all suggested methods for looking at allocation or reallocation.

We can scroll just to the bottom of this page, and the last item there I will note, where it has -- This is under historical landings data, and it says averages based on longest period of credible records. While it’s primarily specific to the Gulf Council document, there is some information in the procedural directive in terms of having consideration of both quality and availability of fishery-dependent data that’s collected and that lack of that detailed data should not be used to penalize a
sector or a group.

If we scroll towards the bottom of page 8, similarly, it is the portion referred to as efficiency analysis and, a little bit further down, negotiation-based allocation, and those are sort of headers there. While efficiency analysis is mentioned in the Procedural Directive, some of the more specifics, in terms of how that efficiency analysis would be conducted, or, again, suggested method for conducting that, occurs in the Gulf Council document, but it does not necessarily translate over to the NMFS Procedural Directive.

Likewise for the negotiation-based allocation. That is a specific suggested method under the Gulf Council document that is not seen under the NMFS Procedural Directive, and, if we could go to page 9 now, and so, in addition, the NMFS Procedural Directive provides other information. In this case, they have four recommended practices during the process of reviewing and making allocation decisions.

The first, which was also mentioned during Dr. Diagne’s presentation, is the need to evaluate and, when necessary, update council and fishery management plan objectives. Secondly, it’s to identify user needs. Third is to minimize speculative behavior, and, specific to that, it’s referring to establishing a control date for a given fishery, and by sector as appropriate, and, lastly, plan for future conditions. Again, these are recommended practices when applicable.

We can scroll down a little bit more, and another thing to note is that, under the suggested methods for determining allocation and reallocation under the Gulf Council’s policy, those are primarily socioeconomic in nature.

The NMFS Procedural Directive breaks it down sort of into four categories, and you’ll see that the second and third certainly includes both economic factors and social factors. It does also include ecological factors, so noting that sectors may affect target species as well as non-target species differently, and it also includes indicators of performance and change, and that first item is noted under the Gulf Council document, in terms of looking at trends in catch and landings, but it notes other things, such as that there may be changes in species distribution, which could call for updates to allocation. I will stop there, and that is the comparison of the two documents, if there are any questions.

CHAIRMAN GUYAS: All right. Are there questions for Dr.
Freeman?  Okay.  If there aren’t any questions, is there any discussion on the differences between these documents and potential changes to our Gulf document?  Doug.

MR. BOYD:  I originally brought this up, and so I do have a question.  The document that is in here, which looks like a formal document discussion paper, is that the start of a review based on the NMFS Policy Directives, and is that something we need to vote on to start, or have you started that?

DR. FREEMAN:  I apologize, but are you referring to the document that just went through or this next --

MR. BOYD:  No, I guess the next one that’s coming up, the white paper.

DR. FREEMAN:  I’m sorry, but could you repeat your question regarding that?

MR. BOYD:  Do you want to go ahead and go through the next document and then I will comment?

DR. FREEMAN:  Certainly, but I will see if there is other questions before I go into that.

MR. BOYD:  Yes, there may be other questions on this.

CHAIRMAN GUYAS:  Yes, and so we’re kind of -- We have multiple, I guess, tasks with allocation.  This document and the one we just went through are the broader-picture, applying to everything, and then the next thing that we’ll go through is specific to red snapper, but, if there is interest or willingness in reviewing the council allocation policy that we have in general now, now would be the time to discuss that.

MR. BOYD:  I’m not talking about the allocation document for red snapper.  There is another document in here that is just a discussion paper about the NMFS directive, and is that correct?

DR. FREEMAN:  Are you referring to the next page, where that’s Appendix A?

MR. BOYD:  I don’t know.  Let me look at that.

CHAIRMAN GUYAS:  Which tab are you on, Doug?

MR. BOYD:  It’s Tab B-8(a), Allocation Review Policy and Triggers.  Is that what is coming up?
CHAIRMAN GUYAS: No, I think that’s what Assane walked through.

DR. FREEMAN: I apologize. Yes, that was Dr. Diagne’s presentation, was an overview of that document.

MR. BOYD: Okay, and so my question is, is this document the start of a process to meet the NMFS directive that is asked for within three years and the council will take this document and begin to flesh it out and talk about actual triggers and procedures, rather than policies?

DR. FREEMAN: The paper, and I will let him add to it as well, but the paper that Dr. Diagne presented an overview of I think was to provide general information, and I don’t want to put words in his mouth, but I believe he may develop a separate item that goes through all the species with allocation, but I will defer to him and let him answer that.

CHAIRMAN GUYAS: Dr. Diagne.

DR. DIAGNE: Thank you. Yes, just like Dr. Freeman mentioned, this was just an introduction to the topic, if you would, to lay out the policy and the procedural guidelines and so forth, and I believe that, before concluding, we suggested that we would work with NMFS and SERO and the Science Center to follow those steps, meaning identify the fisheries and the FMPs, the various allocations, and next time discuss, in-depth with you as a council, I guess the pros and cons of the three types of triggers.

Then, at that time, you would direct us to develop either a policy document or an FMP, or FMPs, as the case may be, amendments, to proceed and meet the requirements of the policy, and so this was an introduction, and I guess more to come in the near future, so to speak.


MS. SUSAN BOGGS: Is the purpose of this, when you do the comparisons, where you see the no to the NMFS, are we wanting now to go back and see if we need to align with what NMFS is doing, or is it just to see where the differences are?

DR. FREEMAN: Certainly, and so, if I remember correctly, some of the discussion was understanding if there were items in the Gulf Council’s policy that did not appear in the NMFS Procedural
Directive, and, again, if I remember correctly, some of the conversation was, if there is a NMFS Procedural Directive, and they’re sufficient, should we potentially adopt that instead of our current policy, or are there items, perhaps, that we could meld, and I think people were just kind of curious in sort of learning what was in that document that wasn’t in the Gulf Council document.

CHAIRMAN GUYAS: Yes, and I think the Gulf Council document is significantly older than the NMFS documents, and so this was kind of our chance to look at all of them at one time and figure out if we were where we need to be on our Gulf Council allocation policy. Kevin.

MR. ANSON: I guess a follow-up to that is I appreciate the effort you put into creating the document, and it looks like we might be, potentially, a little bit more strict in identifying those items that we would use, but it appears there is enough flexibility in the council’s policy that would allow us to maybe think of something different that wasn’t already identified, and so it’s just suggestions, for instance, as to ways to look at allocation.

I guess, going back to Dr. Diagne’s comment, or summary, of the process of where we are in the document, I thought, in your presentation, that we were supposed to have the deadline for getting the final document relative to those species, or FMPs that have allocation, in August of 2019, is when we’re supposed to have that all wrapped up.

DR. DIAGNE: Yes, the policy indicates that councils need to do this by August of 2019, and then it says “or as soon as practicable”. Our intent is to finish, hopefully, before then.

CHAIRMAN GUYAS: Kevin.

MR. ANSON: I may be asking this a little early, but we don’t have too many fisheries in the Gulf that currently have allocations, but have you talked with the Southeast Regional Office, and Andy, you can answer this. I mean, in my mind, I was looking at all of the species would be included in this, but it sounds like there is some other internal guidelines or something that decides or identifies which species would go under this allocation review document. Dr. Diagne is raising his hand.

CHAIRMAN GUYAS: Go ahead.
DR. DIAGNE: Yes. I mean, the allocation review policy suggests a procedure by which you can review your existing allocations, and, if need be, adjust those and reallocate, if need be. Those would be within the confines of the allocations between the sectors, between the states, intrasector, and between us and the South Atlantic, for the allocations that we have currently.

It doesn’t say for us to go and look at all the species that we manage and try to establish allocations. I just provides, I guess, a roadmap or procedure for us to evaluate, if you would, at regular intervals the allocations that we already have and make adjustments, if need be, and that’s all it is, and, as we said, we will work with SERO and the Science Center to make sure that we don’t miss anything, including the CMP allocations between the various zones and gear types, et cetera, and that would be the basis for it.

The next time we come, you will consider the various triggers and indicate your preference, and that would be number one, and number two is look at the type of documents that you want to create. Would it be a policy document, or would it be full-fledged FMP amendments to be developed, et cetera?

CHAIRMAN GUYAS: Sort of along those lines, since some of the allocations that we’ll have to deal with and the decision points will be about species where we’re allocating with the South Atlantic Council, are we going to have to, I guess, choose the same mechanism, in terms of document?

Obviously, we’ll have to work with them, I would think, so that we were at least in agreement on how we handle those species, but have you all thought about the best way to work together with them on this?

DR. DIAGNE: I have to say that, no, the thinking hasn’t been that far yet, but, as you said, yes, if there is an apportionment between the two councils, then we would have to agree on the trigger or triggers to use to review that, so that we can do it at the same time. If you are creating a workgroup to look at this, we will make sure that the South Atlantic would be involved, and, on their end, I assume that they would do the same thing.

CHAIRMAN GUYAS: Are there other thoughts on I guess our broad allocation discussion, before we drill into the red snapper allocation stuff? Are we all right? Okay. Then let’s move on to our next task, which is B-10, Reallocation of the Red Snapper ACL.
The primary thing that was done with this version is, from page 6 through page 9, a lot of that was expanded from the June version, given the two documents that Dr. Diagne and I have been working on, and so we incorporated a little bit more of the discussion here, in terms of allocation review and what is involved.

Otherwise, this document at this point is primarily the same as what you all saw in June, and the conversation there had kind of paused, since the council was curious at the time about the difference between the council allocation policy and that NMFS Procedural Directive.

That is the primary change, and the next thing that staff would still be requesting from the council would be input and guidance on developing the purpose and need for this particular document, and so if there’s any questions or if the council has any input or guidance there, we are receptive to that.

CHAIRMAN GUYAS: Okay. We need to provide some -- We need to provide a purpose and need. If you flip to that page in the document, it is blank, and so does anybody care to weigh-in on that issue right now? Robin.

MR. RIECHERS: Well, one of the things, I think, in certainly dealing with this particular document, but also as we look at some of these other documents, we know that we have been in some recalibration efforts regarding several species. We, of course, know that we attempted to adjust according to some of those recalibration efforts, and we know the outcome of that, based on the way the document was framed up and maybe the way we did some of that work.

Certainly that recalibration and the continued recalibration of some of the efforts that are ongoing that we’re just coming to grips with are part of what we’re going to be doing, I would suggest, both with this document as well as if we think about these other triggers, and so that certainly needs to be part of that purpose and need.

MR. RIECHERS: Well, I will follow-up. I mean, we’ve talked about these kinds of issues for a long time, and we have -- There has been discussions about several species, both from rec to commercial and commercial to rec, and so it’s not like it hasn’t occurred on both sides of that window.

What we’re recognizing is that some of these fisheries have changed fairly significantly from the time some of these allocations were made, even within the context of just the mackerel fishery and the discussion we’ve had versus east and west Gulf, and so part of it is a review of those changing conditions and looking at the allocations and seeing how they currently fit some of the possibly changing objectives in those fisheries, based on what we as a council try to do.

I am not saying we are going to change, but certainly that can be inside of that umbrella of purpose and need, is to review those changing needs and conditions and see if there is a need for an allocation shift, and, again, I think it probably applies here and also will apply, ultimately, to our discussion of the previous documents.

CHAIRMAN GUYAS: Okay. I’ve got Mara.

MS. LEVY: Right, and so, sort of following on that, I don’t know if we sort of jumped ahead, but if you look at page 9, the very end of page 9, I think it summarizes where we think we are, or staff did, and where we need to go, and so it basically says, with respect to red snapper allocation, which is what is being addressed in this document, the council has already identified a need to conduct an allocation review, right, because that’s kind of what we’re doing, and so, somewhere, we have determined that that trigger has been met, outside of the process that we’re going to go through to define that for all different types of allocations.

Then it says the allocation review should begin with the review of the FMP objectives to determine whether they are still relevant, and, if not, the council should revise them. As stated in the directive, an allocation review should consider FMP objectives along with other relevant factors that have changed and may be important to fisheries allocation.

Then, after completing that review, if the council determines that development of allocation options is warranted, the council should determine which factors are relevant to the red snapper
allocation decision, and so I feel like we have been at this particular stage for a while, and we’re still at the stage of looking at the objectives of the FMP and figuring out whether those are still all relevant or whether want to change any of them and then sort of figuring out what allocation -- What your objectives -- Which ones you are trying to meet with respect to this allocation discussion.

I don’t know if it would be helpful to look at those again, and I think they’re on the next page, and I’m not sure how to move that forward. Like I said, I think we’ve been talking about it for a while, but one thing I did hear was the idea of the calibration and data, and I’m not sure how to get at that with the objectives, and I don’t see anything that expressly speaks to that, and I’m not sure how to create an objective that speaks to that, but maybe that’s something to think about, about somehow having objectives to incorporate new recreational data and use that, and I don’t know how to phrase it at this point.

CHAIRMAN GUYAS: I am glad you brought that up, and that was kind of at least a question that I had about this. If we go through the objectives and feel like they were missing something, how do we change them? Is it through an FMP? I don’t know, and then some of these objectives are very, very, very specific, and I kind of would question if they are an objective to the Reef Fish FMP in general, and so I don’t know. I kind of wonder if we need to do a clean-up of these somehow, but maybe I’m out of turn. Mara.

MS. LEVY: Well, and, I mean, they are the objectives of the fishery management plan, and the fishery management plan is a Reef Fish Fishery Management Plan, and so, I mean, they’re general for certain things because we’re addressing the FMP as a whole, and that doesn’t mean that I don’t think you can have more specific objectives. The way that you change them is this is potentially a plan amendment, right?

If you’re going to -- I think we did that, and it mentions it in Amendment 28, that the council reviewed the objectives and identified the ones that were most relevant to reallocation at that time and sort of that was the basis for the discussion. I think you could do the same thing here. You look at the objectives, and, if you decide as a council that you want to remove an objective or you think it’s been met or you see a new objective that you want to add, we would add it through an FMP amendment process, which could go along with an allocation FMP amendment.
CHAIRMAN GUYAS: All right, and so, as Mara mentioned, those objectives are on page 10 of the document. Do you all want to go through those now? We've got time. I realize this is kind of painful, but it is a step that we're going to have to do if we're going to do something here, and so what's your pleasure? Andy.

MR. STRELCHECK: I don't know how much staff has or hasn't done this, but maybe it would be worth directing staff to review these objectives in light of what we know about the fishery as of today and bring those back to you for the October meeting for you to review and react to. That would be a more comprehensive, I think, analysis and something that people could then focus on for discussion.

CHAIRMAN GUYAS: Okay. Robin.

MR. RIECHERS: Andy, when you say "review", what are you envisioning, just so that we get some notion of what should be coming back to us? I mean, Number 1 is pretty easy, but some of these others are going to be a little more difficult, and so I'm trying to just envision what we would be getting back and whether that's better than us going through them one at a time and just deciding whether or not they're still germane or not germane or having a discussion about that.

MR. STRELCHECK: I think there's two parts to this. One is whether or not they're germane or not, but what's the basis for that decision, and so having that kind of more comprehensive input review that's written down for you to take into consideration.

I certainly agree with you, Robin, that there are going to be some that they will probably want the council to weigh-in or discuss that may not be easily answered, and so that would be something that the staff could acknowledge and bring back as well, is that they couldn't fully answer this.

CHAIRMAN GUYAS: All right. Leann.

MS. BOSARGE: I was just going to mention that, when I read through these, I had a couple of questions, but I guess we can get to those as we get this analysis back that we're talking about, but one thing that seemed to be missing were the words "conservation" and "accountability", and I think the accountability is probably a big one that should be an objective of any fishery management plan, to make sure that you have accountable fisheries. I think that's one that we probably need
to take a look at adding to it as we go through this.

CHAIRMAN GUYAS: All right. Any other reaction to this? Are folks okay with the approach that Andy has suggested, where staff would initiate review of this, more or less, and bring something back to the council to digest? I see that Dr. Simmons has something to say about that.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. I guess just, Andy, were you thinking this would be a literature review and a review of the stock assessments and going through and pulling some of that information and putting it kind of under these objectives as where we are currently? Is that what your thinking was with this?

MR. STRELCHECK: Yes, and maybe “review” is the wrong term, but I know, when I come to the council meeting, it’s good to react to something if I have something on paper, and so, to me, going through each objective and providing some information that would help with the council discussion would be beneficial, and how comprehensive that is I think will be dependent on what information is available and how much time you have to put into it, given every other priority you have to work on, but I think there is a lot of information out there to address these, and there’s a lot of amendments that we’ve worked on over the past, and we’ve dealt with some of these objectives, and then there’s some things that probably are still relevant at this point and to put some context around all of this.

CHAIRMAN GUYAS: Okay. Do we want to move forward with that approach? Anybody? I see a couple of head-nods yes. Okay. I think that’s maybe our next step with this document. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. I just want to say that we’ll do our best for October in looking at some of these things. One other thing that I wanted to talk about a little bit regarding the MRIP calibrations is our plan, staff’s plan, is to have Science and Technology staff come to the October SSC meeting and provide a presentation. We’re working with our SSC Chair and our staff to figure out what we need for the SSC meeting and trying to figure out how much time we need. I am expecting that presentation to be longer, perhaps maybe even half a day for our SSC, and I’m not exactly sure, and so we’re still working on that.

I have contacted those people, and then the council would also get a presentation as well at the October council meeting
regarding those calibrations, but I don’t think -- After we are briefed on that, the schedule, specifically for red snapper, regarding this action that we just talked about earlier for red snapper, would be putting those calibration estimates in the update assessment and producing new projections, and I don’t think that will be completed, according to our schedule right now, until June of 2019.

I just wanted to put that on the record and make sure that everybody was aware of that schedule, and maybe we should talk about that some more, regarding where we are with this amendment, or this scoping document, and the next steps.

CHAIRMAN GUYAS: Kevin.

MR. ANSON: June of 2019 seems significantly later than I recall from six months ago, and I wonder if Dr. Porch can comment on that.

CHAIRMAN GUYAS: Dr. Porch.

DR. PORCH: I think that was just being generous. I think most of them will be done much sooner than that, because it really doesn’t take that long to do the MRIP lite, as envisioned. You’re just replacing the time series of recreational catch estimates and nothing else, and so, in principle, most of those stocks should be done within a month or so of getting the final data, and so I would expect it to be done at least this calendar year, if not maybe not quite by this fiscal year.

In other words, it may go into November or something, but I don’t think it should take that long. There may be one or two other species that we encounter some problem with that could go longer, but I really don’t anticipate waiting until June to release the results.

CHAIRMAN GUYAS: Go ahead.

MS. BOSARGE: Then, after your piece of that puzzle is done, then it will go to our SSC for their review of that MRIP lite and catch advice, and then all of that would come back to us, and so, depending on when you get it out -- You know, if it happens in November, then we won’t see it until our January/February meeting of next year, just so the council understands the schedule we’re on.

CHAIRMAN GUYAS: Okay. Well, I think it will be good to get an update in October on the MRIP calibration stuff, and there’s a
lot of questions about that, and then we’ll move forward from there. Anything else on red snapper allocation for the time being? Kevin.

MR. ANSON: Carrie, I know it might be a little bit difficult to answer, but, based on you said some time devoted at the next meeting for the MRIP presentation and such, do you anticipate that staff could potentially have something at the next meeting, or would probably January be more likely, as far as review of these objectives and any relevant or pertinent information that would help guide us as to which ones would develop a purpose and need?

EXECUTIVE DIRECTOR SIMMONS: I think I understood your question. The MRIP calibrations, we’re planning that as a separate presentation. That would come from the Science and Technology staff to the SSC and then to the council.

MR. ANSON: Yes, but I was just thinking more of time for the actual meeting and whether it not it could be -- If this topic would be on the next meeting’s agenda under Reef Fish. I didn’t know, with everything else that is already being worked on, relative to staff time, is just not having enough time during the next meeting, in addition to all of the other things that you have, including the MRIP presentation, you don’t anticipate us seeing this until January, or do you think you can swing it and everything will come into place and you will have something back in October?

EXECUTIVE DIRECTOR SIMMONS: I mean, we’re going to have a new Chair, I think, and I’m pretty new in this job still, and we’ll do our best to at least get started on this, but we do need to look at the priority schedule.

MS. BOSARGE: Just for the record, you’ve had it on the agenda at every meeting since you’ve brought it up with this Chair, and so I just wanted to put that out there, and no pressure for the next Chair or anything.

CHAIRMAN GUYAS: Okay. So, it seems, I think, that we are back ahead of schedule. Hang on a minute. Dale.

MR. DIAZ: I was wanting to back up for a minute. We broke for lunch, but we were on that law enforcement discussion, and I did want to ask a question that’s been eating at me a little bit. My question is, is there a point in the IFQ regulations where people have violations and we remove them from this fishery? I don’t know if that’s in there or not.
In the State of Mississippi, the way our regulations are in our state, if you have three seafood violations, the judge can pull your license for a period of time. Kevin had brought up about accountability for this fishery, and, when I hear a law enforcement officer tell us that they had one boat that they documented 14,000 pounds that circumvented the system, we don’t need those people in that fishery, and we need a mechanism to get them out. Is there a mechanism now? I probably should know that, but I don’t, but is there a mechanism now to do something with folks?

CHAIRMAN GUYAS: Mara, can you address that?

MS. LEVY: Well, an IFQ is essentially a permit, right? Under the Act, it’s a permit. Like any of our other permits, if there is some sort of violation of the regulations, there has to be some sort of enforcement action, whether it’s covered by the summary settlement schedule or whether they issue a NOVA and they go through the process, and then there are different levels of penalties that can be applied that is really a matter of discretion of the NOAA Office of General Counsel, in terms of they follow a schedule and guidelines, but there is some leeway in there.

There is, I think, set bounds. At some point, I suspect you could have a serious enough violation, or enough of them, that you would go through a revocation process to revoke somebody’s permit, but that requires an enforcement proceeding and notice and the opportunity to be heard, and so there’s no mechanism to just simply take somebody’s permit or IFQ away without that proceeding, and I think it would be a case-by-case judgment and determination.

CHAIRMAN GUYAS: Patrick.

MR. BANKS: Let me ask it a different way, maybe. In federal law, does it set about the exact penalties that will occur if this example that he talks about happened? For instance, if this gentleman who -- Maybe he’s not a gentleman, but maybe if he harvested 14,000 pounds and circumvented reporting that, and that’s his third offense or fifth offense, is there something in the federal law that says, upon the third offense, the judge shall revoke his permit?

In a lot of our state laws, and I think Dale was describing that for us, there is a mandated law that says that, upon the third offense, that license will be revoked for five years, and is
that what you’re asking? Is there something that mandates the judge, after this due hearing that you’re talking about, and I’m assuming that you’re talking about in front of a judge, that tells a judge that he has to revoke that permit? Do we have a hammer to get this person out of the fishery and not just by the discretion of OLE?

CHAIRMAN GUYAS: Go ahead, Mara.

MS. LEVY: Discretion has many levels. I mean, there is the decision to charge, right, and then there is the decision to I’m going to say prosecute the violation, but all of this is generally happening in an administrative law format, right, and so you’re going before an administrative law judge, if you have to go that far, and there are penalty schedules that sort of, I think, set the bounds about this type of violation should incur this type of penalty.

You might have mitigating factors, and you might have aggregating factors, in terms of what type of penalty the agency wants to set or ask the judge, administrative law judge, to impose, and I think, depending on the severity of the violation and re-offenses, it might call for asking for a revocation of the permit, or it might call for suspending or whatever, but nothing is going to say, I do not think, this mandates this result in all circumstances, and do you see what I’m saying?

It’s always going to be a case-by-case determination, and it’s always going to be going through, generally, NOAA Office of General Counsel to make that assessment about what the correct penalty is to assess or ask for. Does that make sense?

CHAIRMAN GUYAS: All right, and so next on our agenda was a break, but it’s pretty early. What do you want to do, Madam Chair? Do you want to move to the next item? Okay. We’ll take a break. We will be back at 2:50.

(Whereupon, a brief recess was taken.)

CHAIRMAN GUYAS: The next item is Revised Draft Amendment 50.

REVISED DRAFT AMENDMENT 50: STATE MANAGEMENT PROGRAM FOR RECREATIONAL RED SNAPPER AND INDIVIDUAL STATE AMENDMENTS

DR. LASSETER: Thank you very much. Okay. We did bring you the state management documents again. As a refresh, we have the overarching program amendment, which we’re calling 50A, and then each of the five states has an individual amendment sequentially
Rather than go through the amendments this time, we have put together a little presentation, and it’s located at Tab B, Number 11(g), and we want to really focus on some of the outstanding issues, in order to move forward with these amendments.

I think we can come back to the timeline at the end, but what staff is aiming for is to have public hearing drafts in October for these, in order to go out for public hearings and then have the council take final action in time to get this put in place for the following fishing year, and so we’ll come back to the timeline at the very end, after we go through this presentation.

Okay, and so a little overview of what we want to highlight for you today are a looking at the current preferred alternatives and looking at how state management would work and really addressing some of the issues or obstacles to this running smoothly, and we have brought you some of the potential solutions for addressing some of these problems as well, but we’re going to need some help and some feedback on this as well.

First, addressing the current preferred alternatives. We have had to make tables to keep the different documents straight as to what has been selected in each of them, but this is also a good opportunity to show you all what we are looking at, and so the top table is for the program amendment, the 50A, and then, in the bottom part, you can see the individual states and the selection of preferreds for each of those, and then, in parentheses, is the meeting at which those alternatives and/or options were selected as preferred, most recently. If there was a change, it just reflects the most recent time.

Here is our first issue. For Action 1, which addresses the components of the recreational sector to include in state management programs, your current preferred alternative is Alternative 4. Alternative 4 would allow each state to decide whether to manage its private angling component only or to manage both components.

Then, in Action 2, this action addresses the allocation, how to divide the recreational quota amongst the states, and your current preferred alternative is Alternative 6, which would use the allocations selected for the EFPs that are being used for this year and next for managing state management.

Now, the problem is that these two are currently inconsistent...
with each other. The allocation alternative for the EFP allocations is for private anglers only, but your current preferred alternative for the previous action requires an allocation amongst the for-hire vessels by state as well, and so, as stated, while you have preferred alternatives, we need to know the allocation for the for-hire vessels as well, because that is a necessary component of that, and I will pause there for a moment and see if there is any desire to perhaps look at the alternatives for these two actions.

CHAIRMAN GUYAS: All right, committee. What are your thoughts? A question from Patrick.

MR. BANKS: Would the method of determining those allocations for both of those sub-sectors need to be the same? Can anybody answer that for us? I mean, we see we have a preferred alternative for the private angling, based on the EFP. I guess they would have to be, or we might --

CHAIRMAN GUYAS: It would have to add up to 100, at the end of the day.

MR. BANKS: That’s right.

CHAIRMAN GUYAS: One way or the other, but, Mara, you had your hand up.

MS. LEVY: Well, and I think I said this at the last meeting, when you were looking at choosing the preferreds you did in Action 2, that -- I mean, the first issue was the rationale for it and explaining or adding some discussion about how it meets all the requirements for allocations, right, and then the second issue was addressing the for-hire side, and, if you are going to choose a different method for the for-hire side, explaining, again, how that’s fair and equitable and why they would be different and what the basis for that decision is and all the other things that go with it.

I’m not going to say that you can’t do it, but I think we would have to have some pretty clear reasoning and discussion about why that is and how it still is consistent with the requirements of the Act.

CHAIRMAN GUYAS: Robin.

MR. RIECHERS: Well, and we discussed this at the last meeting as well, that really there was this inconsistency after we had gone through several discussions. The other part to this, and
certainly I said it at the last meeting and I will say it again, is that, of the different options we have here in allocation, using the EFPs as an allocation, given the very inconsistent methods that were created by each state, and it was done for so an EFP, and we understand that, but it truly was fairly inconsistent, as far as the approach you took on the years.

One state took more biomass or a more biologically-based approach, and others took historical time series, and each of us ended up doing it somewhat differently, and that was because there wasn’t, like I said, a set of guidelines that allowed that. Then, at the end, the states created their requests, but then they went back and got some more pounds that was given to them by National Marine Fisheries Service, the Regional Director and the Regional Office.

Alternative 6 is a tough one to keep as a preferred. It creates this inconsistency, and so what I will do is move that we remove the preferred from Alternative 6 at this point.

CHAIRMAN GUYAS: Just to clarify, we’re talking about Action 2, right?

MR. RIECHERS: Yes.

CHAIRMAN GUYAS: All right, and so let’s get the motion on the board. If you’re following along in the actual amendment, which is B-11(a), Action 2 starts on page 16, since we’re toggling between documents here.

Okay, Robin. I think we have your motion on the board. In Action 2, to remove Alternative 6 from being preferred, and so we would not have a preferred in that case. Is there a second to this motion? Second by Dr. Stunz. Is there discussion? Ms. Dyskow.

MR. DYKOW: Greg and Robin, what are you contemplating as an alternative?

MR. RIECHERS: Well, I am hesitant to make that motion, given that -- I have one that I would prefer, but I certainly believe that it would not pass muster around this table today. I just know that we have this conflict in what’s going on here, and so at least let’s not continue down the road of providing a conflict that we know we can’t achieve one or the other, and so all I’m doing at this point is just kind of noticing that, if it’s passed, that this one is not really one that we -- It could end up being preferred, but at least at this point we’re not
signaling that it’s our preferred option, which is the same argument that I made against the motion at the last meeting.

CHAIRMAN GUYAS: Does anybody else care to weigh-in on this? Paul.

DR. MICKLE: Thank you, Madam Chair. If we could have multiple prefers, and our ultimate goal is to get it out for public comment, and it seems like, to stay on the timeline, which I’m very interested in, and I don’t know about everyone else, but, if we could have multiple prefers, I would say, if we can get another preferred selected, we can keep this one available, because a preferred alternative is an alternative preferred by the majority of the group, and, at this point, this one is the majority of the group, which we voted on, and so I would suggest we do -- I have a hard time supporting this motion, but, if we have multiple alternatives, I think, at this point, we all move forward together on our preferred alternatives as a group, and we get our comments and we stay on the timeline and eyes on the prize, right? Anyway --

CHAIRMAN GUYAS: Let me make sure that I understand what you’re suggesting. Are you suggesting a preferred for private anglers and one for for-hire or just --

DR. MICKLE: This is Action 2 alone, specifically, and I apologize. I should have clarified. This is Action 2.

CHAIRMAN GUYAS: Right.

DR. MICKLE: So a second preferred in Action 2.

CHAIRMAN GUYAS: Yes, and I was just trying to figure out -- In Action 1, a state could choose whether they want to manage one or the other or just one or both, and I was trying to understand if the allocation -- This one, obviously, only applies to private anglers, right, because that’s the system we’re in, and so I was just trying to understand if the other one would be specific to for-hire or just another alternative.

DR. MICKLE: Another alternative, yes. I think, if we get multiple alternatives, I think we meet the goals of our timeline, and I’m speaking for the timeline only in Action 2. Thank you.

CHAIRMAN GUYAS: Got it. Robin.

MR. RIECHERS: Paul, let me make sure I understand what you’re
trying to do here. Are you just saying that go ahead and pick another most-preferred option, so that there’s two that we’re kind of still talking about? Is that what you’re suggesting?

DR. MICKLE: Yes, and so, if we lose all of our preferred alternatives, we can’t go out for public comment, and is that correct?

CHAIRMAN GUYAS: We can, but it’s just not --

DR. MICKLE: We don’t get the input that we want to stay on track.

CHAIRMAN GUYAS: Yes, and we don’t really signal to the public where we’re heading.

DR. MICKLE: Exactly.

CHAIRMAN GUYAS: Mara has got her hand up.

MS. LEVY: You can go out to public comment without preferred alternatives, though it’s helpful if you have them, but, I mean, you have the same problem if you have no preferred or you have two preferred alternatives or three. Then you’re saying we still don’t know what we want to do, but maybe it could be this or that. I don’t know how helpful it is to have two preferreds that are mutually exclusive.

Sometimes we have actions where you have multiple preferreds because you can implement them both. In this case, they are going to be mutually exclusive unless one is specific to for-hire and one is specific to private anglers.

CHAIRMAN GUYAS: Okay. I will go back to Paul and then Robin.

DR. MICKLE: I somewhat disagree, because the number of alternatives in Action 2 is -- There is a lot. There is different sectors, and it gives direction with multiple preferreds, in this case, in my opinion.

CHAIRMAN GUYAS: Robin and then Kevin.

MR. RIECHERS: Maybe I misunderstood. We are going to public hearing when?

DR. LASSETER: Between October and January.

MR. RIECHERS: Yes, and so we have another meeting between now
and then, as I’m recalling, and so, Paul, from that perspective, it still doesn’t give us a lot of time, but we would still have another opportunity to get that preferred selected.

Again, part of my rationale is just I think the preferred that we selected is probably the one that has the least ability to be really supported here through a record that would allow us to keep it as a preferred, and so, again, I’m not trying to offer a different one at this point, Paul, but I think our goal here is -- You and I, I don’t think, are really completely opposite. You’re wanting to keep it on track, and I’m saying this won’t knock it off-track, necessarily, at this point in time. Your concern is we get to October and we don’t get one selected.

CHAIRMAN GUYAS:  Let me get Kevin and then Mara.

MR. ANSON:  A couple of comments for ones that I was going to address is the timing of it. We have until October to pick our preferreds. At the last meeting, I wasn’t in support of the motion to make Alternative 6 the preferred, kind of on the same notion that Robin brought up, is that the EFP was kind of to get us to a point that we could come up with 100 percent and try to get it so that it would give us an option for managing the respective state fisheries.

I would be in support of this motion at this point in time, with the understanding that October is really going to be the meeting that we have to all come together and pick a preferred, so they can go out to the public and the public can have a good sense as to where the council is right now, and so I will be in support of this motion.

CHAIRMAN GUYAS:  Mara.

MS. LEVY:  Well, I mean, to the extent you would go down the road of potentially having two preferreds that can’t be implemented together, I guess it doesn’t matter that much, but you’re setting yourselves up, potentially, for then you’re going to have to de-select something, and that’s going to have to be a majority, and then what if you can’t come to a majority about what to de-select, and I’m not sure that’s any different than having to select something, but it just sort of seems like you’re setting yourselves up for something down the road that then could potentially be, again, stopping progress if you can’t come to a decision about what to de-select when you have two things that can’t be selected at the same time.

CHAIRMAN GUYAS:  Patrick.
MR. BANKS: Speaking of stopping progress, that’s exactly what this is designed to do right here, and that’s to stop progress. We picked a preferred as the majority of this body, and this motion is not happy with what the majority of this body chose. We already chose the preferred. We chose it at the last meeting. We also chose it in our EFPs, and that was twice that the states chose what they could accept. We have made progress, and let’s keep the progress going, please. This is only a measure to stop that progress. Thanks.

CHAIRMAN GUYAS: Robin.

MR. RIECHERS: Patrick, I beg to differ with you, and I have that right, and you have the right to say what you said, but what this is, it’s an attempt to create consistency between the two alternatives that are there now, or at least not have inconsistency.

I definitely appreciate your notion that we picked it last time, but, as we see around this council table, until we reach the final vote on alternatives, we will always have an opportunity to change them, right up until we send it to the Secretary, and so, again, if the majority picks it, it stays again, but it’s at least a motion on the board.

You have indicated that you are going to vote no, and I appreciate that, but it certainly isn’t an attempt to stall something. It’s an attempt -- Or to slow progress. It’s an attempt to hopefully make the document more like it’s going to be by the time we get to the end of the road.

CHAIRMAN GUYAS: Patrick.

MR. BANKS: Then the appropriate way to make it consistent is for you to make a motion on Action 1 and not on this.

CHAIRMAN GUYAS: Phil.

MR. DYSKOW: Thank you, Madam Chair. I would like, in my heart, to support Robin’s motion, but, because it lacks an alternative, I find that very difficult to delete it, or to de-select it, without an alternative, and I don’t understand what -- We would be taking a risk of slowing it down, and I’m not willing to do that. I would like to support it, but, since there is no alternative as part of the motion, I am reluctant to do that.

CHAIRMAN GUYAS: Kevin.
MR. ANSON: I appreciate your comment and concern, but we will have a need, and I’m sure a desire by October, in order to meet our January deadline, to come with a preferred, and we may settle on the same preferred, but we’ll have as many choices to vote as there are options or motions that are provided for establishing the preferred, and so I just don’t see this as not being able to select a preferred in the future, but that’s just my take.

CHAIRMAN GUYAS: Andy.

MR. STRELCHECK: Although the EFP allocations might be imperfect, I agree that they were put forth by the states, and, with a small modification, largely NMFS implemented those allocations for the EFP. I am recommending that we go to Action 1 and take a look at Action 1, if that’s the concern here of the actions not aligning well with one another, and base the decision on the alternative in Action 2, based on any revised decisions in Action 1.

I am also of the opinion that let’s keep this moving, and, unless we have another preferred alternative to identify, not de-select a preferred alternative, but replace this with another preferred in the amendment, if that’s the council’s view.

CHAIRMAN GUYAS: Okay. Is there other discussion on this motion? Patrick, go ahead.

MR. BANKS: I make a substitute motion to, in the spirit of what Mr. Dyskow just said, that, as an alternative, to change our preferred from Alternative 6 back to Alternative 2, Option 2d. If I can get a second, I will give some rationale.

CHAIRMAN GUYAS: Okay. We’ve got the motion itself, and let’s get the language from the document, so that everybody can see exactly what that is. It’s on page 16, if you’ve got your copy with you. All right. Do we have a second for this motion? We’ve got a second from Dr. Mickle. Is there discussion? Patrick.

MR. BANKS: This is a motion that I made a few meetings ago, and the basis, as it is today, is based on our allocation policy, and that was to use the historical time series as well as giving some consideration of some more recent years, which I think this does.

It’s also something that we have adopted as a council, and maybe
not unanimously, but we have accepted it under Amendment 40 already, that type of a calculation, and so it’s accepted, and it’s been challenged in court, and it’s passed through the courts, and it has passed this council, and it follow our allocation policy, and it’s a good method, and I would like to see that used. Thanks.

CHAIRMAN GUYAS: Other discussion on the substitute motion? Tom.

DR. FRAZER: I guess I want to direct this discussion or comment towards Paul a little bit. Is this kind of where you were headed with two preferreds, because, depending on where you go in Action 1, you could go either way here.

DR. MICKLE: Yes, that’s exactly right, and so we have potentially two preferred alternatives if this passes, correct? So that would allow --

CHAIRMAN GUYAS: No. The way this is worded, this would replace Alternative 6.

DR. MICKLE: I’m sorry. You’re right. So this is on the track that we still have a preferred, right, and so the fact that this one is a more legally -- This has been justified through the process of allocation and is a little bit easier to swallow, from a legal sense.

As Alternative 6 was, it was just kind of states doing different methodologies, which legally seems to be challenged a little bit, and so, again, this -- Having this alternative alive allows public comment to come out, but having two preferred alternatives, even if this one switched out, I just don’t see the problem with it, but, yes, that was my idea, intentionally, to keep it alive in that sense, to get that focused public comment, to keep it on track. Thank you.

CHAIRMAN GUYAS: Robin, did you have your hand up? No? Phil, go ahead.

MR. DYSKOW: Thank you, Madam Chair. My concern with 2d is the timeframe of going from 1986 to 2015. Data from the ancient past isn’t really relevant to what we want to do in the future with allocation of red snapper, and I think that the timeframe that we’re using for evaluation purposes goes back too far into a period of time where it lacks relevance. I mean, so much has changed since then, as far as population demographics and fishing methods even, and, to me, that timeframe is too deep.
CHAIRMAN GUYAS: Paul and then Robin.

DR. MICKLE: Mr. Dyskow, are you talking population change --
Are you talking about the fish or the people? I always have to
ask.

MR. DYSKOW: If I may answer, both.

CHAIRMAN GUYAS: Robin.

MR. RIECHERS: In that vein, and I could have probably started
out with this motion and we would have been in the same place,
but I think we have room on the board, and I would substitute a
motion then that would list Option 5e as our preferred
alternative.

CHAIRMAN GUYAS: All right. We’re up to the second substitute,
and this is our max. I’m just putting that out there. We’ve
got to dispense with some of these. Let’s get this one on the
board.

MR. RIECHERS: If I do receive a second, I will have a little
discussion.

CHAIRMAN GUYAS: Okay. Robin, do we have that motion right now?
It would change the Preferred Alternative 6 to Alternative 5,
Option 5b and 5e? Okay. Good catch. Do we have a second for
this motion? Second by Dr. Stunz. All right. Let’s have some
discussion on this second substitute. Robin.

MR. RIECHERS: Getting at Mr. Dyskow’s point, this actually goes
to a more recent time period, and, in addition to that, it
actually starts to really look at something other than just the
historical time series of catches, which we know, for a host of
reasons, they have changed through time. The currencies are
somewhat different, and they have been changing most recently,
and we know that that’s some difficulty that we have.

This at least starts to bring in the notion of biomass and
recreational trips, and we may have even sent something to
selected but preferred which also could bring in, possibly,
trips, but this would at least get us, I believe, a signaling
that we’re going to try to consider more than just catch history
in this, in this kind of allocation, and I think that’s
important.

This is not meant to try to completely reduce one state or the
other, but it’s trying to think about, as we’re moving forward, where those trips are and where those demographics are as well as more recent time series as opposed to the longer time series.

Again, like I said, I probably could have made this motion to start this, as opposed to just maybe trying to de-select the preferred, but this is the motion that I would have made.

CHAIRMAN GUYAS: Okay, and so I see lots of scrambling in the document, people scrambling through the document. If you’re trying to find the implications of this, you want to look on page 20 and on page 21. There is two sets of tables. Paul, you had your hand up.

DR. MICKLE: Yes, and so, with the catch histories, you want a representative -- Like Mr. Dyskow said, a representative time series, and so I have to speak for the State of Mississippi. With Katrina in 2005, the fleets were gone, private and for-hire and everything, and so, to represent a catch history, when you start your catch history with a decimated fleet, and you’re building back up, do you give more justification for the longer catch history because you’re rebuilding back to where it was? I would say that’s more representative over that longer time period, and so it’s hard to support this, from the Mississippi perspective, because of the rebuilding that occurred of the fleets and the fishery itself. Thank you.

CHAIRMAN GUYAS: Andy.

MR. STRELCHECK: One challenge with all of these analyses that use either historical landings or, in this instance, trips is the MRIP revisions that we’re now going to be dealing with and the effort survey, and my concern is this is based on historical data, but it’s going to be subject to change, and there’s going to be a fairly substantial shift, especially on the trip side, toward the eastern Gulf, and so these numbers aren’t going to be very representative once that new effort survey information is taken into account as well as how we use the state-certified surveys with regard to red snapper management.

CHAIRMAN GUYAS: Kevin.

MR. ANSON: A point of clarification. Robin or someone else, if the motion could be brought back up, I know we’re in 5e, Option 5e, but is it related to Option 5a or 5b or 5c? It’s for 5b? Okay. All right.

Just to echo some of the comments that Dr. Mickle just said and Andy, I don’t know, necessarily, that this -- I recognize,
Robin, that biomass is certainly important to you, and you’ve mentioned before that it’s been a challenge for your anglers in Texas to access the resource with the June season, and so I certainly recognize some emphasis or some way to include biomass into the formula, but I think, at the end of the day, like Paul suggested about Mississippi, it creates some issues for Alabama anglers, in that we end up with nearly half as much under this scenario as we would with most of the other scenarios that you look at, traditionally how we look at things with trips and such and landings, and so I would not be supportive of this second substitute motion.

CHAIRMAN GUYAS: Dale.

MR. DIAZ: I am not really speaking to the motion, but this is where the hard work is at. I mean, we know that, this allocation thing, and human nature is we’re all trying to figure out what’s best for our state, but I will say that I’m so encouraged by how successful these state management plans, these EFPs, have been this summer, and we’ve just got to get this worked out to where -- I don’t know if everybody can be happy, but we’ve got to get it worked out to where we can move forward, and I have always wanted there to be a consensus on this. I don’t know if it’s possible, but, anyway, this is the thing that I fear is going to sink everything right here, this allocation thing.

We went down the road with 39, and there was two things, what to do with charter boats and allocation, and we couldn’t get past those two things, and I don’t know what it’s going to take to get us over the hump, but everybody try to think -- Not necessarily what is the very best for my state, but maybe what can we live with, and just I think everybody thinks like I do, that these state EFPs were great this summer, and so we’ve got to keep this momentum going.

The folks that fish deserve that, and so just try to be as objective as you can, and I will try to do that too, although it’s hard for me not to figure out what I think is the best for us, but I’m trying to figure out what’s best for all the fishermen, and so thank you.

CHAIRMAN GUYAS: I’ve got Tom and then Patrick.

DR. FRAZER: I would like to echo what Dale had to say. I mean, I think what we ought to be trying to do is figure out what is fair for everybody, and what is the best for each state isn’t necessarily fair for everybody, right?
I like the last substitute motion, in the sense that it incorporates both biomass and trips, and so what it does is it captures a dynamic that a historical time series doesn’t, but I’m concerned with the comment that Andy made that the numbers that we’re looking at today aren’t very representative, potentially, when we get the MRIP recalibration, and so I might lean that way eventually, but I don’t know if we’re going to have enough support for that now, and I would make a similar argument, I guess, with regard to the second substitute motion.

What we’re seeing here is, because we don’t know, amongst the states still, what we’re happy with from an allocation perspective, we’re not likely going to be able to agree on an alternative today again, and so, in the absence of identifying a preferred, I am inclined to stay with the original one that we have, still recognizing that there is a timeframe in play and that we need to make a decision by October.

As Kevin has pointed out, and as Robin has pointed out too, we can change these preferreds, but we have one on the board, and, until there is really a compelling reason to pick a new one, I probably will speak in opposition to all of these, to the two substitutes.

CHAIRMAN GUYAS: Patrick.

MR. BANKS: I appreciate what Tom just said. If you run the numbers on all of these alternatives, the ones that I have made the motions for don’t give us the most fish in Louisiana. It does not give us the most fish in Louisiana.

The people in Louisiana hearing me say that are probably upset with me right now, but it’s the fairest way to do the allocation. It’s the one that passes the legal muster, and it’s the one that follows our policy, and so I appreciate what Dale says and what you said, but that’s exactly what my motion does, and I have not been here trying to figure out which number gives us the most fish. I have been trying to figure out what is the fairest for everybody.

DR. FRAZER: I heard the argument, and I guess what I’m saying is that the alternative, the second alternative motion here, I guess, or substitute motion, again relies on the historical timeframe, and, from my perspective, what I am interested in is trying to capture a dynamic, I think, and am I wrong?

MR. BANKS: To that point, it partly relies on the historical
timeframe, which is what our policy says, but it also takes into account a more recent timeframe, which is what our policy also says, 50 percent of each of those. I think it addresses exactly what you’re saying.

CHAIRMAN GUYAS: I’ve got Leann, and then I’ve got Robin.

MS. BOSARGE: Just to clarify it, because I think you all are talking around each other, you are talking about the first substitute. You are speaking to that first substitute motion, and you’re telling us that that’s what that one does and not the second substitute that was on the board, but the first. I get it, but I just wanted to make sure.

MR. BANKS: And Alternative 6, because we based our EFP allocation on that method.

CHAIRMAN GUYAS: Robin.

MR. RIECHERS: Well, a little bit of discussion has occurred, and both Andy and Tom mentioned it, about how some of the recalibration is going to impact this, and realize that trips are both impacted by the recalibration, but trips are heavily equated to landings also, and so we don’t get out of it by going to trips or by going to landings instead of trips.

That is just the quandary we’re in, and part of what we are going to have to figure out is how we do make those adjustments, because some of those calibrations may occur after the period of time that we have to both get this out into the public hearing world as well as, frankly, may occur even after we adopt it, depending on the timing of all that, and we’ve heard different discussions about how that may occur today, but that’s one of the other struggles that we have here, and I think that’s just something we have to consider.

I appreciate your comments about the biomass and, like I said, trying to reflect some of that in the fishery as well, and we know that’s out there. It’s both been used in SEDAR, and it’s been used in really all of our stock assessments most recently, and it also has to do with where some of those fish are landed and how those fisheries are prosecuted, but, again, like I said, I think we’re likely to end up back at square-one here, but it’s been a good discussion about some of the things we need to consider as well.

CHAIRMAN GUYAS: Andy.
MR. STRELCHECK: Going back to the current preferred, one of the things that I like about it still is that some of these moving parts, the changes in MRIP, aren’t factored into that decision. The fact that the states took kind of different approaches to arrive at their allocation, based on what you thought was going to be best suited for your particular state -- To be honest, NMFS expected, when we got all the numbers together, that you were going to be way over 100 percent, and the fact that it was 96 or 97 percent allocation, when all of it was tallied up, said a lot in terms of what we could do under the EFPs, and it made it simpler to implement.

One of the, I guess, things going forward here would be, to make this successful, we have to have some agreement, and we have to have some give-and-take, and this whole issue of what’s fair and what is equitable is a challenge, because we know, right now, under the current EFP and the allocations, the states that get the highest allocation also have the shortest seasons.

That’s a reality. The states that have the smallest allocations are having some of the longest seasons, but what’s fair and equitable and what isn’t can be viewed very differently depending on what state you sit in and where you’re fishing out of, and so I think that’s a challenge here, and I agree with some of the comments that there’s going to have to be some give-and-take here, but the nice thing about the existing preferred is at least you all had a chance to put it out on the table and give some consideration to that, and I just don’t like changing the preferred until we have really given some better thought to a modified alternative.

CHAIRMAN GUYAS: Kevin.

MR. ANSON: I don’t want to expound on it too long, but, Andy, I appreciate your appreciation for the preferred that’s currently on there, but, to pick up a little bit on what Robin said earlier, that was some give-and-take. We did come to an agreement, and I think the states came into it with a different perspective or goals.

I know that we were kind of under the gun, in trying to provide some access to our respective private recreational anglers, and so, for Alabama’s case, we kind of took it to heart, the spirit of the language that came from Congress in some of the discussions that were had for last year, as far as last year’s season, the 2017 season.

From Alabama’s perspective, we offered an alternative management
plan that kind of looked at how we came up with the pounds that we thought would be sufficient relative to Alabama’s slice of the pie or Alabama’s portion of the red snapper resource, and so that was just one number of five that got us to the 100.

For other states, they looked at it differently, and they got their number in a different manner, and so we’re going to come to a similar crossroads here very soon in regards to expediency and trying to realize that, come 2020, we are back in the same boat, like we were in 2017, prior to June 1, as far as what kind of season we could face or we could offer in federal waters for our private recreational anglers, and so I think that will be some motivation for us to try to come together and, by October, we will probably have a little bit more consensus, I am hoping.

I am still holding out hope, but, anyways, I am still under the thought that we ought to step away and keep the slate clean prior to October and, in October, come with a preferred or preferreds that we could send out to the public for the public hearing process.

CHAIRMAN GUYAS: All right. Any more discussion on our string of motions here? Okay. Let’s start voting this down or up or however we’re going to move through them. Let’s start with the second substitute that we have, if we can scroll to that one. Clearly, we’re going to need to raise hands for this. Raise your hand if you are in support of this motion; all hands in opposition to this motion.

DR. BOB SHIPP: I assume, since I’m not there, that I’m not able to vote, and is that correct, Martha?

CHAIRMAN GUYAS: That is correct, Dr. Shipp, but if you want to comment on any of these things, although it’s kind of late and we have passed the discussion, but, if you need to comment on anything, just speak up, I guess.

DR. SHIPP: I should have done it before, but I was trying to get this damn computer to work. I am just listening at this point.

CHAIRMAN GUYAS: Okay. Did you all get that count?

MS. BOSARGE: Seven to three, and the motion fails.

CHAIRMAN GUYAS: Okay. Seven to three, the motion fails.

So let’s scroll up to our substitute motion. This one is, in
Action 2, change the Preferred Alternative 6 to Alternative 2, Option 2d. **Raise your hand if you are in support of this motion, one; all those in opposition, raise your hand.**

**MS. BOSARGE:** The motion fails nine to one.

**CHAIRMAN GUYAS:** All right. **The motion fails nine to one.**

We are back to the original motion. This one was, in Action 2, to de-select Alternative 6 from being the preferred. This would mean no preferred. **All hands in favor of this motion, or raise your hand if you’re in favor; raise your hand if you’re in opposition.**

**MS. BOSARGE:** The motion fails seven to four.

**CHAIRMAN GUYAS:** The motion fails seven to four. All right, and so we are with our original preferred at this point. Okay. Where are we? I guess we’re still on Action 2 and Action 1. Ava, do you want to -- Let me make sure there is no other discussion on Action 1 or Action 2, I guess, before we move forward in Ava’s presentation. Okay. That was enough for now. Got it. Okay.

**DR. LASSETER:** Okay. Thank you. Let’s just review the remaining preferred alternatives in the individual state amendments while we have this one open right now. Again, if you would like to go through the individual amendments, if we have time at the end, we most definitely can do so, but this is just to summarize briefly.

In the individual state amendments, you do have two actions. The Action 1 is determining the authority structure that each state would use for state management, either delegation or CEPs, conservation equivalency plans. We have current preferred alternatives for all states except Florida.

In Action 2, it reflects a quota adjustment, either an underage or an overage adjustment, and only Louisiana and Mississippi currently have preferred alternatives. Alabama, Florida, and Texas do not, and so, again, when we get to the end of this presentation, if the representatives of the states or anybody would like to make a motion for preferred alternatives, we definitely could bring up these documents.

For now, let’s move on, and so here was a slide that just had the current preferred alternatives for Action 1 and 2, which we went to the document for, and so well move on from that.
The second issue that we were going to address in this presentation is how state management would work. Basically, we have multiple scenarios and multiple factors and moving parts, and so, here, we’re calling this Scenario 1. This is when everything is the most simple, the most clean, and it works perfectly.

In an ideal world, under state management, all five states will have state management amendments approved and their individual programs in place. Each state will establish its fishing season when red snapper may be landed from state and federal waters, and, here, “federal waters” means any federal waters.

Enforcement is primarily carried out dockside, and there is some discussion in the document that talks about, of course, there is some ongoing enforcement in federal waters, but, largely, it would be on the most liberal, most generous, of any bag limit, if an officer is checking you. If you have only recreational licenses onboard and no commercial permit and your anglers are in a very large quantity possession of red snapper, you would likely be in some kind of violation, but, essentially, enforcement is carried out dockside.

Therefore, the EEZ essentially stays open, and, again, this is contingent on all five states having state management programs, and so then your state regulations just pertain to when anglers can land red snapper in your state. They could be fishing in any part of the EEZ, because the EEZ, essentially, remains open. Again, landings in state waters are what is controlled or what is dictated for each state management program. This is Scenario 1. Everything is clean and easy.

Then we have other scenarios, and so here is where we have some of these issues that make things a little more complicated, and, under these scenarios, it’s when we have this concept of default regulations that would come into play. In the event that not all states are participating at a time, again, we have individual state amendments right now, and it may be different timeframes before different states come onboard, and there may be other issues in even going forward with your delegation or your CEP.

The inclusion of for-hire vessels, I’m going to come back and talk about this more in the next two slides, but it poses some problems, because of the federal Gulf-wide permit. Another issue that creates a different approach would be the delegation of options that require on-the-water enforcement.
Under any of these, it may require partitioning the EEZ, and here we have the map that is provided in the documents as well. These lines represent borders that the council had agreed on when you were discussing Amendment 39. Two of the lines, the Florida/Alabama and Louisiana/Texas, are established lines that are used. The other two went straight north-south, and you agreed on these I believe it was -- It was a meeting in 2013 that you discussed these at.

Once you have any of these three potential alternate scenarios, NMFS may need to use these lines designating offshore waters adjacent to each state in the EEZ, and default regulations would apply in the event that say not all states are participating.

Let's say we have one state that is participating and everything is working along and the neighboring state does not yet have its state management program onboard. The default federal regulations would apply to the adjacent EEZ to that state, and the default regulations are essentially the existing current recreational red snapper regulations, a two-fish bag limit, a season that NMFS would estimate that begins on June 1, and the length of the season would be based on the amount of quota not delegated, not assigned, to the states that are participating, and it would be the difference of that from the ACL, and NMFS would need to set the season.

It gets complicated, because that closure and that season under the default regulations off of that state must apply to all vessels and not just the vessels from a particular state. If one state -- If everything is working well, but their neighboring state has not come onboard yet, the anglers in the state with the program would not be able to fish, necessarily, during their season in the EEZ adjacent to a state that does not have its program in place.

If part of the NMFS default regulation season coincides with the state management program season, then, of course, those waters would be open then, but you start to see how one state not participating or not being onboard yet could affect access to federal waters to anglers of another state, and that could get more complicated in the smaller zones of some of the central Gulf states as well. I’m going to pause there for just a moment, because I feel like that’s pretty confusing, and see if there’s any questions.

CHAIRMAN GUYAS: Are there questions for Ava about these scenarios? Robin.
MR. RIECHERS: So, short of the issues regarding complete closures, basically, if you are a noncompliant -- If you’re a state that doesn’t have a state management plan, you basically would be participating in the fishery at the same percentage rate you would receive given a plan, because that’s what is left, and you would start on June 1 and have a two-fish bag limit.

DR. LASSETER: If only one state does not participate, you are essentially exactly -- Because the other four states would have. If two states or three states are not participating, then the difference -- NMFS would subtract out the quota that has been agreed upon and that is then assigned to states that have the developed, approved programs. The balance would be used to estimate a single default regulation state for whichever states are in that class. Yes, exactly.

CHAIRMAN GUYAS: Other questions for Ava?

DR. LASSETER: Okay, and so that kind of focuses more on the not all states participating. We’re going to go through the next two scenarios with a little bit more slides, and that is the inclusion of for-hire vessels.

First of all, as we just went through this discussion, what’s currently missing in the council’s current preferred alternative is an allocation by state for the federal for-hire vessels. That Preferred Alternative 6 remains in place, and it is for the private angling component only, and so that is an obstacle at the moment, and we still need to get to that point.

Some other issues to keep in mind is whatever allocation you select for the for-hire vessels, based on the alternatives that are in the document, they are referencing past participation, but these permits, the for-hire permits, are transferable, and they could be transferred to another part of the Gulf.

The permits that are held, for example, in south Florida, those probably aren’t currently being used for red snapper. Should some of those permits be transferred to other parts of the Gulf, you could be affecting -- There could be changes in regional catches for red snapper.

Then there is also issues of how would the permit holders -- Which state would they be fishing under. Again, it’s a Gulf-wide permit, and it is a landings-based enforcement, but, in our discussions in the IPT about how to address the Gulf-wide
federal permit for the participating in the different states, it would either rely on partitioning the EEZ, just as with the previous example, or there is a concept that we came up with which would be to create an endorsement to the for-hire permits that would determine the state that they would be participating in for landings.

The purpose of this, one, would be to keep permit holders participating in only one state program, and, of course, there would be a separate endorsement for Gulf-wide participation, which would be for states or regions that do not currently have an active state management program.

If there is only one state doing that, it would be pretty clear who that would apply to, but there could be one endorsement that would apply to any and all states that are not participating and as well as the individual state endorsements.

We crafted some alternatives, just to show you what this would look like, what we envision this to look like, and so it would be to establish a red snapper endorsement. For vessels with the charter headboat permit for Gulf reef fish, to land red snapper in a state managing its federal for-hire component in the Gulf, the federally-permitted vessel must have an endorsement for that state, as well as a Gulf-wide endorsement would be created and would be required for vessels with the charter headboat permit for Gulf reef fish to land red snapper in a state not managing the federal for-hire component under an approved state management program.

This would be optional as a for-hire permit holder. If you’re in an area that never catches red snapper, you would not need an endorsement.

Then we have also provided some options that, if we were to go forward with this approach, an endorsement -- This council would be able to select whether the endorsement could be used only for one program in a year, and what happens if that permit is transferred? Would you want that permit to wait until the following year and then be granted an endorsement for a particular program, or could they go ahead and get an endorsement for another program in that year?

This is a different approach besides the idea of partitioning the lines. Now, there is pros and cons to each of these, and we touched on timeline right when we began, and we’re going to kind of come back to that, but the idea of an endorsement, if you were taking final action at the January meeting, the time it
takes to implement the amendment and then develop the endorsement -- My understanding is that that would take longer than getting this ready for 2020.

There are still issues to work out as far as permits being able to transfer across the Gulf and whether or not they could participate in a different program, and I’m going to pause there and also see if NMFS has any additional feedback they would like to contribute on this issue with for-hire vessels.

CHAIRMAN GUYAS: Okay, and so let’s start with NMFS, and then we need to discuss this, especially considering our preferred alternative relative to this issue. Andy, Mara, Sue, are you guys good?

MR. STRELCHECK: I don’t think we have anything else to add at this point.

CHAIRMAN GUYAS: All right. Who wants to start? Patrick.

MR. BANKS: I just want to ask -- I am going to put Andy on the spot, but remind me of each of the issues with some states having charters and some states not, if you can just reiterate those few -- I remember one was the fact that charters would be able to fish that federal season regardless of -- For instance, if we had charters in Louisiana stay in our management plan, but not in another management plan, you would set a charter season throughout the Gulf, and we could not keep our charters from also fishing in the Gulf during that time. That was one of the issues that I remember you raising, but what were the other ones?

MR. STRELCHECK: Well, it complicates matters, because of how we had to handle the EFP versus regional management and how that might move forward, but, at least under the EFP, the main issue is the council made a motion saying that, if for-hire vessels were included under the EFP, they could be included as long as it didn’t reduce the season length for the states that were excluding vessels from their EFPs.

When we estimated the allocation and determined how much that would be taken off the for-hire quota, the season length was reduced by some amount, and I don’t recall exactly what, and so that’s why we did not include the for-hire vessels in the EFP.

The challenge here is what Ava just spoke about, which is clearly identifying the vessels that are participating in the regional management program off of each state, and she just
walked through the endorsement requirements or some other way of identification, but it increases the administrative complexity of being able to identify those vessels clearly from one program to the next, not to mention, obviously, determining what’s going to be a fair and equitable allocation that is going to be satisfactory for the states that want to be included versus those that might not be included in the program.

CHAIRMAN GUYAS: Kevin.

MR. ANSON: Andy, a little point of clarification. The endorsement wasn’t an option, per se, for the permit holder. It was an option to the state, going through the council process, to identify which states would have their for-hire component involved or not, and so, for instance, Alabama, if Alabama were to choose that and include for-hire vessels into theirs, they would get a percentage based on historical or whatever the time series is and everything, and then that would be deducted from the rest of the Gulf, if the rest of the states didn’t want to, but the federally-permitted Alabama vessels would then have an Alabama endorsement.

Then they would follow the season that Alabama set, and so they couldn’t fish outside of those days that may have been set for just the federal season, for instance go off of Florida in federal waters and fish when the Alabama season was closed, and so they would be -- You would be able to constrain the catch and everything, and I understand what they’re trying to do with moving vessels throughout different states and regions, but that’s my understanding, is that, once the vessel got an endorsement, that vessel then would be participating in the state seasons and be monitored under that state season.

CHAIRMAN GUYAS: Mara.

MS. LEVY: Right, and I think that’s the way we were envisioning potentially addressing some states wanting the for-hire and some not and how do you identify which ones are confined to a state’s management program, and you have to give them something to say, hey, you are an Alabama or you are a -- Once they have that, then, yes, we would write the FMP and the regulations such that they would be required to follow that. The question is how do you identify them?

The way that this was presented was we’re giving them a choice. Do you want to be an Alabama charter vessel or do you want to be a Gulf-wide vessel, or do you have your vessel somewhere else and you want to be a Louisiana vessel, because how are we -- I
guess one of the issues to grapple is how are you going to identify those, quota, Alabama federal charter vessels?

Also, how are we going to do that, potentially, in making sure that we’re consistent with the National Standards, and so I think that’s where the choice came in, and then the whole idea - - I think part of the reason for putting the endorsement out there as an example is just to say this is a way that it can be done, but we would be essentially creating a new permit and having a process that has to go through -- Administratively, to get the permit and all that stuff, and in terms of the timeline, whether that’s possible to get done under this timeline of when you want this implemented, that’s not clear, because that is much more complicated to get that implemented.

CHAIRMAN GUYAS: All right. I’ve got Andy and then Paul.

MR. STRELCHECK: Just to make another distinction with the exempted fishing permit, the other challenge we ran into with including the for-hire is that federal waters were going to remain open Gulf-wide, and so vessels that would have been under the EFP for-hire program could also have fished in federal waters off of that state when the EFP is closed and the federal waters are open. Under this scenario, obviously, the endorsement would preclude that from happening.

CHAIRMAN GUYAS: All right. Paul.

DR. MICKLE: Thank you. I guess I’m just really good at complicating things, or at least looking at them so that they become complicated, but, just from an administrative and a management perspective, this potential discussion leads into four for-hire sectors that would be fishing for red snapper potentially for a state. You have the regular state for-hire, and then you have federal Mississippi for-hire, and then you have federal for-hire, and then it becomes extremely expensive and very difficult, and I just wanted to voice that, with that many sectors.

CHAIRMAN GUYAS: Ava.

DR. LASSETER: I do just want to make sure that -- If you are a state that is going to manage both your private angling and federal for-hire, your for-hire vessels could not decide to do the Gulf-wide one. They could only do a Mississippi endorsement.

Then a neighboring state that is doing private only, those
anglers would be required to get that Gulf-wide endorsement in order to land red snapper in that state, but for-hire operators in a single state that is managing its for-hire cannot opt between the Gulf-wide season and that state. They would only be eligible for that state’s endorsement.

CHAIRMAN GUYAS: All right. I’ve got Susan and then Leann.

MS. BOGGS: As a point of clarification, and here we go again, if Mississippi is a state-managed fishery, but your charter boats are fishing Gulf-wide, and I am going to use the adjacent state of Louisiana, he doesn’t want his -- He wants to retain his charter boats. Are they then going to be confined to those lines of demarcation off the state of Louisiana, to where they can’t go outside of federal waters if they are state managed, meaning they can only fish in those lines of demarcation and they can’t go over to the Mississippi side and fish?

CHAIRMAN GUYAS: Ava.

DR. LASSETER: Okay, and I want NMFS to please correct me if I’m misunderstanding this. Those are the two alternatives. Under the endorsement idea, you could fish in different parts of the EEZ. That would be an advantage of not needing those lines. Now, however, if not all five states are participating, regardless of for-hire or not, we’ll be having the lines, and so then that does affect it.

But let’s say that everybody is participating and everything is true with Scenario 1 and we’re all clean, except for some states are managing for-hire and some aren’t. Then Mississippi -- Again, they’re not managing their charter, and they would have the Gulf-wide endorsement.

They would be fishing underneath that season in any part of the EEZ and landing, and Louisiana for-hire operators would have to have the Louisiana endorsement, and then that would specify that they could be in any part of the EEZ as well, but only be landing within their season, but it would get complicated if we were doing the endorsement for the for-hire and that not all states are participating. Then we would need to have the lines in the water, and so then it gets extra complicated. Did I get that right?

CHAIRMAN GUYAS: All right. Leann.

MS. BOSARGE: So these are permits that are transferrable and that have value, and so, even if all the states said they were
going to manage their for-hire, I’m assuming what would happen, in a market environment, with businessmen that are good businessmen, whatever state ends up with the most advantageous season for that -- It may not be the state with the most allocation, as we said earlier, but, whatever state it is, those permits are going to start to transfer.

I’m assuming, once that permit transfers to a vessel that is home-ported -- Say it transfers from Florida to Texas, and it’s home-ported in Texas now, and it’s going to be fishing under whatever that allocation for Texas is. I mean, I can just -- I don’t quite -- Yes, it’s going to be based off of some historical average, but then the boats are going to shift, and they’re going to go wherever -- It just seems like it’s going to be pretty hard to manage.

CHAIRMAN GUYAS: John.

MR. SANCHEZ: Potentially multiple permits.

CHAIRMAN GUYAS: All right. Any other discussion on this or thoughts about what we may or may not want to do with these alternatives? I guess would we want to add something like these to the document, because we would need to add the endorsement as an action, and is that right?

DR. LASSETER: We were envisioning it as an action, but it’s also a mechanism for making it work, and the reason we pulled it back from being an action we were proposing to you was because there are these different approaches with these pros and cons, these different ways to make this work, and we were still struggling -- The team was still struggling with minimizing unintended consequences, and so I’m not sure if we see this as a decision point. There is definitely the options were a decision point, and let me turn this over to NMFS.

CHAIRMAN GUYAS: Mara.

MS. LEVY: I think, if you’re going to keep the idea that the for-hire vessels are going to be managed by the states, or the states are going to be able to choose whether or not they’re managing them, we have to have some mechanism to know what vessels are associated with what state, and so, I mean, this was just throwing out an idea about how that could happen.

I know we kind of have two alternatives here, endorsement and partition, and I know I talked about the partitioning with staff, but I can’t remember how I thought that would work. I
mean, it’s just really complicated, but I think you need to think about, if you’re going to go down this road, how are you going to identify those federal for-hire vessels that are going to be associated with a state who has decided to manage them and knowing that we’re not going to, under the current preferred alternative, we’re not going to know whether the states decide to manage them until after the council takes final action, right, because it’s giving the states a choice and then it’s saying you have to tell NMFS within thirty days what you’re doing.

How are we going to identify those vessels? What mechanism are we going to set up that we can automatically put in place after the state makes the decision to do it, and then recognizing that what we choose may not be able to be done in time to get this to public hearings between October and January.

CHAIRMAN GUYAS: Kevin.

MR. ANSON: Yes, that was my question, is to how quickly these additional action items could be incorporated into the document. Then, looking at our timeline for trying to get something in place for 2020, if the council votes that they want to have the option in there for states to have a for-hire component, could that be something that could be done, I guess, and I hate to say a different document, but at least outlined through some action items that we can try to get signed off or passed in January, but recognizing that the agency is going to have some issues and that it may not be 2020 that the state, if they wanted to choose to include the for-hire component, is they would realize that maybe it might actually come in 2021, until all of the bugs are worked out, so to speak, and those things can be set up.

I guess my question is how much has to be in the document in order for it to go forward to the Secretary for signature and implementation? I mean, is it like a law, federal law, where you pass it and then the CFRs come in later and you can kind of go with that, of what the intent is in the document, Mara?

MS. LEVY: Well, I mean, nothing -- Passing the document doesn’t implement anything, right, and so you have to have the regulations and the CFR, and that is what is going to create the requirements, and that’s what is going to let you go ahead and do whatever you want to do.

If you’re talking about sort of having an alternative that says we’re going to let the states choose if they want to manage the for-hire or not, but we’re not going to figure out how that’s
going to happen until later, that’s essentially saying that you
don’t get to manage them until we’ve come up with a way to do
it, and so this is really then just a document that is for the
private angling sector, or component, and then we’re going to
figure out later what to do with the private -- If that’s the
way you’re going to go, then this should just be about private
angling, and then you should be addressing the for-hire guys in
a completely different document, because it just makes it much
more confusing to say that they can do it, but you have no
mechanism to do it until we do the second thing.

CHAIRMAN GUYAS: Robin.

MR. RIECHERS: Yes, but I think Kevin was getting at, Mara, the
notion of could there be a phased approach, realizing that we
may pass this at a point when we know, in year-one, you couldn’t
execute everything, and so could you actually state, but for
this group, we’re going to implement this two years down the
road or three years down the road, whatever it would take, and I
would hope that we could create an endorsement in a year, but,
if that’s really what we’re really talking about here, is just
the creation of an endorsement.

I mean, I don’t see a reason why we couldn’t phase that in, but
please tell me if there’s some reason why you couldn’t signal
that in the document, if that’s what you had to do, if there was
no way to do it for the upcoming season after the passage of the
document.

MS. LEVY: I guess, if it’s a matter of the council making all
the relevant decisions here and then it’s just a matter of
having time for the agency to implement it, knowing that part of
it would get implemented first and part of it would get
implemented second, I think that that can happen, but the
decisions about what we’re going to require and how we’re going
to require it still need to be made then in this document.

You would still be under the timeline, if you want, to submit
this thing as a whole and get it implemented, part of it, for
your timeline, but you would still need to submit it by -- I
think April was the drop-dead for that, right, and so the
council would still have to make all the decisions, is what I’m
saying, and then, if it took more time to implement, that would
be one thing.

CHAIRMAN GUYAS: All right. I’ve got John.

MR. SANCHEZ: I kind of have a question. If right now a
federal-for-hire-permitted vessel can fish around the whole Gulf EEZ, is this going to restrict him to his state zone, so to speak, potentially?

MS. LEVY: Creating the endorsement, in and of itself, wouldn’t -- I wouldn’t envision it as restricting the for-hire vessel to its zone. It would restrict it to whatever the state management for that -- So if the state says your for-hire season is X to Y, that’s your season. You could fish in the EEZ, but, in terms of landing in that state for which you have the endorsement, that is your season.

It gets more complicated, as Ava said, if not all states have their plans in place, because then we have to start delineating where in the EEZ the federal regulations apply, and so that is when it starts getting more complicated. That’s not a function of the endorsement. That’s a function of not all states participating and having these plans that are active.

CHAIRMAN GUYAS: John and then Kevin.

MR. SANCHEZ: That, I get, and I recall having had this discussion already, and we kind of ended up where we have, and it seems like now we’re revisiting and going back to the same confusion that I thought we had addressed a little bit before when we decided to leave the federal for-hire essentially out of just about everything.

CHAIRMAN GUYAS: Kevin.

CHAIRMAN GUYAS: Mr. Anson.

MR. ANSON: As my sixteen-year-old daughter often tells me, I’m a little slow on the uptake, and so we have a state-endorsed federally-permitted vessel, and they are endorsed for Alabama, and Alabama is participating, obviously, or they wouldn’t have been endorsed as Alabama and they would be endorsed as a Gulf-wide permit.

If that vessel is out on the water, or it’s checked at the dock and it has snapper onboard, in either case, the enforcement officer is going to look to see, if it’s an Alabama-endorsed vessel, is the Alabama season open. If it is, and he or she is within their limits and sizes, everything is okay. If Alabama is not open and they have an Alabama endorsement, that vessel is going to have some problems, and likewise for a Gulf-endorsed vessel. The vessel would be available to access the federal waters in the Gulf season, and so I guess I’m -- My point, or my
question, is to why we are still talking about lines in those situations.

CHAIRMAN GUYAS: Go ahead, Mara.

MS. LEVY: We’re only talking about it in the situation of if there’s a state that is not participating, right? If not all five states are participating, then we have to establish -- Well, maybe you’re right for the for-hire vessels. Yes, it’s not like the private angling -- See how complicated it is.

MR. ANSON: I am trying to make it less complicated.

MS. LEVY: I think you might be right for the for-hire vessels. As long as we have an endorsement that indicates they are either Gulf-wide or state, then the EEZ is just -- I mean, the Gulf-wide would be under the federal season and the state ones would be under the state seasons, and it’s not like the private anglers, where they could have multiple areas in which they could potentially land.

CHAIRMAN GUYAS: Okay. Ava and then Andy.

DR. LASSETER: I want to make sure that I understand this, because I thought, if we had those lines, then the closure and the application of the default regulations would apply to all vessels, regardless of the state, and so is that not an obstacle for the for-hire vessels, again, if not everybody is participating?

MS. LEVY: Well, I think we would have just a Gulf-wide season, right, and anybody who -- We would have a federal season that would be open to those permit holders who have a Gulf-wide endorsement. When the federal season is closed, you would still be able to be -- I mean, I think we would have to think about how the regulations would work, because part of the way it was going to work was the federal EEZ was just open, right, and so we had no closure. It’s just open, and, if you’re landing in a state that’s open, you’re good. If the state is closed, you’re not good.

In this case, we would have to set some sort of federal for-hire season, and the question is, once that is over, what does that mean for the EEZ? It would probably have to be closed, but then what does that mean for the people that have the Alabama endorsement? Does that mean maybe we’re writing it and that they’re exempt from that closure? I think we would have to figure out how to work it, and I am still -- It’s not clear to
me exactly how the regulations would have to be written to do that.

CHAIRMAN GUYAS: All right. I had Andy, I think, and clearly we need to hash this out at some point, and then Kevin.

MR. STRELCHECK: Unfortunately, Robin stepped out, it looks like, and so the problem we have is dissatisfaction with the private season, and then the charter sector, obviously, being divided in terms of state management or not state management, and we all well know that.

We also know the clock is ticking on the EFPs, and we need to get something in place in 2020. I know, Kevin, you weren’t suggesting this, per se, but I’m wondering if there is value in moving forward with private under this amendment, regional management amendment, and then addressing charter, given the complexities and challenges that we’ve already discussed, through some sort of separate amendment that would closely follow this, but wouldn’t hold up any sort of decision-making for that 2020 private season that we really need to be addressing, because, in the interim, the default for the charter sector is still going to be an approximately fifty to sixty-day season, I would expect, going forward, which has been fairly satisfactory in recent years for the charter sector.

MR. ANSON: I may have been saying something like that, Andy, but I am not going to propose a motion at this point. I will just come back to the discussion relative to the concept of having the Gulf open and when it might be closed, and we had some of the discussion when we talked about the EFPs, and, basically, it just came down to the Gulf was open until it was determined that the landings exceeded the ACL, and then it had to close. That’s where I -- Is that wrong?

MS. LEVY: For the EFPs, it was the opposite, right? The Gulf was closed, but then we gave the states an exemption to that, and so that’s the way -- The exempted fishing permit is not really the model to use here, because it’s solely exempting people from the regulations, and so it was exempting them from the closure.

The way this was structured, when we’re thinking private angling only, was the EEZ is open, and we’re not going to close it, unless for some reason we had to draw the lines and say you could only fish here during this time. Otherwise, it was open, and you were subject to wherever you were landing. You were subject to those regulations wherever you were landing.
CHAIRMAN GUYAS: Mr. Dyskow.

MR. DYSKOW: Thank you, Madam Chair. I have been going both ways on this issue. Consistently, I thought for-hire vessels should remain under federal management, because it seems like a more simple and more structured process than each state doing something different.

I respect the states’ abilities to manage their fisheries, but I see this being a very difficult scenario, and, because of that, if it’s appropriate, Madam Chair, I would like to propose a motion to leave charter and for-hire vessels under federal management.

CHAIRMAN GUYAS: Okay. Let’s get the words on the board, and then we can match it up to the action and alternative. For those of you who are toggling documents, you’ve got to go back to the big fat one, 50A, and so this would be Action 1, Alternative 2 of Amendment 50A, just so that we’re all crystal clear, since we have many, many documents for this. I think what you are saying, Phil, is, in Action 1, make Alternative 2 the preferred alternative.

MR. DYSKOW: Yes, that’s another way of saying it.

CHAIRMAN GUYAS: Okay. I am good with getting it in words first, and then we can match it up with the actions. It’s all good. Everybody knows where we’re at, I think. All right, and so I think we have the motion on the board now. Is there a second for this motion? Seconded by John Sanchez. All right. Is there discussion? Robin.

MR. RIECHERS: Well, we’ve been having this discussion. I mean, this is the same motion that was up last time, and so I’m not going to go and spend a long time going on the record. We left the preferred at Alternative 4 last time, as we tried to work through this, and we’ve had a long discussion here about the complexities, and I fully understand that it is somewhat complex.

I am not certain it’s always as complex as we try to make it, but there are certainly some ways to still think about it, and that would be using some sort of permit, and one option we have, in addition to not necessarily going with Preferred Alternative 2 is leaving Preferred Alternative 4 and actually fleshing out a little bit of what that permit would look like, because I’m still not convinced, even though people are saying it couldn’t
be done in the timeframe that we’re talking about, I am not completely convinced that it couldn’t be, or I’m not convinced that we couldn’t take the tactic that Kevin was leaning towards, which is a delayed implementation of that side of it, if you wanted to do that in some way in this amendment.

The other part is certainly, Andy, we could put it in a different amendment, but I will be honest that, just from the state’s perspective and from some of our discussions around this table, when we tend to split things and say we’ll bring things back later, we don’t do a very good job of that, and so, until we can reach a point where we just know we can’t get this done, I am trying to preserve the option of having charter/for-hire with the states, but, like I said, I’m just -- I’m speaking against the motion, and, Phil, you and I have had this discussion. I still like the Preferred Alternative 4, and we’ll see where we end up as we go forward here in the next two meetings.

CHAIRMAN GUYAS: Kevin.

MR. ANSON: Thank you, Madam Chair. I forgot to mention earlier, Patrick, about your other motion that I didn’t support, but I do support the idea of kind of extending the olive branch and such and trying to come to that middle-of-the-road and come to a negotiated settlement, if you will.

That’s what I kind of look at this right now, is that Alabama does not have support amongst its federally-permitted charter boats, but, in the interest of trying to provide as much opportunity for other states and as much as trying to come to an agreed-upon arrangement of how we could proceed with this, I will not be in support of this motion at this time either.

I just want to get one point of clarification, because it has come up here recently with some of our federally-permitted charter boats. Andy, I wonder if you can answer the question as to how much protection, if you want to use that word, can be afforded to federally-permitted charter boats for having equitable access to the federal fishery in states that may opt, if we go that route, with their own state-managed program, how much protection does the federal government provide them, inasmuch as having fair and equitable access to the federal fishery?

Can the state kind of change the numbers and go off the rail, if you will, from what their historical access has been without any recourse from NOAA?
CHAIRMAN GUYAS: Andy.

MR. STRELCHECK: Well, I will let Mara also weigh-in, but I guess my view would be that that would be whatever the decision would be in terms of the delegation and the review by this body, in terms of what that management would look like and whether or not that is approved to be delegated to the state.

“Protection”, I don’t know if that’s the right word, but there would be a deliberative process that we would go through in order to establish that. Now, to the extent that -- Well, I’ll just leave it at that.

MR. ANSON: You may have been going there, but if the council comes up or approves the plan that the state can implement and the state decides to change it at some point, that then would be against what the council had approved, and then NOAA has some authority, under that situation then, to revoke or not approve, basically, the state’s management of the fishery, and is that correct?

MS. LEVY: To the extent we’re talking about -- I’m going with delegation, just because that’s what we’ve been talking about, and so the Act provides that, if the Secretary determines that a state law or regulation applicable to a fishing vessel under delegation is not consistent with the fishery management plan, the Secretary has to notify the state and the appropriate council and provide an opportunity for the state to correct any inconsistencies.

If, after that notice and an opportunity for corrective action, the state does not correct the inconsistency, the authority granted to the state for the delegation doesn’t apply until the Secretary and the council find that the state has corrected the inconsistency, and so you’re delegating something specific here, and whatever the state does has to be consistent with the delegation. Otherwise, there is this procedure for -- I’m going to call it suspending the delegation.

In this particular case -- If you recall, at the last council meeting, the two alternatives that either say that the state is only going to manage the private angling component or the state has the choice of managing either, also, and the sunset, and so it gets rid of the sunset for sector separation, and so it keeps sector separation in place, and the allocations are specific, private angling and for-hire. There is nothing in here that allows the state to then decide it wants to somehow have a new
allocation that is not consistent with what the FMP decided it should be.

MR. ANSON: Thank you.

CHAIRMAN GUYAS: Andy.

MR. STRELCHECK: I wanted to go back to Robin’s comment, and, Robin, I realize that what I was suggesting didn’t necessarily agree with -- I am looking for a compromise here, and this, to me, is kind of an all or nothing. We’re going to take it out and not consider it down the road, and obviously we still have a few meetings to discuss this, whereas separating the two allows for the private amendment to move forward in a timeline that could be implemented by 2020, with a for-hire amendment being split out, but being considered during that same timeframe and then subsequent meetings, as needed, to hammer out any of the details, and so I wasn’t suggesting that we were going to split it and just table it and we’ll come back to it at a much later date.

I was just suggesting that we could split it out and deal with it in a separate amendment and work toward trying to get that implemented, but it wouldn’t then be binding for the 2020 schedule that we’re really needing to focus on for private angling.

CHAIRMAN GUYAS: Ms. Bosarge.

MS. BOSARGE: Yes, and I mentioned separating the document a couple of meetings ago, and so that wouldn’t bother me, but I will support this motion. In order for us to have the charter in and let some people manage it and some people not or all people manage it, we would have to have all of those decisions and all of those alternatives hashed out in the document and pick preferreds at the next meeting, just like we were talking about with allocation.

We need a preferred by the next meeting, and I think we’re nuts if we really think that we can do all of that by October, in order to get all of this final action by April and implemented in time for the EFP expiration, and so I’m going to support this.

Dale said that the private angling EFPs went extremely well this summer, and I would agree, and I want to see that move forward, and I don’t see it moving forward with this still in the document.
CHAIRMAN GUYAS: All right. Is there any other discussion of this motion? Doug.

MR. BOYD: Just a comment on this. I’m not going to support this motion, because I believe that there are states who have voiced that they would like to have the charter fleet within their state management, and we hear from approximately 50 percent of the charter fleet that they don’t want to be in federal management and they would rather be with state management.

We hear a lot of public testimony that the charter fleet would like to be with federal management, but it’s from small, vocal groups, and we do hear from other people, both in emails, both in conversation and in public testimony, that they don’t want to be, and so, at this point in time, I am not going to support this motion.

CHAIRMAN GUYAS: All right. Are we ready to vote? I think we are. Okay. All in favor of this motion, please raise your hand, seven in favor; if you’re opposed, raise your hand, five. The motion carries seven to five. All right, and so I know we have more slides, Dr. Lasseter.

DR. LASSETER: Okay. I will pause there for just a moment. I think there’s a question.

CHAIRMAN GUYAS: Go ahead.

MR. BANKS: In light of that, at the appropriate time, I would like to make a motion concerning charter/for-hire in a separate amendment, please.

CHAIRMAN GUYAS: Let’s do it now.

MR. BANKS: I don’t have the wording, and so I’ll try to fumble through it, but I would like to start a separate amendment to begin state management for the charter/for-hire industry. If I get a second, I will explain, again.

CHAIRMAN GUYAS: All right. I think everybody knows what we’re talking about here. Is there a second for this motion?

DR. FRAZER: I will second it.

CHAIRMAN GUYAS: We have a second by Dr. Frazer. Is there discussion? Leann.
MS. BOSARGE: So, Patrick, you want to begin a separate document, I guess a plan amendment, begin a separate plan amendment, for state management for the charter/for-hire industry? In other words, you’re separating this document out now?

MR. BANKS: Well, I may be premature, because we may be able to get the charters back it at Full Council, but that’s wishful thinking, maybe, and I don’t know. There is some other votes that are not yet seated at the table, but, obviously, everybody knows my hope is to manage both the charters and the private recs within our state management plan, and I know we can do it, and I hear all of these complications, but somebody mentioned that it doesn’t have to be that complicated, and I don’t believe it’s that complicated.

We have talked about the complications multiple times, and we have talked about these lines in the Gulf, and it doesn’t have to be lines in the Gulf. We have already debunked that. We have already debunked a lot of this stuff.

It doesn’t have to be that complicated, and it’s not that complicated, but I’m okay if we separate them out, I guess, as long as we can move forward the charter/for-hire down that road as well and work out all of these, and we’ll debunk the concerns again and maybe give us some more time, because I don’t want to see 50 stall and not move anywhere, and so, if pulling the charters out and putting them separate, if that’s the only way it can move forward, then I’m in favor of that. Thanks.

CHAIRMAN GUYAS: Mara.

MS. LEVY: I think we all know what you’re talking about, but could we say for the federal for-hire industry or permit holders instead of just charter?

MR. BANKS: Yes. Sorry.

CHAIRMAN GUYAS: Is there other discussion of this motion? Robin.

MR. RIECHERS: Patrick, just for my own clarification, if -- Well, let me put it a different way. Let me suggest this, that even if I vote for this that I’m not suggesting that I won’t try to change it in this amendment, just so that you and I are clear on that.
MR. BANKS: I’m not so sure that I won’t try to change it either, and I just said that about it, that maybe it will change in Full Council, but I just want to make sure that we’ve got some fallback here, so that we keep something for the charter guys moving forward.

MR. RIECHERS: I will just echo my comment from before, and I appreciate Andy trying to make that clarification, but I still have that same fear, because we’ve seen it too many times around this table, and so I don’t think it’s as complex as we’re trying to make it. I think there is some solutions that we could work towards, and I think we can get them done in the timeframe that we have allocated ourselves, or we can phase them in in some way, and so, again, I will support the motion, just because it will keep something on track, and whether or not we end up -- I am not supporting it though to the context that I am still going to work towards including them in the current plan.

CHAIRMAN GUYAS: All right. Other comments on this motion or questions? Are we ready to vote for this one? Okay. **All in favor, please raise your hand, of beginning an amendment for state management of the federal for-hire industry; all opposed.** The motion passes ten to two.

All right. Now are we ready to go back to that PowerPoint? I think we are. Okay.

DR. LASSETER: Great. Thank you. Okay. We just have a couple more slides. Going back to the overview, we were touching on the current preferred alternatives and how state management would work, and here is our last one of the issues. We covered the not all states participating inclusion of for-hire, and then now we’re on to the options for delegation.

The alternative is -- The options are provided up here on the board. This is Action 1 from the individual state management amendments, each state’s individual amendment, and so state management, as it has been previously considered by the council and how we talked about it in that Scenario 1, it included measures that would rely primarily on dockside enforcement, such as the bag limits and the size limits, such that, when in federal waters, enforcement would be of the most generous of the state regulations, for example the highest bag limit, of a state with an open season at that time.

The bracketed final three options at the bottom are different than these bag limits and minimum size limits from this dockside enforcement, as currently written, and so, in Option 2e, we’re
talking about requirements for live-release devices, such as descending devices, and Option 2f is requirements for harvest gear, and Option 2g is use of area or depth-specific regulations.

These options for delegation, Option 2e and 2f, and I believe Dr. Crabtree touched on this at the last meeting, these don’t necessarily need to be delegated, depending on how the state writes the regulation, and so state regulations -- If a state wants to include these as part of its red snapper management, rather than being delegated some kind of authority, because, again, remember that you’re delegating red snapper authority specifically and not reef fish more broadly, state regulations could be written for dockside enforcement.

Rather than require use of such a device or such a harvest gear, the regulation could be written by the state that it just must carry aboard. Therefore, would be no need for delegation, and so that is one potential solution for addressing these original options.

The final one, the Option 2g, the use of area or depth-specific regulations, we still have the same problem, and the sentence that is here that is italicized is italicized in the document as well, that without further information about the scope and purpose of the area or depth-specific regulations, Option 2g cannot be included in a state’s delegation.

If you remember a few meetings ago, we took the list of the three states that provided letters as to what they would like to be delegated, and we compiled those items into a list and provided them to GC, and what came back -- These three were tentative. We needed to discuss them more, but they were probable, or there were issues, and this issue for 2g has been there from that time, that we needed more information in order to enact this, and Dr. Crabtree discussed this at the last meeting, that that just can’t be openly -- Blanket delegation of allowing a state to make whatever regulations they want in federal waters.

These three options, we still have some issues with. Two of them are selected as preferred currently in one state document, but, for other states that may be considering especially e and f, if your intent is just to have possession of these types of gear or devices, then that would not necessarily require delegation, and so that might be a solution for these.

For the 2g, again, we would need additional information
specifics that it could be analyzed and see if such a depth or area closure could be delegated. More information is needed to pursue this option, and so let me stop there a moment and see if there’s any discussion.

MR. RIECHERS: I don’t quite understand the designation you all are making of require aboard versus use of. Why are you saying we can require aboard but not require the use of, if we chose to do that?

CHAIRMAN GUYAS: Mara.

MS. LEVY: I think what it’s trying to get at is that, if you’re going to delegate something that requires use or a specific thing to happen in federal waters, then you have to tell folks, and the states, what their area of jurisdiction is in federal waters, right, and so, if we’re going to say the state of whatever can require the use of these specific devices, where in this area off the EEZ, and so you get into those lines, right? You’ve got to tell which state where their authority extends to, and that was the issue with these things that were sort of not something that you could just enforce in state waters and dockside.

If you wanted to actually require use in certain areas, you have to tell the state where they can do that, and I think this was a suggestion to get around that, and so, instead of saying, state, you can require the use of live release devices in this area of the EEZ, we were suggesting that the state could just say that these vessels have to carry these things aboard, meaning, if you’re in state waters or you’re landing in the state, you have to carry this aboard, and presumably they would have it onboard in the EEZ, but you wouldn’t be requiring that they use it. Does that make sense? You wouldn’t be saying what had to happen in an area of the EEZ.

CHAIRMAN GUYAS: Leann and then I have a question, I think.

MS. BOSARGE: I was just thinking then about this relative to how you’re managing right now, and I asked you whenever, and maybe that was yesterday or today, but anyway, what you were doing with the rest of that quota, and you said, well, we’re going to use that for state waters. We’re going to close federal waters and we’re going to spend the rest of our year fishing, or hopefully the rest of the year fishing, in state waters.

If Texas wants to do that in the future under this plan, you
have to draw your lines in the EEZ to say what part of the EEZ Texas can close. In other words, they couldn’t have a state-water season anymore unless we draw lines, right?

CHAIRMAN GUYAS: Mara.

MS. LEVY: Well, so that gets to another issue that we haven’t worked out yet, is if you’re going -- 2g creates its own set of issues that need to be addressed, meaning, yes, you would -- Again, you would have to be defining the area and the jurisdiction in the EEZ that the state can have authority, over, right, and so we would have to say this is Texas’s area of authority in the EEZ, and then we would have to figure out how we would implement such a closure, and I don’t think we’ve worked out exactly how that would happen.

Would it have to go through NMFS and NMFS do it? Could the state actually close federal waters? I don’t think we’ve -- At least I have been looking at it, but I haven’t gotten far enough down the road to figure out the mechanism, but you would still have to, again, determine the jurisdiction that Texas had, or whatever state had this, and what is their jurisdiction, and so that’s where the lines come in.

It’s difficult, because we have five states in one body of water, and, to the extent they all want to do something different in their, quote, area of jurisdiction, we have to know what their area of jurisdiction is.

CHAIRMAN GUYAS: Okay. Mara, regarding 2e and 2f, I am just trying to think this through. In Florida, if you’re fishing for red snapper and nine other reef fish, you have to participate in our Gulf Reef Fish Survey, and that is something that’s shown on your license. It’s not a license or a permit, but it identifies the people that are participating in that fishery.

Could you potentially require the use of descending devices for those people that are participants in the Gulf Reef Fish Survey, as a way to make sure that those devices are used, rather than just say that you have to carry them aboard?

Maybe it’s less of an issue with the descending devices, whereas if say, and I’m not saying that we’re going to do this, but, if we require that only red snapper could be harvested using a spear gun, in which case, if that was the case, then requiring someone to carry a spear gun aboard doesn’t really maybe solve the problem of actually restricting the use to that gear. Do you see what I’m saying?
MS. LEVY: But if you’re going to tell people they can only harvest red snapper using a spear gun under Florida’s red snapper delegation, you still have to define the area in which that is relevant, and it would be some area off of Florida, and so there would be a line, and, if you’re in Florida’s area, you would be required to use a spear gun. If you’re in Alabama’s area, presumably that wouldn’t be required, or they might have something different.

I am just saying, if you’re going to tell people they need to do something in a specific area of the EEZ, you have to identify what state regulation they are supposed to follow, and so you have to identify what the state’s area of jurisdiction in the EEZ is. That’s why it gets more complicated.

CHAIRMAN GUYAS: Yes, I hear what you’re saying, but I guess I’m trying to look at this kind of like how we were just talking about the charter, right, where, if we had a situation where we had these endorsements, so to speak, to me, you could do something like that here, right, and so, if you have this endorsement that basically allows you to fish a state season, that here is the requirements that you have to follow. Does that make sense?

MS. LEVY: I guess to the extent that Florida has requirements associated with their license, right, and you want to land in Florida, then you would have to comply with Florida license requirements no matter where you were, and that would be however you set up your regs, and I don’t think we need to delegate that to the state, right?

CHAIRMAN GUYAS: Kevin.

MR. ANSON: Mara, on that point of identifying the vessels, I mean, and, again, I may be slow on the uptake here, but, under the EFP, the participants that were able to go out in federal waters were those that had the state fishing licenses, essentially, and then they were identified back to that state, and so that still apply and you would have your license as a Florida fisherman, as Martha is saying, but we didn’t have lines in the Gulf for Florida fishermen to not come over to Alabama. They could do that.

MS. LEVY: Right, but say I have a Florida license and an Alabama license, and I live on the border, right, and what rules am I supposed to be following in the EEZ? Is this delegated to Florida and this is their section of the EEZ, or is this
delegated to Alabama and this is Alabama’s section of the EEZ?

With the EFPs, we said you were exempt from the closure as long as you had a valid fishing license to land in an open state, and then that was enforced when you got into the state, right, and like so, if Florida was closed and Alabama was open and I had both and I was in the EEZ, I would be fine, but, as soon as I went into the closed state, I wouldn’t be fine. I would have to go into the open state. Does that make sense? We were enforcing it based on what state you went into as opposed to what you were doing in the EEZ.

CHAIRMAN GUYAS: Kevin.

MR. ANSON: It does make it clearer. Thank you.

CHAIRMAN GUYAS: Robin.

MR. RIECHERS: Well, yes, I’m clear on that one now, because that’s the way we do bag limits now, and so that’s pretty simple, in that respect, which is, if you’re going to land them in Texas, you’re going to abide by our rules, and so that’s the same sort of thing. As you suggested, if we wanted to say you’re required to have a descending device, and if you’re checked and landing in our waters, then you would have to have a descending device onboard.

I want to go back to 2g though, because you are, I think, correct, though I don’t necessarily think it really would need this purpose and scope as much as you all are trying to suggest it will, because we’re basically deciding what our allocation is and we’re staying within that allocation, no matter where those fish are caught, and so I think there can be an analysis, a biological analysis, of that, regarding what the impacts of that change would be, and that biological analysis is based on the fish that are being landed.

I don’t agree with what you’re saying in 2g, because I think it can be done by doing it that way, but, if you want to know the scope, yes, we want to have the ability to have our state-water season open and then have the remaining days that we choose out in federal waters, and that’s based on a poundage that’s caught in each.

We also talked about, though I’m not necessarily proposing it now, but I would want to leave a discussion element open to have something like Florida, because, at some point in time, there might be a south Texas, upper coast Texas, lower coast Texas,
given our weather patterns and the distance between those places, and I realize the place right in the middle, where there can be crossover, that gets more complicated, but we at least ought to have some opening to have that further discussion at some point in time, and I don’t know how you would do that here, but, at the very least, we want the notion of a state season left in here.

CHAIRMAN GUYAS: Mara.

MS. LEVY: Well, so just a couple of points that -- I hear what you’re saying, and that’s fine. Just to be clear though that, if you’re going to delegate the authority for a state to close areas in the EEZ, and we figure out mechanically how that’s going to work, that’s going to apply to everybody, meaning it’s not going to apply to just Texas anglers or -- It’s a closure, right?

The second point is I think we’ve said that you can do that sort of split state season without closing the EEZ. Meaning, if Florida says you can only land in this half of the state and these waters are closed during this year and the other, you don’t need to close the EEZ for them to do that, and so I would assume that maybe it might work for you too, but I don’t know, and because I think we talked about that a lot with Florida and said you really don’t need a delegation to do that sort of thing, because you’re controlling where people land as opposed to where they fish.

CHAIRMAN GUYAS: Robin.

MR. RIECHERS: Just as a follow-up, we may look to shrimp to be the model of how you actually execute it, because we’ve been doing it for twenty-something years there, and so it’s not exactly the same, but the execution part is basically the same.

CHAIRMAN GUYAS: All right. Are there other questions or comments on 2e, 2f, and 2g at this time? Yes, sir.

LT. ZANOWICZ: I am just confused under the options for delegation slide, where it says, when in federal waters, enforcement will be at the most generous state regulation of a state with an open season, and so does that mean that basically the Coast Guard would need to track what state has an open season and then -- I guess I’m just confused as to what that means, and any clarification that I could get would be helpful.

MS. BOSARGE: Mara.
MS. LEVY: I mean, I think you would be looking at where people could land with what. Meaning, if the states are all closed, then there shouldn’t be anyone in the EEZ. If there is a state open, and the person can land legally in that state, then they’re allowed to be out there, and, with respect to things like bag limits, it would be the maximum bag limit of a state, an open state, and so, if a state had a four-fish bag limit and another open state had a two-fish bag limit and they were both open, then the person in the EEZ could have up to four fish and still legally land somewhere, and they would be fine.

We would write the regulations to indicate that. I mean, that’s how we had drafted them for 39, is that there was sort of this upper bound based on what the state was doing, and so it would be more clear once we write the regulations, but, when you try to figure out how it’s going to work without the regulations, from your perspective, I think it’s hard. I think, from the enforcement perspective, you kind of need to wait and see how we write the regs to see how you would be enforcing.

CHAIRMAN GUYAS: Go ahead.

LT. ZANOWICZ: Thanks for the clarification on that, and it might be a little premature to ask this as well, but I did have another question as well. It says that enforcement would be of the most generous state regulation, but, some of those options, it seems like an either/or thing and not necessarily a most generous or less generous thing.

For example, Option 2b, the requirement to have for-hire vessel captain and crew may not retain a bag limit, would the current federal regulations continue to apply, where for-hire vessel captain and crews cannot retain bag limits, or, if the only state with an open season allows that, then we start enforcing that, and hopefully that made sense.

CHAIRMAN GUYAS: Mara.

MS. LEVY: I might have to think about that. I might need to hear the question again, because, as soon as you mentioned for-hire, I started thinking about whether that would be applicable if they weren’t in it anymore in this document, and so I have to think about how everything is sort of intersecting.

CHAIRMAN GUYAS: Robin, go ahead.

MR. RIECHERS: I think the question is, and they’re still in
until Full Council, by the way, Mara. This is just committee, but what I’m thinking you’re saying is, when you talk about -- Because you were referring to 2b and you’re saying that more generous, in that case, could be thought of as giving the captain and crew a bag limit as well as the passenger, and so, in that case, by using the words “more generous”, you’re actually being less conservative for the fish and to the vessel, and what I think he’s saying is which one would I go by if, for instance, the state had one thing, and, if you were in Texas, the state has no captain and crew on charter vessels and guideboats, but, in federal waters, you still allow it, for the particular species in question. In this case, it would be snapper, but --

MS. GERHART: I think, regardless of what the federal regulations, default regulations, are, if we’re assuming all the states are going to have state management, it would be just like the bag limit. If there are two states that are open and the vessel has permits for both of those states and one of them allows captain and crew to take and one doesn’t, then the most generous would be, as Robin said, the ones that allows them to keep -- The captain and crew to keep that, and so we would have to say, okay, I’m going to assume they’re going to land in the state that allows that versus not.

CHAIRMAN GUYAS: All right. I think we’re winding down. Are there other questions or comments? Yes, Robin.

MR. RIECHERS: Let’s just take a -- We are the state apt to not have to deal with this as much as other states, but let’s say we have got a Louisiana boat and Louisiana has a more generous bag limit, yet we catch him in our state waters, and we ask him -- Because this is what we typically do, and Les can probably answer this, but we ask him where is he going back to, and, if he says he’s going back to Louisiana, and, Les, if I’m wrong, come to the mic and tell us, but, if he says he’s going to Louisiana, we let him transport back to Louisiana, but, if he were in our waters with more than the bag limit, he’s still in violation when he is in our waters. I thought I heard you say the opposite, that he got to go back to the more generous, or you would have to apply the more generous of the two regulations.

MS. GERHART: In federal waters is what I was referring to, and I’m sorry. Once they’re in state waters, they’re under your regulations, and so, in federal waters, we would enforce the more generous.
CHAIRMAN GUYAS: Kevin, do you want to jump in on this?

MR. ANSON: I do, and Option 2b, for-hire vessel captain and crew may not retain the bag limit, and so if a state -- This is for the current -- Well, it’s for the future for-hire amendment, potentially, but, if a state did not select 2b, then it was inferred that they would -- The captain and crew provision would be available then. I mean, there is no option for I guess identifying that, and it would just be, if we selected that, yes, we would have a bag limit, and we’re going to do the minimum size of fourteen -- I mean, is this the range? I can’t remember, Ava, how the individual state management documents are set up. Is the bag limit identified? Do we have the bag limit of two, three, or four fish type of thing?

DR. LASSETER: I’m sorry, but I don’t quite understand. The bag limit is selected as an option to delegate, and then, at the state level, you could determine your bag limit.

MR. ANSON: Right, and so this is the overarching document, and so no?

DR. LASSETER: The options for delegations, this is Action 1 in each individual state amendment.

MR. ANSON: Okay, and so, if a state decided not to choose Option 2, then it would automatically be recognized as the captain and crew would have their limit, correct, if they didn’t select 2b?

DR. LASSETER: Okay, and so, currently, captain and crew may not retain a bag limit, and so, whether or not a state has selected this -- If a state selects this as preferred, you don’t necessarily have to change it, but you’re just wanting to be delegated the authority to change it, first of all, but status quo is that captain and crew may not retain a bag limit, but it was added to the list of options to delegate because some states may want to consider modifying that, and did I get your question?

MR. ANSON: I think so.

CHAIRMAN GUYAS: All right. I see some -- Mara.

MS. LEVY: I hate to confuse this even more. Just, with respect to this particular thing, changing the prohibition on for-hire permit vessel captain and crew not retaining a bag limit, I think that it would only be applicable if the state was managing
its federal for-hire component, right, and so, to the extent the
preferred stays the way the committee did, or to the extent it
went back and the state chose not to manage the for-hire sector,
I don’t think this would actually be delegated. I mean, it’s
only delegated in that circumstance.

CHAIRMAN GUYAS: Yes, and so, at some point, if we move forward
with this as a private-angler-only document, we’ll have to clean
up a bunch of stuff that refers to federal for-hire, but I
think, for the time being, we need to just kind of let that
ride, based on how this has gone in past meetings, but we’ll see
how it goes. All right. Is there other discussion on this? I
think this is our last slide, maybe.

DR. LASSETER: It is actually the last slide. I have a couple
other just points to bring up. One is did any other state want
to select preferreds in their individual state amendments?
Again, here is where we’re at, and I wanted to throw that out
there, and, of course, we’re not going to go out for public
hearings until after October, but, between October and January,
we are thinking ahead for that, if you would like to go ahead
and select public hearing locations. Our meeting coordinator
could go ahead and start investigating options, and that would
kind of help our planning. Then, finally, I would like to touch
on the timeline overall and bring up the carryover amendment.

Your second action in your individual state amendments, you
added an underage adjustment, a carryover, and there’s a
separate action that you’re looking at that was not brought to
this meeting, but you’re going to look at it again at the
October meeting, and that amendment is addressing being able to
carry over underages, and I believe the SSC is going to have to
be involved in that, and so that is looking like that action is
going to be a little further behind this, and so I did want to
raise that.

That may not -- I am really not sure if I can speak to the
timeline of that specifically, but, should that not be finalized
at the same time, or in time for this to be finalized --
Basically, we need to negotiate and reconcile those two. The
underage adjustment needs to be in place in that different
amendment so that it can be applied here, and so those are kind
of some issues that I wanted to bring up.

CHAIRMAN GUYAS: Thoughts or reactions to any of those items
that Ava just brought up? Mara.

MS. LEVY: Just with respect to the timing, I mean, even to the
extent the carryover amendment is a -- If it ends up being a bit behind this, I think we just wouldn’t be able to do the carryover piece of this until it’s in place, and it doesn’t mean that you have to change the option to do it. I think the alternative sort of reads underage consistent with the procedure set up in the plan, and so, to the extent the procedure is not set up yet, we couldn’t do it, but, when it went in place, we could just do it.

CHAIRMAN GUYAS: Kevin.

MR. ANSON: Can we wait until Full Council to determine the cities?

CHAIRMAN GUYAS: Yes, let’s do that at Full Council for locations. Then the overall timeline, and is that the other thing on the list, or other preferreds? I think we’re -- We have covered the timeline, it sounds like. All right. So, we’ve got twenty minutes left, and we have hit our target for the end of the day, but I think we had two relatively quick Other Business items that we could hit. Anna, go ahead.

MS. BECKWITH: Thank you, Martha. Just to go back to the allocation policy discussion, I did get some clarification on how the South Atlantic is handling the allocation review procedure, and, specifically, we’re going to be discussing it again in December, but we are considering the MRIP revisions as our trigger, and so we are going to be looking at red grouper, vermillion, black sea bass, blueline tilefish, and possibly wreckfish, and we’ll be pulling those back into our comprehensive ACL amendment and running them back through our allocation formula.

That is the extent of the action that we plan on taking in the short-term. Apparently our leadership asked the question at the CCC meeting that if we went ahead and revised our allocations first and then, in a longer-term process, went through and established a policy with written procedures, if that would be acceptable, and the answer that we received was yes, and so, apparently, in December, that’s how we’re going to move forward. We’re only going to move forward considering the MRIP revisions as our trigger for those species, and then we’ll look at this as a longer-term process and probably do that after the August deadline.

OTHER BUSINESS

CHAIRMAN GUYAS: Okay. Thanks, Anna. All right, and so our two
Other Business items that we had, I think the first one on my list was, Carrie, you had an update about the Ad Hoc Red Snapper Charter/For-Hire and the Ad Hoc Reef Fish Headboat APs.

EXECUTIVE DIRECTOR SIMMONS: Yes, and thank you, Madam Chair. I just wanted to bring up that we’ve sent out -- First of all, the council requested, at I think it was the April council meeting, for us to convene the two APs and have them look at the decision tools in detail, and we have been trying to convene those two groups independently, and we have been unsuccessful with getting a quorum so far.

We sent out several dates in September and several dates in October that Dr. Jessica Stephen was available, because we’ll need her there to go through those decision tools, and we were unsuccessful with getting a quorum, and so now our plan is to send out revised doodle polls after this council meeting and try to convene them in the first couple of weeks of November.

CHAIRMAN GUYAS: Are there questions? John.

MR. SANCHEZ: I appreciate that, and I look forward to us maybe hopefully finally getting a quorum, and I know they were busy fishing and what have you, but maybe we could mention that again when some of them are here. They have probably all -- It’s happy hour somewhere, and they’re gone, and so we could mention that again at some time during the meeting.

CHAIRMAN GUYAS: Yes, happy hour started on Eastern Time quite a bit ago, and so our next Other Business item was amberjack. John Froeschke.

DR. FROESCHKE: I just wanted to bring this up quickly. If you recall, we completed a couple of documents related to amberjack, and we started work on a third one with three actions, one considering vessel bag limits or recreational bag limits less than one fish per day and then a second one which would consider seasonal quotas. If you recall, we implemented just this year the August through October season and then a May season, and then the action in the document that we started working on would implement a quota, 60/40 or 70/30, something like that, for those, and we had some discussions, and I don’t know whether we resolved it, about that would as far as accountability measures and if we could carry that over.

Then the third action was the commercial measure to consider reductions in the trip limit, which we’ve done that a couple of times before. That part is fairly straightforward, and so my
question is we haven’t looked at that document, not at this
meeting and not in June, and is this still a priority? Then,
just to remind you, on the recreational side of this, we do have
a stock assessment upcoming.

As far as changing the season and things, which would likely be
required if we did something on the management, and this is just
the first year, and we would just now have a year of data, and
so is this something that we wanted to let roll and actually get
some data on the catch rates in this actual season, or do you
want to continue doing that?

CHAIRMAN GUYAS: All right, and so thoughts on how to proceed
with amberjack? Do we want to potentially change that
recreational season while we are still in the first year of the
new season? I guess that’s one question, right, because this
would come back in October, and then, if we did not want to move
forward with looking at that, do we want to move the commercial
part of that amendment forward? Kevin.

MR. ANSON: I recall several instances where fishermen
complained that we kind of do things in a knee-jerk reaction,
and so, the longer we can postpone some action on looking at
changing the season length that we just changed, I think it
would be best, and so maybe just looking at the commercial
aspect of that would probably be most appropriate at this point
in time.

CHAIRMAN GUYAS: Yes, and just what I’ve heard about
recreational amberjack this year, just in general, it seems like
with the way that we have distributed the seasons for amberjack,
triggerfish, red snapper, the groupers, people seem to be -- It
seems to be working so far. Of course, if we burn through the
quota for amberjack, probably people won’t be so happy, but we
don’t know that we’ve done that yet, and so I would be curious
to hear if there is public comment on this issue, I guess, but I
think that seems safe, and so do we want to move the commercial
part forward, or is everybody okay with this approach? Leann.

MS. BOSARGE: I’m hoping we’ll hear some public comment on it
too, because I’m not sure if it was a burning issue on the
commercial side or if it was more, hey, here’s an amberjack
document on the table and let’s go ahead and look at this while
we’ve got it, and so maybe we’ll get some feedback as to which
way they want to go on that.

CHAIRMAN GUYAS: Yes, that would be good, and I think they are
closed for the year already too, and so that may inspire some
comment on that. Okay. That’s it for Other Business, at least that I had on my list. We only have thirteen minutes left, and the next two things are presentations, and so I think we will recess for now.

MS. BOSARGE: All right, guys. So, that will wind us up for today. Tomorrow morning, we’re going to start back up with Reef Fish again, imagine that, at 8:30 in the morning. I want you to know that we’re starting at 8:30 every day this meeting. I am being so nice to you all for my last meeting, and so sleep in. See you in the morning.

DR. SHIPP: See you all tomorrow morning.

(Whereupon, the meeting recessed on August 21, 2018.)

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August 22, 2018

WEDNESDAY MORNING SESSION

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The Reef Fish Management Committee of the Gulf of Mexico Fishery Management Council reconvened at the Omni Hotel, Corpus Christi, Texas, Wednesday morning, August 22, 2018, and was called to order by Chairman Martha Guyas.

MS. BOSARGE: This morning, we’re going to pick back up with our Reef Fish Committee. We have just a little bit to finish up there, and then we’ll move into Data Collection, and so, for Reef Fish, Ms. Guyas, I will turn it over to you.

CHAIRMAN GUYAS: Thanks. Our first thing this morning, we have a presentation by our very own Dr. Stunz.

PRESENTATION: THE GREAT RED SNAPPER COUNT

DR. STUNZ: Thanks, Madam Chair. First, I appreciate the council taking some time to hear about a project that we have going on. I think it will be of high relevance to the discussions that we have around the table, and, in fact, we’ve already discussed it somewhat, but I also think that I could shed some light on exactly what we’re doing.

The project, we kind of have this tongue-in-cheek title of the “The Great Red Snapper Count”, and I’m not sure how we got that
name. I think I can blame that on Dr. Patterson, who is a key player with this, but everyone kept asking us what was going on with the great red snapper count, and so the name kind of stuck.

Really, what it is, it’s estimating the absolute abundance of red snapper in our Gulf of Mexico waters, and that’s what it’s really about, and so what I thought I would do today was give just a general introduction to it and talk about what it’s about, and, if there’s any questions, I will be happy to answer that.

Part of the project is we have an entire angler engagement of all sectors of the fishery to how they can become involved in the project, and that lead is also one of our SSC members, Marcus Drymon, and, in Mississippi, maybe at the next meeting, he can talk a little bit more about the specifics, because his team is involved in outreaching that, and I’m really hoping, Carrie, your team and Emily can help us as well and get some of this information out, so people are aware, because we were charged by Congress to heavily engage and involve commercial and recreational fishermen and all the constituents, and we really want to do that.

To give a little bit of background, Congress appropriated funds to do this project, and the full price tag is $12 million. There is a little bit of different numbers floating around, but Congress appropriated really about nine-and-a-half, and we had to come up with the other two-and-a-half-million as a match towards the actual project, but the idea is to get a firm number of red snapper by habitat and by region in the Gulf of Mexico.

We have got some short outreach-type videos that I will show you in just a second, but, with that, I will just sort of give a little bit of background.

Of course, what is the issue here, and I think everyone, all of our stakeholders, want a well-managed red snapper fishery. A lot of that hinges on that we know an estimate of that absolute abundance. That gives us a lot more tools in our toolbox that Clay and his team can use for an assessment purpose and that kind of thing when we have this absolute abundance.

Of course, Congress is very interested in fish on artificial reefs, and we are specifically charged with getting a number on artificial reefs by depth and by region as well as natural, known features as well as something we’re calling uncharacterized bottom, which is the open ocean out there that we know harbors red snapper, but it’s very difficult to get at.
The other interesting thing about the project is we were charged with bringing advanced technology, and that is very good, but very challenging as well, because we’re developing new techniques, literally as we speak, to assess that will hopefully be new tools that we can bring into the assessment project.

At the end of the day, what we want is an absolute independent estimate of red snapper in the Gulf. The funding source was very clear about it wanted it to be as independent as possible from NOAA, but, at the same time, we do have to rely on expertise, because they bring important aspects to the table as well, and so they are unpaid participants from some aspects in this project.

If you looked at how we’re doing this, it’s really a who’s who of red snapper researchers across the Gulf, and I think we all know them, and it’s pretty much -- I don’t know that there is a member of our SSC that is not involved in this project and in some very meaningful ways.

We have methods of direct count, which is sending down ROVs and visually counting these, among some other advanced technology methods, and there are some depletion surveys, which I’m not going to get into, but you can deplete populations and assess them and get an abundance that way, but probably one of the most important aspects of the project that was -- We were required to spend at least half of the money on a tagging study.

That is where a lot of folks come in that might be interested, and we’ve been outreaching for quite some time, and many of the folks right behind me here, as well as across the Gulf, are involved in this, from really a citizen science perspective, and we’re looking for straight-up -- Whether it’s charters or returning tags and that sort of thing, but those groups are really integrated into the tagging component of this study, and I will be happy to ask more questions, and this will become more and more apparent as the project develops.

I probably should tell you that the greatest challenge of this project was it was a two-year study period, and so that’s quite challenging, considering what we have to ramp up and do in that very, very short period of time, and so our crews are literally out as we speak at sea and doing things to get at this challenge that we have ahead of us.

That will end at the end of next year, and so just a little over a year from now, at the end of 2019, is when we have to have
these final estimates in, and so you will be hearing, obviously, more about that and how that will be built into the assessment process and what we’re hoping will bolster our assessment process with this new data.

Anyway, that’s the broad, 30,000-foot view of the project. In the briefing book, there is a couple of fact sheets that Dr. Drymon has developed that talk -- In fact, there will be five or six videos, five or six fact sheets, that, as we’re going through the project -- It goes from introduction and pretty much into the specifics. The tone of a lot of our engagement stuff is how to become involved if you’re interested, whether you’re a commercial fisherman, a charter captain, or a private angler. There is opportunity in this project for everyone, and those fact sheets and information on our websites and things clearly say how to do that.

I will go through a couple of just really quick videos here, and these are really short clips. Jessica, if you want to hit “play”, I think this probably explains it a little better than I can.

(Whereupon, a video was presented.)

DR. STUNZ: That was one of our initial intro videos. One just hit the street last week that I will show you real quick, and then, in addition to those -- It’s that second video. Those institutions you saw, it’s led by many of the folks that you know around the table, but we each have about ten or fifteen people within each of those groups, and so it’s a really monumental undertaking to pull this off, with pretty much anybody that’s done red snapper work in the Gulf is involved, to some extent, and so we’ll have several other videos, a habitat classification or tagging or the depletion coming up, and this is one with habitat classification, and this is the last one that I will make you watch, and then I will have any questions that you might have. Jessica, if you want to play that one, real quick.

(Whereupon, a video was presented.)

DR. STUNZ: There will be several more of those. Just for the record here, I wanted to put this slide in the presentation. If you’re interested in participating, you can send us an email at that email address. Of course, we have a website that is snappercount.org that archives all these videos and information in a lot more detail, such as the fact sheets and those sorts of things, and so I would heavily encourage individuals to reach
This project is led by regional groups within each region, and I can put you in contact with who those are, so you can see how you can participate in your particular region, and so, Madam Chair, with that, that’s my presentation, and I will be happy to answer any questions.

CHAIRMAN GUYAS: All right. Thank you. Are there questions for Dr. Stunz? Kevin.

MR. ANSON: Greg, thanks for the presentation. Has the survey design been approved by the SSC?

DR. STUNZ: No, I guess not directly through all the SSC, other than that all the SSC members are on it, and that’s not a requirement of the project. In fact, it was pretty explicitly stated that we maintain as much independence as we can from the NOAA process, and so you know I don’t know that that is a requirement.

I don’t know what will happen at the end of our study, and I’m sure they will have some input, but the fact that every SSC member is involved with this project gives some indication that they’re approving their own work kind of thing.

MR. ANSON: This may be a question for Dr. Porch. What would the process be, I guess, once this project is completed? How would that information be utilized by the Science Center, if it could be utilized by the Science Center, and I guess that’s the question of why I asked about the SSC preapproval, if you will, design, to make sure that we ended up with at least some recognition that the survey design met muster amongst the SSC.

DR. PORCH: Thank you. I, and a number of folks involved in the assessment process, were involved in the structuring of the RFP, and we paid a lot of attention to the details, to make sure that whoever was ultimately awarded this grant would actually be able to -- They would have a reasonable chance of coming up with a total abundance estimate, and we wanted it stratified at least by east and west, preferably in smaller units, which they have done, and the idea now would be, first of all, if they’re able to come up with a credible independent estimate of abundance, you have a direct comparison there with the existing assessment, and so that enables us to figure out if we’re in the right ballpark.

Of course, one of the main uncertainties in the assessment are
the recreational catches, and you all know very well about that, and so, as now we’re estimating -- I think the new MRIP estimates generally estimate a much higher private recreational catch, and so we’re anticipating that might translate into a little bit higher estimates of abundance out there.

How that’s going to play out in management is yet to be seen, but the gist of it is, if we have an independent estimate of abundance, and we compare that with the abundance estimates in the assessment, then it actually gives us a way to sort of estimate our uncertainty in the landings, right, because, if you know landings and you know abundance trends, you can estimate abundance, in other words changes in abundance. If you have a chance in abundance in response to a certain amount of catch, that enables you to estimate how many fish were out there and to have that kind of signal.

In this way, we can do it the other way around. We have an estimate of the abundance, and then the abundance trends, and we can flip that around and estimate how much catch must have been taken, and so there’s a lot of possibilities here, but, to make the longer story short, I think what we’ll end up doing is taking those absolute estimates of abundance and plugging them directly into the assessment.

Now, unfortunately, we’ll only have it for, I guess, essentially one full year of abundance estimates. What we would really like is to have it for several years and see how the abundance changes with the estimates of catch, et cetera, but it’s still -- We will basically groundtruth the assessment, and so it will give us a way to kind of scale the total numbers that are coming out of the assessment, make sure they more or less match with the estimates that are coming from the survey.

It gives us a way to look at possible uncertainties in catch, and it also -- I think there is going to be some side benefits from the survey. We should get a lot of reproductive information, some valuable genetic information, et cetera, that, down the road, will also help to inform the assessment, and so that’s pretty much it, in a nutshell, but we do plan to use it in the -- I guess we’re scheduling for 2020 our research track assessment, and so we plan to use this information, and, in fact, that’s why we want it to be a research track assessment, because there is so much new information coming in, and we want to take our time and make sure we do it right.

CHAIRMAN GUYAS: Greg and then Leann.
DR. STUNZ: To follow up on Clay’s point, Kevin, one, we recognize that is a relative snapshot, and we’re happy to continue the study. In fact, Congress had recognized the challenge of just having the one year, and there was intent that additional funding would become available. Whether that happens or not is still yet to be determined, but maybe, to allay some of your concerns, Kevin, that you might have, we’re not doing this study completely in the dark.

The RFP was very structured and guided in what they wanted us to do, and there wasn’t a whole lot of -- We have some flexibility outside of what they specifically requested, but it’s guided by a steering team of experts from all over the world that are experts in statistical design, fisheries scientists and that sort of thing.

We also have a team of experts that is heavily involved in our -- It’s basically MRIP statisticians that help us with what we’re essentially calling our estimators, or our extrapolators, and how do we get our estimates up to a total number, and so it’s a very large group of people that’s being heavily watched and scrutinized, and so it’s not like it’s just completely just independent and doing whatever we want. We’re working really closely with the top experts in the world to get at this problem.

CHAIRMAN GUYAS: Leann.

MS. BOSARGE: Yes, and, Kevin, your question about has the SSC looked at it, no, they haven’t, but I do think that would probably be a wise move, and, granted, yes, you’re right, Greg, that a lot of those men and women are probably part of your project, but I can think of three, off the top of my head, that are not part of the project that are on our Standing SSC.

Because our SSC, at some point, will be the one that has to declare that the assessment itself is the best science available, if they have questions, it will probably be best to bring those questions in on the frontend than to get all the way to the end, where it’s been plugged into the assessment and somebody has got a big issue with something, because I think there is a real public expectation that this is going to be done and it will go into the assessment and it’s going to be blessed, and so I think, from a science realm standpoint, I think we should have those discussions early on and make sure that everybody is comfortable and it’s the best that it can be, and that’s not a reflection on you at all, Greg. I think you’re doing great work, but I’m just thinking of the way that our
process typically runs, and so we may try and do that and see what comes out of it.

**CHAIRMAN GUYAS:** Dale.

**MR. DIAZ:** This is for Dr. Porch, and bear in mind we don’t know if this Great Snapper Count is going to show a greater abundance or less abundance than what we’re using now, but, if it did show a greater abundance, Dr. Porch, I mean, would it have the potential of affecting the rebuilding timeline?

**DR. PORCH:** Not necessarily. I mean, I guess you could say it has the potential, but I can’t say that it would for certain, because it just may scale up the estimates of abundance and not necessarily change your perception of trends. We will have to really just see how that plays out.

I also wanted to comment on the review aspect, the SSC review. Remember, as part of the research track assessment, you will have an assessment team, which will typically include SSC members, and can include SSC members that weren’t involved in the study, and then, after that, it goes for a full SSC review, and so I think it’s going to get -- In addition to the independent peer review, and so there is going to be an awful lot of review of this process. I think, at the end of it, we’ll probably do about as good as one could do, and, if you can’t get the best minds in the Gulf together to make this thing work, then no one can.

**CHAIRMAN GUYAS:** Paul, did I see your hand?

**DR. MICKLE:** Yes, and thank you, Madam Chair. These questions are directed to Greg, I guess. I see a potential, of course, of all these other interesting questions that we would like to get from this data, and I know something near and dear to you is discard mortality.

With the tagging aspect of this snapper count, is the design and those metrics of getting the size and depth at release to actually maybe use that towards some of the discard mortalities? My other question is will we be able to get at the biomass metrics a little bit better from this overall study, because the biomass that we’re using in our allocations is from a single manuscript, which terrifies me. Thank you.

**DR. STUNZ:** The short answer to those questions is yes. As Clay had mentioned, there will be a lot of ancillary things going on. One of the major -- When we’re charged with spending nearly half
of the money on a tagging study, the first question we all said is how are we going to deal with discards, because that greatly influences your recapture rate, obviously, and we have ways, and I don’t want to burden the committee and the council now with that, but we’re getting at that very closely, but it will also shed a lot more light on discard mortality in general.

As Clay mentioned, we were specifically told in the RFP that we could not do a genetics component, one because of the expense, and they wanted direct, in-the-water kind of observational-type things, but we are collecting the most comprehensive genetic dataset across the Gulf that’s ever been done, or really probably ever in the world, in terms of at that level.

That will be available for future studies and future funding. There will be a whole host of other ancillary data that comes out of this, just by the nature of what we’re doing and that sort of thing, and so, beyond just the estimate of absolute abundance, which is the driving primary goal, there will be a wealth of scientific information coming from it.

CHAIRMAN GUYAS: All right. Any other questions for Greg? All right. Thank you, Dr. Stunz.

DR. STUNZ: One last thing, Madam Chair. We are happy to periodically update the council as things go and really data starts coming in, and so I will kind of defer to you guys at what point you all would like to hear other updates. Thank you.

CHAIRMAN GUYAS: Sounds great. Our last thing for today, unless we have any other business that we didn’t cover yesterday, is the SSC Summary Report and Luiz.

SSC SUMMARY REPORT

DR. LUIZ BARBIERI: Thank you, Madam Chair. Good morning, council members. Coming up to just sort of finalize, finish, the report from the SSC, and several of the items that the SSC discussed at the last meeting, and we had a very full agenda, were already covered in previous committee meetings, and so I’m just going to wrap up the report and a couple of items that are still pending.

Those are the items that I am going to be discussing this morning with you. You may remember that you had requested of the SSC some guidance in terms of how to interpret the red grouper indices of abundance, the decreasing abundance that was being perceived on the red grouper stock, and the SSC felt
incapable at that time to give you any conclusive advice on that, and discussions between us and the Science Center kind of generated this impetus to develop an interim analysis for red grouper that would better inform, as we integrate more data conducted in a way that’s more formalized within that framework of the interim analysis that Dr. Porch discussed on Monday afternoon during the SEDAR Committee.

We are following up on that, and I will give you an update on that, and then you may remember that, at the June meeting, I gave you a presentation and the SSC recommendation on the status of gray snapper. One of the pending issues there was stock status determination criteria for gray snapper and whether we wanted to stay with -- What kind of MSY proxy the council would like to adopt and then, thinking about MSST, there was two ways to calculate MSST, and you asked for some guidance from the SSC on that as well.

Finally, Draft Reef Fish Amendment 48/Red Drum Amendment 5, this is that massive amendment that has been going through development and review for quite a while, and it’s very inclusive, and it really handles all of the status determination criteria for a variety of reef fish, I guess all the reef fish that are managed by the council, plus red drum, and so this is really identifying the MSY proxies and identifying MFMT and MSST criteria to use for stock status determination.

I am not going to go into details on that last item, but I just wanted to let you know that the committee received a presentation. We had a lot of discussion about this, and the committee made some recommendations to staff on issues that should be adjusted in the present condition of the amendment and that we’re going to continue looking into this at future meetings, and I will come back. As we get further updates, I will come back to talk to you about that.

Anyway, here is the interim analysis for red grouper. This is not really the results of the analysis, but it’s just to give you an idea of how the Science Center is framing this whole process. It’s something that kind of ties into what Dr. Porch talked about the other day, this revised stock assessment process that we are getting into through SEDAR and working with the Science Center.

This interim analysis is going to be a way to have faster throughput of analysis and actually provide some advice, in terms of catch advice, to you without having to go through a long stock assessment process, and so how is that going to work,
that interim analysis process?

Basically, you know the process that we have in place now for a benchmark or a standard, and now we actually call it research and operational assessments, but those are more complex assessments that integrate different -- A whole variety of types of data into a stock assessment model, and usually the model is very complex, and there are so many sources of data that it's a long process, and it ties up a lot of weeks of data processing and a lot of resources from the Science Center.

All of the transparency and all the process involved in the stock assessment makes the whole thing be a little less nimble than sometimes we need it, in terms of catch advice, and so this interim analysis comes in as a way to having already have a model from the stock assessment, and you actually look at some auxiliary data sources and indices of abundance, for example, in that box on the right there, and you can see if the catch is increasing or if it's stable or decreasing, and you can then adjust your catch advice that is coming out of your projections in accordance with this new information, in line with what Dr. Porch talked about the other day, and so that could update the catch and the survey indices for that analysis, and then you have catch advice.

Here, again, is the example Dr. Porch talked about the other day, and so the left axis is the ABC value, and that black line on top is a constant ABC, and then the right-hand axis is the index of abundance, the value of the index of abundance, and you can see that, when the index of abundance is decreasing, that suggests that stock abundance is no longer able to support that same level of constant catch, and so, with that information, the interim analysis would be able to recommend a decrease in the ABC to be in line with the abundance trends of the stock, and so pretty much it's what you had asked, the type of guidance that you had asked the SSC to provide, regarding red grouper.

Here, just to bring it home more in terms of reality, you can see the update of the red grouper indices, and they all tend to show a decreasing trend when you look at the combined effect, but, in reality, this is a very complex issue to look into, because we have multiple indices, and these indices are not necessarily having the exact same trajectory, and, because different indices from different surveys are indexing different portions of the population, and some are more focused on juveniles and some are more focused on adults and some are fishery-dependent and some are fishery-independent, you have to go through a process to identify which indices or which index is
the most reliable and is best to be used for you to evaluate that abundance of the stock.

This interim analysis actually provides a formal framework that allows it go through that process instead of just an ad hoc sort of choice of index, but you want to make sure that even going through that index selection process, through that more structured framework, you want to make sure that what you are doing, in terms of the interim analysis, is actually in line with all the other issues that you are trying to evaluate as well, and so you want to actually, in this case, conduct a management strategy evaluation that would basically test -- It’s a simulation process that tests how the information that is being processed through that interim analysis is actually fitting into the existing management of the stock in question, and so it’s basically a way to simulate reality, so that you can generate, through that process, an idea of where you are and whether the information that is coming out of this analysis is actually correct.

Obviously, this is not a very simple process. This is why it’s taking a little longer for the Science Center to bring back our red grouper analysis, but the good news is that you don’t have to do this MSE every single time for every single stock or every single situation. After you run it the first time and you know where you are and that your procedures are correct, you can just use the same type of procedures later on, and so, eventually, with time, this is going to move a little faster.

Madam Chair, that completes my presentation on the interim analysis of red grouper, and so I’m going to pause there, in case there are questions on that topic.

CHAIRMAN GUYAS: Any questions? Yes, Dr. Porch.

DR. PORCH: Thank you, Chair. Dr. Barbieri, when this was presented to the SSC, how was the reception? I mean, I think Skyler showed you the equations and gave you the basic principles behind it. Did they basically buy into the method, apart from the fact that an MSE hasn’t been conducted, because, from my standpoint, it kind of stands on its own, and it’s pretty clear how it would work. Ideally, yes, we’ll do the MSE to fully vet it, but I think it’s actually useable even in the near term, if the SSC is comfortable with it.

DR. BARBIERI: Right, and the SSC was very comfortable with the methodology. We actually discussed this in quite a bit of detail. Skyler’s full presentation had a whole bunch of all the
equations, and, actually, that kind of went through the rationale, the process, for how the different types of data -- How you develop those scalars and that whole thing, and the SSC thought that it was very much in line with what we would expect and want to see, and so I thought that the committee responded very well to that analysis.

Talking to not just Skyler, but Shannon, Dr. Cass-Calay, and she also was on the webinar, and she brought up the issue that now, in the very beginning, they feel, or you guys feel, that it would be good to have the MSE conducted to test those methodologies, just to be sure, but the SSC really didn’t have any problem with the analysis and the process that was presented.

CHAIRMAN GUYAS: All right. Are there other questions on this interim analysis? Seeing none, I think you can move to the next topic.

DR. BARBIERI: Thank you, Madam Chair. The next topic is, again, a summary of a presentation that the Science Center gave to the SSC, and this is discussing catch advice for gray snapper since this last assessment using alternative SPR proxies.

You may remember that the SEDAR assessment for gray snapper wasn’t able, really, to estimate MSY directly, and the stock-recruitment relationship wasn’t informative, and so the assessment actually produced stock status based on an MSY proxy, and so discussion at the June meeting was regarding the value for that proxy, because that wasn’t really defined in the regulatory amendment for gray snapper specifically, and so the council requested that the Center produce trajectories of spawning stock biomass, OFL, and ABC yield streams looking at FMSY proxies ranging from F23 percent SPR to F40 percent SPR, and you may remember that there was a previous analysis and some research done at the Center that identified that we can consider 23 percent SPR as a lower value as a proxy for MSY and 40 percent could be considered like a higher limit for the reef fish species that we have in the Southeast U.S.

The Center produced those data, those analysis, and as well as something that is looking at the different MSST values using those two procedures, the two calculations that are used to estimate MSST. One looks into the natural mortality estimate, that one minus M, that is multiplied by the SSB, and the other one is one that the council has recommended for a number of stocks, which is half of SSB MSY, but gray snapper was not in that amendment that set up the 0.5, and so you wanted to have an
analysis to look into this.

I will try to go through this as fast as possible. Looking at the fishing mortality ratio, you can see there a table that lists the SPR values on top and then the ratios of fishing mortality, current versus base, and you can see that all the values that are larger, the SPR targets larger than 26 percent, would indicate that the stock is actually undergoing overfishing in 2015, which was the terminal year of the assessment. When projected at that constant FSPR, overfishing is eliminated during the projection interval for all SPR targets.

Looking at the other side of the biomass, the spawning stock ratio values of MSST that were estimated using the old formula, the one minus M times SSB MSY, indicated that the stock was overfished, while using the new methodology, the new method of estimating MST, the stock was not considered overfished at that terminal year of the assessment.

This pattern was also, of course, consistent for the rebuilding plans. Depending on the value of MSST that you consider, you either would have the ability to project and lead the stock to a non-overfished stock status using the old methodology versus the new one.

This is just to confirm, in terms of OFL and ABC values that are being projected, those yield streams using those different values of MSST and, of course, that they will lead to the same type of outcome, that either you are overfished or not going into the future.

In conclusion, and this is part of what we were trying to discuss back in June when I presented the results of the assessment, is that stock status determination criteria depend on the values of MFMT and MSST that you are using, and so this idea of considering a stock -- The result of your stock assessment being overfished or not or undergoing overfishing or not will depend on those bars and where you want to set the bars, and this analysis basically gives you an idea of what the outcomes of your stock status would be if you used those different values.

The SSC looked at this and basically recommended that, given the results of this analysis and given the type of life history and population dynamics pattern that you find for gray snapper, you should stay with an FMSY proxy that is not below F30 percent SPR. Then, in setting MSST, that you should consider using the one minus M methodology versus BMSY for the proxy instead of
just using the half of SSB MSY. I think that completes my
presentation, Madam Chair, and I will leave that slide there and
see if you have any questions.

CHAIRMAN GUYAS: All right. Are there questions for Dr.
Barbieri? Andy.

MR. STRELCHECK: Thanks, Dr. Barbieri, for the presentation.
I’m interested in a little bit more rationale regarding your
first recommendation there, and I guess specifically comparing
it to red snapper, and so red snapper is very different juvenile
life history, in terms of offshore versus inshore with gray
snapper, and they live to older ages. Is the basis for
recommending a higher SPR for gray snapper primarily based on
that life history?

DR. BARBIERI: Yes, and, of course, that difference is there,
but, when you look at the productivity of the stock, at the
ability of the stock to age and size at sexual maturity and all
the other parameters, and you look at the condition of the
stock, given the pattern of fishing, and this is what came out
of the assessment, the assessment basically estimated that this
stock, if we use the general bar of the 30 percent SPR, that
this stock has been overfished since the 1980s.

Basically, the committee felt that keeping that bar at 30
percent would give you a better idea of the true stock status
and an opportunity to actually rebuild the stock into something
that is more in line with sustainable.

CHAIRMAN GUYAS: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONDS: Thank you, Madam Chair. I just
wanted to kind of remind the council where we are with gray
snapper and kind of bring this full circle. Remember we’re
taking gray snapper out of the Amendment 48/5 and putting it in
its own standalone document, and so we’ll take these SSC
recommendations and have actions and alternatives and have a
suite in there and identify what the SSC has recommended as well
as those new catch levels, and so we’re going to start working
on that and try to bring an options paper in October for the
council to look at.

CHAIRMAN GUYAS: Dr. Porch.

DR. PORCH: Thank you. Dr. Barbieri, could you maybe explain
the rationale behind preferring the one minus M BMSY proxy over
say 75 percent BMSY or 50 percent BMSY? The reason why I ask is
obviously there were a lot of uncertainties in the gray snapper
assessment, one of the big ones being the shore-based catch, and
that’s the one that expansion factor now is eight-fold higher
than what was previously estimated by the Marine Recreational
Survey.

The other point being that -- Well, to elaborate with the BMSY,
that’s calculated by assuming recent levels of recruitment will
continue forever, and that’s -- It’s something we don’t actually
support from the Science Center perspective. It’s just, to
create a status determination criteria, we have to make some
assumption about recruitment, but we don’t actually know that
recruitment will stay the same forever and ever, and so we place
a lot less stock in the MSST than we do the FMSY proxy for a
species like this.

The other point is we did a study, some time ago, that
suggested, especially for smaller values of M, that that one
minus M is a bit too conservative, because the stock could
easily fluctuate up and down below that, even if you never were
overfishing, and so I wonder if you could comment on that and if
you had that kind of discussion at the SSC.

DR. BARBIERI: To be perfectly honest, I actually had to leave
the meeting early, and I wasn’t there for that discussion. I am
going with the report, and I can ask Dr. Froeschke to jump in
and help me with that, but, looking at the report, the committee
basically went back and forth on that discussion, and so there
were issues about, yes, the value of recruitment that was used
in all of this analysis that -- Assuming a steepness of one
versus 0.99 and how that was impacting what -- How these results
would pan out here, but, really, it was more, I think, a -- That
was my interpretation of reading the report, John, is that it
was more looking at the current condition of the stock and
looking at what the committee felt represents the productivity
of the stock, and they felt that that should be the
recommendation going forward. I can’t elaborate any more than
that, because I don’t think that they went into any more detail.

John.

DR. FROESCHKE: Just briefly, based on my recollection of the
conversation, they discussed that the default, if you will, is
calculated using the one minus M, and, based on the information
that was provided at the meeting, they just didn’t feel that
they had enough information to change it. I wouldn’t say that
it was wrong, but they just didn’t have anything to change it
from what they considered to be the default, based on what they
saw.
CHAIRMAN GUYAS: Dr. Frazer.

DR. FRAZER: What was the value of M that they used, the mortality rate?

DR. FROESCHKE: That is 0.15.

CHAIRMAN GUYAS: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. I just wanted to add to that. I think that was coming from an SSC member that kept bringing up some analysis that I believe you and some of your staff had done regarding minimum stock size threshold when we were working on Amendment 44, and I think they were reverting back to some of that analysis that had been done and a working paper that was presented several SSC meetings ago, and so we can dig that out.

CHAIRMAN GUYAS: Clay.

DR. PORCH: That recommended 75 percent of BMSY, whereas one minus M is 85 percent of BMSY, that analysis that you’re referring to.

DR. BARBIERI: Madam Chair, just to that point, Clay, this is one of those things, and John and I and Carrie and I have been discussing this, how can we do a better job at capturing here what direction from the council is, in terms of what questions are being asked of the SSC and how is the SSC responding in addressing those questions, because sometimes it isn’t clear for us how many options do you want us to look at.

In this case, basically, the way that we interpreted direction from the council, it was to look at the default method that was used before and the potential for the one that the council had adopted in that subsequent regulatory amendment, and so not really to explore any of those other values in between. This was specific to gray snapper, and it was really looking at those two values.

Now, in the past, and we have discussed this several times, we could put together a working group, and we talked about this, having SSC members and Science Center and council staff and SERO staff put together a working group that would look into this in more detail and actually look at a whole bunch of different options, through a more exploratory evaluation of different values, and then come present that to the council and say, okay,
here’s an analysis that has all of this, similar to what you
guys did at the Center in that white paper that was done a few
years back. We could do this, but, in this case, we just didn’t
feel that that was the question being asked.

CHAIRMAN GUYAS: Mara.

MS. LEVY: Kind of to that point, I think that is being done, in
a way, through the status determination criteria amendment that
is looking at this issue for stocks that don’t have this. This
got separated out because we had an assessment and we need to
address the issues that came out of the assessment, and so I
think it will also be looked at again by the SSC when we have an
amendment that’s going to have the options, and so this sort of
was their second look at it, and these are their
recommendations, but these are recommendations sort of outside
the context of looking at a document with different alternatives
and what the council is going to look at in terms of options,
and so I am pretty sure, and Carrie can correct me if I’m wrong,
that they’ll get another chance when we actually develop the
document with the alternatives.

CHAIRMAN GUYAS: Steven.

MR. ATRAN: We actually removed gray snapper from that other
document, because it’s being handled through what we anticipate
to be a rebuilding plan amendment, and so, unless you
specifically request that it be added back into that other
document, it will be handled in the document that Carrie
indicated that will be brought to you in October.

CHAIRMAN GUYAS: Okay. Luiz.

DR. BARBIERI: Madam Chair, just another quick point here. This
is not the sexiest topic. It’s a little boring to present and
discuss, but the reality is that stock status determination
criteria is a very, very important topic, and this is important
to you, and it’s something where the SSC should engage fully in
providing you as much guidance, and I think this is kind of like
along the lines of what Dr. Porch was thinking about, where the
SSC can provide a lot of guidance, and not necessarily hold your
hand and tell you to do this, but at least say, okay, here are a
number of different options that we evaluated, and you can see
the pluses and minuses, given these different life history and
population dynamics attributes of stocks, of where you would end
up using this different criteria.

I am bringing this up here because I think that, at some point,
we should be focusing on dedicating a bit more time, and I know that the regulatory amendment, Draft Regulatory Amendment 48 for Reef Fish and Amendment 5 for Red Drum, is in the development process, and it’s a massive, long document, and it’s going to be a bear to plow through that whole thing, but I think that we should engage the SSC and develop more time on the agenda for something that is done very, very carefully and that we can bring you guidance that’s more explicit on that topic.

CHAIRMAN GUYAS: All right. Any other questions for Dr. Barbieri? Thank you.

DR. BARBIERI: Thank you.

CHAIRMAN GUYAS: All right. Is there any other business for the Reef Fish Committee? I think we hit all of our topics yesterday, at least that we identified right off the bat, and so, seeing none, we are done with Reef Fish.

(Whereupon, the meeting adjourned on August 22, 2018.)