

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 REEF FISH MANAGEMENT COMMITTEE

4
5 Key West Marriott Beachside Hotel Key West, Florida

6
7 June 19, 2018

8
9 **VOTING MEMBERS**

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

26
27 **NON-VOTING MEMBERS**

28 Glenn Constant.....USFWS
29 Dave Donaldson.....GSMFC
30 Lt Mark Zanowicz.....USCG

31
32 **STAFF**

33 Steven Atran.....Senior Fishery Biologist
34 Matt Freeman.....Economist
35 Douglas Gregory.....Executive Director
36 Morgan Kilgour.....Fishery Biologist
37 Ava Lasseter.....Anthropologist
38 Mara Levy.....NOAA General Counsel
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40 Ryan Rindone.....Fishery Biologist & SEDAR Liaison
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44
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48 James Bruce.....MS

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3 Traci Floyd.....MDMR
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5 Clay Porch.....SEFSC
6 Lance Robinson.....TX
7 Johnny Williams.....TX
8 Jim Zurbrick.....Steinhatchee, FL
9
10 - - -
11

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PAGE 41: Motion to direct staff to begin a plan amendment to establish status determination criteria, management reference points, and catch levels for gray snapper. The motion carried on page 41.

PAGE 53: Motion to direct staff to begin working on a framework action to adjust the catch levels for red snapper. The motion carried on page 54.

PAGE 64: Motion in Action 1 to change the preferred alternative to Alternative 2. The motion carried on page 69.

PAGE 69: Motion in Action 1, Alternatives 2 and 4, to remove the following sentence: The state management plan will end when the separate private angling and federal for-hire ACLs expire (currently 2022). And to add this sentence: The sunset provision of 2022 in Amendment 45 is removed. The motion carried on page 71.

PAGE 75: Motion in Action 2 to make Alternative 6 the preferred alternative. The motion carried on page 81.

PAGE 83: Motion in Action 1 of the Texas amendment to make Alternative 2, Options 2a through 2e and Option 2g the preferred alternatives. The motion carried on page 86.

PAGE 98: Motion to direct staff to provide a side-by-side evaluation of the existing Gulf Council Allocation policy versus the NMFS procedural directive in 01-119-01 and 01-119-02. The motion carried on page 101.

PAGE 122: Motion in Action 1 to make Alternative 3 the preferred alternative. The motion carried on page 127.

PAGE 129: Motion in Action 1 to make Alternative 4 the preferred alternative. The motion carried on page 131.

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1 The Reef Fish Management Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Key West Marriott Beachside
3 Hotel, Key West, Florida, Tuesday morning, June 19, 2018, and
4 was called to order by Chairman Johnny Greene.

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

10 **CHAIRMAN JOHNNY GREENE:** Good morning, everybody. We will call
11 the Reef Fish Committee to order. The first item will be
12 Adoption of the Agenda. Is there any additional business? Mr.
13 Riechers.

14
15 **MR. ROBIN RIECHERS:** I will leave this up to you and the Chair
16 whether we add it to additional business here or whether we add
17 it to additional business at the Full Council, but I would at
18 least like to maybe bring up the IUU fishing identification
19 report. I think Mr. Gregory sent it to us, or someone sent it
20 to us, and maybe talk to NOAA and NMFS about it and let them
21 explain this just a little bit, given some of the circumstances
22 surrounding the report and the activities this year, and I can
23 share this with them, so that they know what I am in fact
24 referencing, but, like said, pick a day as to which you would
25 like to add it to.

26
27 **MS. LEANN BOSARGE:** All right. So noted. We have a social this
28 afternoon, and so let's just see how our schedule runs. If we
29 have time to do it this afternoon, we will. If not, we can pick
30 it up at Full Council.

31
32 **CHAIRMAN GREENE:** Okay. Ms. Gerhart.

33
34 **MS. SUSAN GERHART:** At the last meeting, someone on the council
35 requested that we give an update on the implementation of the
36 for-hire reporting amendment, and I have a short presentation,
37 if we have time at the end of the day.

38
39 **CHAIRMAN GREENE:** Absolutely. So noted. Okay. Any further
40 changes to the agenda? Ms. Bosarge.

41
42 **MS. BOSARGE:** Mr. Riechers, I think we all received that, but,
43 if you don't mind, if you will just show it to staff, and staff
44 will email another copy out to everyone on the council, so we'll
45 all have it before us.

46
47 **CHAIRMAN GREENE:** Okay. Any further additions? With that, we
48 will approve the agenda as modified, unless there is any

1 opposition to that. Seeing no opposition, the agenda will be
2 modified as noted. Approval of Minutes, we will -- We were
3 asked yesterday to make any notation of "Mary Levy" to "Mara
4 Levy". Ms. Levy.

5
6 **MS. MARA LEVY:** Thank you. I also saw two minor corrections.
7 Page 75, line 43, change "not" to "note". Then, page 85, line
8 41, change "negotiation" to "notification".

9
10 **CHAIRMAN GREENE:** Okay. So noted. We will modify it
11 accordingly. Any further changes? All right. Any opposition
12 to those changes that have been noted? Okay. Seeing none, we
13 will move on. Our next action item will be the Action Guide and
14 Next Steps, Tab B, Number 3. It is provided for your reference
15 and is available. Thank you, Mr. Atran, for that document.

16
17 Our next item is Reef Fish Landings, the background information,
18 and this is Tab B, Number 4. It was provided for reference.
19 However, if you would like to go through that at any point, we
20 can do that, if you choose. If you are comfortable just looking
21 over it and proceeding on, we can do that. It's up to the
22 pleasure of the committee. Ms. Bosarge.

23
24 **MS. BOSARGE:** If NMFS is ready, I like to always go through
25 those. It seems to be helpful. Would you like to go through
26 the landings with us, just kind of summarize it with us, please,
27 ma'am?

28 29 **REEF FISH LANDINGS**

30
31 **MS. GERHART:** If that's what you would like to do. All right.
32 For reef fish, we start with the commercial landings. As you
33 know, most of the species of interest are under the IFQ program,
34 and so we just have triggerfish and amberjack here for both
35 preliminary 2018 as well as almost final for -- They pretty much
36 are final for 2017 now, and so you can see that we came very
37 close to the quotas last year. We were pretty close to being
38 dead-on. This year, we were just slightly over on amberjack
39 before closing back in April, and we are still not closed for
40 gray triggerfish, although we are in a spawning season closure
41 right now, until July 1, I believe.

42
43 The recreational landings, as I told you yesterday, we didn't
44 have Wave 1. We actually just got Wave 1 in our office, and
45 there wasn't time to update anything. What we focused on
46 presenting here is greater amberjack. By the way, while they're
47 getting that up there, we sent an update of this report around
48 yesterday, and so, if you downloaded it from the website before

1 yesterday, you will want to look at that new updated one. There
2 were some errors, and then we had this 2018 update.

3
4 For amberjack, there was a lot of interest because of the change
5 to the fishing year and doing split seasons, and so we did open
6 for a few days in January, because rulemaking wasn't in effect
7 until mid-January sometime, and so there were some landings in
8 January. We have very, very preliminary Wave 3, May/June. When
9 I say "very preliminary", it's because we have only LA Creel
10 included there. For the Wave 1, keep in mind that we don't have
11 Texas data for that either, and so Wave 1 is just LA Creel and
12 MRIP landings for the amberjack.

13
14 The 2017 landings are also almost complete. In this case, we do
15 have MRIP, and we have LA Creel throughout the full year, but we
16 don't have Texas for November and December, and so it's not
17 quite complete yet, and so you will see that we had closure --
18 Well, let me explain about gray triggerfish.

19
20 We had an overage in 2016, and we had a payback. When we
21 calculated that, the ACT was zero, and so we did not open
22 fishing for gray triggerfish at all in 2017. However, when we
23 got our final landings, we did find that there were -- We were
24 off by a bit from the projections, and so there was some amount
25 of ACT that you see there. However, we didn't reopen federal
26 waters, and all of those landings are from state waters that
27 were in 2017.

28
29 Of course, you see red snapper there, and we were almost exactly
30 right at the quota for the for-hire, but, of course, in 2017, we
31 had the thirty-nine-day extension to the season for the private
32 anglers, and so that's much over the quota. Then, if we scroll
33 down to the next page, that's just all our caveats of where the
34 data came from.

35
36 I put a couple of the stock landings on here. We usually don't
37 show these. There is a lot of them for reef fish. We have
38 various stock complexes and stocks that are tracked that don't
39 have allocation between commercial and recreational. However,
40 you're about to hear about the two stock assessments this
41 morning for gray snapper and hogfish, and so I thought I would
42 show you the landings for those.

43
44 Again, for 2018, the recreational portion is very, very
45 preliminary. It is MRIP and LA Creel only for Wave 1, but the
46 commercial is pretty up-to-date. We're within a week, or two
47 weeks probably, with our commercial landings there, and so you
48 can see, with both of those stocks, not this year or last year

1 have they met their ACL, and they do not have an ACT, and that
2 is my report.

3
4 **CHAIRMAN GREENE:** Thank you. Is there discussion? Ms. Bosarge.

5
6 **MS. BOSARGE:** I just wanted to say thanks for putting in the
7 gray snapper and the hogfish. That's actually very helpful,
8 since we're going to look at that. I appreciate that.

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

11
12 **MR. DALE DIAZ:** We didn't open triggerfish, but we're over the
13 ACL, and so what's going to happen with triggerfish in 2019?

14
15 **MS. GERHART:** Through Amendment 44, the status of triggerfish
16 was changed to not overfished, and so they are no longer under a
17 payback, because they are not overfished.

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

20
21 **MR. PATRICK BANKS:** Sue, is there any easy way to get the red
22 snapper landings by state? Is that on you all's website
23 somewhere?

24
25 **MS. GERHART:** We do not have that posted on our website. I
26 think that it can be gotten, but I don't have it though. I
27 would have to get that back from my office. For 2018, that
28 would -- Obviously, we're not managing them this year, but if
29 you're talking about for 2017.

30
31 **MR. BANKS:** I am talking about for 2017.

32
33 **MS. GERHART:** I think we may have showed you all that when we
34 did the EFP stuff. I can look that up.

35
36 **MR. BANKS:** Okay. Thank you.

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

39
40 **MS. GERHART:** I want to add one other thing about the question
41 about triggerfish. The numbers you're seeing here are the
42 landings relative to the adjusted ACL, and that is because --
43 2016 was over, and so there was a payback in 2017, and so that
44 high percentage is the percentage of the adjusted ACL, but, if
45 you look at it compared to the original ACL, which is how we
46 determine if there is payback, it wasn't over like that.

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

1 **MS. BOSARGE:** You all may have told us this before, but what
2 were the total landings of red snapper in 2017, commercial and
3 recreational, because all of this is kind of divided out, and I
4 was just wondering.

5
6 **MS. GERHART:** You mean in terms of the percentage of the ACL?

7
8 **MS. BOSARGE:** Well, you can give it to me that way. That's
9 fine.

10
11 **MS. GERHART:** Give me a minute to get that. Thanks.

12
13 **CHAIRMAN GREENE:** Okay. Is there further discussion? Mr.
14 Anson.

15
16 **MR. KEVIN ANSON:** Sue, I was wondering if you could go back to
17 the recreational greater amberjack landings that are provided in
18 the report for 2017/2018 and explain those numbers relative to
19 the way we've shifted the season, because you say January to
20 February and May to June landings, and I thought we had
21 transitioned now to a different season, and so I'm just curious
22 about that.

23
24 **CHAIRMAN GREENE:** Ms. Gerhart.

25
26 **MS. GERHART:** Yes, the season now starts on August 1, and it
27 goes through October. Then it's closed November until May, and
28 it's open only for the month of May, and then it's closed again
29 until August.

30
31 Obviously, it's a transition year, and so that's why we only
32 have those few months up there, but, in 2017, we were closed,
33 and so there weren't any landings during that fall period, when
34 it could be that one year versus the other, and so what you see
35 there for January is just before we got -- We opened on January
36 1, because we hadn't put in the new fishing year yet, and so we
37 had to open until the rule was effective, sometime like maybe
38 the 20th of January, and then we closed again, and so that's the
39 landings that is under Wave 1, is that January, and then we
40 reopened in May for the new fishing season, which is that spring
41 season of one month, and, again, those landings for May are
42 preliminary still.

43
44 **MR. ANSON:** Thank you.

45
46 **CHAIRMAN GREENE:** Okay. Is there further discussion? With
47 that, if there is no further discussion about the landings
48 portion of this, we will continue on to our next agenda item,

1 which will be SEDAR 37, Hogfish Update Assessment, and I see Dr.
2 Barbieri is here, and so we will move on into that. For your
3 reference, the summary of the assessment is Tab B, Number 5, and
4 the comments, and you can follow along, will be Tab B, Number
5 12. Good morning, Dr. Barbieri.

6
7 **SEDAR 37 - HOGFISH UPDATE ASSESSMENT**
8 **SUMMARY OF ASSESSMENT**
9

10 **DR. LUIZ BARBIERI:** Good morning, Mr. Chairman and council
11 members and staff. Good morning. I am going to give you a
12 brief overview of the hogfish assessment, and, actually, as you
13 can see from your agenda, we're going to have three back-to-back
14 stock assessment presentations, and so bear with me.

15
16 I am trying to do this in a way that we have shorter
17 presentations that are more summarized and to the point and
18 avoid all the details. I added some back-up slides at the end,
19 in case you have additional questions, and so those are the
20 stocks that we're going to be discussing today, starting with an
21 update assessment of SEDAR 37 for hogfish. This was conducted
22 by FWC/FWRI, and you can see the analysts there. Of course, we
23 work very closely with our other state partners and with the
24 National Marine Fisheries Service.

25
26 Just to refresh your memory, this assessment is exclusive to the
27 west Florida stock, which extends from the Florida Panhandle
28 south to Cape Sable. A study, a genetic study, of hogfish in
29 the southeast U.S. actually was able to identify three separate
30 biological populations of hogfish that are assessed separately,
31 and so this one is about the Gulf one.

32
33 Data for SEDAR 37, the actual terminal year of data, was 2012,
34 and this update is actually an update to 2016, and so the model
35 is an annual model, and discards are included in landings, and
36 you can see the discard figures that were used there, in terms
37 of parameters. All the biological parameters and most of the
38 parameters that we used to parameterize the model were
39 consistent with SEDAR 37. This was mostly just a data update.

40
41 Total landings of hogfish, you can see there the pattern. In
42 2016, the landings were very high and greatly exceeded what the
43 ACL had been set, and there were two fishing fleets that were
44 evaluated, the commercial, which includes spear, hook-and-line,
45 and the trap fisheries, and the recreational spear and hook-and-
46 line, and so a total of five fleets in total, and you can see
47 the pattern there. The fishery is primarily dominated by
48 spearfishing, with hook-and-line progressively increasing over

1 the last several years.
2
3 Here is the bottom line of the assessment, and I skipped a lot
4 of the fittings to landings and fittings to indices, just to
5 avoid getting into too much detail, but this is the bottom line,
6 where you have the exploitation status of the stock on top, and
7 that is the ratio of F to F 30 percent SPR, and you can see the
8 two trajectories there. The continuous line represents the
9 update, and the dotted line is what came out of the benchmark.
10 In terms of exploitation, this model turned out to provide
11 estimates that were very close to the original assessment.
12
13 The stock is actually not undergoing overfishing, and that is
14 the red line that you see there at one, the horizontal line,
15 that indicates where the -- It's the level above which fishing
16 mortality would indicate overfishing.
17
18 Then, below, this is the biomass status of the stock, and that's
19 SSB over the MSST for the 30 percent bar, and I put a little
20 note there that the benchmark used the old definition of MSST,
21 which is just using the one minus M target, and the update uses
22 the new definition of MSST, and we had this discussion during
23 the SSC meeting, and we realized that hogfish is actually one of
24 those stocks that you included in your amendment to change the
25 MSST, and so our update included this new definition.
26
27 That shows that the stock biomass is much higher than previously
28 estimated by the previous benchmark assessment and that the
29 stock is in good shape and not overfished, and so the stock
30 status is not overfished and not undergoing overfishing.
31
32 Catch level recommendations, you can see yield streams for OFL
33 and ABC there. The OFL, just to refresh your memory, is yield
34 streams at F 30 percent SPR MFMT, with a 50 percent P*, and the
35 ABC should be a yield stream at a level that provides the
36 buffer. For the previous assessment, we had a 40 percent P*, a
37 P* of 0.4. For this assessment, the SSC actually felt that the
38 uncertainty in the assessment was too high, for several reasons.
39
40 One was the steepness estimate for the stock-recruitment
41 relationship could not be estimated. We had to go with an SPR
42 proxy. Two was the stock really showed what is called a
43 retrospective pattern, which means that, as you start peeling
44 off and you rerun the assessment and rerun the model, peeling
45 off layers of data progressively from the terminal year
46 backwards, you end up with different results, and so that shows
47 inconsistency in the model and how the data is being
48 interpreted, and that is a level of uncertainty that the SSC

1 felt was actually very high.

2
3 Our ABC control rule, also to refresh your memory, explicitly
4 tries to account for that retrospective pattern as no
5 retrospective or small retrospective, medium, or high, and, in
6 this case, this assessment was considered to be very high
7 retrospective.

8
9 Instead of recommending a yield stream for ABC based on a P*,
10 the SSC actually decided to recommend a yield stream based on
11 yield at a fishing mortality equal to 75 percent of FMSY, and
12 that is the equilibrium level. You have the values up there for
13 the period of 2019 through 2021. Again, given the high
14 uncertainty in this assessment, the SSC did not feel comfortable
15 providing a longer projection period for hogfish and is
16 providing just those three years.

17
18 Again, given the uncertainty in the assessment and the
19 opportunity to collect more data and improve parameter
20 estimates, we are recommending a benchmark assessment by the end
21 of this projection period, so we can actually have the
22 opportunity to revisit this model more fully and hopefully come
23 up with an assessment that is less uncertain. I believe that
24 this completes my presentation, Mr. Chairman, and I would be
25 glad to address any questions the committee might have.

26
27 **CHAIRMAN GREENE:** Thank you. Are there questions? Ms. Guyas.

28
29 **MS. MARTHA GUYAS:** I have some. This is an update, based on our
30 last one, and we were kind of in the same situation, where we
31 got a three-year projection, I guess three years ago, or more
32 than that, I guess, and we wanted to come back and do an update.
33 The situation we were facing was we were going to have this
34 drop-off in OFL and ABC starting next year, and so we were like,
35 hey, the stock is in good shape, and we implemented a higher
36 size limit for hogfish, and so we felt like we would get
37 probably more realistic projections by running an update here.

38
39 We have the new assessment, and it says that our biomass is
40 looking pretty good, better than it was, and yet the ABC
41 projections -- I mean, the ABC for 2019 is like 40 percent lower
42 than our ACL now, and so I just am kind of -- I get that there
43 is uncertainty here, but I'm kind of scratching my head with
44 this one. I guess is there any -- What is driving the increase
45 in uncertainty here versus the last assessment, because it
46 should be the same data, right?

47
48 **DR. BARBIERI:** Well, not quite. More or less, because we added

1 additional data, and so a few things. One, you saw that the
2 catches have been increasing, as was predicted to, given the
3 high biomass, but the catch was exceeded, by far, in 2016,
4 which, to the SSC, became a point of concern.

5
6 Then the issue of this being not a data-poor stock, but a stock
7 for which data is much more limited than you have for other
8 stocks, and I think that the -- If you go back to the SSC notes,
9 you're going to see the factor that influenced it the most was
10 the retrospective pattern.

11
12 I didn't put a graph here, and perhaps I should have put one,
13 that showed the retrospective pattern between hogfish, gray
14 trigger, and red snapper, but, if I show that to you, your eyes
15 would bug out, because this one has a retrospective that usually
16 we don't see this level for stocks that are assessed in the
17 Southeast.

18
19 If you look at our stock assessments in other areas of the
20 country, especially the Northeast U.S., you see very, very
21 strong retrospective patterns. Fortunately, down here, we have
22 not seen that, other than for this hogfish assessment, and so,
23 again, the SSC was trying to be very much in line with NS 1 and
24 set up a buffer that was proportional to the amount of
25 uncertainty in that estimate of OFL, and we felt that, for this
26 one, the uncertainty was very high.

27
28 It is unfortunate that, given the stock status and the fact that
29 the stock is not undergoing overfishing, that represents a
30 reduction in the projections for ABC and ACL, but that's a
31 decision that the SSC based on the scientific integrity of the
32 assessment and the quality of the data. I don't know if that
33 addresses your --

34
35 **MS. GUYAS:** Yes, it does, but did you guys talk about at all the
36 changes to management that we made in this stock since it was
37 last assessed and how -- I mean, it was too late, I think, by
38 the time it was implemented to be captured here, but I'm just
39 curious if that was even thought about.

40
41 **DR. BARBIERI:** No, we did not discuss that. I mean, this is
42 basically something that we feel it's your realm to discuss over
43 here, and so we actually based our recommendation exclusively on
44 the assessment and the assessment results and felt that, as we
45 discuss this presentation here, you might take that into
46 account, but we did not explicitly account for that, no.

47
48 **CHAIRMAN GREENE:** Mr. Sanchez.

1
2 **MR. JOHN SANCHEZ:** Thank you. Yes, I would share Martha's
3 concerns. We did, in Florida, a big size limit increase and
4 closed seasons and a reduction in the bag, and I don't think
5 that's going to be reflected in these numbers, given the
6 timeliness of when this went down, but to suggest -- We've got
7 to wait and see what dividends that yields before we keep doing
8 stuff to everybody who participates in hog snapper fishing.

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

11
12 **MS. BOSARGE:** So that we can go back and read these minutes when
13 we go to SEDAR the next time, you recommended that this
14 assessment be a benchmark next time, and by 2021 it says, which
15 would be the research track, and so that would be the kind of
16 two-year program, where you spend about a year-and-a-half doing
17 the research track portion of it, the conceptual, and that's
18 followed up by an operational assessment, where we get
19 management advice, but, just briefly, could you summarize why
20 you decided that it should be a benchmark, aka a research track?

21
22 **DR. BARBIERI:** I am not sure that in this case it is warranted
23 to do something like a research track. I would like to discuss
24 that further eventually with the SEDAR Steering Committee and
25 the council and which direction we want to go there.

26
27 A benchmark means that we will go back and work on a brand-new
28 model. One of the issues that we had here is that we're using a
29 version of the Stock Synthesis software that was the previous
30 version, maybe a couple or three updates before the version that
31 is being used now, and so there are a few differences there that
32 we couldn't account for, but it's very difficult when you're
33 doing a straight-up update without changing the model to come up
34 with a continuity model that is equal, even though you're using
35 the new software, and so we were struggling with that decision,
36 and we discussed it with the SEDAR staff, and we decided to
37 stick with the old version of SS, but, in this case, it would be
38 beneficial for us to go to a new version and start all over and
39 develop new parameters and take advantage of new features, one.

40
41 Two is this model had issues that basically expressed the
42 uncertainty that we are dealing with, and going back and doing a
43 brand new assessment gives the opportunity to explore those
44 issues more fully and go into more detail. I don't have a
45 pointer here, but, if you look at that shaded area there under
46 each one of those trajectories, the continuous bar, that is
47 basically a number of alternative runs that were conducted to
48 show us the uncertainty in the results, and, if you look at the

1 -- Right there, you can see that shaded area.

2
3 On the biomass status, really, it's interesting that the
4 deterministic run of this assessment that was considered for
5 stock status determination is actually something that came out
6 outside of this main distribution here, and that's the
7 distribution of the multiple runs, and it's what we call our
8 uncertainty assessment in those estimates there, and so this is
9 not necessarily something that we felt was super critical in
10 this case, being an update, but it's something that should be
11 further investigated through a benchmark assessment.

12
13 Between all of this and the very strong retrospective patterns
14 that we saw, we felt that having a brand-new look at this model
15 would be a plus, and one other thing that came up during the SSC
16 discussion as well is, since this is an assessment that is
17 conducted by FWC/FWRI, this would not be disruptive to the
18 regular SEDAR process, where the Science Center is really the
19 main agency, analytical team, conducting the assessment. In
20 this case, we can actually afford to conduct a benchmark
21 assessment and go into more detail without slowing down the
22 regular SEDAR process too much.

23
24 **CHAIRMAN GREENE:** Mr. Gregory.

25
26 **EXECUTIVE DIRECTOR DOUG GREGORY:** Given the way we've been doing
27 assessments, I completely agree with you, but, with the emphasis
28 on data processing time at the Center, that may not be true
29 anymore, because my understanding is that you all still depend
30 on the Center to process the data for you, and so that might
31 compete with other assessments at that time, and so we need to
32 look at that, but thank you very much.

33
34 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
35 Okay. Well, I have one. I'm not really sure who to ask, but I
36 know that we made some recent changes, as Mr. Sanchez and Ms.
37 Guyas noted. Are we comfortable that those changes we made are
38 going to be enough to keep us within the ACLs and ACTs, or do we
39 need to look at a framework to adjust those? Ms. Guyas.

40
41 **MS. GUYAS:** I don't really know the answer to that. Just
42 looking at the landings from last year, and I looked at the date
43 that the size limit change was implemented, and it was August of
44 last year, and so this hasn't even been a year yet, which is
45 pretty sad, but it looks like landings last year are down and
46 would be at least under this ABC, and I don't know if that's
47 just a fluke thing or if it was because of the change that we
48 made in increasing the size limit. Did that slow down harvest?

1 It's kind of too early to say.

2
3 I would love to not crank down on this fishery if we don't need
4 to. I also don't want to have ACL closures, and so I'm not
5 really sure what to do at this point, but I don't know. That's
6 just my thoughts. Unfortunately, because it took so long to get
7 those management measures in effect, we really don't know what
8 they may or may not be doing to affect what's coming in.

9
10 **CHAIRMAN GREENE:** Well, I'm glad to hear you say that, because I
11 really scratched my head, and I don't know what to do either,
12 and I have put a lot of thought into it, and I'm not sure,
13 because, in the eyes of the public, in some regard, we're trying
14 to be proactive here and get ahead of some things, but I don't
15 want to get so far ahead of things that we don't know if what we
16 just did worked or not and we're throwing tools overboard out of
17 the toolbox that we might need later. If anybody has anything
18 to weigh-in, I think now is the time. Ms. Levy.

19
20 **MS. LEVY:** So not to the point of whether you need additional
21 management measures, but I think you are going to have to look
22 at some type of action to reduce the catch levels, meaning the
23 ABC recommendations from the SSC are now below what your ACL is,
24 and that is inconsistent with the statute, and so we are going
25 to have to do some sort of framework action to adjust the ABCs
26 based on the recommendations and then adjust the ACLs
27 accordingly.

28
29 Whether you think you need additional management measures right
30 now to address that, that is your decision. You don't
31 necessarily need to do that. You can see what happens and see
32 if what you put in place actually constrains harvest to the new
33 catch levels, and, if there's a problem, address it then, but
34 that is your discretion.

35
36 **CHAIRMAN GREENE:** Thank you. Ms. Guyas.

37
38 **MS. GUYAS:** I am spinning around with this assessment again. Do
39 you think if we come back next time and we have a new model and
40 we do a benchmark -- I mean, are we going to be in this same
41 situation again? Are we going to have some new information, new
42 data streams, that we can plug in here to help decrease the
43 uncertainty here?

44
45 I mean, I know that this is kind of a tough fishery, because
46 it's largely spearfishing, and it's largely recreational. It's
47 one of those things that is fairly, I guess, local, you could
48 say, because it's a Florida thing, and so I am just -- I don't

1 want to be in a situation where this assessment says that, hey,
2 things are even better, but, wait, we're going to need to crank
3 down the quota some more.

4
5 **DR. BARBIERI:** Yes, and that's always a question, right? I
6 actually -- My wife gave me a little crystal ball, which I do
7 have on top of my desk for real, and it hasn't worked yet. This
8 is for real, but I see your concern, and I think it's a valid
9 one, and every time -- This is the issue.

10
11 Every time that you conduct a stock assessment, it's hard to
12 predict how things are going to turn out, in terms of there is
13 different recruitment coming in, and it can be stronger, and it
14 can be lower. I think, later today, you're going to see how
15 strong recruitment actually turned out for a more positive
16 outcome than we had originally predicted was going to happen,
17 and so this is the type of thing that is difficult to predict,
18 but, in this case, and back to the benchmark versus doing
19 another update, if you look just at the difference between what
20 the benchmark estimated as the trajectory of spawning stock
21 biomass and what the update estimated, there is a big difference
22 there.

23
24 We discussed this, the initiation of the model and how that was
25 handled, and it was discussed by the SSC, but it's very
26 difficult, unless you get into the guts of that model, really,
27 and try to rearrange things and see how it all shakes out, it's
28 very difficult to predict what is going to happen, and so, in
29 this case, I hear your concerns, and it's hard to predict what's
30 going to happen, but I think, as we go to a brand-new model,
31 having had the experience of this one, I think uncertainty is
32 bound to be lower than it is right now, and hopefully we're
33 going to have a more positive outcome.

34
35 **MS. GUYAS:** So you don't anticipate having additional data
36 streams to go along? It's just going to be mostly a model
37 change and updating the existing streams?

38
39 **DR. BARBIERI:** Right, and let me go back here. Another issue
40 that we are dealing with is we're going to have, of course,
41 additional years of data into the assessment. The biology, and
42 most of the parameters that we are working with, in terms of the
43 assessment, those are fairly well known. The institute has been
44 studying hogfish for quite a while, and those parameters are
45 well known.

46
47 I mean, this is a hermaphroditic species that actually forms
48 harems, and it has a very, very complex reproductive pattern,

1 and, in that way, it's just susceptible. It's more susceptible
2 than some other species, vulnerability-wise, to being impacted
3 by fishing, and I brought this slide up for you to see the
4 increase in the recreational landings, and so the commercial
5 landings seem to be fairly stable over time, but the
6 recreational component seems to be increasing quite a bit, and
7 so we're going to have changes in the MRIP FES that could
8 provide us better estimates of recreational landings, but there
9 is always a level, a higher level, of uncertainty in your
10 assessments that are dominated by this recreational sector,
11 given our inability to estimate those landings as precisely as
12 we do for commercial, and so, even though we're going to have
13 additional data going in, it's going to be primarily landings
14 data. I don't think, right now, there are any studies that are
15 ongoing that are going to change our view of the biology, life
16 history, ecology, and population dynamics of hogfish.

17
18 **CHAIRMAN GREENE:** Okay. Is there further discussion? Go ahead,
19 Ms. Bosarge.

20
21 **MS. BOSARGE:** Just real quick, can we get our fact sheet on this
22 one when we have our document that comes to us to change our
23 quotas? Can we get our little snapshot sheet on this? That
24 would be nice. Thanks.

25
26 **CHAIRMAN GREENE:** Okay. Dr. Barbieri, I appreciate the
27 presentation. I like this format a lot better, and I think this
28 helps me a lot, and, if it doesn't help anybody else, it helps
29 me. We have got the landings, and we've got this stuff going
30 on, and you've talked about the changes that were made to the
31 assessment.

32
33 Yesterday, through SEDAR, we heard about the moving forward with
34 the research tracks and that sort of stuff. Understanding that
35 Florida did most of this assessment, how is Florida going to be
36 able to integrate with what changes SEDAR is going to make, and
37 would that be a change that would reflect here?

38
39 **DR. BARBIERI:** I mean, I don't think it's going to be a problem
40 for FWC to handle this. I mean, we coordinate -- As you know, I
41 actually serve as part, currently, of the SEDAR Steering
42 Committee and participate in that process, and I work very
43 closely with the Science Center and Dr. Porch, in terms of
44 integrating activities.

45
46 There is issues with the data and data going into other
47 assessments that might kind of provide bottlenecks for a full
48 benchmark of hogfish, but I don't see, as far as the SEDAR

1 process is concerned, this benchmark being an issue. It's more
2 an issue of FWRI and FWC kind of putting the resources to get
3 the analytical folks in place to handle this next assessment,
4 and so the short answer is I don't see this being a disruption
5 to the regular SEDAR process.

6
7 **CHAIRMAN GREENE:** Okay, and I will drift away from the topic
8 just for one second, but just to make a point to Dr. Porch and
9 everybody else, but notice, when we get to projections, we get a
10 stock assessment list of five years out. When we get a
11 projection run, we only get three years' worth of projections,
12 and then we come back in three years and we've got this, okay,
13 well, we need to do something, and we look at the stock
14 assessment agenda, and we've got so many slots for the next five
15 years.

16
17 Understand, as you guys move forward with this new idea of
18 research tracks and all, that this ultimately is where one of
19 the big bottlenecks is for us all sitting here at this table,
20 and this is a perfect example.

21
22 No comment necessary, and we're going to get back to hogfish,
23 but I just wanted to bring that up, because I'm not going to
24 have another chance to do this anytime soon, and so, with that,
25 the decision we've got to make is whether or not what we did a
26 year ago is going to be enough to keep us within the ACL and the
27 ACTs, or do we need to look at a framework action to do that.

28
29 I don't get the feeling that anybody at the table really knows
30 what to do with this at this particular point, and so, if
31 anybody has something, I think we need to make some kind of a
32 decision now, because I don't have a very clear -- Most of the
33 time, as you know, we all say we have a pretty clear decision,
34 and we're going to need a little help, but Dr. Crabtree is going
35 to lead us out of this.

36
37 **DR. ROY CRABTREE:** If I'm reading this all right, the current
38 ACL is higher than the new ABC, and so we need to go in and
39 reduce the ACL. I don't think you have to do anything else, but
40 I think we do need to do that. We could do that through a
41 framework.

42
43 **CHAIRMAN GREENE:** Okay, and so I guess we're going to have to
44 proceed with some type of a framework action to adjust the ACL,
45 even though we made a management change very recently, but,
46 anyway, I will keep my comments to myself. Committee, how do
47 you choose to proceed? Mr. Anson.

48

1 **MR. ANSON:** I think, administratively, we need to do what Dr.
2 Crabtree suggests, and we need to start a framework action to go
3 ahead and adjust the ACLs, based on the assessment that has been
4 completed. **I will make a motion to do that, to have staff**
5 **generate a framework document to adjust the ACL for hogfish.**
6

7 **CHAIRMAN GREENE:** We have a motion, and it's been seconded to
8 proceed with a framework to adjust the ACL and ACTs. Ms. Guyas.
9

10 **MS. GUYAS:** At this point, I can't see us really jumping in and
11 doing anything else. I mean, if the public comes to us and says
12 -- Well, we have this input, because we just did this, but we
13 already increased the size limit, and we entertained a higher
14 increase, and we got an answer of no from the public, and the
15 science, honestly, told us that what we chose was actually
16 pretty decent and was dealing with the harem issues and how they
17 are changing sex and that we should be in a good place there.
18

19 I mean, the other thing we heard was that ACL closures are
20 pretty disruptive, which we had maybe one or two years of those
21 in the years before the last assessment, and so I am good with
22 just for now, and we'll see what comes out of public comment,
23 but I just don't see how we're going to have much of a rationale
24 to do anything much beyond this. It will just kind of be a shot
25 in the dark, I think, and we won't really know what it's going
26 to do.
27

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

30 **MR. ANSON:** I will just add to that, Martha. I think you made a
31 comment that, last year, the landings exceeded the ACL in
32 August, and did I hear that correctly?
33

34 **MS. GUYAS:** No. From what Sue showed, last year's landings were
35 lower than I think this new ACL that we would have to implement,
36 but whether that is because of the size limit change that took
37 place in August or if it was just one of those things, who
38 knows, and so we'll just have to see how it plays out.
39

40 **CHAIRMAN GREENE:** Ms. Bosarge.
41

42 **MS. BOSARGE:** All right, and so you said this particular species
43 forms a harem, and so I'm assuming there is a male in charge and
44 there is a lot of females. This species also changes sex,
45 right, and it's -- On the recreational side, it's largely
46 spearfished, where it's not just throwing a hook in the water
47 and you can actually see what you're targeting, and you kind of
48 have a ballpark of how big this fish is.

1
2 If you kill the male, I'm assuming what happens is the largest
3 female in the harem changes sex to male and takes over that
4 spot, and is that what happens? Okay. Then, usually, when we
5 talk about -- So then what happens is that is kind of taking
6 away a big, fat female and reproduces and rebuilds the stock and
7 provides a lot of growth to the stock.

8
9 Usually, when we look at slot limits, we look at it from like a
10 landings perspective on pounds, what is this going to do to your
11 landings, and it's going to slow things down or this or that,
12 but, in this case, it may be advantageous to look at a slot
13 limit more from the perspective of leaving those bigger fish out
14 there to reproduce, because not only are you killing the big
15 fish, but you are also causing a female to turn -- If you kill a
16 male, you are causing a female to turn into a male, which it has
17 a little impact on your reproduction in that sense, right?

18
19 Anyway, I am just throwing -- This is not in my wheelhouse, but
20 I'm just trying to think a little outside the box and, because
21 it is a spearfish fishery, it's a little bit different, and
22 maybe it might work, but, if you say no -- I am following you,
23 Martha.

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

26
27 **MS. GUYAS:** I would be very leery to do a slot on a primarily
28 speared fish. I mean, unless we have a slot that's like two-
29 feet wide, it's not easy to figure that out. When we did public
30 hearings on this issue the last go-round, we had pretty good
31 discussion with fishermen, and they know how to identify. They
32 could identify a twelve-inch, which was the size limit before.

33
34 Really, they were mostly -- Where they were fishing, a lot of
35 them, they were preferentially going for like the fourteens
36 already, and so they were good, these people, and not everybody,
37 but there is a lot of these guys that are doing this, and they
38 kind of have to have the vision for the size fish they are going
39 for, and a slot can make that a little more difficult, and it's
40 -- If you shoot the fish, you shoot the fish. If you're outside
41 the slot limits, it's just not going to go up to the surface
42 with you, and so I don't think a slot is the way to go here.

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

45
46 **MR. SANCHEZ:** Yes, I would agree. With a spearfishing-targeted
47 fish, a slot is probably not going to work, and you could also
48 look at the fact that these fish are a hermaphrodite, and they

1 can change sex as needed, and that makes them a little more
2 resilient, too. I mean, they have the ability to do this
3 population compensation thing, and so it's not necessarily a bad
4 thing either, from a resiliency perspective.

5
6 **CHAIRMAN GREENE:** Okay, and so the discussion is whether there
7 is any other management changes that we would like to add to
8 this framework action, and I am not hearing that there is any
9 desire to make a framework change at this point, and so, with
10 that, is there any further discussion on the motion on the floor
11 before you? **Seeing no further discussion, is there any**
12 **opposition to the motion on the floor before you? Seeing no**
13 **opposition, the motion carries.**

14
15 Just reading Tab B, Number 3, the last sentence under Agenda
16 Item V that was provided to us is, if no action is taken, the
17 ACL for hogfish is scheduled to be reduced from 219,000 pounds
18 in 2018 to 159,000 pounds in 2019. We have passed this motion,
19 and I guess we will establish a framework and move forward with
20 that.

21
22 Staff is good with this, and is there any additional information
23 that you need from the committee at this point? They are
24 shaking their heads no, and so, with that, Dr. Barbieri, do you
25 have anything else to add to the conversation on hogfish?

26
27 **DR. BARBIERI:** No, sir.

28
29 **CHAIRMAN GREENE:** Thank you. With that, we will move on to our
30 next agenda item, which will be SEDAR 51, Gray Snapper Benchmark
31 Assessment with Dr. Barbieri, and this will be the summary of
32 the assessment. This is Tab B, Number 6, along with the SSC
33 comments at Tab B, Number 12, but there is also a presentation
34 as well. Thank you again for that, Dr. Barbieri.

35
36 **SEDAR 51 - GRAY SNAPPER BENCHMARK ASSESSMENT**
37 **SUMMARY OF ASSESSMENT**

38
39 **DR. BARBIERI:** Thank you, Mr. Chairman. Switching gears to
40 SEDAR 51, that is a benchmark assessment of gray snapper in the
41 Gulf, and this assessment was conducted by the Science Center,
42 and you can see that Jeff Isely was the main analyst in charge
43 of this assessment. This was the first assessment, the first
44 time, that gray snapper has undergone a stock assessment.

45
46 This fishery is primarily dominated by recreational landings as
47 well, and here is a data review slide that can give you an idea
48 of the distribution of the landings, recreational landings, of

1 gray snapper. There is a lot that goes on along the West
2 Florida Shelf, into the west coast of Florida, and Louisiana
3 also has some good landings of gray snapper, but the landings
4 are dominated by the eastern Gulf. This is going to become
5 relevant as we discuss this assessment further, in terms of data
6 inputs and uncertainties associated with the assessment as well.

7
8 This assessment considered a number of years of data. Both
9 commercial and recreational had multiple fleets. The
10 recreational data started in 1981, and it runs through 2015, and
11 the commercial data started in 1962, but the assessment itself
12 was -- The model was instructed to start in 1945, to be
13 initialized in 1945, and so historic data had to be estimated to
14 develop that initial time series of data, and they used all of
15 those criteria outlined there, the effort series from the U.S.
16 Fish and Wildlife Service, the survey of hunters and fishers
17 that is conducted every five years, and that's a way to come up
18 with some estimate of those historic data that were not within
19 the realm of this assessment. There are some assumptions
20 associated with this methodology, but it's the best we can do in
21 terms of developing historic time series of data to feed into
22 the assessment.

23
24 Here is an overview of the landings by fleet, and you can see
25 that this fishery is strongly dominated by recreational
26 landings, and landings have been primarily -- The total landings
27 you can see have been primarily flat over the last twenty to
28 thirty years, but highly variable, and the lower right-hand side
29 there, talking about west Florida and Monroe County, is how that
30 fishery is structured around the area, which is a particular
31 type of fishery that focuses on different sized fish, and you're
32 going to see how that influences some of our view of how these
33 data inputs are coming across through the assessment.

34
35 There were eight indices of abundance that were used, and so we
36 reviewed just the landings, and now we're going into the indices
37 of abundance. There are three fishery-dependent indices and
38 five fishery-independent, and two were trawl-based and two were
39 visual counts, surveys, of underwater divers that are counting
40 and measuring fish.

41
42 One thing that was done in this assessment that I thought was
43 very helpful is how they adjusted the coefficients of variation,
44 and that is basically the metric that gives us an idea of how
45 much variability you have for each one of these data streams,
46 and they standardized that, basically to put them in the scale.
47 You are dealing with different surveys that have different
48 margins of error, and comparing those margins of error becomes

1 very difficult to see, because they are operating in different
2 scales, and, when you put them in the same scale, that really
3 facilitates the comparison of the uncertainty for these
4 different data series.

5
6 I skipped the overview of each one of those indices of
7 abundance, and I thought that it would be interesting for you to
8 see this spaghetti plot of this chaotic distribution of indices
9 that go up and down, but, overall, with the exception of one or
10 two particular indices, they are fluctuating around a flat
11 trend, and so there is no indications of abundance increasing or
12 decreasing over time. It's just a bunch of variability there.

13
14 That last spike there, that is the FWRI age-one index, which is
15 conducted using inshore large seines that the institute does
16 within estuarine habitats, and that can be episodically
17 influenced by pulses in recruitment, because it's so early in
18 the life cycle, and so that one is spiking fairly high, but, as
19 you can see, most of the other ones are moving around a base
20 flat trend.

21
22 Here, annual proportion of discards, and you can see how much,
23 in terms of discards -- The magnitude of discards for this
24 fishery is huge, and this represents a major source of
25 uncertainty, because, as you know, discards are usually not
26 seen. The observer coverage is usually low, even for commercial
27 vessels, and so this is identifying the magnitude, and the size
28 and age composition of discards is very, very difficult.

29
30 In particular, you can see the magnitude of the shore, which is
31 the red line there up top. There are about 90 percent or
32 thereabouts of the catch that is actually discarded, for one
33 reason or another. Either they are undersized fish -- Of
34 course, as you get to shore, you find smaller-sized fish than
35 some of the fishers that operate a little further offshore, and
36 then different fleets will have different components of
37 discards, but the discard component is, in general, fairly high.

38
39 This became actually a major problem for this assessment, and I
40 was trying to avoid going into fits of the model to the indices
41 of abundance, but, in this case, I thought it would be helpful
42 to put there, and this line -- These graphs, both of them show
43 the distribution, the indices of abundance, and you have the
44 little circles there for the main values, and then the
45 uncertainty in the indices of abundance over time, over the time
46 period that the index is shown.

47
48 The observed values are the values up top that have the error

1 bars, and the estimated by the model are those little horizontal
2 lines at the bottom of both of those graphs, and so you can see
3 that the model is not really being able to successfully fit the
4 observations.

5
6 It couldn't account, given all the different sources of data
7 that are coming in -- It couldn't account for that level of
8 discards as was estimated by the observations, and this is
9 something that really couldn't get resolved by the analytical
10 team either before, during the assessment workshop, and later,
11 during the review workshop. I was a member of the review panel
12 for this, and we tried different iterations, working with the
13 analytical team, but, really, you could not fix this fit to
14 discards without compromising fits to other data sources that we
15 have higher certainty about, and so we decided to keep it this
16 way, because we really didn't have a way to resolve it.

17
18 The recreational discards, the fits are better, but it's still
19 not very good. As you can see, they are mostly within the error
20 bars of the observations, but not really fitting well to the
21 mean values, and so a major source of uncertainty is it's a
22 high-discard fishery, and that's the trajectory of exploitation
23 of gray snapper and the outcome of stock status of gray snapper
24 as it came out of this assessment.

25
26 You see the estimate of fishing mortality, and that's the ratio
27 of F current over F 30 percent SPR, which was the benchmark that
28 the SSC considered for exploitation status, and, as you can see,
29 a lot of that time series is above that one value, indicating
30 that this fishery is undergoing overfishing, and not very much
31 now, but, in the past, it has been really highly overfished and
32 undergoing a lot of overfishing, and that is since the mid-
33 1970s. It has been happening since the mid-1970s.

34
35 This was a little bit of a puzzle, both for the assessment team
36 and the review team and for the SSC, in terms of how to
37 interpret a fishery that continues to support fisheries, but has
38 been undergoing this level of overfishing over such a long
39 period of time.

40
41 Fortunately, right now, you can see, at the end there, by 2015,
42 that it is not as severe, the level of overfishing, as has been
43 observed in the past, and so exploitation status is undergoing
44 overfishing.

45
46 The biomass status is overfished, because, in this case, the
47 assessment had been conducted using I think the new definition
48 of MSST, but then we realized, during the review process, that

1 this stock actually did not qualify for this new definition of
2 MSST, and so we actually had the values recalculated, and you
3 can see that, under the one minus M MSST criteria, this stock is
4 actually overfished, and that is the orange line, or reddish
5 line, there on that graph, and it looks like it's been
6 overfished also for quite a while, but, somehow, it's actually
7 showing some level of improvement.

8
9 It's important to note that, there at the end, that the level of
10 biomass, in terms of overfished status, is not very far from
11 that line, and so, in terms of rebuilding, it would be not too
12 much of a pull to get that done.

13
14 The SSC didn't -- Given the uncertainties in the assessment,
15 especially considering that a lot of that uncertainty was due to
16 discard mortality and that the level of discards for this
17 fishery is high and this is highly dominated by recreational
18 landings and that the model showed some of those issues, in
19 terms of fitting the discards, the SSC felt that the uncertainty
20 in this assessment was relatively high, and they decided to
21 recommend only a three-year yield stream of OFL and ABC. The
22 OFL is based on an MFMT of F 30 percent with a 0.5 P*. That's
23 what you see there for the OFL, in millions of pounds whole
24 weight.

25
26 After applying our ABC control rule, we used a 0.4 P* to come up
27 with that buffer between OFL and ABC, and you have the yield
28 stream of ABC there. I am trying to remember if there was
29 anything else, but I don't think so. I think this is it, Mr.
30 Chairman, and that completes my presentation.

31
32 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr. Gregory.

33
34 **EXECUTIVE DIRECTOR GREGORY:** I've just got a question about your
35 second-to-last slide. It's a ratio, and so it's kind of hard
36 for me to conceptualize it. The top line was the ratio if the
37 MSST was at 50 percent, and that kind of hovers around the line
38 that is one, and does that indicate that the stock has been
39 around 50 percent of BMSY since the 1970s? I mean, it's been
40 that low for that long?

41
42 **DR. BARBIERI:** Yes.

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

45
46 **DR. CLAY PORCH:** Just looking at the graph, it actually says it
47 was that low around 1985. In the 1970s, it was considerably
48 higher.

1
2 **DR. BARBIERI:** It gets below one there in the late 1970s or the
3 early 1980s, Doug.

4
5 **CHAIRMAN GREENE:** Mr. Atran.

6
7 **MR. STEVEN ATRAN:** Thank you, Dr. Barbieri. I am trying to
8 remember, and I don't know if the SSC had discussed this, but,
9 if you go back to your Slide 16, which is showing the fishing
10 mortality rates, there does seem to be a downward trend since
11 the 1980s. Was there any discussion about why that downward
12 trend was occurring?

13
14 **DR. BARBIERI:** I don't remember explicit discussion about that,
15 but you may remember that implementation of Magnuson-Stevens
16 over time, beginning in 1976 and then again in 1996, and so
17 establishment of a more definite framework for management that
18 has provided better management of the stock is what we assumed
19 was the case, but this was not, as I remember, explicitly
20 discussed by the SSC.

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

23
24 **EXECUTIVE DIRECTOR GREGORY:** I wondered -- In the assessment, or
25 anywhere, were landings parsed out by state by year? The
26 impression I have is this fishery has expanded throughout the
27 Gulf over time, and that expansion may have confounded some of
28 this, if it indeed expanded, but you would only know that if you
29 had landings by state by year, and was that available, and did
30 that indicate anything, if it was?

31
32 **DR. BARBIERI:** I mean, that data is available, and that does
33 seem to be the case when you look at the data, and Dr. Cass-
34 Calay is here, and she can correct me if I'm wrong, but one of
35 the issues that was addressed during the review is that, even
36 though the fishery has expanded from that usual center along the
37 West Florida Shelf, that the data streams coming in have not,
38 and so, when you look at the fishery-independent sampling, a lot
39 of it is so much driven by what's going on in Florida, which, of
40 course, is where the center of that fishery has been, where the
41 fishery has been dominant, and surveys have been in place.

42
43 That was a concern from the review panel's perspective, that,
44 even though the fishery has expanded westward, we really are not
45 properly capturing trends in abundance and size and age
46 composition of those portions of the population as well as we
47 are for the eastern Gulf.

1 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.
2
3 **DR. CRABTREE:** If I am understanding it, Luiz, this is one that
4 doesn't have an MSST in the FMP at this point, and so you just
5 kind of went with one minus M. It seems to me what we're going
6 to have to do is a plan amendment, and we're going to have to
7 look at, I think, alternatives for status determination
8 criteria, because I don't think we can tell if the stock is
9 overfished or not.
10
11 It looks to me like, if you chose 30 percent, it is overfished.
12 I mean, if you chose one minus M times BMSY, it is overfished,
13 but, if you chose F percent, it's not overfished, and I don't
14 know where in the middle -- Sometimes we have used 75 percent,
15 and I think, Luiz, the natural mortality used was 0.15, and so
16 puts you, with one minus M, pretty close to BMSY, and we've had
17 some reservations about that, and so I think that is one thing
18 that we're going to have to deal with.
19
20 Then the other thing is, Luiz, when I look at the landings of
21 this, there is a substantial inshore component to this, and so I
22 assume this is one where the magnitude of the recreational
23 landings may be quite sensitive to the calibration and the
24 switch to the FES survey, and is that accurate?
25
26 **DR. BARBIERI:** That seems to be the case. This is one
27 component, and the other component is that fisheries that are
28 centered in the Florida Keys, and this could be considered one,
29 are also believed to be more susceptible to changes in that
30 calibration to the FES, just given the nature of the
31 distribution of the sampling and the algorithm for expansion and
32 all.
33
34 We noticed this before, with the MRFSS to MRIP, that that --
35 Then, again, we noticed it with the APAIS change in the design
36 over time, that that also impacted those fisheries the most, and
37 so we expect the same thing to happen for the FES conversion as
38 well.
39
40 **DR. CRABTREE:** So it's reasonable to expect that this could
41 change quite a bit when we recalibrate it and run the update?
42
43 **DR. BARBIERI:** Right, and, by the way, thank you for bringing
44 this up, because this is an issue the SSC discussed quite a bit
45 at the meeting, the issue of what do we do here, considering
46 that our assumption that this was subject to the new definition
47 of MSST and then we found out that it's not, and we tried to
48 interpret -- I believe that Ms. Levy was present at our meeting

1 that day, I guess, or, anyway, she helped us think through that
2 whole process.

3
4 Our assumption was, since gray snapper had not been in that
5 amendment that listed a number of species, that you had
6 intentionally left it out, and --

7
8 **DR. CRABTREE:** Well, I am not sure I would go that far that it
9 was intentional, but, at any rate, I think the point is the
10 solution to this is we need to put in place an MSST and figure
11 out what it's going to be, and so we'll need an amendment that
12 has some alternatives, and, depending on which one we choose, it
13 may be overfished, and it may not be overfished, and we'll have
14 to figure that out through the course of doing an amendment.

15
16 Because the fishery has a substantial state-water landings
17 component in south Florida, we're going to really need to get
18 the update with the conversions on it, which Clay has told me we
19 may be able to get by the end of the calendar year, and so that
20 might line up with us to enable us to get all of this done in
21 the first half of next year.

22
23 Then I would like to ask Clay a little bit about the 30 percent
24 reference point. We have used other reference points, for red
25 snapper most notably, and I think they did some analyses of that
26 that he could talk about, and it seems to me that would play
27 into these determinations, and maybe you could comment on that,
28 Clay.

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

31
32 **DR. PORCH:** Thank you. We have done some preliminary analyses,
33 much like we did with red snapper, where we looked at what the
34 lower limit of the SPR could be corresponding to MSY, and that
35 lower limit, in the preliminary analyses, was about 23 percent.
36 Now, that's a lower limit, and so you would expect the SPR that
37 corresponds to the true MSY to be a little higher, and so it's
38 the same argument that we had with red snapper.

39
40 Probably an SPR level closer to what we used for red snapper,
41 around 26 percent, would be appropriate here, and so there is
42 some room to move down from that generic SPR of 30 percent, and
43 we could do some analyses to firm that up, if the council so
44 requested.

45
46 **DR. CRABTREE:** I think my point is a lot of those things will
47 have to be teased out, and the status of the stock may be
48 different dependent on what choices we make, and so I think

1 we're going to need to start putting together the nuts and bolts
2 of alternatives and an amendment, but then we're going to need
3 to work closely with the Center to figure out when we can get
4 the updated version of this and the calibrations, because I
5 think it's going to be very difficult to figure out what this
6 means in terms of catch limits and what we actually need to do
7 to adjust fishing mortality until that's done, because I think
8 it could be very sensitive to that outcome.

9
10 For some of these stocks that are inshore components in south
11 Florida, a difference in the FES survey was landings were five-
12 times higher than the MRIP, and that's just a huge difference.

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

15
16 **MS. BOSARGE:** I think we can probably take a look at all of
17 that, but I feel like we're kind of dancing around the issue
18 here. You can call it whatever you want. You can change your
19 MSST to that 50 percent level, but, if you look at that graph,
20 even if you changed it, we've been dancing around that
21 overfishing level, even by the most liberal of overfishing
22 levels, if you went down to that 50 percent, for thirty years.

23
24 Sure, we can bump it down to your 50 percent level, and I call
25 it yours, but, if we wanted to, but then we're just going to be
26 in and out of overfishing, it looks like, and, if you go back a
27 few slides to the landings, if you go back to that, that is the
28 inverse of that other slide that we just looked at with your
29 biomass.

30
31 Essentially, your landings increased exponentially and hovered
32 up there at that much higher level, starting in the 1980s, and
33 around 1985 is when you started bouncing around an overfishing
34 level. Your landings hit a plateau, and that's all the stock
35 could pretty much sustain, and you've been bouncing around that
36 overfishing level ever since, even by the most liberal of
37 definitions, and so, I mean, we can change all the status
38 determination criteria we want, but I feel like we're dancing
39 around the real problem. You are still going to look the same.
40 We've got an issue we need to deal with.

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

43
44 **DR. CRABTREE:** Well, you could be right. I mean, we may need to
45 reduce fishing mortality a little bit. That depends on what
46 choice you make about the fishing mortality, the SPR, that
47 corresponds to MSY. If you chose something closer to red
48 snapper, you may not be overfishing, and I don't know. They

1 haven't looked at it, and, if you choose that, then the
2 estimates of BMSY would change.

3
4 This really isn't very dissimilar to most of the fisheries we
5 manage. It went from essentially an unexploited stock to a
6 fully-exploited stock. If these numbers all bear out and that's
7 what we choose, then, yes, the biomass is lower than you would
8 like it, and the fishing mortality rates are higher than you
9 might like, but, if you adjust the reference points, all those
10 things would move.

11
12 My point is though that, until we have this calibrated, I am not
13 sure how we can determine what level of landings we would put in
14 place, because the level of landings that comes out of this
15 assessment -- We're going to have to do some big-time
16 conversions using the calibration from FES back into MRIP, and
17 I'm not -- We don't have that calibration yet, and so how well
18 that's going to work or not, but you may well be right, Leann,
19 that we need some adjustments to fishing mortality, but, even
20 with this, they're not huge reductions in fishing mortality.

21
22 **CHAIRMAN GREENE:** Ms. Bosarge.

23
24 **MS. BOSARGE:** Just a quick follow-up. I mean, I think the even
25 bigger picture is that -- I know we've been trying to do this,
26 but we've got to sit down with the recreational private angling
27 component and figure out what new tools we can use to manage
28 them.

29
30 We just had one for hogfish, an assessment, and you saw the
31 increase was coming from the private recreational landings. You
32 are having some issues, and we're having to reduce quotas, and
33 you've got this one where you've got a huge increase in your
34 private -- Your commercial landings are staying stable over
35 time, and you've got huge increases.

36
37 This new calibration, you're going to have even bigger
38 increases. Now, maybe, if you organically input that into the
39 model, maybe we will get some increase in your overall biomass,
40 but that is your trend. We are seeing that in stock after
41 stock, and I think that's a function of the fact that we have
42 better technology today, your GPS technology, and the engines on
43 the back of those boats and everything else.

44
45 We are in a country where we're very lucky, and we have a
46 disposable income that a lot of countries don't have, and so we
47 have that ability to choose a sport such as that, which is a
48 little bit higher in sport than other things. A round of golf,

1 you might end up paying fifty or a hundred bucks. To go catch
2 fish, you need a really nice boat, right?

3
4 But we don't -- We never have sat down and had a real
5 conversation about what unique ways are we going to use to try
6 and manage that, because it can't go in that exponential
7 direction forever, unfortunately, because it's not a bottomless
8 checkbook of fish, and all we do is reduce bag limits and
9 shorten seasons, but we've got -- That can only take you so far.
10 Anyway, we can dance around it all we want, but, one day, we've
11 got to have a real conversation and figure out what we're going
12 to do.

13
14 **CHAIRMAN GREENE:** Mr. Atran.

15
16 **MR. ATRAN:** Thank you, Mr. Chairman. When the ABC yield streams
17 were developed for this stock, there was discussion about the
18 fact that the stock may or may not be overfished, but what is
19 driving those ABCs is the overfishing determination. That is
20 the more conservative of the two reference points.

21
22 While it is important that you adopt an MSST, whether or not the
23 stock is declared overfished isn't going to make a difference
24 right now in terms of the immediate yield stream. Now, if you
25 want to change the SPR reference point, we would have to get
26 some new analysis as to what yield streams would be appropriate
27 for different SPRs, but, at the moment, you do have a relatively
28 simple plan amendment.

29
30 We would just need to implement these new yield streams and
31 implement an MSST, and whether or not we are officially
32 implementing a rebuilding plan just depends upon where you
33 decide to set the MSST, but it wouldn't change the catch levels.

34
35 **CHAIRMAN GREENE:** Okay. Is there further discussion? Mr.
36 Riechers.

37
38 **MR. RIECHERS:** Luiz, this question is probably to you, since
39 you're more familiar with what went on at the workshop, and I am
40 kind of looking through the workshop report. I realize it may
41 be difficult, and it's mostly on the juvenile fish, but it's
42 kind of a little bit of a handwave in the report at the
43 expansion in the western Gulf and what has gone on there.

44
45 Certainly we can see that and document it in our sampling
46 through this same period of time, fishery-independent sampling,
47 and so I am wondering -- The best you all could, you all
48 incorporated that, realizing that that's still dealing with

1 mostly juvenile fish, and you haven't been able to deal with
2 adult fish, but it just takes on that a little bit, and if
3 there's a place where we might improve the overall look at that,
4 in regard to the assessment, as we do these other things that
5 we're going to have to do, but it's a recognized and notable and
6 documentable fact, and so just your thoughts.

7
8 **DR. BARBIERI:** Yes, and thank you. I mean, this is -- I think
9 that's a very good point. As fisheries expand that
10 distributional range and species become more abundant in other
11 areas, yes, you should be developing new processes for
12 collecting information and expanding the scope of data that is
13 going into assessments.

14
15 I do not remember, Robin, if this was an explicit research
16 recommendation in this report, but, if it wasn't, that an
17 oversight of ours that we should have included, exactly what you
18 are talking about, because it's something that I think it's
19 needed for the next assessment to be better.

20
21 Martha was asking about hogfish and what is going to change in
22 the future, and, for this fishery here, you can actually obtain
23 new data streams towards that western portion of the stock that
24 would be very helpful, yes.

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

27
28 **DR. PORCH:** Thank you. I do want to point out, however, that,
29 if you do look at the landings in the more recent time period,
30 they are still heavily dominated from Florida. I mean, it's not
31 even close, and so the main issue really is going to be probably
32 the private recreational boat and the shore landings, because,
33 if you look on this graph here, you can see in the orange color
34 -- That is private recreational shore landings, and so you
35 multiply that by five or eight, whatever the expansion factor
36 is, and, granted, it's not exactly the same though time, but,
37 basically, you multiply it by that much and, all of a sudden,
38 it's one of the dominant sources of mortality.

39
40 That is why the Center, or at least some of us in the Center,
41 argue that this should be a research track, because this species
42 is the most affected -- Of all the other species we look at in
43 the FMP, it's the most affected by this FES calibration for
44 MRIP.

45
46 **CHAIRMAN GREENE:** Dr. Mickle.

47
48 **DR. PAUL MICKLE:** I would like to point out and maybe ask a

1 question about the private shore landings. Those are public
2 docks where MRIP folks can get to, and the Florida coastline is
3 completely covered with private docks and private landings,
4 which are not captured at all, and am I mistaken in that
5 statement, Dr. Porch?

6
7 **DR. PORCH:** It's not clear exactly how well they're able to
8 expand that up. There's an attempt to expand it, but, of
9 course, now the state has been developing their own program, and
10 so I will defer to Dr. Barbieri.

11
12 **DR. BARBIERI:** I think, to Dr. Mickle's point, in terms of
13 private access points -- That was really the question, that you
14 have so much private access that is not being properly sampled
15 by a lot of surveys, and even the Gulf Reef Fish Survey doesn't
16 really have the ability to get too much into private homes and
17 try and get that information, and it's something that -- You may
18 remember that I served on that review panel for the MRIP
19 national program, and that was one of the main concerns and
20 represents one of our strongest recommendations, that the
21 Fisheries Service try and focus really more effort on addressing
22 that portion, because that is something that -- For a species
23 like this, Paul, I agree completely that this would be critical.

24
25 **CHAIRMAN GREENE:** Did you have a follow-up, Dr. Mickle?

26
27 **DR. MICKLE:** Yes, and so this is a unique species, and we
28 struggle with private dock landings and private launch landings
29 in all of the Gulf states, and on-the-water surveys are how
30 we're investing our monetary resources and doing on-the-water
31 stops, but that doesn't apply here, does it, because these are
32 actually dock-landed private landings, and so this is an issue,
33 and I'm guessing it's a very large amount that is not making it
34 into these models. Thank you.

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

37
38 **EXECUTIVE DIRECTOR GREGORY:** The ABC that the SSC gave us is an
39 ABC to bring the overfishing back in line with F of 30 percent,
40 so that the stock would not be overfished. If I remember right,
41 our current ABC for gray snapper is 2.42 million pounds whole
42 weight, and so the 2019 ABC is like 6 percent less than our
43 current ABC, and the 2021 is only 4 percent less, and I just
44 want to point that out, that we're very close to not
45 overfishing, even though 1.2 indicates 20 percent, to me, that
46 landings would need to be reduced, and so I'm a little confused
47 by that.

48

1 The other thing is, I think more importantly, the SSC assumed a
2 one minus M MSST, even though the assessment produced a 50
3 percent, because they thought that's what the council would want
4 to do, given the council's past actions, but the SSC did not
5 provide us a rebuilding timeline as to when we would recover
6 from the overfished status, and so I think we need more than
7 just an ABC based on F of 30 percent. We need an ABC based on F
8 rebuild.

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

11
12 **DR. BARBIERI:** Yes, Mr. Gregory, you are correct. I mean, we
13 had a lot of discussion about this issue, and so, going in line
14 of all the different points that you made, one is we had the
15 chief analyst there, and we have Dr. Cass-Calay at our meeting
16 and other Science Center folks, and they were looking at the
17 projections and the values that were coming out, and we
18 recognized that, if the stock status is overfished, we will have
19 to have a rebuilding plan with some timeline for rebuilding,
20 but, in this case, because it's less than ten years, and the
21 Science Center staff was able to provide us with those
22 projections at F 30 percent that showed that you would achieve
23 rebuilding status fairly soon, before ten years.

24
25 We consulted, at the time, and Madam Chair was present as the
26 council representative at our meeting, and she felt that,
27 instead of us going forward and punting on providing you any
28 catch streams at all, that we will provide you something based
29 on our best-informed, at the time, possibility and that you here
30 will make the decision to proceed with a rebuilding plan, after
31 you evaluate all the necessary criteria, and am I correct, Ms.
32 Levy?

33
34 **CHAIRMAN GREENE:** Ms. Levy.

35
36 **MS. LEVY:** I think the discussion we had was it's not just going
37 to be probably a one-shot deal with the SSC, because there is a
38 lot of unanswered questions, because we have a situation where
39 we don't have certain things specified in the FMP for this stock
40 yet, and so I think my suggestion there was we know that,
41 according to the assessment, it is undergoing overfishing. We
42 know that we need to do something about that, and so, SSC, give
43 the council some ABC recommendations that are going to address
44 the overfishing issue raised by the assessment.

45
46 Then, as you go through an amendment process and look at what
47 you want your overfished threshold to be and things like that,
48 we may need to go back to the SSC. Does there need to be a

1 rebuilding plan? What is the minimum time? What is the maximum
2 time? All those things, and they couldn't really provide you
3 with that, because we don't have anything really in place to
4 allow them to do that at this point.

5
6 You can always, even if you develop some sort of rebuilding
7 plan, you can always set the catch levels below the ABC
8 recommendation, and so, to the extent you need some catch levels
9 below to rebuild in a certain timeframe, the SSC doesn't have to
10 provide you with new recommendations. You just can't exceed
11 their ABC recommendation, and so there are a lot of unknowns, I
12 think, at this point.

13
14 **CHAIRMAN GREENE:** Okay. Is there further discussion? Ms.
15 Guyas, I have you next.

16
17 **MS. GUYAS:** Okay. We just went through hogfish, and there's all
18 kinds of uncertainty in the recreational data, and there is the
19 same problems here. In fact, we're overfished and undergoing
20 overfishing. Why did the SSC recommend 75 percent F SPR for
21 hogfish but not here? I am trying to figure this out. We have
22 this huge drop in projections for hogfish, but not here, where
23 all signs tell us we're overfished and undergoing overfishing.

24
25 **DR. BARBIERI:** No, excellent point, and I think a valid
26 question. When you think about this, assessments, you look at
27 them as a composite, and so, when you look at all the
28 diagnostics, and we had some issues here with diagnostics that
29 the team evaluated and realized that there were some issues.

30
31 The SSC felt that the issues that came up for hogfish were much
32 more severe, that the uncertainty was actually higher than what
33 it is here, and so it's this issue of it's all relative to each
34 other, and, when you look at the retrospective patterns, and I
35 didn't put the graph here, but this was the key example, where
36 there was minimal retrospective pattern, and, all the analysis
37 and all the other diagnostics that were conducted, it actually
38 turned out better results than what we saw for hogfish.

39
40 It's a little counterintuitive, to some extent, because I am not
41 showing you all the different pieces, but I can tell you that
42 the SSC evaluated all the different pieces and felt that this
43 was not as high uncertainty as the hogfish was.

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

46
47 **MS. GUYAS:** Just a comment. I mean, we talked around this table
48 that we have all these issues, and we know we have all these

1 issues with mangrove snapper, about how we're only looking at
2 Florida, really, where there is this whole other thing happening
3 that's not captured. In hogfish, we kind of have a good handle
4 on the biology and a lot of the parameters. Yes, recreational
5 data is still an issue, but it's just -- I don't know. I think
6 people are going to be surprised with these two.

7

8 **CHAIRMAN GREENE:** Dr. Barbieri.

9

10 **DR. BARBIERI:** Mr. Chairman, if I may, just for the sake of
11 discussion, because I think it's a very good point, but you can
12 see here that there are eight different indices of abundance,
13 and, granted, the fishery-independent are primarily in the
14 eastern Gulf, off of Florida primarily, but we really do not
15 have the same amount of fishery-independent information for
16 hogfish to help us evaluate abundance independent of what is
17 going on in the fishery, and so this is a different way that we
18 can actually evaluate population trends that is more efficient
19 than what we had for hogfish.

20

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

22

23 **MR. PHIL DYSKOW:** Thank you. I think my question was answered.
24 Your answer to Martha's question pretty much addressed mine. I
25 guess my concern and observation would be, until this meeting, I
26 had not the wildest dream that gray snapper were overfished,
27 because it's an extremely abundant species, and they are
28 typically caught in shallow water.

29

30 They are typically released in I would say a high level of
31 survivability, and, when the data so much defies logic and
32 observation, I think this would be, to Martha's point, a tough
33 sell to the angler, and their reaction would be how could this
34 possibly be an overfished species, when it's the most abundant
35 species that we can identify in our part of Florida.

36

37 **CHAIRMAN GREENE:** Dr. Barbieri.

38

39 **DR. BARBIERI:** Mr. Chairman, thank you. Overfished and
40 overfishing, and I think Dr. Crabtree made that point, depends
41 on the criteria that you are using, and so it's where you set
42 that bar. Of course, you set that bar in a way that you try to
43 be proportional to the abundance and biomass of the species and
44 the productivity of the stock, because some stocks are more
45 productive than others. In this case, it's still open, those
46 two definitions of overfishing and overfished, depending on
47 where you want to set the bar, but --

48

1 **MR. DYSKOW:** Doesn't it also start with the thoroughness and the
2 accuracy of the stock assessment?

3
4 **DR. BARBIERI:** To some extent, as you estimate your reference
5 points, but remember that when you manage something to a certain
6 level that there is a whole variety of different criteria that
7 you are looking at.

8
9 In this case, we try to encapsulate those in the reference
10 points, your management reference points, for exploitation and
11 biomass, but you want to have some level of abundance, and you
12 want to have some level of size and age composition in the
13 stock, because your fishing experience is going to be very
14 different whether you have a whole bunch of little fish versus
15 less, but larger, and so all of this should be captured somehow
16 in your reference points, where you put that bar, to capture
17 where you are trying to manage for.

18
19 I still feel it's highly dependent on how you want to move that
20 bar, and the assessment is simply reporting the retrospective
21 pattern in stock abundance and exploitation and all the landings
22 and showing all that stuff and then projecting what the likely
23 scenarios would be given a certain level of expected
24 recruitment.

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

27
28 **DR. PORCH:** Thank you. I just wanted to add that when you put
29 an overfished designation on something that it doesn't mean the
30 fish are uncommon. It means they're not at the level that would
31 produce the maximum sustainable yield, which is the target that
32 we're aiming for.

33
34 The fact that you can still find lots of gray snapper around
35 doesn't really say that they're not overfished. The level that
36 would maximize the surplus production, and so the maximum
37 sustainable yield, can be several times higher still. In this
38 case, it's just a little bit higher, and, again, it does depend
39 on the metric that you want to use. We're using proxies in this
40 case, and the example they showed was the generic FMP 30 percent
41 SPR.

42
43 My argument is it's probably a little bit lower than that, and
44 it's probably more like 25 or 26 percent SPR, like red snapper,
45 and so you're lowering the bar there. Maybe it won't come out
46 as overfished anymore, or undergoing overfishing, or it will be
47 close, but I just really want to clarify -- I think there is a
48 public perception that when you say something is overfished that

1 it means that you wouldn't find many of them, but that's not
2 true at all. It's just that you're not at this target of
3 maximum sustainable yield.

4
5 **CHAIRMAN GREENE:** Mr. Sanchez.

6
7 **MR. SANCHEZ:** I get all of that, but the public perception is
8 going to be with this -- We were just joking amongst ourselves
9 and saying, god, if we further reduce harvest because of this on
10 mangrove snapper, of all things, we're going to need more water
11 to contain these fish. I mean, we're just going to need more
12 water for them.

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

15
16 **DR. CARRIE SIMMONS:** Thank you, Mr. Chairman. I think one thing
17 to keep in mind is this is our first assessment for this
18 species, and I think, if I'm understanding the conversation
19 correctly with the SSC representative and the Science Center, we
20 may not have these proxies set at an appropriate place for this
21 stock.

22
23 You remember that we had gray snapper in that status
24 determination criteria amendment that the council was working
25 on, and it was embedded in those other species, and so now we
26 can pull it out. We have an assessment, and we have new
27 information, and we can request that the Science Center look at
28 some of this for us, and then we can put it back before the SSC,
29 and I think that will take some time, but it sounds like that is
30 something that we need to do.

31
32 **CHAIRMAN GREENE:** Okay. Thank you. Dr. Crabtree.

33
34 **DR. CRABTREE:** I think the public reaction to this -- We need to
35 be careful how we refer to this. I mean, we should not say this
36 stock is overfished. That is your determination to make. It
37 will depend on where you set the MSST.

38
39 I think the determination of whether it's undergoing overfishing
40 or not will depend on your choice about what the overfishing
41 reference point is, and so, to some extent, it's your decision
42 to make as to whether you want more fish and bigger fish or
43 you're okay with where it is.

44
45 The other thing about the public reaction is I look at these
46 ABCs of roughly 2.2 million pounds, and that's higher than the
47 landings we've had going back to 2012, with the exception of
48 2016, and so it's not the case that this indicates that there

1 are going to have to be dramatic reductions.

2
3 Now, there is this whole shadow of the shift to the mail survey
4 and the FES and how much difference that is going to make, but,
5 just looking at this right now, this strikes me as a fishery
6 that needs some tweaks, but not wholesale management changes,
7 and, depending on your decisions, it may not really even require
8 tweaks, based on this particular outcome. We'll see what
9 happens after the survey, and so I just think we need to be
10 careful in how we present this to the public, because it does
11 seem to me that whether it's overfished or not now is a policy
12 decision that the council is going to make.

13

14 **CHAIRMAN GREENE:** Okay. Thank you. Dr. Barbieri.

15

16 **DR. BARBIERI:** Just quickly to that point, I agree completely
17 with that, and I just want to clarify. I guess I didn't make my
18 point very clear about the fact that the SSC wanted to bring
19 something before you and show you the results of the assessment,
20 but we did not mean to set those reference points for you.

21

22 The idea was let's put together something using the default
23 values for now and bring something before you to generate this
24 discussion and allow you to proceed with developing the
25 reference points and if there is a need for a rebuilding plan,
26 et cetera. We did not mean to overstep our bounds there, but we
27 basically just wanted to bring something for discussion, in a
28 productive sense.

29

30 **CHAIRMAN GREENE:** Thank you, and so it seems like we need to
31 kind of decide on whether we're going to look down the road
32 toward a framework to adjust the ACLs and ACTs, but I also heard
33 discussion about a plan amendment, and I don't know if we need
34 to do both or one or the other, but, before we go there, I am
35 going to turn it over to Ms. Bosarge.

36

37 **MS. BOSARGE:** I was at that SSC meeting, and there was a
38 discussion about what those reference points may or may not end
39 up being, and there was some hesitation, and a little bit of
40 fear, about going to that 50 percent level that we went to for
41 some of those other stocks and that that might be pushing the
42 envelope a little bit, and so I look forward to your future
43 discussions on that, and I hope I am there to hear them.

44

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

46

47 **DR. CRABTREE:** It seems to me what we're going to have to do is
48 a plan amendment, because we've got to define the reference

1 points, and we can't do that, I don't think, in a framework, and
2 that may or may not require a rebuilding plan, and the status
3 determinations will fall out of that. **I would, I guess, make a**
4 **motion that the council direct staff to begin putting together a**
5 **plan amendment to establish reference points, status**
6 **determination criteria, ACLs, for gray snapper. To establish**
7 **status determination criteria and management reference points**
8 **and catch levels for gray snapper.**

9
10 **CHAIRMAN GREENE:** We have a motion on the board, and they're
11 going to clean it up there, and is there a second for this
12 motion? It's seconded by Dr. Shipp for discussion. Dr.
13 Crabtree.

14
15 **DR. CRABTREE:** Then it seems to me there will have to be some
16 back-and-forth with the SSC and the Science Center when we see
17 where we're settling in on preferred alternatives, and then the
18 determinations and the status and whether we need a rebuilding
19 plan and all of those things will become clear, and then,
20 hopefully, we can fold in the updated assessment in this towards
21 the end of the year, so that we can come at this one time,
22 because I am concerned with the public appearance that we go
23 forward with something and then turn around immediately and end
24 up doing something very different, and so my preference would be
25 to try to deal with this one time.

26
27 **CHAIRMAN GREENE:** Is there further discussion? You have a
28 motion on the floor before you, and I didn't see any further
29 discussion. **Is there any opposition to the motion on the floor**
30 **before you? Seeing no opposition, the motion carries.**

31
32 I am going to look to staff to make sure they're good with this
33 motion. Is there anything else needed? Okay. Everybody is
34 good with that. Dr. Barbieri, is that everything that you had
35 for gray snapper? Okay. All right. With that, we're going to
36 go ahead and take our fifteen-minute break, and we will pick
37 back up about fifteen minutes from now.

38
39 (Whereupon, a brief recess was taken.)

40
41 **CHAIRMAN GREENE:** We will pick back up. We're running a little
42 bit behind schedule, and so we're going to try to get rolling
43 here. We're going to pick up with our next agenda item, which
44 will be SEDAR 52, the red snapper standard assessment. Dr.
45 Barbieri will once again run us through that. The summary of
46 the assessment is Tab B, Number 7, and, again, the SSC comments
47 are Tab B, Number 12. I assume we'll be working off of the
48 PowerPoint that we've been on most of the morning. With that,

1 we will pick it up and hand it over to Dr. Barbieri.

2
3 **SEDAR 52 - RED SNAPPER STANDARD ASSESSMENT**
4 **SUMMARY OF ASSESSMENT**
5

6 **DR. BARBIERI:** Thank you, Mr. Chairman. Yes, this is the last
7 stock assessment summary that I am going to present today. This
8 is a standard assessment that was conducted by the Science
9 Center, and I don't need to tell you the multitude of data
10 sources and the complexity of the Gulf red snapper assessment.
11 This is one of the most, if not the most, complex stock
12 assessment in the country, one of the most complex in the world,
13 really. I tried to cut it down as much as I could to just the
14 basics, but then I tried to include some additional back-up
15 slides at the end, in case you have more detailed questions.

16
17 For starters, this was a standard assessment, and life history
18 inputs were considered, and they were really unchanged, and so
19 nothing new in terms of life history and population dynamics
20 parameters that were used to parameterize the model, in terms of
21 fecundity, size and age at maturity, growth, mortality, and the
22 length-weight conversions.

23
24 One thing that was updated in this assessment, in terms of data
25 inputs, was the discard mortality, the recreational discard
26 mortality, that was up from the 10 percent that was used in the
27 update assessment that was conducted in 2014 and updated in
28 SEDAR 31 to 11.8 percent, and I have there a table that lists
29 all of the estimated values of discard mortality that were used
30 for the different fleets in different areas of the Gulf. In
31 terms of discard mortality, the main change from the previous
32 assessment was that increase, small increase, in the discard
33 mortality for the private recreational sector.

34
35 Age-length data, I am not going into a lot of discussion here,
36 but I just put this slide in because you can see biological data
37 was received from twelve different data providers. There was a
38 very large sample size of samples received and processed, and I
39 thought it was amazing that there were 49,000 new age-length
40 records that were included in this assessment, and so it's
41 really a lot, and we want to thank our GulfFIN partners and the
42 Gulf States Commission for facilitating all of this collection
43 of data for us and coordination of all this effort to add
44 biological samples.

45
46 Since the oil spill, the National Fish and Wildlife Foundation
47 has also, through the Gulf Environmental Benefit Fund, has been
48 funding a number of projects pretty much for all the Gulf

1 states, I guess with the exception of Louisiana, because they
2 are directing that research towards more habitat restoration,
3 more direct impacts of the oil and habitat restoration, but most
4 of the other Gulf states received large grants from NFWF and
5 really expanded the collection of data, and all this data, as
6 per the terms of reference for this assessment, tried to be --
7 We tried to include them into this standard assessment.

8
9 Basically, you have a lot of additional data going in to inform
10 this standard assessment, and a summary of the data updates -- I
11 don't know if I need to go one-by-one in detail, but there were
12 a few things that were adjusted within the data for the updates
13 that were considered by the assessment panel and during the
14 webinars and getting the input of all the partners, working with
15 the analytical team, and, eventually, they converged into some
16 recommendations on how these data inputs were to be treated and
17 included into the assessment.

18
19 Again, I don't want to go through each one of those data inputs
20 one-by-one, but I just want to show you the sheer volume of data
21 and the difference sources -- I mean, eighteen different indices
22 of abundance were included and a number of fleets for both
23 recreational and commercial and for-hire, and you have landings
24 and discards, and so this is, by all measures, a very well-
25 informed assessment.

26
27 Moving on to the base model results, I am skipping over a number
28 of the iterations and cost iterations that the review panel went
29 through in coming and converging into what they called the base
30 model, for the sake of brevity here, and those are the results,
31 the biomass time series, and Area 1 is the eastern Gulf, and
32 that's in blue, and Area 2 is the western Gulf, and that is in
33 red, and you can see a comparison of those time series of
34 biomass between the 2014 update and the SEDAR 52 standard
35 assessment. Although there are some differences there, by and
36 large, the differences were relatively small between these two
37 assessments.

38
39 Again, just for your illustration, I also included a graph that
40 showed the stock-recruitment relationships, which are considered
41 really uninformed for red snapper, and we are working with a
42 reference point based on an SPR proxy of MSY, but you can see
43 the time series in blue again for the eastern Gulf and in red
44 for the western Gulf, the time series of estimated recruitments
45 of red snapper for both areas and a comparison of between the
46 2014 SEDAR 31 update and the SEDAR 52 standard assessment.
47 There are some differences there, but nothing really major that
48 could be detected.

1
2 Here is the trajectory of fully-selected fishing mortality, and
3 that's the composite of all the different types of fishing
4 mortality for all the different fleets, and, again, a comparison
5 between the SEDAR 31 update assessment and SEDAR 52, and the
6 time series look fairly similar.

7
8 There is not that much difference, with the exception, perhaps,
9 of the last several years, and I call your attention to the
10 SEDAR 52, and there is a light orange-yellowish line there that
11 represents the recreational during the closed season in the
12 east, the eastern Gulf, the recreational fishing mortality
13 during the closed season, and so this is really mainly due to
14 discards and how much that dominates now that fishing mortality
15 for this fishery.

16
17 Here is the bottom line stock status determination, and this
18 diagram shows the ratio of current F to the F reference point
19 and the biomass as well, and it shows a trajectory of where the
20 stock started at the beginning of the model, and then it goes
21 through a whole bunch of iterations and ends over here, in 2016,
22 and you can see where SEDAR 52 estimates stock status to be.
23 It's not overfished and not undergoing overfishing compared to
24 the stock status that came out of the 2014 update, and this
25 graph also shows the area, the change in the definition of MSST,
26 that was approved by the council, and that is the outcome that
27 is defining stock status, biomass stock status, for red snapper.

28
29 Just a brief overview of the scenarios for how the SPR
30 trajectories for red snapper changed between the eastern and the
31 western Gulf of Mexico, and, again, to point out some
32 differences between the SEDAR 31 update and the SEDAR 52
33 standard assessment, and the pattern for the eastern Gulf is,
34 despite some of the changes in scale there, consistent with the
35 previous one that shows a tendency to, over time -- The
36 projection is that the SPR will decrease over time, given the
37 current exploitation level and pattern, but that the western
38 Gulf continues to increase, and it's kind of leveling off over
39 the last several years.

40
41 Here is how the recruitment trajectories, the estimated
42 recruitments that were inputted into the assessment, were
43 actually estimated by the assessment, and, over here,
44 interestingly, again, are the fishing mortality rates for
45 different components, different fleets, or different components
46 of the fishery, and you can see that the recreational closed
47 season on the eastern Gulf -- How much it is responsible for
48 that spike in fishing mortality, and it helps explain the

1 scenario of projections for the eastern Gulf, given the
2 recruitment levels are lower and the center of abundance and the
3 more complete age composition of the stock is actually located
4 on the western Gulf, but that fishing mortality on the eastern
5 Gulf is actually fairly high.

6
7 Finally, and I already gave you the stock status determination
8 of not overfished and not undergoing overfishing, and those are
9 the three-year yield streams provided by the SSC for OFL and
10 ABC. The OFL yield stream, again, was based on the yield at F
11 26 percent SPR at a 0.5 P* level, and the ABC at 0.4 P*.

12
13 Considering that the yield streams are decreasing over time, and
14 you have expressed, in the past, the desire to have projections
15 of constant catch, and the SSC also provided you estimates of
16 OFL and ABC under a constant catch scenario, and the committee
17 basically made those recommendations, but it does not feel
18 strongly about either one. We felt that this was something for
19 the council to decide on how to proceed, but we wanted you to
20 have in front of you both of these options, a regular yield
21 stream, like we usually provide, or a constant catch scenario.
22 Mr. Chairman, this completes my presentation, and I would be
23 glad to answer any questions, if there are any.

24
25 **CHAIRMAN GREENE:** Okay. Thank you, sir. Is there discussion?
26 Ms. Guyas.

27
28 **MS. GUYAS:** Just a point of clarification. On the regional SPR
29 slide, that fixed fishing mortality rate -- This is discards
30 driving this, right, discard mortality, and so that closed
31 season spike for the eastern Gulf -- Those are discards that is
32 causing that huge thing, and then the other -- I guess the one
33 to the far right, is that the shrimp fleet in the west? I am
34 trying to figure out what acronym SHR is.

35
36 **DR. BARBIERI:** I think that might be the shore-based
37 recreational. Shannon, do you know?

38
39 **DR. SHANNON CASS-CALAY:** Yes, it's -- Well, I will have to look,
40 because I actually don't know that we have a shore mode in this.
41 It would be separated as a fleet, but it's shrimp bycatch.

42
43 **MS. GUYAS:** That was my assumption, but I just wanted to make
44 sure that I was playing the right word game.

45
46 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
47 Anson.

48

1 **MR. ANSON:** Dr. Barbieri, thanks for attending and providing the
2 information on the assessments. I am just curious. On your
3 slide where had a summary of all the fishery-independent
4 indices, and you had ten that were listed of fishery-independent
5 sources, and you provide there -- I believe that would be ten of
6 them, the ones that are listed there, but were there not state-
7 generated programs and data streams that were used in the 2014
8 assessment, and were they not used in this one, and would they
9 not be included or added to the fishery-independent, the
10 collection programs there?

11
12 **DR. BARBIERI:** I would defer to Shannon on this, but, before I
13 go there, my assumption is, because those time series are
14 relatively short of the new surveys that were implemented under
15 the Gulf Environmental Benefit Fund, that they didn't really
16 have enough value to be indices of abundance over such a short
17 time period, and so data on size and age composition, and, of
18 course, all the landings were updated, but, in terms of indices
19 of abundance, they may not have made it into the model, because
20 they were not as informative, given the short time series.

21
22 **DR. CASS-CALAY:** Yes, Luiz, you are correct, although they are
23 all fully documented, and they can be included when their long
24 series is long enough.

25
26 **CHAIRMAN GREENE:** Mr. Anson.

27
28 **MR. ANSON:** It might be a different response to each program,
29 but what is the minimum time period for long enough?

30
31 **DR. BARBIERI:** Well, that's really hard to tell. I mean, when
32 you're working with an assessment like this, when you have a
33 whole number of parameters being estimated and you have already
34 a very complex model and you try to go with a more parsimonious
35 kind of model structure, it depends on when they become
36 informative, in terms of indexing abundance over time.

37
38 I mean, usually, you look for something five years or longer,
39 and that's my rule of thumb, and I don't know how the Science
40 Center considers theirs, but it can be variable from assessment
41 to assessment, and it has to do, really, with you are trying to
42 be economical and have model parsimony and not overparameterize
43 your model, and, at the same time, insert data series that are
44 informative.

45
46 **CHAIRMAN GREENE:** Dr. Porch.

47
48 **DR. PORCH:** I just wanted to add that some state surveys, such

1 as the video survey and the longline survey off of Alabama, are
2 integrated into some of these. For instance, the NMFS bottom
3 longline incorporates the Alabama bottom longline, and there are
4 a number of other things like that. We also use some of the
5 artificial reef data from video surveys, and that gets
6 incorporated into an index of size composition, and so I think
7 that's -- I'm not sure I see that in there, and so that probably
8 should have been listed.

9
10 **DR. BARBIERI:** Mr. Chairman, just to that point, quickly, Kevin,
11 this is also the case for some of the SEAMAP and some of these
12 other ones, where you actually have a lot stronger surveys since
13 the GEBF funding, in terms of coverage, the number of stations
14 and the number of sets of nets, where you increased really your
15 coverage by quite a bit, and they just don't show separately
16 here, because, basically they're at the end of that existing
17 SEAMAP, but some of that, as Clay pointed out, yes, is being
18 captured.

19
20 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
21 discussion? Yes, sir, Lieutenant Commander.

22
23 **LT. MARK ZANOWICZ:** One thing to also consider is -- I know one
24 of the inputs on here isn't the influence of the Mexican lancha
25 fleet that does illegal fishing down near the U.S./Mexican
26 border, and so we do have data from that, which we can try to
27 provide you as well for maybe a future assessment.

28
29 This year alone, we have recovered about 30,000 pounds of red
30 snapper from those vessels, and those have just been the ones
31 we've interdicted. The actual amount that they have fished
32 could be many times that, and so it could play some part in the
33 stock assessment as well.

34
35 **DR. BARBIERI:** Again, I will defer to the Science Center on
36 this, since they're going to be the ones dealing with this next
37 assessment, and I would imagine that they would welcome having
38 that information, because it's information about removals that
39 right now we are not necessarily being able to explicitly
40 incorporate into the model.

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

43
44 **MR. RIECHERS:** In follow-up to that, I think what we had done
45 when we had the -- We had an individual come from the Coast
46 Guard and give us that presentation and how they expanded their
47 estimates, and I think we had asked, actually, that the Center
48 take a look at that and try to incorporate it, if they could,

1 and I'm assuming that was done.

2

3 **CHAIRMAN GREENE:** Dr. Porch.

4

5 **DR. PORCH:** Yes, we got estimates from the Coast Guard several
6 years ago for one year, and I think it was around a half-million
7 pounds, and then we just had that one point estimate, and so we
8 did do a sensitivity run, where we stuck it in, and it doesn't
9 make that much difference, because it's small compared to the
10 total of what the ACL is. It has varied between, depending on -
11 - In 2005, it was around seven-million pounds, and I can't
12 remember the exact number, and then it's gone up since then, and
13 so a half-million pounds is small compared to that.

14

15 Then, of course, you have the discard mortality and all that,
16 and so it didn't make that much difference to the assessment.
17 What we were looking for though is a time series of estimates,
18 and, if we could get that, then we could plug it into the model,
19 and so, yes, if you could send it to whoever needs the message,
20 but it would be really helpful if we could get a time series of
21 estimates.

22

23 We did review the technique that they used to get the estimates
24 for the one year, and it seemed reasonable. We didn't have all
25 the details, but it seemed like they were probably in about the
26 ballpark, and so, if we could get a time series, then, yes, we
27 could plug it into the assessment.

28

29 **CHAIRMAN GREENE:** Thank you. Anything additional? Okay. Dr.
30 Frazer.

31

32 **DR. TOM FRAZER:** Luiz, I just have a question. Where you have
33 the SPR for the eastern Gulf and the western Gulf, and so, at
34 present, the SPR is about 0.13, which is considerably less than
35 kind of the target of 0.26, and, in the next slide, you have
36 essentially an ABC that's going to be increased by about three-
37 million pounds, and so what do you think the consequences are
38 down the road for the population in the eastern Gulf?

39

40 **DR. BARBIERI:** The short answer is I don't know, but there is --
41 I think this is the importance of highlighting this issue of
42 exploitation on the eastern Gulf being very high, where the
43 center of abundance of the stock, where most of the biomass and
44 the recruitment inputs are expected to be, being in the western
45 Gulf. Right now, if you look at those SPR trajectories, yes,
46 they -- Assuming that recruitment remains constant, which,
47 unfortunately, is an assumption of this type of assessment, it
48 looks like things are not going to get much better for the

1 eastern Gulf.

2
3 Of course, this is just an illustration, because we are managing
4 the stock right now on a Gulf-wide basis, and that's where the
5 reference points are really being considered, but it is an issue
6 that -- We see that exploitation seems to be increasing,
7 actually, on the eastern Gulf, instead of the opposite.

8
9 **CHAIRMAN GREENE:** Ms. Guyas.

10
11 **MS. GUYAS:** I was just going to say, to that point, one of the
12 major drivers in rebuilding this stock, it seems like, has been
13 these pulses in recruitment that we don't know are coming, and
14 so it's kind of difficult to use this to really project too far
15 into the future, because we know what's going to happen, but we
16 just don't know when.

17
18 **DR. BARBIERI:** To that point, Mr. Chairman, here is an example -
19 - When you look at the overfishing assessment of this stock, if
20 we were measuring overfishing, ABC and ACL, levels versus level
21 of landings, based on the 2014 update assessment and the
22 projections that came out of that, this stock would be
23 considered undergoing -- That it was overfished in 2017, but
24 that did not turn out to be the case when the SEDAR 52 standard
25 assessment was put together, basically because there is this
26 fairly large input of recruits in 2015 that helped the stock
27 increase at a rate that was higher than previously predicted by
28 that constant recruitment level, the blue line, assuming some
29 level of constant recruitment. When you went back and actually
30 SEDAR 52 looked at the actual recruitment estimates, they were
31 higher, and so, yes, it's very difficult to predict what is
32 going to happen.

33
34 I think one of the main points of the rebuilding plan that you
35 established was to rebuild the stock overall, and we see a lot
36 of progress on the eastern Gulf, and I can tell you that. The
37 Research Institute is looking at reproduction and looking at
38 juvenile recruitment, and, just today, I was talking to Ryan
39 Rindone about this, about the number of little red snapper that
40 we are now beginning to see in fairly high abundances on the
41 eastern Gulf that were not seen there for a long, long time, and
42 so, in terms of success, I think I have to congratulate you,
43 because this rebuilding plan seems to be working very well and
44 according to plan.

45
46 **CHAIRMAN GREENE:** Did you have a follow-up, Martha? Then Ms.
47 Bosarge.

48

1 **MS. BOSARGE:** Another thing that I thought was interesting, and
2 it's kind of hard to tease out of the data that's presented
3 here, but you were talking about the center of where the
4 abundance really is, where your big population of fish is
5 located, and we have some positive trends with that stock
6 expanding down the peninsula, and so that's a positive trend,
7 and the model has to figure out what the trend is in the east,
8 and there is some negative things going on that we see, maybe,
9 but there is a negative trend, it seems like, in the northern
10 Gulf, as far as some of that biomass is concerned, and so I hope
11 that when we go into this next assessment, which we think we're
12 going to do as a research track, maybe we can look at that and
13 see how the model maybe can better incorporate some of that and
14 understand those differences in those two trends in the east.

15
16 **DR. BARBIERI:** Briefly, Mr. Chairman, but I think Mr. Anson's
17 point before about all of this additional work that all the Gulf
18 states have been doing in expanding data collection -- Maybe not
19 everything could be included here, in terms of indices of
20 abundance, but there is a lot more data that is being collected
21 and is going to be collected for the next few years that I think
22 will help a lot to inform more specific spatial information
23 there about what's going on in the Gulf than we have right now.

24
25 **CHAIRMAN GREENE:** Okay. Mr. Gregory.

26
27 **EXECUTIVE DIRECTOR GREGORY:** Luiz, again, very good
28 presentation. On Slide 13, the one that shows the fraction of
29 total age-zero recruits by area, they always seem to be in
30 inverse of one another. Would that indicate that recruitment
31 might be shifting from east to west on an interannual basis?
32 They just look so inverse and so tightly connected in that way.

33
34 **DR. BARBIERI:** Right, and I will defer to the Science Center
35 again, Dr. Porch, I guess, or Dr. Cass-Calay on this, but,
36 basically, it's how you apportion recruitment estimates between
37 the eastern and western Gulf. This is an area-based assessment,
38 considering the two areas, but it's really one assessment, one
39 set of reference points, and it is estimating recruitments and
40 apportioning them to different parts of the Gulf, and so that's
41 why they are mirror images, because one complements the other.

42
43 **DR. PORCH:** It's certainly a research item that needs to be
44 looked into. Is there something that is actually driving that,
45 or is it more just a limitation in the model? In principle,
46 they should be able to -- They don't have to be correlated like
47 that, and there should be enough flexibility, and so it is
48 something that has been curious, and so, yes, it's definitely

1 something we want to look into more.

2
3 **CHAIRMAN GREENE:** Okay. Is there further discussion? Dr.
4 Crabtree.

5
6 **DR. CRABTREE:** I guess now the question is what do we do with
7 this? By and large, it's good news, and the stock has improved,
8 shown more improvement than we might have thought based on the
9 last assessment, and so we have these ABCs, which I think the
10 2019 ABC is -- It's over a million pounds higher than what's on
11 the books.

12
13 The complication with this, of course, is the FES survey and the
14 new recreational catch estimates that are going to come to us in
15 July, and then the Center will rerun this with the new
16 recreational time series, and we'll probably get that towards
17 the end of the year, and so I guess you have a couple of
18 choices.

19
20 One, you could go ahead and implement this ABC. Then, when you
21 get the new estimates at the end of the year, we could implement
22 those for 2020 and forward, or you could do nothing now and wait
23 until we have all of that. I suspect that's not going to be
24 your solution.

25
26 The other complication with it is the allocation in the fishery
27 is based on the perceived historical balance in the fishery, and
28 if it turns out, after the calibration, that the recreational
29 time series is substantially higher than we thought, we've got
30 an allocation issue, and we all who have been through those
31 before know how painful and time consuming it is to deal with
32 that, but that will be a complicating factor when we try to
33 implement the ABC at the end of the year that's based on the new
34 time series, and we will have to figure that out.

35
36 In the interim, until we resolve the allocation issues, we can
37 focus on using these ABCs, but we'll have to take the landings
38 estimates that we're getting from MRIP and convert those back
39 into -- Or from the FES and convert those back into the MRIP
40 currency, and, to complicate it even further, of course, we have
41 LA Creel, Texas Parks and Wildlife, Tails n' Scales, and Snapper
42 Check, and then Florida is looking at a new survey, and so we
43 actually have a lot more subtleties in terms of how to integrate
44 all these together than we do in most of these other fisheries,
45 but it does seem to me that you could do a framework and
46 implement either the 15.5 or the annual ABCs, whatever you want
47 to do, and we could get those in place for the 2019 season and
48 then deal with the rest of these issues next year and try to

1 sort those out.

2

3 **CHAIRMAN GREENE:** Mr. Anson.

4

5 **MR. ANSON:** Dr. Crabtree, one of the issues, as I see it, is
6 this FES calibration. We will get the numbers in July, and so
7 that would have, theoretically, or most possibly, an impact on
8 the 2019 numbers, and so that would supersede anything that
9 we're looking at right now, and so I can see going forward and
10 just having staff work on a shell document that would just be --
11 You would input the numbers as we get the numbers and work at
12 that speed, but I'm afraid, because of the recalibration, we
13 won't have a document done up that will go through the approval
14 process until spring of next year for 2019.

15

16 **DR. CRABTREE:** Well, if I could, I think you could implement the
17 sixteen or the 15.5 for next year without dealing with that.
18 The calibration model that we're going to get in July can be
19 used in either direction, and so you can convert MRIP-based
20 numbers to FES or you can convert FES back, and so, for the
21 states for 2019 that we're still relying on MRIP, we would take
22 those FES numbers and convert them back to MRIP, and that would
23 be the gauge against this ACL.

24

25 Then I don't think we'll get the -- The calibration model will
26 allow us to convert back and forth until we're able to make the
27 full conversion over to where everything is in the FES currency.
28 That will require the Center to rerun this assessment with the
29 new time series, and it's going to require us to decide what
30 we're going to do about some of these allocation issues.

31

32 I think, in the short term, just a simple framework that adjusts
33 the catch levels could be done, and then we just convert back
34 and forth, as appropriate, but, for -- Assuming Snapper Check is
35 certified and all that, we may only be using the MRIP conversion
36 off of Florida at that point, and that depends really on what
37 happens with the Florida survey by 2019 and how we deal with
38 that.

39

40 **CHAIRMAN GREENE:** Okay. Is there further discussion? Does
41 anybody wish to create a motion to move forward with anything of
42 a framework now, or do you want to let it ride? Ms. Bosarge.

43

44 **MS. BOSARGE:** We have higher catch level recommendations, right,
45 on the fish that we spend all of our time on, and so would you
46 all like to start a framework action to push that through to the
47 fishery, or do you want to keep them at their lower level that
48 they are at now?

1
2 **DR. CRABTREE:** I will move that we start work on a framework
3 action to adjust the catch levels for red snapper, based on the
4 new ABC. My intent would be that the framework will look at
5 using the constant for three years as well as the year-specific
6 numbers, and we can decide -- That seems, to me, to be a
7 reasonable alternative.

8
9 **MR. RIECHERS:** I will second it.

10
11 **CHAIRMAN GREENE:** We have a motion on the board to direct staff
12 to begin working on a framework action to adjust catch levels
13 for red snapper, and it was seconded by Mr. Riechers. Is there
14 further discussion?

15
16 **DR. CRABTREE:** The whispering in my ear is mentioning combining
17 this with the hogfish framework that we're doing, which I
18 assume, if staff advises us that's the way that it would be the
19 most efficient way to do it, I would be okay with that.

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

22
23 **MR. RIECHERS:** If I were the people interested in hogfish, I
24 would probably never link it to red snapper.

25
26 **CHAIRMAN GREENE:** Dr. Crabtree, do you want to add hogfish into
27 your motion here?

28
29 **DR. CRABTREE:** Not really. I guess I would ask that Doug or
30 Carrie and staff figure out if they want to do that and just
31 advise us when we come back to this at Full Council. I don't
32 really care if it's -- If that's the best way to do it, fine,
33 but I haven't thought enough about it.

34
35 **CHAIRMAN GREENE:** Dr. Simmons, does that work with you?

36
37 **DR. SIMMONS:** Thank you, Mr. Chairman. Yes, we were thinking
38 that if -- Unless you want other management measures, we could
39 just put two different actions in a framework amendment and set
40 these ACLs fairly quickly, one for Gulf hogfish and one for red
41 snapper.

42
43 Now, if you want to add different management measures, then we
44 would have to separate them and do them individually, but we
45 thought we could do this pretty quickly in a framework action
46 together.

47
48 **DR. CRABTREE:** That's fine with me, if they are combined, and I

1 will defer it to -- If you all want me to reflect that in the
2 motion, I am happy to do that. Do you need that, Carrie?
3 Carrie says she's good.

4
5 **CHAIRMAN GREENE:** Okay, and so that will give them the
6 flexibility to do what they need to do. Is there any further
7 discussion about the motion on the floor? **Is there any**
8 **opposition to the motion on the floor before you? Seeing no**
9 **opposition, the motion carries.**

10
11 Before we leave red snapper, is there anything else, Dr.
12 Barbieri? Then thank you, sir. I appreciate it.

13
14 **DR. BARBIERI:** Thank you, Mr. Chairman.

15
16 **CHAIRMAN GREENE:** Okay. Anything from the committee before we
17 leave red snapper? Okay. With that, we will move on into our
18 State Management Program for Recreational Red Snapper, Tab B,
19 Number 8(a), and this will be led by Dr. Lasseter, and the draft
20 amendments are noted on your agenda accordingly.

21
22 **STATE MANAGEMENT PROGRAM FOR RECREATIONAL RED SNAPPER**

23
24 **DR. AVA LASSETER:** Thank you, Mr. Chairman. We will bring the
25 Tab B, Number 8(a) up, the program amendment, we're calling it.
26 This is the overarching one that has the actions that affect all
27 the states, two actions, and we'll just review the actions, and
28 then we'll review the Louisiana amendment, to represent all five
29 amendments.

30
31 Action 1 begins on page 13, and you've seen this a few times,
32 but I wanted to bring something to your attention and see if
33 there is any further discussion and make sure that we have this
34 the way that reflects the council's intent, the committee's
35 intent.

36
37 Taking a step back to Amendment 39, in the first action there as
38 well, you had an alternative that you had selected as preferred
39 to sunset what was then called regional management, and your
40 preferred at that time was five years, but, now, when we began
41 this document, after your motions, you have a sunset on sector
42 separation that is going to occur in 2022.

43
44 Now, you also have the EFPs for this year and next, and so,
45 essentially, you have EFPs for 2018 and 2019, and then there is
46 three more years, 2020, 2021, and 2022, and then sector
47 separation would end.

1 Also, going back to your original motions, two of the states had
2 included sunset language in their motions for these independent
3 state amendments for state management, and it was Louisiana and
4 Alabama, but, since sector separation ends just the following
5 year, what is currently in all of the alternatives, the action
6 alternatives, 2, 3, and your preferred Alternative 4, is the
7 final sentence in 2 and 3 that the state management plan will
8 end when the separate private angling and federal for-hire ACLs
9 expire, currently 2022, and so we haven't really addressed the
10 relationship of this with the ending of sector separation
11 before, and I did want to go ahead and just highlight that and
12 see if there was any discussion and make sure that this reflects
13 your understanding, and so I will pause there for just a moment
14 to see if there is any discussion.

15
16 **CHAIRMAN GREENE:** Is there discussion? Mr. Banks.

17
18 **MR. BANKS:** I will just say that it was my intention with my
19 motion, long ago, to have this be a three-year try, so that we
20 weren't locked in, if we were able to come to an allocation
21 agreement, and then, after a year or so if a certain state felt
22 like they were getting the short end of the stick, they wouldn't
23 feel like they were locked in forever on it, and so that was my
24 intention.

25
26 Now, I don't know whether the way it's outlined right now, Ava,
27 allows this to go away after a three-year try, and I don't know.
28 It doesn't seem like it does to me, and so, if that's also
29 everybody else's intention to have these state plans go along
30 for a three-year try, then maybe we need to add some language.

31
32 **CHAIRMAN GREENE:** Is there further discussion? Mr. Anson.

33
34 **MR. ANSON:** I do recall that you had a sunset provision in
35 there. I didn't quite recall exactly why you had it in there
36 though, and so I recognize that it would give a chance to just
37 have it in and for folks to -- You know, we would come back and
38 renegotiate, if that's what the problem is, but I guess I am
39 just thinking of it that -- You know, I would hate to see it go
40 away, necessarily, and we can get back to that discussion, but
41 I'm just trying to think if there is a way we can kind of keep
42 them going and then have the council makeup at that time
43 determine whether or not they need to continue, and, if they do,
44 they will continue based on whatever they decide that they will
45 continue under, or, if they don't want to, then the votes will
46 show up to vote down the implementation of the state amendments,
47 and I'm just trying to think through it and see if there's
48 another way that might be less abrupt, I guess, than just

1 stopping it at three.

2

3 **CHAIRMAN GREENE:** Mr. Banks.

4

5 **MR. BANKS:** Well, I think, Kevin, it was sort of my intention
6 for us to revisit it as a council, to try to determine whether
7 it had served its purpose and whether we all liked it, and we
8 would, as a council -- Of course, the council may be made-up
9 differently at that point, but we would have to make a decision
10 of, hey, did this work for everybody, and, if it didn't, then we
11 take a different route, or, if it did, I would assume we could
12 extend that drop-dead date, like we did on sector separation,
13 and so that was my intent of it, and it was also to try to help
14 bring some folks onboard with the idea. Try to say, hey, this
15 is not something we want to do forever, and we want to make sure
16 that we force everybody to look at it in terms of value every so
17 often.

18

19 **CHAIRMAN GREENE:** Further discussion? Dr. Crabtree.

20

21 **DR. CRABTREE:** Ava, I apologize, but I walked in during the
22 middle of Patrick's, and so the statement there that the state
23 management plan will end when the sector separation expires,
24 that means that just the state part of their plan that separates
25 them will end and then they can unite them back, or is that
26 saying that the whole state management program ends?

27

28 **DR. LASSETER:** As currently written in the document, and this is
29 also to reflect these motions, the original motions made by the
30 council to start these amendments were for three years. Two
31 states had it for three years, and so, as written, there is two
32 decisions there, and, yes, sector separation ends, and,
33 currently, this is the sunset on state management as well. If
34 you do not want that, if you would like an alternative for
35 consideration, we would like some direction.

36

37 **DR. CRABTREE:** Well, number one, I am not even convinced that
38 we'll get this approved by 2022, and so it all seems preliminary
39 to me, but, lord, if we spend ten years, eight years, working on
40 getting this done, I sure hope that it will be in place for more
41 than just two or three years, and it seems to me that the
42 delegation as a number of checks and balances on it, but, if we
43 are able to get this plan in place, I would hate to see it all
44 terminate in two years, and it's easy to say, yes, we'll just
45 renew it, but you know how that may go.

46

47 It does seem to me that if a state is managing both the for-hire
48 component and the private component and they have to manage them

1 separately now, and then if sector separation is allowed to
2 sunset, they would, I guess, then lump them back together, and
3 we need to clarify what we're going to do there. We need to
4 clarify a lot of things, but I would be very reluctant to put an
5 overall sunset that makes the whole program go away.

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

8
9 **MS. GERHART:** I just want to clarify that, the way it is written
10 now, it says that state management ends when sector separation
11 expires, which is currently 2022, and so, if you pass this and
12 then went and did another amendment to extend sector separation
13 or got rid of the sunset on sector separation altogether, that
14 would also automatically extend this state program.

15
16 **DR. CRABTREE:** My point is I don't see why the existence of
17 these state management plans should be linked to whether sector
18 separation expires or not. It seems to me -- Whether you want
19 to have sector separation is one question, but you could
20 reasonably argue that even without sector separation that we
21 would like to get this going.

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

24
25 **MR. BANKS:** Well, I understand where you're going, Roy, and
26 maybe Kevin too, about not wanting to see it end in three years,
27 and I'm not so sure that in three years I want to see it end
28 either, but part of that was just to give it a try, but I guess
29 the EFPs are giving us that opportunity to give this a try, and
30 so maybe, in second thought, maybe we don't need that three-year
31 try, because the EFPs are allowing us to give this thing a shot
32 before these state plans.

33
34 **CHAIRMAN GREENE:** Mr. Sanchez. Hold on. Dr. Crabtree, to that
35 point?

36
37 **DR. CRABTREE:** I mean, it seems to me is what sunsets do is it
38 leaves this big cloud of uncertainty hanging over everybody, and
39 that interferes with business decisions in the for-hire sector,
40 and it has interfered with us, in terms of Amendment 41 or
41 Amendment 42, because we just have this big cloud of uncertainty
42 to it, and so I'm just, as a general rule, not a real fan of
43 sunsets, and I agree with Patrick completely that we're trying
44 this now with the EFPs, and so we should, in a year or two, have
45 some notion as to how well this may or may not work.

46
47 **CHAIRMAN GREENE:** Mr. Sanchez.

48

1 **MR. SANCHEZ:** I have a question. Under Preferred Alternative 4,
2 the last sentence that is underlined, it seems like that would
3 give a state unilateral ability to decide which components it's
4 going to include in some kind of state management program, as
5 opposed to what we did here before, where we kind of weighed-in
6 as to which sectors were going to be included or not included or
7 what have you, and I would like some clarification on that.
8 What does that last sentence mean?

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

11
12 **DR. LASSETER:** Great. I will take this opportunity to review
13 the alternatives, and I think then that will fit in. Of course,
14 our Alternative 1 is always our no action alternative.
15 Alternative 2 would apply state management to the private
16 angling component only, and Alternative 3 would apply state
17 management as each state gets its own approved state management
18 program amendment. It would apply it to both the private
19 angling and the federal for-hire.

20
21 The Preferred Alternative 4 is the option. Preferred
22 Alternative 4 would allow each state to decide whether it will
23 manage its private angling only or both components, and so that
24 final sentence, and we discussed this recently, NMFS needs some
25 way to know which components a state will decide to do, and so
26 that's what that final notice is about, is just how the state
27 would indicate to NMFS what it's going to do.

28
29 Yes, Preferred Alternative 4, you could have some states
30 managing private only and other states managing both, compared
31 to Alternative 2 that is private only and Alternative 3 that is
32 both components. I will turn it back to you, Mr. Chairman.

33
34 **CHAIRMAN GREENE:** Dr. Mickle.

35
36 **DR. MICKLE:** It seems like, if we have some states that have
37 both sectors in and some states that only have the private in,
38 we already have that issue with the EFPs, right, and so there
39 was -- The EFPs are private only, but some of the states wanted
40 both, and we had some legal issues on some states wanting them
41 in and some states not wanting them in. Does this alternative -
42 - Is this a viable alternative, from what we've learned from the
43 EFPs, or not?

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

46
47 **DR. CRABTREE:** Well, I don't know that we've had the EFPs long
48 enough to learn. I will say, and I have said this, I think, at

1 every meeting, that doing it with some states managing the for-
2 hire and other states not managing the for-hire creates a whole
3 host of complexities that I don't think we have worked out, and
4 we will have to figure out how to do that, because, if you have
5 any state that doesn't manage the for-hire fishery, then you're
6 going to have to have a for-hire season for that fishery, and
7 then you're going to have to figure out how do you do that, and
8 then, on top of that, you will have to figure out what happens
9 if sector separation then expires, because then you don't have a
10 separate for-hire season, but, if some states are managing the
11 for-hire and some aren't, how do you do that?

12
13 My advice to you, and my preference, would be that on all of
14 these state amendments that we change the preferred to
15 Alternative 2 and deal with the private guys only, and that's
16 the problem we're trying to solve, and that we, as part of that
17 alternative, get rid of the sunset date for sector separation,
18 so that this is our management plan until we try to change it.

19
20 I don't think I'm going to make that as a motion at this point,
21 but I think we would be better off, and I think this would all
22 move much more quickly and sync up with the EFPs much more
23 cleanly if we changed our preferred to Alternative 2 and
24 extended sector separation, got rid of the sunset on sector
25 separation, and that would be my advice.

26
27 **CHAIRMAN GREENE:** Ms. Guyas.

28
29 **MS. GUYAS:** I was just going to say that it would be really
30 helpful, for the next version of this document, if we could have
31 whatever analysis we need to know whether this Alternative 4 is
32 actually a viable option, because it seems like, yes, we've had
33 the discussion with the EFPs, and there was all these
34 complications there, and I seem to remember, when we talked
35 about this in Amendment 39, we had an option like this, and we
36 ended up having to pull it out, because the determination was
37 that it was a no-go, or something similar, and I'm sure you
38 remember this. I mean, to figure out what we're going to do
39 with this action, we need to know the answer to whether this is
40 real or not.

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

43
44 **MS. LEVY:** From a legal standpoint, a plan amendment is a very
45 different legal mechanism than an EFP. For the EFP, there were
46 much more limitations on what could feasibly be done through
47 exempting folks from regulations. This is a plan amendment.
48 You are deciding how you want to manage the fishery or these

1 components that fish for this particular species, and so there
2 is a lot more leeway legally about what you can do, and so,
3 legally, I don't see a problem with Preferred Alternative 4.

4
5 I agree with Roy that the complications that arise from allowing
6 states to pick and choose, and if you have some that have it and
7 some that don't, from a management perspective, I agree that
8 it's probably going to be very messy, and it's going to take a
9 lot more work to figure out how to make it work, but, legally, I
10 don't see a problem with it.

11
12 **CHAIRMAN GREENE:** Dr. Mickle.

13
14 **DR. MICKLE:** That is some information, and I like the discussion
15 on viability of alternatives. Again, it's hard. This is why we
16 come to council, and I'm going to be selfish in my language
17 here. If Mississippi can do it, we can do Alternative 4. We
18 can build in buffers with our federal for-hire to fish both
19 seasons and meet the legality of not an EFP, but of an
20 amendment, and I really think that Alternative 4 is viable, at
21 least from my state's perspective, and I think the other states
22 can handle it as well. It's just more difficult, but it does
23 get complicated.

24
25 I agree with Roy 100 percent that it gets very, very complicated
26 when the sectors are partitioned out by state, being included or
27 not being included, but, again, it's hard to give up on an
28 alternative when certain states have the capabilities, and very
29 clear capabilities, to do so. Thank you.

30
31 **CHAIRMAN GREENE:** Dr. Lasseter.

32
33 **DR. LASSETER:** I did just want to clarify that -- I think we're
34 kind of talking about slightly different things. Viability,
35 yes. It just increases the complexity, but what I'm hearing Dr.
36 Mickle say also is, if all of the states did want their charter,
37 then we would suggest Alternative 3 and make it more clean. I
38 guess that is the issue with Alternative 4, is just having some
39 states do it and some states not, and it just increases
40 complexity. You wouldn't have that same complexity if everybody
41 was doing the same thing, and there is an alternative for that.

42
43 Then, just to remind you, for Amendment 39, the comparable
44 action at that time -- This was the action that the council was
45 unable to come up with a preferred on, after a couple of
46 meetings. Thank you.

47
48 **CHAIRMAN GREENE:** To that point, Dr. Mickle?

1
2 **DR. MICKLE:** Yes, and just to clarify. What we learned in the
3 EFPs, which is still applicable here, even though the legalities
4 of amendments and EFPs are different, but, when the federal for-
5 hires fish under the EFP, or potentially an amendment, they get
6 a certain amount of poundage, and then, if half the states have
7 them included in the amendment and half don't, then they have
8 the ability to fish the regular forty-five or fifty-day season,
9 like it happens, and so states that have opted to have their
10 federal for-hires in have the ability to fish two seasons, and
11 that creates a lot of uncertainty and potential overfishing,
12 because they are set on quotas that are bound by two different
13 entities, correct, and so a state's ability to control that
14 harvest and still stay under the sector-separated allocation is
15 the trouble, and some states have the ability and some states
16 don't, and I just wanted to clarify, if I did, and I may have
17 made it worse.

18
19 **CHAIRMAN GREENE:** I think you did. I want to make sure that I
20 understand what you said here. What you're saying is that your
21 charter boats can have their season and still fish the
22 recreational season as well, because, through the federal
23 permit, I don't think that's possible.

24
25 **DR. MICKLE:** No, and so there's a federal-permitted sector
26 separation season, and so, if Mississippi has federal for-hire
27 and private in their amendment and it passes, they get
28 allocation. Let's say Mississippi shuts down for the regular
29 sector-separated Gulf-wide season. Then our for-hire -- We have
30 no legal way of stopping our federal for-hire captains from
31 fishing the forty-five or fifty-day regular Gulf-wide federal
32 for-hire season, and so they would be able to fish two full
33 seasons and potentially overfish the sector-separated -- That's
34 not true?

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

37
38 **DR. MICKLE:** Am I confused?

39
40 **DR. LEVY:** Right, and so I think that is something you would
41 have to address in this amendment. Meaning, if you are going to
42 have some states managing the for-hire permit holders and some -
43 - Who are they going to be? Which permit holders are going to
44 be managed under which state, and then what, if any,
45 restrictions are there going to be on their permits?

46
47 Meaning you do have the ability to look at restrictions and
48 things like that through a plan amendment, and so it's not,

1 again, that it's a legal problem, but it's more of just an
2 implementation problem and how you're going to work through who
3 these people are and how you are going to regulate them. Are
4 you going to come up with some scheme where these people are
5 identified as Mississippi federal for-hire permit holders and
6 therefore those permits are going to be identified in some way
7 and they're only going to be allowed to fish during the
8 Mississippi for-hire season? Do you see what I'm saying?

9
10 Then, if you have that, but Alabama isn't managing their for-
11 hire sector, then who are those vessels, and they're allowed to
12 fish in the federal season, and it just gets really complicated
13 when all the states are able to choose different alternatives
14 here, and how are you going to identify who is associated with
15 what state and what their restrictions are?

16
17 **CHAIRMAN GREENE:** I've got a few people on the list. Dr.
18 Crabtree, is it to that point?

19
20 **DR. CRABTREE:** Yes, and that's really the problem, and so you
21 run into just this long list of all these issues that this
22 causes, because -- We just haven't figured out how to do it, and
23 so that is the issue with it. It's not clear to me what the
24 benefit of doing it this way is, but it sure does make it more
25 complicated, and so that's what you would have to go in and --
26 Are you going to create a new permit so you can identify the
27 vessels to the state? What happens if a vessel is in one state
28 and then fishes the season there and then goes to the next-door
29 state and fishes the season there? All these kinds of things as
30 to how do you do that.

31
32 I assume that it means the EEZ -- Once the vessels leave a
33 state, they can go fish anywhere in the EEZ they want to and
34 come back in, and so, if that's where you want to go, but you've
35 just got a whole host of decisions that you're going to have to
36 make to go there.

37
38 I agree that, if you want to have state management, it would be
39 much easier to do Alternative 3, where everybody is going to
40 manage the private and the state vessels, but the having the
41 opt-in and out makes it more complicated. If everyone opts in
42 to manage their for-hire vessels, there wouldn't even be a
43 federal for-hire season, and there wouldn't be any way of
44 knowing if that was going to happen, I think, until a letter one
45 month following the council's vote, and so it's just hard to
46 figure it out.

47
48 **CHAIRMAN GREENE:** Okay. I had Dale and Martha on the list next.

1 Mr. Diaz.

2
3 **MR. DIAZ:** Thank you, Captain Greene. This is a really good
4 discussion, and there is good points on each side, and I think
5 folks are right on each side, but timing is a big deal. I mean,
6 if we're going to go in this direction, we've really got to
7 start moving quickly, and you all remember when we went through
8 regional management, and what to do with charter boats and how
9 to allocate was the two things that really ate up most of our
10 time and basically sunk the document, and so we've got to make
11 progress on both of those.

12
13 I like the idea of state management, and I like the idea of
14 regional management, because states can then work with their
15 constituents to try to do what is best for that fishery, and, to
16 Dr. Crabtree's point about benefits, what charter boats have
17 told me over time, especially in Mississippi, is that the red
18 snapper fishing is usually best in the fall off of our state,
19 and I have had charter boats tell me, and not all, and I know
20 they don't all agree with this, but I have had them tell me that
21 I can sell a trip in June, and there is tourists down, and there
22 is a lot of opportunities, but I need something to sell at
23 another time of year when it's harder to sell a trip.

24
25 State management could do that. They could set their seasons to
26 a time when it would give them something else to sell. Right
27 now, I still would like us to pursue this, but we're coming real
28 close to a time when we're going to have to make some decisions,
29 because 2020 is going to be here before we know it, and we've
30 just got to move these documents, and so we've got to make some
31 progress. Thank you, Captain Greene.

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

34
35 **MS. GUYAS:** On Preferred Alternative 4, that underlined language
36 that Roy just mentioned, that a state would have to write a
37 letter within a month after the council taking a vote, it kind
38 of seems like -- I don't want to put states in a box here,
39 including my own, but it kind of seems like we would need to
40 know which states are going to go each way before this gets
41 approved, because, otherwise, I don't see how we choose
42 Alternative 4.

43
44 If it happens to line up that everybody is choosing not to
45 manage or to manage charter boats, then that seems like it would
46 make things a lot easier on staff for getting the analysis done,
47 or maybe you can even drop that alternative in the end, but
48 maybe it would be helpful to modify that language, and please

1 chime in if you all have ideas about this, where, if states are
2 going to move forward with the amendment, then they would want
3 to at least indicate what they were wanting to do with the
4 components of the fishery when this gets approved, and I don't
5 know.

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

8
9 **MR. BANKS:** Well, my feeling on Preferred Alternative 4 was it
10 would give us the flexibility we wanted, and we had an
11 opportunity to try with charters in or charters out, and the
12 time, I guess, to try it maybe is not in this document. The
13 time to have tried it was in the EFP, and I've got to disagree
14 with Dale a little bit on the value of the discussion. We had
15 all of this discussion, if you guys recall, about the EFP.

16
17 We talked about the complexities, and we gave options as to how
18 the complexities could be addressed, and Mara talked about legal
19 issues, but it was a practical issue that Roy was concerned
20 about for managing with some states having it in and some states
21 having it out.

22
23 We can address those concerns about who is in and who is out by
24 the landing. Sure, it's going to be legal for those charter
25 guys to fish out there under a double season, but, the minute
26 they come into Louisiana waters, and we have our season closed,
27 they're illegal, and that's how you control it, from a practical
28 standpoint.

29
30 We have had this discussion, and we've talked about these
31 issues, and we hashed them out in the EFP, and we weren't given
32 an opportunity to try charters in or charters out with the
33 flexibility we wanted, and I am disappointed in that, and so, if
34 we are concerned about trying it here, and some folks have them
35 in and out, I would prefer us to go to Alternative 3 as the
36 preferred.

37
38 **I would be willing to make that motion, that we change our**
39 **preferred alternative from Alternative 4 to Alternative 3, such**
40 **that all the states operate the same and all the states manage**
41 **both the charter/for-hire and the private angling.** Maybe I get
42 a second and maybe I don't, but the time to try it, I believe,
43 was in the EFP, and maybe this is not the time to just try some
44 in and some out.

45
46 **CHAIRMAN GREENE:** We have a motion on the board in Action 1 to
47 make Alternative 3 the preferred alternative. Is there a second
48 for this motion?

1
2 **MR. ANSON:** Second for discussion.
3
4 **CHAIRMAN GREENE:** It's seconded for discussion by Mr. Anson. Is
5 there discussion? Dr. Crabtree.
6
7 **DR. CRABTREE:** Are you changing this in all of the state
8 amendments or only in the Louisiana one?
9
10 **DR. LASSETER:** This is the overall.
11
12 **DR. CRABTREE:** This is the overall. Okay. I've got you. Are
13 you leaving the 2022 sunset date still in there, or do you want
14 to deal with that separately?
15
16 **MR. BANKS:** I would rather deal with that separately, but I am
17 prepared to deal with that as well.
18
19 **CHAIRMAN GREENE:** Mr. Anson.
20
21 **MR. ANSON:** I seconded for discussion, and so I wanted to, I
22 guess, reiterate what Alabama's position has been up to this
23 point, in that, conceptually, I think it could work, just as you
24 described it, and Paul stated to go down that way, and I think
25 it could work. The states could manage it, the federal boats,
26 once the allocation decision has been decided, and that carries
27 over into the states, potentially, and that's where I think some
28 of this gets a little muddy, when you talk about that.
29
30 The reason that Alabama has not been too supportive of going
31 down this road is because our federally-permitted charter boat
32 operators have not been supportive of the state managing the
33 fishery, because they felt like there wasn't much security in
34 how the allocation would trickle down to their level within each
35 state, and that hasn't changed, in my mind.
36
37 They still don't feel comfortable in Alabama, and so, when we
38 approached them about participation in the EFP as a trial basis
39 and explained to them how we would operate under the provisions
40 that we thought we could operate under an EFP, we really
41 couldn't offer them much more than the flexibility, as, Dale,
42 you described, to have maybe an alternative season, but -- I
43 seconded the motion, but I probably won't support the motion.
44
45 You know, we are getting close to having to pull the trigger and
46 do something, if we're going to try to get something on the
47 books when the EFPs expire for the 2020 season, and so I just
48 don't know if having this action is going to kind of stir the

1 pot and prevent us from trying to reach that goal.

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

4
5 **MS. GUYAS:** Kevin, I think we're in the same boat. We've had a
6 lot of -- I mean, at least at this point, it's been pretty clear
7 that the charter boats and headboats in Florida that have
8 federal permits are happy with the federal management that they
9 have, and they haven't wanted to be part of our EFP or state
10 management, and so, at least where we are right now, I can't
11 support this motion.

12
13 **CHAIRMAN GREENE:** Dr. Frazer.

14
15 **DR. FRAZER:** I don't know if this is an appropriate time, but I
16 would actually like to make a substitute motion that we make
17 **Alternative 2 the preferred.** The reason that I say that is
18 because the EFPs that we have now are -- That's the model, and
19 that's what we'll learn from. We can always come back down the
20 road, if we need to, and modify this amendment, but we don't
21 have to do it now. If we want to move it, we can move it with
22 things that we know how to do.

23
24 **CHAIRMAN GREENE:** There is a substitute motion in Action 1 to
25 change the preferred to Alternative 2, and it was seconded. Is
26 there discussion? Dr. Crabtree.

27
28 **DR. CRABTREE:** I think Dr. Shipp seconded it. Was that right?
29 Yes? Okay. I am going to support the motion, because I think
30 that we need to move this document, and the issue on the charter
31 boats has bogged us down for years now, and, given that all the
32 states aren't prepared to take them and the complications with
33 Alternative 4, this seems to me to be a move in the right
34 direction.

35
36 I completely agree with Tom that we can come back in at some
37 future date, when some of these issues are resolved and people
38 are more comfortable with the situation, and maybe the view of
39 the charter boats changes, and we could always come in and
40 revisit the issue, but I think, in terms of our ability to move
41 this forward and get something in place in 2020, I think this is
42 important.

43
44 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
45 Dyskow.

46
47 **MR. DYSKOW:** I also support Alternative 2, and this is an
48 instance where sector separation is actually working in our

1 benefit, because we can make a decision to fix the component
2 that is broken and defer a decision on the part that isn't
3 broken to a future date.

4
5 **CHAIRMAN GREENE:** Okay. I saw some hands at this end of the
6 table. Dr. Mickle.

7
8 **DR. MICKLE:** I just want to bring up that there was a lot of
9 discussion, and I think we're still moving to discuss, in the
10 second year of the EFP, to maybe keep working in the federal
11 for-hire, and I see a couple of states shaking their heads.

12
13 Let's say that we figure it out and we work through some of
14 these difficult issues. We'll be down the road on this one, and
15 it's just hard to get a lot of support behind this one, and I'm
16 still -- I am not giving up hope on it yet. I think we can work
17 them into year-two of the EFP and get through this, but I
18 certainly don't want to slow this amendment down by any means,
19 but my charter folks, guys and gals, the federal charter folks,
20 they know they will get more days with our state plan, and our
21 state wants them in.

22
23 **CHAIRMAN GREENE:** Mr. Matens.

24
25 **MR. MATENS:** Well, it's not a surprise to anybody here that --
26 The information that I have is that our charter fleet wants to
27 be managed under the state, and so, as this stands right now, I
28 would speak in favor of the alternative that would include the
29 charter/for-hire in the program, although my personal opinion is
30 -- I know where this is going, and I am all for moving it
31 forward, but my personal preference would remain Alternative 4,
32 but I will stay out of that for right now.

33
34 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
35 Boyd.

36
37 **MR. DOUG BOYD:** I would like to get some clarification.
38 Patrick, your intent originally was to have a sunset basically
39 for a trial period, and we just had a discussion a while ago
40 that we didn't need that, because we had the EFP. Both of these
41 alternatives still have in there that state management will end,
42 and so do we need another set of alternatives that doesn't have
43 state management ending to accomplish what you want?

44
45 **CHAIRMAN GREENE:** Mr. Banks.

46
47 **MR. BANKS:** Well, you're right that that language is in there
48 now, and I agree with you that I think we're having the trial

1 period with the EFP, and I am prepared to work on removing that
2 sunset in this, but I just didn't think that we needed to do it
3 with this same motion, and so I don't know if we need to have
4 some kind of separate action or we just ask to have the language
5 removed, but --

6
7 **MR. BOYD:** Well, I think that's what Roy asked a while ago, was
8 do you want to address that separately, and, procedurally, do we
9 go ahead and vote on one of these alternatives and then come
10 back and modify it, after we've made it the preferred? Is that
11 what -- Okay.

12
13 **CHAIRMAN GREENE:** Okay. Is there further discussion? All
14 right. You have a motion on the floor before you. Is there any
15 opposition to the motion on the floor before you? We have had
16 no opposition all morning, and so I figured I would give it a
17 shot. It's my last meeting, and so I was going to go for it.
18 **By a show of hands, all those in favor of the motion on the**
19 **floor before you, please signify by raising your hand; all those**
20 **opposed, like sign.**

21
22 **EXECUTIVE DIRECTOR GREGORY:** The motion fails six to seven.

23
24 **CHAIRMAN GREENE:** Okay. We have had a request for a recount,
25 and so we will do this again. **All those in favor of the motion**
26 **on the floor before you, please signify by raising your hand.**

27
28 **EXECUTIVE DIRECTOR GREGORY:** Leave you hand up. If you're for
29 this motion, raise your hand. Seven.

30
31 **CHAIRMAN GREENE:** All those opposed, like sign.

32
33 **EXECUTIVE DIRECTOR GREGORY:** Six.

34
35 **CHAIRMAN GREENE:** Dr. Crabtree.

36
37 **DR. CRABTREE:** It pains me, but we had best go find Dr. Mickle
38 and get him in here. We don't want to pass it under --

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

41
42 **DR. MICKLE:** I apologize. I had an emergency phone call. I'm
43 sorry.

44
45 **CHAIRMAN GREENE:** Do you guys just want me to ask Dr. Mickle how
46 he wants to vote, or do you all want to do it all over again?

47
48 **EXECUTIVE DIRECTOR GREGORY:** Do you support this motion or not?

1 Then it's seven to seven, and the motion fails.

2
3 **CHAIRMAN GREENE:** I almost got out of here without voting, as
4 the Chair. I am in support of this motion.

5
6 **EXECUTIVE DIRECTOR GREGORY:** That makes it eight to seven in
7 support of the motion, and it passes.

8
9 **DR. CRABTREE:** I think the next thing we need to talk about is
10 the expiration of the program and sector separation. My
11 preference with this would be that the programs not sunset and
12 that we, as part of these alternatives, remove the sunset on
13 sector separation, because clearly, if we go with Number 2, we
14 have to continue sector separation, in order to manage them
15 differently, and so it seems to me that we would just need to, I
16 guess, take out that last sentence and put a sentence in instead
17 that the sector separation sunset is removed, but I would like
18 to hear other folks' thoughts on that.

19
20 **CHAIRMAN GREENE:** Any discussion? Mr. Sanchez.

21
22 **MR. SANCHEZ:** Yes, I could support that. I mean, obviously, as
23 we've heard other folks say, that seems to be the component of
24 the fishery that seems to be working and staying accountable and
25 staying within their allocation, and so, to remove it -- I think
26 it's had enough of a couple or three-year track record to say
27 let's remove it, and then it would allow for this to be
28 consistent too and go forward, and so, yes, I would support
29 that.

30
31 **MS. BOSARGE:** Dr. Crabtree, did you make a motion, or did you
32 not make a motion?

33
34 **DR. CRABTREE:** I am going to try to make a motion, if I could.
35 **My motion is that the sentence that says the state management**
36 **plan will end when the separate private angling and federal for-**
37 **hire ACLs expire, currently 2022, that that sentence be removed.**
38 **It would be replaced by a sentence that says the sunset**
39 **provision of 2022 in Amendment 45 is removed. I think that**
40 **motion should apply to Alternatives 2, 3, and 4.**

41
42 I am going to ask staff and Mara to advise me -- If I get a
43 second, then I am going to ask them to tell me if this makes
44 sense. I saw Mr. Sanchez second it, and so could you all advise
45 me if this does what I want to do, is not to sunset these state
46 programs, and I want to eliminate the 2022 sunset provision that
47 I think we extended in Amendment 45, and does this do that,
48 Mara?

1
2 **MS. LEVY:** I think, for Alternative 2, you essentially have to
3 do that, right? For Alternative 3, you don't necessarily need
4 to get rid of the sunset in 45, meaning, if they have to manage
5 both and that ended up being the preferred at some future point,
6 they could just combine -- I'm not sure what your intent is.
7
8 **DR. CRABTREE:** All right. **I am going to make one change that**
9 **this apply to Alternatives 2 and 4.** I think, from a practical
10 standpoint, you have to do it that way, and I will leave
11 Alternative 3 -- I am just going to go with this and see if this
12 passes.
13
14 **CHAIRMAN GREENE:** Okay. We have a motion on the floor, and he
15 has worked on it some, and, Mr. Sanchez, you are still okay with
16 the motion? Okay. Is there further discussion? Mr. Banks.
17
18 **MR. BANKS:** I just have some concern that throwing sector
19 separation into this is going to -- I can support removing the
20 sunset on the state management plans, but -- Well, I guess we
21 would have to. I guess you're right. I guess we would have to,
22 if this preferred --
23
24 **DR. CRABTREE:** I think you have to in either this one or
25 Alternative 4, because you can't manage them separately without
26 it.
27
28 **CHAIRMAN GREENE:** Okay. Is there further discussion? Okay. We
29 have a motion on the floor, and is there any further discussion?
30 Ms. Guyas.
31
32 **MS. GUYAS:** I will filibuster for a minute for Phil. I
33 abstained on the last vote, because I could see this train
34 coming, obviously, and so I don't want to necessarily take out
35 some of the flexibility that's in this amendment right now. I
36 can maybe guess where our state is going to end up on some of
37 these things, but I don't want to put ourselves in a box when
38 our commission hasn't said, yes, this is what our plan is going
39 to look like and, yes, this is what we want to do, and so I will
40 probably abstain on this again.
41
42 **CHAIRMAN GREENE:** Dr. Crabtree.
43
44 **DR. CRABTREE:** Just to continue the filibuster until Phil is
45 back -- Here he is. Martha, I don't see that we're giving up
46 any flexibility here. If we go with Alternative 2, which we
47 just chose as the preferred, then it seems to me that we have to
48 do this.

1
2 If you go with Alternative 3, which means everyone gets the
3 charter boats, then you don't have to do it, and this doesn't
4 affect that, but, if you're going to have Alternative 4, where
5 some states can do it and some don't, it seems to me that you
6 have to maintain sector separation, or that won't really work,
7 and so this just seems to me to be inherent in the alternatives
8 that we had, and it just won't work anyway, and I don't know
9 that anyone sitting here really wants to go through all this
10 work and have the whole program vanish in 2022, but I just can't
11 see how it can work if you have the sunset provision, and so I
12 don't think you're giving up any flexibility. Now, you may not
13 end up with the preferred that you want, but, at least at this
14 point, I don't think you're giving up anything.

15
16 **CHAIRMAN GREENE:** Okay. We will go back to the motion. Is
17 there any further discussion? **All those in favor in Action 1,**
18 **Alternative 2 and 4, to remove the following sentence: The state**
19 **management plan will end when the separate private angling and**
20 **federal for-hire ACLs expire (currently 2022). And to add this**
21 **sentence: The sunset provision of 2022 in Amendment 45 is**
22 **removed. All those in favor, please signify by raising your**
23 **hand.**

24
25 **EXECUTIVE DIRECTOR GREGORY:** Nine in favor.

26
27 **CHAIRMAN GREENE:** All those opposed, like sign.

28
29 **EXECUTIVE DIRECTOR GREGORY:** Four. **The motion passed nine to**
30 **four.**

31
32 **CHAIRMAN GREENE:** Okay. Is there further discussion? Okay. I
33 haven't weighed-in on this very much, and, as your Chair, I try
34 not to influence people, but, being that this is my last
35 meeting, I will speak up a little bit on these alternatives.

36
37 Part of the gripe I have with Alternative 4 is, as a federally-
38 permitted vessel, I feel like I don't have a voice in whether I
39 get to be in this or not. It's coming, and it's up to my state
40 whether they choose it or not, and it's their choice, and I have
41 no decision in that, and that is very bothersome to me. I don't
42 think anybody likes being forced into something that maybe they
43 don't want or whatever, and so that's the issue I have with
44 that.

45
46 The other part of it is, if you go with a situation where the
47 charter/for-hire then becomes part of the recreational fishery,
48 what happens to that permit? Are we still federally permitted,

1 because there is no need for it. There is no federal waters,
2 and so then the question runs into, well, what about the ESA
3 biological opinion for sea turtles? How is that going to fit,
4 and that bothers me a lot, because I don't know what we're going
5 to do with this.

6
7 Then we get into limited entry moratorium type stuff and so on
8 and so forth, and so I think there's a lot more to this than
9 what we think, and I think that, if you really want to get
10 something in place for these recreational anglers, if you really
11 want to get it done, this is the way to go. This is my personal
12 opinion, and it's my last meeting and my last opportunity before
13 you to lay this out. I don't know that I'm correct in all my
14 thinking, but that's what has been weighing on me a lot in the
15 last eight-and-a-half years. Dr. Crabtree.

16
17 **DR. CRABTREE:** I agree with you on that, but the permit would
18 still be in place, because remember that it's multispecies.
19 It's all reef fish, and so you would still have to have that,
20 and, also, there is nothing in any of this that would allow a
21 non-federally-permitted vessel to fish charters in federal
22 waters. This doesn't really get rid of -- This doesn't get rid
23 of federal waters. They still would be at nine miles, and I
24 don't think that the state would have the authority to allow a
25 non-federally-permitted charter boat to run charters in state
26 waters. They would have authority to do a lot of other things
27 with those state boats, but we've never really talked about
28 giving them that.

29
30 **CHAIRMAN GREENE:** Well, but keep in mind that a federally-
31 permitted charter boat can't really fish in state waters, and,
32 if state waters extend out to 200 miles, you just shelved 42
33 percent of the access to the fishery. Ms. Levy.

34
35 **MS. LEVY:** I don't think this would extend state waters out to
36 200 miles. What it would be giving the states the ability to do
37 is set the season for the federally-permitted vessels, but -- It
38 also depends in terms of what management measures they select.
39 Some of those management measures in the state plan would
40 require drawing lines and saying what Alabama's jurisdiction is
41 and what Florida's jurisdiction is, if you're going to have
42 area-based things, but it still doesn't -- I still think you
43 would need the federal permit to fish in federal waters as a
44 for-hire, and they would be setting your season and the
45 parameters about that, but it wouldn't allow -- I think Roy is
46 right that it's not going to allow state-permitted vessels to
47 run charters in federal waters for red snapper.

1 **CHAIRMAN GREENE:** I am just trying to show you the -- My intent
2 here is to show you that this is going to be very complicated
3 with the federal for-hire boats in this, and so I think you did
4 the right thing, and that's just my opinion. I am just kind of
5 laying it out there, but, with that, I will hand it back over,
6 unless there is any further comments, I will hand it back over
7 to Dr. Lasseter and move forward. Dr. Lasseter.

8
9 **DR. LASSETER:** Thank you, Mr. Chairman. Moving on to Action 2,
10 it begins on page 16 in the document, and this is the action
11 that would apportion the recreational quota amongst the states.
12 The changes that have been made since the last meeting, we did
13 revise all of the time series to remove those ending in 2009,
14 and so now you can see Alternative 2 -- All of those
15 alternatives truncate in 2015.

16
17 You still have three long, mid, and shorter time series, and
18 then your 50/50, your mix between your longest time series and
19 the shortest. That was provided in the previous options for
20 Alternative 2.

21
22 Alternative 3 now has three possible years to exclude. Again,
23 2006 was following the hurricanes, and 2014 and 2015 -- If you
24 were to exclude those, then the alternatives would be consistent
25 with what was selected in sector separation, and so that was the
26 reason those were provided as options to exclude.

27
28 Alternative 4 is your -- Alternative 4 is each state's
29 allocation would be based on the average of its best ten years,
30 and then, of course, for all of these Alternative 2 through 4,
31 it is just assumed included that landings from 2010 are excluded
32 from all time series.

33
34 Then Alternative 5, again from this alternative as well, the
35 options ending in 2009 have been removed, and so you can see now
36 they just end in 2015, and there is a longer one and a shorter
37 time series, and then, again, your mix between the two of them,
38 the 50/50 of each of them, and you would select one option for
39 which time series to use, and then Options 5d to 5f provide your
40 weighting, because, again, this your alternative to mix both
41 biomass, put some weighting for biomass in there, alongside
42 recreational trips.

43
44 I would encourage, if you haven't done so already, to take a
45 look at the text that is on pages 21 and 22 and to read that,
46 because that really discusses some of the issues with using
47 recreational trip data in contrast with the landings data, which
48 is considered in Alternative 2.

1
2 Then the new alternative for this meeting, that you added at the
3 last one, is Alternative 6, which would establish allocations
4 based on those allocations that are being used for this year and
5 next year in the EFPs, and we provided those resulting
6 proportions based on the 2018 quota, and a table has been added
7 on page 23. It's Table 2.2.7, and so that provides those
8 resulting proportions, based on the current quota.

9
10 Then another couple more tables we've added -- We'll just look
11 at Table 2.2.8, and you might want to take a look at these.
12 This would be the one you would use based on your motion that
13 you just passed, that Alternative 2 would be your preferred,
14 where only the private angling component would be managed under
15 state management, and so this compares all of the alternatives
16 except for Alternative 3. We didn't go through and add and
17 exclude each of those three years against all of the Alternative
18 2 options. That would have been quite a cumbersome table.
19 Here, you can see though the comparison of all of the
20 alternatives and the resulting percentages, with the high and
21 the low for each state identified. Then, if we can scroll back
22 up to page 16, where the alternatives are.

23
24 That is an overview of the alternatives. This is the one action
25 that we do not have a preferred on, and so, in order to kind of
26 make further progress -- We did bring you a Chapter 4 now
27 analysis, and we've begun developing the effects analysis, and
28 that is provided in the document, but, to really complete the
29 analyses and to begin the public hearing process, we would
30 definitely want to have some indication of where you may be
31 going on this, and so I will stop there and turn it back over to
32 you, Mr. Chairman.

33
34 **CHAIRMAN GREENE:** I remember, at the last meeting, there was a
35 desire to get rid of some of these alternatives and stuff,
36 because there were so many there, and is that still the intent,
37 moving forward, or where are you at with that right now?

38
39 **DR. LASSETER:** It really helped a lot to remove the time series
40 ending in 2009, and you can see everything fits nicely on the
41 page, and I think it is a nice, reasonable range of alternatives
42 and different approaches. Staff would encourage you to give
43 some serious consideration to using trips. You are evaluating
44 trips in Alternative 5. Alternatives 2 through 4, we're looking
45 at landings, and there are issues with using trips, the way the
46 data is collected differently amongst the states, and so I would
47 encourage you to read those pages 21 and 22 and give serious
48 thought to whether you want to keep using trips alongside

1 biomass instead of considering landings.

2
3 **CHAIRMAN GREENE:** All right. Thank you. Is there discussion?
4 Dr. Shipp.

5
6 **DR. BOB SHIPP:** In order to get the discussion going, I will
7 move that the preferred alternative be Alternative 6. If I get
8 a second, I will give a brief rationale.

9
10 **CHAIRMAN GREENE:** We have a motion to make Alternative 6 the
11 preferred alternative. Is there a second for this motion? It's
12 seconded by Mr. Matens. Dr. Shipp.

13
14 **DR. SHIPP:** We will have had some experience using Number 6, and
15 I hate to keep referring to this, but, when I left the council
16 five years ago, we were still arguing amongst the states. The
17 feds have taken over, and they have assigned a percentage, and
18 everybody is going to think that they could have gotten a little
19 bit more, but I think this is realistic, and we need to move on
20 it.

21
22 **CHAIRMAN GREENE:** Very good point. Is there further discussion?
23 Ms. Guyas.

24
25 **MS. GUYAS:** I made the motion to add this to the document at the
26 last meeting because, as Dr. Shipp said, this is probably -- At
27 least based on what has happened so far, this seems to be
28 realistic, in that this is what we're living under right now.
29 That said, we don't know how this is working yet.

30
31 Our season has been open a week, and most everybody else has
32 only been open for a couple of weeks, and so I feel like, if we
33 choose a preferred alternative today, it really is probably
34 going to be interim. There still needs to be a lot of learning
35 about what happened this year, and certainly conversations
36 across this table and among the states about how to move forward
37 here, but I don't disagree that this is a logical place to
38 start.

39
40 **CHAIRMAN GREENE:** Mr. Banks.

41
42 **MR. BANKS:** Well, I would agree that it is a logical place to
43 start. I think that it seems to be fair, for the most part,
44 except for Alabama and Florida. I feel that Florida, in this
45 alternative, is allowed too much of the fish at the expense of
46 Alabama, and I would like to hear from those of you guys in
47 Alabama about this, because it seems like, to me, that Alabama
48 is taking it on the chin for Florida in this alternative, and

1 that doesn't seem to be fair.

2
3 **CHAIRMAN GREENE:** Well, from Alabama, we want them all, but I
4 will defer to Mr. Anson.

5
6 **MR. ANSON:** All minus one, maybe. Kind of taking on a point
7 that Martha brought up, it's that it might be a little premature
8 for setting this as a preferred. We are running out of time
9 though, as far as administratively how we handle the document
10 and setting preferreds and everything. We do have a short
11 timeline to do that, and so I am not in favor of the motion at
12 this point.

13
14 The states have plans to get together and discuss further the
15 issue of allocation, and so there might be something that comes
16 out of that and such. Come August, we'll be two months farther
17 down the season. For a couple of the states, the season will be
18 over, essentially, at that time, or nearly over, and so we'll
19 have at least a better footing as to how it shook out and how
20 that compares to the number of pounds or the percentage, however
21 you want to perceive it, that we would be discussing for these
22 particular plans, and so I will not be supporting the motion at
23 this time.

24
25 **CHAIRMAN GREENE:** Mr. Banks.

26
27 **MR. BANKS:** My question is timing. Ava, was there any -- At one
28 time, I remember seeing, in the public hearing draft, that
29 August -- I'm sorry. In the action guide that in August we had
30 to have a -- We were hoping to have a public hearing draft, and
31 is that still the timing, in order to get -- If we got
32 preferreds at this meeting, or at the August meeting, such that
33 you all could go out for a public hearing draft after the August
34 meeting, is that the timing we need to get everything
35 implemented for a 2020 season, or do we have a little bit more
36 time?

37
38 When Kevin mentioned that about the state directors getting
39 together in late August, that's going to be after the August
40 meeting, and, as I understand, that is behind when we need to
41 make this allocation decision.

42
43 **DR. LASSETER:** I am going to defer to NMFS staff to answer the -
44 - The issue is in terms of the actual implementation process,
45 and so I will let them speak to that, but, for public hearings,
46 I could see us being able to do them between the October and the
47 January meeting, and that would definitely be reasonable for the
48 council staff issue, but I will defer to NMFS to discuss the

1 timeline of actual amendment implementation.

2

3 **CHAIRMAN GREENE:** Dr. Crabtree.

4

5 **DR. CRABTREE:** Well, if you have a change of heart after the
6 August meeting and you want to add something to the document
7 that's not in it, and you come in at October, then you're not
8 going to have any analysis of it, and so you would have to add
9 it, and then you have to come in at February and have the
10 analysis and choose a preferred.

11

12 Then you're going to have the issue of it wasn't in there when
13 it went out to public hearings and all, and then you're starting
14 to run into those, and so I'm not going to say -- I mean, the
15 key, for me, is we need to vote this thing up no later than the
16 June meeting, and the April meeting would be better, and that is
17 final action.

18

19 We are going to have a heck of a job to write the regulations
20 and the rules to go with this, which you will have to have in
21 front of you, and, the longer all of these decisions linger out
22 there, the harder it is, and so hopefully that's helpful.

23

24 **CHAIRMAN GREENE:** Mr. Anson.

25

26 **MR. ANSON:** I would just underscore what Dr. Crabtree just said,
27 and we've had discussions about the timing in previous meetings,
28 and I had, in my mind, circled that April was kind of the date,
29 in order to give enough time for staff to get through all of the
30 regulations and everything and go through the public notice and
31 all of that.

32

33 **CHAIRMAN GREENE:** Mr. Banks, to that point?

34

35 **MR. BANKS:** Just a question. I think you're right on voting the
36 final document up or down, but, in order to pick a preferred --
37 I recognize that you're not quite ready to pick preferreds,
38 because you want to see the data that comes in, but I think
39 we're at the point where we have to pick some preferreds right
40 now, so that we can get out for public hearing and so we can get
41 that public hearing draft out and have the public meetings and
42 come back such that we can vote on a final by April or June.

43

44 I think that is the timing, and that's why I've been pushing for
45 the last several meetings to let's pick some preferreds and
46 allocation, because the drop-dead date for allocation preferreds
47 is either now or, at the latest, August, such that the public
48 hearing drafts can go out and such that we can, like Roy just

1 talked about, be able to vote up or down a final document in
2 April or June of next year, and that was the timing I was
3 talking about.

4

5 **CHAIRMAN GREENE:** Thank you. Dr. Frazer.

6

7 **DR. FRAZER:** Thanks, Johnny. I guess I don't see the value in
8 waiting, and the reason that I don't see value there is that we
9 need to move forward. One of two things are going to happen,
10 right? Either you're going to -- The EFPs are going to work
11 effectively, and people are going to get what they intended to
12 catch, or they're going to not work at all, and then this blows
13 up anyway. There is no reason, in my mind, that we should wait
14 at this point.

15

16 **CHAIRMAN GREENE:** Lance.

17

18 **MR. LANCE ROBINSON:** I just want to make a point. I guess, out
19 of the EFPs, I think Texas was the only one that maintained a 20
20 percent buffer in our allocation, and so I would have to speak
21 in opposition to this, because, if we're going to go down this
22 road, then we're certainly going to have to consider looking at
23 that buffer again.

24

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

26

27 **DR. CRABTREE:** Well, we can look at that, Lance, but I didn't
28 think that you did maintain the 20 percent buffer in the EFP,
29 but let's talk about that when we break.

30

31 **CHAIRMAN GREENE:** Dr. Mickle.

32

33 **DR. MICKLE:** I am torn, as a scientist and a delegate. I am
34 probably going to support the motion and get it moving, and I
35 understand the issues at hand, and I completely -- We need to
36 put the gas down on this thing, but the only issue I have with
37 Alternative 6, and I have to just say it, is I don't really know
38 how we all came on these allocations, and it hokey added up to a
39 percentage, and that unknown really bothers me.

40

41 I understand all the justifications from 2a to 5f here, and I
42 understand how those numbers came up and were justified. 6
43 bothers me, because it's mathematically impossible that it came
44 out from five blind numbers coming out to add up to 100, and it
45 just bugs me. Thank you.

46

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

48

1 **MR. ANSON:** That's a good point, Paul. There is going to be, I
2 think, some difficulty in trying to provide some rationale for
3 this document. We didn't need it so much in the EFP scenario,
4 but we do here, and I don't think, Dr. Lasseter, that you had an
5 opportunity to answer the question regarding the timing of
6 public hearings relative to April being the drop-dead date, if
7 you will, for going final, and so how many months before, how
8 many meetings before, relative to this meeting, or the April
9 meeting, that you all would need to do the public hearings and
10 everything?

11
12 **DR. LASSETER:** I think what I spoke to is -- I kind of
13 understood from Patrick that, if you guys came back together
14 after your August meeting and selected a preferred in October,
15 we could definitely do public hearings before the January
16 meeting, but I believe Dr. Crabtree pointed out that there has
17 been discussion by the council that, if you change a preferred
18 after public hearings, sometimes some people want to go back out
19 again.

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

22
23 **EXECUTIVE DIRECTOR GREGORY:** I've got a question for Ms. Levy.
24 Since we have public comment at each council meeting, is there a
25 requirement to go back to a series of public hearings, or it
26 simply the basis of the council's preference?

27
28 **MS. LEVY:** From the Magnuson Act standpoint, there is a lot of
29 discretion about what the council wants to do with respect to
30 public hearings, and so you need to hold public hearings. Each
31 council meeting is a public hearing. Whether you go out to more
32 various public hearings or you do webinars -- I mean, you're
33 supposed to let people have the chance to comment in the
34 geographic area affected, but there is a lot of discretion
35 there, and so I don't think it's up to me to dictate how you
36 hold your public hearings.

37
38 Just while I have the mic, I will just say that Table 2.2.7 that
39 has those Alternative 6 percentages has each state's basis for
40 actually how they calculated their amount, and so it is in
41 there, but I do agree that you are going to need to have some
42 discussion, if you go this way, about how that makes the
43 allocation fair and equitable and such, given all the various
44 ways that the states have come at this.

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

47
48 **MS. GUYAS:** I wanted to comment, I guess, on the timeline a

1 little bit. Regardless of what we do today with this preferred
2 alternative, I think it would be -- I guess to public hearings,
3 to Doug's suggestion that I think we maybe don't do in-person
4 public hearings separate from council meetings, I think we
5 really should for this one.

6
7 When we did the state management public hearings, at least in
8 Florida, we had pretty good attendance, and I think it was very
9 eye-opening for people. There were a lot of misconceptions
10 about that document that may or may not have been cleared up,
11 but at least people were really thinking about what this was
12 going to mean for them, and, so, the way we did those hearings
13 too, we had somebody from each state that was there, and then
14 council staff, and doing a tag-team Q&A session, and so I think
15 we should do that when we get there, and I think it probably
16 would be better to wait until fall, I guess between October and
17 January, to do that, so that people can understand what happened
18 this year and use that to help them inform what this might look
19 like, and so, if we do public hearings and some states are still
20 open or just closed and we don't have the data from them, then
21 people aren't really necessarily going to have all the
22 information they need or could use to form judgments about this,
23 and so that's just my thoughts.

24
25 **CHAIRMAN GREENE:** Mr. Boyd.

26
27 **MR. BOYD:** With what Lance said a minute ago about Texas
28 retaining the buffer in there, that concerns me, if we pass this
29 and we're stuck with the 20 percent buffer from now on, and so I
30 would like some clarification about whether the buffer is really
31 in there or not, and Lance says it is, before we vote on this.

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

34
35 **DR. CRABTREE:** Well, I think, in the EFP we issued, it doesn't
36 say anything about the buffer, but we can check it, but that's
37 not really relevant to this. What you're doing here is defining
38 allocations. The buffer you have in place in the FMP is 20
39 percent, and, until we change that, that's the buffer that is
40 going to be applied, and we're going to have to come back and
41 figure out how that relates to all of this, but I just -- When
42 we looked back at what we wrote to Texas, saying here it is, I
43 think there is an amount of fish that went to Texas.

44
45 Now, it may be in your documents and something that you put
46 together from Texas that it talks about the buffer, but that is
47 not binding on any of this right now, and I agree that we're
48 going to have to make some decisions about are we getting rid of

1 the buffer and leaving that up to the states or are we going to
2 still have a buffer and the states have to comply with it and
3 how are we going to do that, and I don't know the answer to that
4 yet. We haven't really gotten into that issue very carefully.
5

6 **CHAIRMAN GREENE:** Mr. Robinson.
7

8 **MR. ROBINSON:** I was just going by, I think at the last meeting,
9 you made the point that four of the five states did not include
10 the buffer in their EFPs.
11

12 **DR. CRABTREE:** I think four of the five states do include
13 buffers, and they are smaller than -- My memory was the Texas
14 EFP didn't make reference to the buffer, what we gave to you,
15 but we're going to have to pull them all out and look at it,
16 because I could be remembering something wrong.
17

18 **CHAIRMAN GREENE:** Mr. Gregory, I had you next. You wanted to
19 clarify a timeline?
20

21 **EXECUTIVE DIRECTOR GREGORY:** Yes, real quick, and I didn't mean
22 to imply that we shouldn't take this to public hearing, but I
23 was thinking, after doing that, if you made a change, it would
24 be the council's discretion that the public hearing at the
25 council meeting would be sufficient and that you wouldn't have
26 to go out to a second round of public hearings throughout the
27 Gulf. That would be your discretion.
28

29 **CHAIRMAN GREENE:** Okay. Is there further discussion? We have a
30 motion on the floor before you, and I don't see any further
31 discussion. **All those in favor of the motion on the floor**
32 **before you, please signify by raising your hand.**
33

34 **EXECUTIVE DIRECTOR GREGORY:** Eleven in favor.
35

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

38 **EXECUTIVE DIRECTOR GREGORY:** Four opposed. **The motion passes**
39 **eleven to four.**
40

41 **CHAIRMAN GREENE:** Okay. With that, I will hand it back over to
42 Dr. Lasseter.
43

44 **DR. LASSETER:** Thank you, Mr. Chairman. That is the last action
45 of the program amendment, and so we will use Louisiana's just to
46 review the actions in each of the individual state amendments.
47 That is located at Tab B, Number 8(b).
48

1 Briefly, all five state amendments are the same. We do have
2 preferred alternatives for the first action, for the three
3 states of Louisiana, Mississippi, and Alabama, and, for Action
4 2, for just Louisiana and Mississippi, and I will touch on that
5 again as we go through these.

6
7 The first action, Action 1, starts on page 6. This action
8 addresses the authority structure for state management. That is
9 whether delegation or the conservation equivalency will be used.
10 Louisiana, Mississippi, and Alabama's current preferred
11 alternative is Alternative 2, which would delegate management to
12 the state, respective state, and these three states also have
13 four options selected as preferred, which are the regulations,
14 the actual what regulations would be delegated, and these
15 included Preferred Option 2a is the bag limit, 2b would allow
16 modification of the prohibition on for-hire captains and crew
17 from retaining a bag limit, and a state just being delegated
18 this does not meet that that state would have to remove or
19 modify that. They would just be delegated the authority to do
20 so.

21
22 Also preferred are Options 2c and 2d. 2c is for establishing a
23 minimum size limit within the range of fourteen to eighteen
24 inches total length, and 2d would allow establishment of a
25 maximum size limit, which would, of course, be optional to use,
26 but, if you did so, it would allow the creation of a slot limit.

27
28 The remaining options are Options 2e, and that would allow
29 modification or implementation of requirements for live-release
30 devices, such as descending devices. 2f is requirements for
31 harvest gear, and 2g is the use of area or depth-specific
32 regulations, and, as we've discussed before and as the document
33 and the discussion goes into, these three involve some
34 additional kind of issues.

35
36 First of all, because these are not shore-based -- It would not
37 require shore-based enforcement, and these, of course, are the
38 actual practice of fishing, or being out on the water, and it
39 would -- They would probably require lines to be demarcating the
40 EEZ off of each state for where these rules could apply, and
41 then, also, for the 2g, in order for us to analyze this, we need
42 some sense of what these area or depth-specific regulations
43 would be, and I'm going to pause there for a moment and see if
44 there were any further comments in regards to these options from
45 NMFS or NOAA GC. If not, I will carry on with the alternatives.

46
47 Alternative 3 would allow the states to use conservation
48 equivalency for the state management programs, and this would

1 involve the process of each state providing a plan to NMFS for
2 review, and then there is options for whether or not there would
3 be a technical review committee as part of this process, as an
4 extra part of the process, but, again, your current preferred
5 alternative for the three states is Preferred Alternative 2, and
6 I will stop there and see if there is any discussion.

7

8 **CHAIRMAN GREENE:** Is there discussion? Mr. Robinson.

9

10 **MR. ROBINSON:** Texas is prepared to provide preferreds. For
11 Action 1, Alternative 2 to be the preferred and Options a, b, c,
12 d, e, and g.

13

14 **CHAIRMAN GREENE:** We have a motion on the board, and I believe
15 it's correct as written, Mr. Robinson.

16

17 **MR. ROBINSON:** Yes, that's correct.

18

19 **CHAIRMAN GREENE:** We have a motion in Action 1 of the Texas
20 amendment to make Alternative 2, Options 2a through 2e and
21 Option 2g as the preferred. Is there a second for this motion?
22 It's seconded by Dr. Stunz. Is there discussion? Dr. Crabtree.

23

24 **DR. CRABTREE:** Most of the things that we have delegated have
25 been things that would be enforced at the dock, the bag limit
26 and -- This is different, because of Option 2g, which is the
27 area, the depth-specific part of it.

28

29 In order to do that, I think you will have to draw lines out
30 into the EEZ, and then exactly how the notice and comment kind
31 of things will work is not clear to me, and whether that will
32 have to be put in place in a federal rule is not clear to me,
33 and then I assume those depth-specific regulations that would be
34 in the EEZ off of Texas would apply to any vessel fishing off of
35 Texas that was a private recreational vessel, and so how
36 fishermen from Louisiana would get notice and comment of all of
37 that I think is something that Mara will have to work out, but
38 area-based things like that are something that are a complexity
39 that we're going to have to ask our General Counsel to figure
40 out exactly how that would work.

41

42 **CHAIRMAN GREENE:** Mr. Robinson.

43

44 **MR. ROBINSON:** I appreciate that, Roy. I think the purpose
45 here, again, is to provide as much flexibility to the states as
46 possible, and we're doing it in Florida under the EFP. I mean,
47 so I think it's doable, the area.

48

1 **CHAIRMAN GREENE:** Ms. Levy.

2
3 **MS. LEVY:** Just a clarification. I mean, the ability of
4 Florida, or any other state, to choose parts of their state
5 waters that they don't allow harvest or possession or landing in
6 is different than saying you have the authority to close or
7 require things in certain areas of the EEZ.

8
9 I think what Florida is doing is setting different state seasons
10 for different parts of their state waters, and, because we're
11 saying you have to be able to land in the state -- The people
12 who are landing there, obviously, if they're fishing in the EEZ,
13 they need to be able to land in Florida in an open area, but
14 Florida is not closing areas in the EEZ to all fishing.

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

17
18 **MS. GUYAS:** We considered having separate Panhandle and
19 Peninsula seasons, and we ended up moving against that and going
20 toward a single season, after the public reacted to that. The
21 way we had talked about that was not drawing a line out into the
22 EEZ, but it was more what Mara just described, but that's not to
23 say that you guys shouldn't be able to do that, or however you
24 would want to split up Texas.

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

27
28 **DR. CRABTREE:** I think an area regulation that was part of the
29 state is open and part of the state is closed, that can be
30 enforced at the dock, because you could say that you can't land
31 in this part of the state. The tricky part becomes if you
32 identify a specific zone in the EEZ and say it's closed and
33 areas around it are open.

34
35 Then we somehow have to figure out how do you do that, and then
36 it seems to me that maybe you could say that zone is only closed
37 to vessels that are going to land in that particular state and
38 get around the adjacent state issue, but I am not sure how that
39 would work. It seems to me, for the Coast Guard to enforce
40 that, it's going to have to be in some kind of federal rule
41 somewhere, and then we would have to figure out how exactly we
42 do that.

43
44 **CHAIRMAN GREENE:** Lieutenant Commander.

45
46 **LT. ZANOWICZ:** Just in general, the state management amendment
47 is very complex for us as an enforcement body. You are
48 basically creating five new sets of regulations throughout the

1 Gulf, with the potential for different bag limits and different
2 size limits for each, and other measures as well, but then, when
3 you start having the states, giving them the ability to delegate
4 different management measures between the states themselves, my
5 concern is that you're getting into a state where it's so
6 complex that you're basically making some of this virtually
7 unenforceable. I think, for us, it would be preferable if each
8 state had the same management measures delegated to them, and
9 that would definitely make it easier for us to enforce.

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

12
13 **MS. GUYAS:** I should have said that for red snapper we ended up
14 not doing the regions, but we have regions for lots of other
15 species, like, for example, bay scallops. There are lines that
16 go out into state waters, where, if you are in the zone and you
17 have scallops onboard, and the area is closed, then you're in
18 trouble. We have at least been able to do this at a state level
19 with other species, and so I think what you are proposing here.

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

22
23 **MS. LEVY:** I just want to say that the same issue with lines
24 applies to both 2e and 2g, meaning, if you're going to have a
25 requirement that requires people to do certain things on the
26 water in a certain area, and so, if you're in Texas's area, you
27 have got to have a live-release device, that's going to require
28 defining what Texas's jurisdiction is in the EEZ, and so that's
29 why those 2e, 2f, and 2g -- If you selected those, if anyone
30 selected those, as preferreds, it's going to require the council
31 or those lines showing whose area is where.

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

34
35 **DR. CRABTREE:** If the requirement was just that the vessel had
36 to have one onboard, I think that you could do and it wouldn't
37 be a problem, because you're just requiring -- I think the
38 states could probably do it without all of this and just say a
39 vessel landing X has to have a descending device onboard, and so
40 I have never really understood why we need that to be in here
41 either.

42
43 **CHAIRMAN GREENE:** Okay. Is there further discussion? Dr.
44 Lasseter.

45
46 **DR. LASSETER:** I would just like to point out also, on page 9,
47 when it talks about delegation as a preferred alternative, it
48 does discuss, in that second paragraph, just under Preferred

1 Alternative 2, without the options, that a state could also
2 establish regional seasons, such as separate fishing seasons,
3 and we use the example in the document for the Florida Panhandle
4 and west Florida, and that, again, is because it would be
5 landings based, and that's why that could be done, and so I just
6 wanted to highlight that for everybody. Thank you, Mr.
7 Chairman.

8
9 **CHAIRMAN GREENE:** Okay. Is there further discussion? We have a
10 motion on the board, and we will go back to that motion. It is,
11 in Action 1 of the Texas Amendment, make Alternative 2, Options
12 2a through 2e and Option 2g the preferred. **All those in favor**
13 **of the motion on the floor before you, please signify by raising**
14 **your hand.**

15
16 **EXECUTIVE DIRECTOR GREGORY:** Fourteen.

17
18 **CHAIRMAN GREENE:** All those opposed, like sign.

19
20 **EXECUTIVE DIRECTOR GREGORY:** No opposition. **The motion passes**
21 **fourteen to zero.**

22
23 **CHAIRMAN GREENE:** Okay. Dr. Lasseter.

24
25 **DR. LASSETER:** Thank you, Mr. Chairman. If there is no more on
26 Action 1, we will move to Action 2, which begins on page 13. We
27 have modified this action, and we've actually even renamed it.
28 At the last meeting, you added a carryover, an underage
29 adjustment, to this, and so, previously, this action was a post-
30 season accountability action, and it was a payback, essentially,
31 the overage adjustment.

32
33 You modified the language to be either an overage or an
34 underage, and so, we have reconceptualized it as a post-season
35 quota adjustment. I will go through the states. We have a
36 preferred selected for the Louisiana and the Mississippi
37 documents. The remaining three states have not selected a
38 preferred at this time.

39
40 For Louisiana and Mississippi, Alternative 2 is the preferred,
41 which would apply an adjustment to the ACL in the event of an
42 overage or underage in a given fishing year and apply that
43 amount to the following year's ACL for that state. If they are
44 under, increase the ACL by the amount they were under, and, if
45 they were over, decrease the ACL by the amount that they went
46 over.

47
48 Then, also, Preferred Option 2a is selected for both Louisiana

1 and Mississippi. If each respective state has both a private
2 angling and federal for-hire ACL, the adjustment overage or
3 underage would be applied only to the component that exceeded or
4 was different from its applicable ACL, the other option being
5 that the adjustment would be applied equally to both components.
6

7 Now, we do understand that the language does say "if", and so,
8 if the preferred alternative remains private angling only in the
9 program amendment, these options would, of course, not apply,
10 and I want to say one more thing about this action, because you
11 did review yesterday, during the Sustainable Fisheries
12 Committee, the carryover, the generic carryover, amendment.
13

14 In the action guide, you are scheduled for getting a public
15 hearing draft in August and final action in October. Should
16 that timeline remain in place, that would be in place before you
17 really get done with this, and so that would not be an issue.
18

19 If that slows down for some reason, we, of course, will bring
20 this to your attention again, that we may want to definitely
21 bring to your attention that that may not be ready and may not
22 be able to be applied until that amendment is finalized, and so
23 kind of be aware of that, but, right now, the timeline looks to
24 be okay, and so I will pause there and see if there is any
25 discussion.
26

27 **CHAIRMAN GREENE:** Is there discussion? Mr. Anson.
28

29 **MR. ANSON:** It's not specific to the language for this action,
30 but, going back on the discussion that we had previously, on the
31 previous action, talking about the buffers and the 20 percent,
32 in reading the documents, the two documents, I only see a
33 mention of a specific 20 percent buffer when it talks about the
34 default federal regulations, and so I just want to make sure
35 that it's clear, or it might need to be further fleshed out in
36 some of the discussion, that the current 20 percent buffer is
37 going to be retained as the standard buffer that will be applied
38 or used by all the states and there will not be an option, or no
39 ability for the state to adjust the buffer, and is that how it's
40 set up?
41

42 **DR. LASSETER:** We have modified that with all of the states
43 developing their own data collection programs, and especially in
44 the event that they would be more timely, those that would be
45 more timely than MRIP, and that is -- I am hoping that NMFS is
46 going to be able to help me out here in a moment, if I need it.
47

48 It is not necessarily going to be required, is my understanding,

1 especially if your data collection program has been validated
2 against MRIP and you are more timely, and so that's why the
3 language in it has been softened a good bit as far as that
4 requirement. It talks about if applicable and if required, yes.

5
6 **CHAIRMAN GREENE:** Ms. Levy.

7
8 **MS. LEVY:** I will go back and look at the documents more
9 closely, but, from what I can tell, the actions that set up the
10 authority structure in here and as well as talk about what is
11 delegated, in terms of the components and stuff, all refer to
12 the ACLs being delegated, and so, in the authority structure
13 here, it's that you have to do the harvest to the sector's ACL,
14 and so there is no indication of necessarily managing to an ACT
15 for the states, and the place that it's mentioned seems to be
16 here, mostly, in the accountability or overage/underage
17 provisions, and maybe it shouldn't necessarily be in here,
18 because I am not sure that you're going to have an ACT, except
19 to the extent that a state decides to put a buffer in for
20 themselves.

21
22 The place that it probably will stay is the default -- Like you
23 said, the default federal regulations, and so, to the extent
24 that some state either doesn't have a plan or the delegation
25 becomes inactive, then we would need to use that for the federal
26 side.

27
28 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
29 Crabtree.

30
31 **DR. CRABTREE:** I am looking at the Louisiana amendment, and it
32 has a sentence that says, if appropriate, the Louisiana
33 recreational ACT or component ACTs will be adjusted to reflect
34 the previously established percent buffer, and I guess I am
35 confused as to exactly what that means.

36
37 **DR. LASSETER:** Yes, that's what we just were discussing, that if
38 it's still going to be used -- My understanding is some of the
39 more timely -- In the case of LA Creel, the ACL is what is being
40 delegated. If the state is comfortable with not managing with
41 an ACT and setting their season, they will be responsible for a
42 payback, but it's not necessarily going to be required, and I
43 believe that's what Mara just touched on.

44
45 **DR. CRABTREE:** So the state decides if it's appropriate for them
46 to have an ACT or not and is that --

47
48 **DR. LASSETER:** I am going to let NMFS staff respond to this,

1 because I was advised to include this little softer language.

2
3 **MS. LEVY:** I think it's been sort of -- We've been adjusting the
4 language of the documents as we've been moving forward, and so I
5 think what I said before is that we'll take a closer look at
6 this sentence and still if it's still reflective of what is in
7 the rest of the document, because I'm not sure that we're even
8 talking about necessarily -- I mean, we're clearly not talking
9 about requiring management to an ACT by the states, and so maybe
10 this sentence doesn't necessarily need to be there anymore, and
11 we need to take a look at that and make sure.

12
13 **CHAIRMAN GREENE:** Okay. Is there further discussion? My
14 understanding is we have one or two states that have chosen a
15 preferred here, and do we need the other states who have not to
16 choose a preferred at this time? Okay. Dr. Lasseter has
17 indicated that is the end of her part of it, and is there
18 anything else before we leave this action item and break for
19 lunch? All right. With that, I will hand it back over to Madam
20 Chair.

21
22 **MS. BOSARGE:** All right. Right on time. We're going to break
23 for lunch, and our lunch is scheduled from 12:30 to 2:00 today,
24 and so I will see you back in here at two o'clock.

25
26 (Whereupon, the meeting recessed for lunch on June 19, 2018.)

27
28 - - -

29
30 June 19, 2018

31
32 TUESDAY AFTERNOON SESSION

33
34 - - -

35
36 The Reef Fish Management Committee of the Gulf of Mexico Fishery
37 Management Council reconvened at the Key West Marriott Beachside
38 Hotel, Key West, Florida, Tuesday afternoon, June 19, 2018, and
39 was called to order by Chairman Johnny Greene.

40
41 **CHAIRMAN GREENE:** We will pick up right where we left off on our
42 agenda, and we are pretty much back on schedule. We will pick
43 up with our next action item, which will be a document for
44 reallocation of red snapper ACL, and this will be Tab B, Number
45 9, and Dr. Freeman.

46
47 **REALLOCATION OF RED SNAPPER ACL**

1 **DR. MATT FREEMAN:** Thank you, Mr. Chair. If staff could scroll
2 down to page 3 of the document, I will be highlighting certain
3 parts of each of the sections of this document. The document is
4 based on a council meeting, back from the January meeting, and
5 the motion was to direct staff to develop a scoping document to
6 evaluate the allocations of red snapper, taking into account
7 previous deliberations in Amendment 28 and any new information
8 and consider a broad range of social, economic, data collection,
9 and management factors.

10
11 The allocations of red snapper currently consist of the
12 commercial and recreational sectors, through Amendment 1, as
13 well as the for-hire and private angling components within the
14 recreational sector, through Amendment 40.

15
16 The council's motion to evaluate these allocations, just as a
17 reminder, is consistent with NOAA's catch share policy, which
18 states a council should periodically review all catch share and
19 non-catch share programs. Following the information that we
20 have in the motion is a review of amendments related to red
21 snapper allocation.

22
23 As I already mentioned, Amendment 1 set the 51 percent
24 commercial and 49 percent recreational allocation, and the
25 recreational and commercial landings of red snapper from the
26 years 1996 through 2017 are displayed in Table 1.1.1.

27
28 Following Amendment 1, Amendment 40 divided the recreational red
29 snapper quota into two component sub-quotas, with the federal
30 for-hire component being allocated 42.3 percent of the
31 recreational quota and the private angling component being
32 allocated the other 57.7 percent. The number of days that are
33 open for red snapper fishing in federal waters for those two
34 components, along with the commercial sector, can be found in
35 Table 1.1.2.

36
37 The division of the recreational red snapper quota was to sunset
38 three calendar years after implementation. However, Amendment
39 45 extended this separate management for an additional five
40 years, through December 31, 2022.

41
42 Amendment 28 revised the allocation set in Amendment 1 by
43 shifting 2.5 percent of the commercial sector's allocation to
44 the recreational sector, and the resulting allocations were
45 applied to the 2016 quotas. In early 2017, Amendment 28 was
46 vacated, and the sector quotas for 2017 were then adjusted
47 consistent with the previous sector allocations of 51 percent
48 commercial and 49 percent recreational.

1
2 Most recently, EFPs were received by NMFS by the five Gulf
3 states, which authorizes those states to allow red snapper
4 caught in federal waters by the private angling component to be
5 landed within certain time periods determined by each state.
6 This is a two-year pilot program for the 2018 and 2019 fishing
7 years.

8
9 Additional allocations of red snapper being considered include
10 Amendment 41 and Amendment 42, which would divide the federal
11 for-hire component ACL among charter vessel operators and
12 headboat operators, as well as Amendment 50, which would divide
13 the recreational red snapper ACL among the five Gulf states.

14
15 Next, we can touch on the MRIP data recalibration found on page
16 7 of the document, and so, in 2015, NMFS began a three-year
17 process, side-by-side testing, of the new fishing effort survey
18 against the current coastal household telephone survey. This
19 three-year testing is because the fishing effort survey will be
20 replacing the CHTS in 2018, and the calibration model will
21 enable NMFS to adjust historic effort estimates to accurately
22 compare them with new estimates from the Fishing Effort Survey.

23
24 Regarding allocation review, which can be found on the next
25 page, page 8, there are two NMFS directives which provide
26 relevant information. The policy directive states an allocation
27 review should consider FMP objectives along with other relevant
28 factors that changed and may be important to the fisheries
29 allocation.

30
31 The procedural directive describes some of those relevant
32 factors mentioned in the policy directive and states that they
33 may include ecological factors, economic factors, social
34 factors, and indicators of performance and change. Potentially
35 relevant to this red snapper reallocation, indicators of
36 performance and change can include catch and landing trends,
37 stock status, species distribution, and information quality. I
38 will note as well that the council also developed its own
39 fishery allocation policy, which can be located in the appendix.

40
41 As mentioned, with the policy directive, an allocation review
42 should consider FMP objectives. The council's FMP objectives
43 can be found on page 9 of the document, and I will note,
44 specifically, in development of Amendment 28, the Reef Fish
45 Committee reviewed these objectives and identified Objectives
46 11, 12, 13, 14, and 16 as most relevant to the reallocation of
47 red snapper.

48

1 These objectives are to maximize net socioeconomic benefits from
2 the reef fish fishery, to increase the stability of the red
3 snapper fishery, in terms of fishing patterns and markets, to
4 avoid, to the extent practicable, the derby-type fishing season,
5 to promote flexibility for the fishermen in their fishing
6 operations, and, lastly, to optimize, to the extent practicable
7 and allowed by law, net benefits from the fishery. During this
8 timeframe, Objective 18 was also added to the FMP, which is to
9 maximize the available days to recreational fishermen.

10
11 Then, from there, as you will see on page 10, one item that
12 staff would request council guidance on is the purpose and need,
13 to ensure that staff properly captures the council's intent with
14 the January motion, and, with the council's help in laying out
15 the purpose and need, this will also assist staff in further
16 development of the document. That was an overview, and I will
17 pause there, if there are any questions or if the committee
18 would like to have some discussion.

19
20 **CHAIRMAN GREENE:** Thank you, Dr. Freeman. Are there questions
21 or comments or discussion? Mr. Boyd.

22
23 **MR. BOYD:** Are you going to continue to go through the document?

24
25 **DR. FREEMAN:** I was planning on giving sort of an overview, and
26 so, if there are specific items that the council would like for
27 me to address, then --

28
29 **MR. BOYD:** I have a question, but I will wait until we go
30 through the document.

31
32 **DR. FREEMAN:** My point was that this was the extent that I had
33 planned on, but, if you have a specific question that you would
34 like for me to answer now, just let me know.

35
36 **MR. BOYD:** Okay. Well, I guess my question is what's the next
37 step? We have a process that is in here, and you said it was in
38 the appendix, that was council approved, and what do we do at
39 this point? Do we pull that up and talk about it, or do we talk
40 about the federal, NMFS, policy for reallocation? Where do we
41 go from here?

42
43 **CHAIRMAN GREENE:** Well, in referring to Tab B, Number 3, staff
44 will give an overview of the scoping document on the
45 reallocation of red snapper based on the FMP objectives. The
46 committee should give guidance to staff on the criteria for
47 triggering an allocation review, purpose and need, and future
48 range of management options. That's what I think that they are

1 kind of asking for. If you have something more specific and you
2 would like to dive into the document, then we can do so, if you
3 would like.

4
5 **MR. BOYD:** Well, I guess I would like to go through the appendix
6 and talk about that then, what the council has as an allocation
7 policy.

8
9 **CHAIRMAN GREENE:** Okay. I hope that we can pick up on some of
10 the conversation of the purpose and need, because --

11
12 **MR. BOYD:** I'm sorry, but I can't hear you.

13
14 **CHAIRMAN GREENE:** I would hope that, in some of the
15 conversation, we can pick up on the purpose and need of the
16 document as well, because that may define some portion of the
17 document down the road and what we're getting at, but, whatever
18 part of it that you have a question about, we will certainly be
19 glad to dive into. Mr. Anson.

20
21 **MR. ANSON:** I was wondering if Mara can provide the committee a
22 short summary of the legal opinion from the court case for the
23 first attempt by the council for reallocation and what the
24 judge's main comments were or basis for not approving or siding
25 with the defendants in the case.

26
27 **CHAIRMAN GREENE:** Ms. Levy.

28
29 **MS. LEVY:** I thought you might ask me that. Well, we've
30 discussed this briefly before, and so the decision essentially
31 rested on National Standard 4 and the requirement that
32 allocation be fair and equitable, and, in this particular case,
33 the judge found that it wasn't fair, because, in the judge's
34 opinion, it set up a system where one sector has to demonstrate
35 that landings were in excess of their quota in order to obtain
36 an increase in the allocation.

37
38 We had the commercial sector managed by the IFQ, and they never
39 went over, and we had the recreational sector that went over,
40 and we didn't directly use that, but, the way that got
41 incorporated into the stock assessment, and we had that increase
42 in the allowable catch and we gave that increase to the
43 recreational sector, and the judge perceived that as setting up
44 a system whereby you had to exceed your quota in order to get a
45 reallocation.

46
47 I think part of that may have just been a failure to adequately
48 explain a way that was very simple and understandable the basis

1 for the allocation, and so there was that issue, and then there
2 was the issue of relying on what that -- What those recreational
3 landings did exclusively to the stock assessment, and so I don't
4 think it precludes you in any way from reevaluating the
5 allocation.

6
7 I mean, I guess my suggestion is to start fresh. We have an
8 allocation that is based on a series of years that are extremely
9 outdated, and so the idea that that allocation is somehow
10 necessarily the most appropriate allocation today, that seems
11 questionable.

12
13 It may be, but there is certainly a need to review that and look
14 at your allocation policy, but I would also suggest looking at
15 the new NMFS guidance on allocations and the things to consider
16 that came out after that policy and look at the factors and
17 evaluate what is happening in the fishery now with respect to
18 your goals and objectives and actually take a fresh look at the
19 allocation from both sides and decide which one best meets those
20 goals and objectives and is fair and equitable and all those
21 other things.

22
23 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
24 Crabtree.

25
26 **DR. CRABTREE:** Just two things. The problem I see, and not that
27 I would second-guess a judge, but the problem I see with the
28 decision is that she says that the defendants created a system
29 in which one sector must demonstrate an increase in landings in
30 excess of the quota in order to obtain an increase in their
31 allocation, and I think what the judge didn't grasp is that,
32 when you make a change to a statistical survey, the landings
33 could go up or they could go down.

34
35 In this case, had the recreational catch estimates been revised
36 downward, that would indicate a reallocation towards the
37 commercial sector would have been appropriate, and so it could
38 have gone either way, depending on the directionality of the
39 change in the survey, but one thing that the judge did say in
40 the opinion is, and I am reading from it, is that, given the
41 revised MRIP methodology employed by the defendants, it is
42 reasonable for the defendants to pursue a new allocation for the
43 red snapper stock. It is also reasonable for the defendants to
44 reexamine past sector landings and reallocate based on their
45 findings, and so it does seem to me that one way to approach
46 this would be to redefine the baseline timeframe that you're
47 going to use, because the allocation -- I guess the intent of it
48 is to allocate based on the perceived balance in the fishery in

1 the past, and so, in Amendment 1, that was 1979 to 1986, and we
2 were going to make that the baseline, something like that, or
3 1987.

4
5 The trouble with that is that's a long time back, and two of the
6 years, 1979 and 1980, are no longer supported by the MRIP
7 program, and so, when MRIP does things, they only go back to
8 1981, but it seems that you could choose some other time period
9 that maybe is somewhat more recent and say, okay, that was the
10 mix of the fishery and that is how we're going to base the
11 allocation, and then you would look at it based on the
12 recalibrated landings and do that, and it seems like that might
13 be an acceptable way to do it.

14
15 The trick would be, of course, deciding which period of years
16 would be reasonable to use, but I think every allocation we have
17 is based on some timeframe and the mix in the fishery at that
18 period.

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

21
22 **MR. ANSON:** Thinking of the judgment, or the decision by the
23 judge, and not only dealing with allocation in this particular
24 fishery at this particular point in time, but in other
25 fisheries, potentially, later down the road, you get back to
26 that issue of IFQs, and you have fixed pounds and fixed quotas,
27 and so I guess I am thinking of is there other rationale or
28 other things that we should be looking at or be prepared to be
29 looking at, because, ten years from now, we're ten years down
30 the road from that period of time that we had to use for this
31 allocation, and eventually it's twenty years later from that,
32 and you will get to a point where you are so far removed that
33 you're in IFQs, if IFQs remain in the commercial fishery, as the
34 only way of management for that sector, and then you're going to
35 have that issue.

36
37 I mean, is it something maybe that it's population and growth
38 along the coast, or is there something else that we need to
39 include in this besides just landings?

40
41 **DR. CRABTREE:** Well, there are a whole host of things in the
42 Guidelines, but you could certainly make the case that you want
43 to allocate on something other than the past. You could look at
44 net benefits to the nation, which we have sort of tried to do
45 that, and there is the part of the statute that says the costs
46 and the benefits of rebuilding have to be fairly and equitably
47 distributed among the sectors, and so is that occurring?

48

1 I am sure that Mara could go through the rest of the Guidelines
2 and all the things, but I think there are a whole host of things
3 that you could look at, but it's just our standard practice has
4 been to use some period of years.

5
6 For a lot of other species -- I think you're right that we're
7 going to have to address this in light of the changes to the
8 recreational catch estimates, but, for a number of species, the
9 allocation is based on more recent timeframes, and so you could
10 just recalibrate the landings and say, okay, we're going to
11 stick with that time period and re-estimate it.

12
13 That's what we did with Amendment 40, the sector separation. We
14 chose a more recent period, and so, in theory, you could just
15 recalculate that based on the calibrated landings, but I think
16 you could get away from time series and the past entirely, but
17 then it becomes a more difficult exercise, maybe, to figure out
18 what it should be.

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

21
22 **MR. DYSKOW:** Thank you. I need some help here. We have this
23 Gulf of Mexico Fishery Management Council allocation policy, and
24 then NMFS, together with I guess the CCC, has identified their
25 own allocation policy, which is mentioned earlier in this
26 document, and why wouldn't we simply just adopt those revisions
27 as our policy? Why do we have a different policy? I am asking
28 the question because I don't know.

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

31
32 **EXECUTIVE DIRECTOR GREGORY:** I am willing to be corrected, but
33 the council developed this policy years before National Marine
34 Fisheries Service developed a policy, which they did at
35 basically our request when we were on the CCC, I think in 2014,
36 or maybe 2013.

37
38 **MR. DYSKOW:** Just for clarification, my question was -- I
39 suspected that was the case, and why wouldn't we adopt these
40 later revisions as our policy? Is there something unique that
41 the Gulf Council is looking for that would prevent us from just
42 simply adopting what NMFS and the CCC have already developed as
43 an allocation policy? Does that not work for us?

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

46
47 **DR. CRABTREE:** Well, I think you could do that, Phil, if the
48 council feels like the NMFS policy that was updated reflects

1 their values more appropriately than the council allocation
2 process, or I think you could merge them and come up with some
3 hybrid of the two, and so I think you could do that.

4

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

6

7 **MS. GUYAS:** I was just going to say the same thing. It seems
8 like it probably would be reasonable to look at all these
9 different policies that are out there, one of which is our own,
10 but it's pretty dated, and try to figure out what is the path
11 that the council really wants to go here, with this fishery and
12 with others.

13

14 I definitely hear the idea about, once we have this new MRIP
15 calibration information -- I mean, I think, if we can, it may
16 make a lot of sense to, at least for species where we haven't
17 looked at allocations for a while and we need to adjust them
18 because of that, we just do it, no matter how it falls, based on
19 the data that we get, but that's a whole separate issue, but I
20 think it does seem reasonable to at least look at the different
21 policies and maybe choose which one fits best in this situation
22 for the council, or works best, and adopt it as our new one.

23

24 **CHAIRMAN GREENE:** Ms. Levy.

25

26 **MS. LEVY:** I don't see any problem with you doing that. I will
27 note there is a lot of overlap, meaning the council's policy is
28 very heavily based on the statutory requirements and the
29 Guidelines and such, as well as NFMS' new policy, and so I think
30 we can look at them, but I suspect that they are going to be
31 fairly similar on the broad level.

32

33 I think NMFS' policy, when it talks about factors to consider
34 when reviewing and making allocation decisions, goes into a lot
35 more detail about the factors and what is included in those
36 factors, and the council's policy is more broad, and it doesn't
37 have as much detail, but I think probably, on the overall basis,
38 they are probably pretty similar.

39

40 **CHAIRMAN GREENE:** Mr. Boyd.

41

42 **MR. BOYD:** I agree with this discussion. It seems to me like,
43 if we adopted the NMFS policy, we would be in a much better
44 position to defend ourselves, if we had to, rather than a policy
45 that we developed as a council years ago.

46

47 **CHAIRMAN GREENE:** Is there further discussion? Mr. Boyd.

48

1 **MR. BOYD:** I will make a motion then. I move that the council
2 adopt the allocation policy created by National Marine Fisheries
3 Service and I guess approved or concurred with by the CCC and to
4 direct staff to develop criteria for a review by the council for
5 triggering allocation review and specific factors to examine
6 when reevaluating allocations.

7
8 **CHAIRMAN GREENE:** Okay. They're trying to get it up on the
9 board, and so please make sure that the motion going up is what
10 you wish for it to be.

11
12 **MR. DYSKOW:** It may make sense to include in that motion the
13 directive numbers, which is 01-119-01 and 02, and that's really
14 what we're talking about, I believe. While I still have my mic
15 on, I would second that motion, and hopefully we can have some
16 discussion of people smarter than me that can perhaps give us
17 some additional input.

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

20
21 **MR. DIAZ:** What makes me uncomfortable this motion is I do a lot
22 of reading getting ready for these meetings, and I have not read
23 that CCC document in a long time, and I would like to put some
24 thought into this and know exactly what I'm voting on, and I
25 just haven't reviewed that recently to make a good choice here,
26 and that's the only thing that makes me uncomfortable.

27
28 I am probably going to vote against your motion, because I don't
29 want to vote on something that I haven't read and is not fresh
30 in my mind, and so I don't know that I am against your intent
31 though, Doug, but it's just I can't review something that quick
32 and vote on that now, and so thank you.

33
34 **CHAIRMAN GREENE:** Mr. Sanchez.

35
36 **MR. SANCHEZ:** Thank you. Yes, I agree with Dale completely. I
37 was just thinking, before Dale spoke up, that even though there
38 might be some areas that are duplicative with the councils, I
39 would like to stack them side-by-side and see and just know what
40 we're getting ready to vote on before we vote, and I think we
41 should have learned by now that you've got vote on it and then
42 see what you've got, but let's look at it first.

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

45
46 **MR. DYSKOW:** Doug, maybe what we could do is come up with a
47 substitute motion which would direct staff to provide an
48 evaluation of the existing policy versus the policy as stated in

1 01-119-01 and 02, just to see how they do compare, and have that
2 vote after we have had that adequate comparison, because I am
3 not in disagreement with what we have just heard, and so, from
4 my standpoint, a substitute motion might be to direct staff to
5 create that side-by-side comparison, so that we can evaluate
6 whether these new guidelines would be appropriate to replace our
7 older, longer-standing guidelines.

8
9 **MR. BOYD:** We could either modify the motion or do that, either
10 one.

11
12 **CHAIRMAN GREENE:** I think it would be a little cleaner if we
13 just go ahead and make the substitute motion, and, if it fails,
14 then we'll go back to the other one and just be done with it,
15 unless somebody has a strong feeling otherwise.

16
17 **EXECUTIVE DIRECTOR GREGORY:** Could you repeat your substitute
18 motion?

19
20 **MR. DYSKOW:** The substitute motion would be to direct staff to
21 provide an evaluation of the long-standing existing Gulf Council
22 allocation policy versus the NMFS procedural directive in 01-
23 119-01 and 02, so that we can see if we are taking steps to
24 create a better policy or one that would give us just as much
25 heartburn as the existing one. You will have to clean that up,
26 and I'm sorry. We want a side-by-side comparison of the two, to
27 see if we have an opportunity for improvement or not.

28
29 **CHAIRMAN GREENE:** I am going to give them just a second and let
30 staff catch up and make sure that we get everything correct, so
31 we know what we're working with here.

32
33 **MS. BOSARGE:** Mr. Dyskow, would you like just a period after
34 that last number, that 01-119-02? They will bring the
35 evaluation, and then we will --

36
37 **MR. DYSKOW:** Yes, and I was just thinking the same thing. We
38 don't want to drive the conclusion. We want an evaluation, and,
39 after we review that information, we can perhaps come to a
40 conclusion.

41
42 **CHAIRMAN GREENE:** Okay, and so we have the substitute motion to
43 direct staff to provide a side-by-side evaluation of the
44 existing Gulf Council Allocation Policy versus National Marine
45 Fisheries Service Procedural Directive 01-119-01 and 01-119-02.
46 Mr. Dyskow, that is your motion?

47
48 **MR. DYSKOW:** Yes, it is. Thank you.

1
2 **CHAIRMAN GREENE:** Okay. Is there a second for this motion?
3 It's seconded by Mr. Diaz. Is there further discussion? Ms.
4 Levy.
5
6 **MS. LEVY:** Well, just to note that there is a policy directive
7 01-119 that NMFS put out in February of 2017, and it is
8 basically a document that explains how these two documents here
9 work with each other and complement each other, and it talks
10 about the councils establishing triggers for allocation review
11 within three years from finalization of this policy, and I think
12 the council is supposed to sort of get help and guidance with
13 that from NMFS and the Science Center, and so I think maybe, as
14 part of this, we could also look at the broader responsibility
15 under this policy directive, but I just wanted to point it out,
16 that it kind of goes along with looking at the triggers and
17 things like that.
18
19 **CHAIRMAN GREENE:** Okay. Counsel has made a recommendation to
20 have a little more overarching -- I certainly don't want to read
21 anything into it, unless you guys are comfortable with it, or if
22 you want to allow them to just look at the whole process of 01-
23 119 and then 01 and 02 as well, but it's your decision and
24 whatever you would like to do. Ms. Bosarge.
25
26 **MS. BOSARGE:** Mara, do we need to say, rather than the actual
27 numbers, do we just need to say the NMFS allocation policy, are
28 we good with those numbers where they are?
29
30 **MS. LEVY:** You can leave them in there. I mean, I think one of
31 the things in the 119-01 is the CCC document, and so it's the
32 CCC -- It was the document developed by the councils, and so we
33 can look at that and compare it to what the Gulf-specific policy
34 was, and then we can also look at the NMFS fishery allocation
35 factors document, and we can also look at this allocation review
36 policy. We can just kind of put them all together and kind of
37 compare them to what you have in your allocation policy, where
38 they overlap and where they may have differences.
39
40 **CHAIRMAN GREENE:** Okay. I think that sounds reasonable. Mr.
41 Dyskow.
42
43 **MR. DYSKOW:** Are you saying that we should add an additional
44 point of comparison, which would be the NMFS review policy?
45 Could that simply be added to this substitute motion?
46
47 **MS. LEVY:** It can, or we can just -- I mean, this NMFS review
48 policy goes to those two that you have mentioned, and so I think

1 they go together whether you add it or not.

2

3 **MR. DYSKOW:** Okay.

4

5 **CHAIRMAN GREENE:** Okay. All right. I think the intent is
6 pretty clear of what we're trying to do here, and we've had
7 conversation. Is there any further conversation? **Is there any**
8 **opposition to the substitute motion on the floor before you?**
9 **Seeing no opposition, the motion carries.** Is there further
10 discussion? Mr. Sanchez.

11

12 **MR. SANCHEZ:** I am just curious. Roughly how long would it take
13 to do this analysis and have it in a presentable form for us?

14

15 **CHAIRMAN GREENE:** Dr. Simmons.

16

17 **DR. SIMMONS:** I think it depends on how much of a priority you
18 would like this to be. If I may also kind of add on to what Ms.
19 Levy was saying, my understanding of this trigger policy by NMFS
20 is that we need to, as a council, look at this and kind of
21 establish a framework that looks at these triggers for all
22 species that have sector allocations, and we kind of set that up
23 as a framework, and so we need to do that for more than just red
24 snapper, and they have asked us to do that by next year. That
25 is something that we also need to work on and not just for red
26 snapper, and so it depends on how much of a priority the council
27 would like to make this.

28

29 **CHAIRMAN GREENE:** Okay. Is there discussion? Okay. Seeing no
30 further discussion, is there any other parts of this document
31 that you would like to look into, as Dr. Freeman indicated? We
32 are welcome to do whatever you would like, and I certainly don't
33 want to rush anybody. Ms. Guyas.

34

35 **MS. GUYAS:** One of the things on our list, in this little white
36 paper here, is that we would need to be reviewing the FMP
37 objectives, and there is a list of them in here, and I know we
38 looked at them like five years ago, or I remember there was a
39 meeting in Tampa, at an airport, where we had them all up there,
40 but I am looking at them again now, and it seems like -- I don't
41 know, and maybe I am just missing the history of some of these
42 when they were put in place, but some of them seem very specific
43 and really are probably like an objective for a specific
44 amendment rather than the Reef Fish FMP as a whole.

45

46 They're on page 7, in a table, and so I don't know if it's a
47 discussion we want to have right now, because I imagine it could
48 take a very long time to week through these and decide whether

1 we feel like we need to revise them or add to them or whatever,
2 but, if this is something that we need to do, it's something
3 that we need to probably all start thinking about individually,
4 and so I just wanted to throw that out there.

5
6 Some of them are pretty redundant. Some of them are very
7 specific, like there is one about establishing a fishery
8 reporting system for monitoring the reef fish fishery,
9 rebuilding stocks, and I think that's probably okay, but some of
10 these are maybe a little dated, is my point.

11
12 **CHAIRMAN GREENE:** Thank you. Does anybody else wish to weigh-
13 in? Ms. Bosarge.

14
15 **MS. BOSARGE:** Do you want some feedback on the purpose and need?

16
17 **DR. FREEMAN:** That was the original intent. I guess that would
18 still be helpful, and we would still move forward with that as
19 the council considers, in their last motion, the comparison,
20 because, obviously, if the council is considering the allocation
21 policy, that would potentially influence how we move forward
22 after establishing a purpose and need, but, still, if the
23 council would like to focus on the purpose and need right now,
24 that would still be useful for us.

25
26 **CHAIRMAN GREENE:** Mr. Anson.

27
28 **MR. ANSON:** We didn't have any discussion on it. Dr. Simmons
29 had asked what priority we should give this, and so, to some
30 degree, that is up to the Council Chair and the Executive
31 Director, to kind of look at staff resources and time, but, if
32 we have the ability to comment on it now, and I know we're going
33 to have some change in both the Executive Director and the Chair
34 position here very soon, but, to the extent that we can move it
35 along as quickly as possible, the motion that was just passed,
36 and I don't think it requires a lot of time, but I don't know
37 what else --

38
39 I haven't seen the list of priorities and what specifically is
40 on the list of items and the priority that each item is given
41 and where this would fall into that, but I am wondering if, as
42 we go through this exercise, as Dr. Simmons mentioned, that the
43 agency is requesting the councils to come back and kind of
44 develop a process for evaluating all of the fisheries that have
45 sector allocations, and that we kind of keep that in mind, and
46 maybe we can run them side-by-side, if you will, to some degree,
47 and kind of be thinking of them as we're looking at meetings and
48 maybe answering the questions that would apply to both

1 documents, because I see it requiring two documents to get
2 through, the red snapper as well as the other, and so that's
3 just my comments.

4
5 In light of resources and such, and particularly since it
6 doesn't appear to be much work for the next meeting, or two
7 meetings, to get the information in and have something back for
8 the council to really start looking at and thinking about, that
9 would be my recommendation.

10
11 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
12 discussion? Mr. Riechers.

13
14 **MR. RIECHERS:** I want to follow-up with a question. When you
15 said next year, is it an end of 2019 deadline, or what kind of
16 deadline is it, Carrie?

17
18 **DR. SIMMONS:** The way it was discussed at the CCC meeting, I
19 believe it was 2019, August, that we need to have this type of
20 framework set up, as to how the council would look at what would
21 trigger an allocation and review for the stocks that have sector
22 allocations, and so kind of an internal framework for how often
23 -- Would it be time, or would it be public comment?

24
25 It would be looking at those triggers and deciding what our
26 framework would be for exploring allocation, and so that -- My
27 understanding is that can be as long or as short as the council
28 would like, regarding that trigger policy that was put forward,
29 and that would be like our internal document. That was
30 requested by I believe August of next year, but I was told that
31 timeline was flexible.

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

34
35 **MR. RIECHERS:** Most timelines that aren't in statute somewhat
36 are, and even some of those that are in statute seem to be
37 somewhat flexible, and so, basically, if we're trying to meet
38 that timeline, we've got five meetings after this one to meet
39 it.

40
41 I am kind of like Kevin. What I envision here is a fairly -- I
42 don't know exactly what Phil and Doug had envisioned, but a
43 fairly straightforward side-by-side comparison of this document
44 says these sorts of things about catch and allocation, or here
45 is the methods you can use, or whatever it may be, but a
46 relatively quick comparison, because they're all pretty high-
47 level documents.

48

1 It's not like we're down in the weeds on any three of these
2 documents, and so I think those comparisons hopefully can come
3 forward fairly quickly, and I'm like Kevin, and I don't envision
4 it being too laborious, but, like him, I will say I don't know
5 what else is on other people's plates, and so hopefully we get
6 it as soon as we can.

7

8 **CHAIRMAN GREENE:** Mr. Anson.

9

10 **MR. ANSON:** To that, if it's at all possible, staff can maybe --
11 I think other councils are already reviewing allocations on a
12 somewhat regular basis and have some sort of a policy that
13 they're following, whether it's their own or NMFS policy, and if
14 maybe they can provide a synopsis. It doesn't need to be every
15 fishery, but just a subsample of that, so that we can get a
16 flavor as to what other councils are thinking, maybe, too, to
17 add to that to the discussion. Thank you.

18

19 **CHAIRMAN GREENE:** Okay. Is there further discussion? Okay.
20 Last call for discussion. Okay. We will move on, unless there
21 is anything else that you want to bring before the committee
22 before we leave the reallocation of red snapper. All right.

23

24 I am not seeing any, and so we will move on to our next action
25 item on the agenda, which is Progress Report on Reef Fish
26 Amendment 48/Red Drum 5, Status Determination Criteria and
27 Optimum Yield, and I guess that would be Dr. Barbieri or the SSC
28 representative, and that would be Tab B, Number 12, and
29 additional staff comments by Mr. Atran.

30

31 **PROGRESS REPORT ON REEF FISH AMENDMENT 48/RED DRUM 5 - STATUS**
32 **DETERMINATION CRITERIA AND OPTIMUM YIELD**
33 **SSC COMMENTS**

34

35 **DR. BARBIERI:** Thank you, Mr. Chairman. In general, the SSC
36 started this discussion at this last meeting, and I think Mr.
37 Atran actually came to the meeting with a fairly well-developed
38 draft document, with the idea of getting more specific input
39 from the SSC.

40

41 However, the discussion really veered towards some philosophical
42 issues about how to align these MSY proxies with either stock
43 assessment recommendations or science-informed values for these
44 SPR proxies for MSY or whether this function is really perhaps
45 exclusively a council function that can and should be done
46 completely independent from SSC input.

47

48 As we usually tend to do in our committee, we tend to get

1 ourselves wrapped around the axle, and we did it again at this
2 last meeting, and we did not really make that much progress.
3 There were, right there, some alternative options that were
4 discussed by the committee, and, basically, the council would
5 have, in this amendment -- You have, basically, explicitly there
6 some language indicating that the proxy would come out of the
7 stock assessment, and, in that way, it would be like an
8 automatic type of process for the council to accept or not, or
9 another option that was discussed was a range of values.

10
11 Every time that you have a stock assessment and you have some
12 education of what that proxy for MSY would be, as indicated by
13 the most recent assessment, you could accept that if it's within
14 that range, and pretty much that's the way we have handled, thus
15 far, the P*, the choice of P*, which represents the risk of
16 overfishing that you would like to assign. The SSC included a
17 range of values in our ABC control rule, and we follow an
18 algorithm to get to a value, and then we present to you yield
19 streams of ABC based on that P* value, and you can either accept
20 that or not if you would like to adopt another P* value.

21
22 I am sure that I am missing some of the points that we
23 discussed, but the bottom line is that, basically, we're going
24 to have to continue this discussion. Mr. Atran might get into
25 some more detail about the IPT discussion of this issue and
26 trying to reconcile then the positions that were presented by
27 legal counsel and SERO and the Science Center in trying to get
28 this resolved, but, unfortunately, the SSC did not provide any
29 specific recommendations at this point.

30
31 We actually had discussed, at our last meeting -- We asked Ms.
32 Levy to help us, at a future meeting -- To come to our meeting
33 and help us discuss best scientific information available and
34 provide us some guidance on specific issues regarding that we
35 accept an assessment as best scientific information available as
36 well as we consider it suitable for management advice. That is
37 one issue that we have been struggling with.

38
39 The other one would be, perhaps, help clarify the roles that
40 these different bodies have in terms of deciding on an MSY
41 proxy, and this discussion has been ongoing with us for several
42 years. We had Shep Grimes come and give presentations to the
43 SSC, and we're still not very clear on where we are, and so we
44 basically decided to punt on this and defer it to staff to work
45 through the IPT and eventually move on to a more detailed
46 discussion, with the help of General Counsel.

47
48 **CHAIRMAN GREENE:** Thank you. Is there further discussion or

1 questions for Dr. Barbieri? Ms. Bosarge.

2
3 **MS. BOSARGE:** Mara, can we pursue looking at an option like
4 that, where the FMP states that the MSY proxy for each stock is
5 the proxy recommended by the SSC, which I am assuming there
6 would be some assessment-type discussions that would go in there
7 and what comes out of the assessment and things like that,
8 rather than something that is explicitly defined by the council?

9
10 **CHAIRMAN GREENE:** Ms. Levy.

11
12 **MS. LEVY:** We have started talking about that between staff and
13 the Science Center and NMFS and my office. I think that there
14 is a distinction between stocks that have assessments, which
15 actually are going to give you an MSY or MSY proxy, and stocks
16 that have no assessment, and I think -- I don't know if there
17 was confusion or not, but, in my opinion, the stocks that have
18 an assessment are not really the big problem, meaning the issue
19 we have to confront is that we have a lot of stocks that don't
20 have formal stock assessments, and we need to establish or
21 specify some MSY or MSY proxy for those stocks, and those can't
22 be we're not going to do it until we get an assessment, because
23 that's what we have now, and that is essentially nothing. Does
24 that make sense?

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

27
28 **DR. CRABTREE:** Just to add to that, even for stocks that we do
29 have assessments on, oftentimes they don't estimate MSY, and
30 they are based on the proxy, red snapper being a good example of
31 that.

32
33 **DR. CASS-CALAY:** From the Science Center perspective, we do have
34 some concerns about this amendment, and, primarily, for stocks,
35 we feel that if an MSY proxy is necessary, and that is most of
36 our stocks assessed and unassessed in the Gulf of Mexico, there
37 should be a scientific determination of a plausible MSY proxy,
38 and it may be that a safe range can be determined that would
39 then become the prerogative of the council to select within that
40 range.

41
42 Our concern is more, if you put an MSY value into an FMP, for
43 example, with new information, can that value be changed as new
44 scientific information becomes available? Also, we are somewhat
45 concerned about setting MSY proxies based on the council's
46 assessment of risk if that risk assessment does not include that
47 it had at least a 50 percent chance of not overfishing and
48 allowing the stock to rebuild to a healthy status.

1
2 There are MSY proxies that one could envision. Basically, if
3 you're going to set an SPR value, that is a percentage of the
4 virgin stock, essentially, and so SPR of 20 is about 20 percent
5 of your virgin biomass. That could be a safe proxy. That could
6 represent a level where you would not be likely to overfish,
7 but, for certain stocks with some productivity, for example, or
8 life history characteristics, that could be a proxy that is
9 already inherently risky, and, without scientific advice, it
10 would not be possible to choose a proxy, and so that's our
11 concern, is how do we make sure that we inject science into this
12 process of selection, and it could be as simple as we need to
13 provide better communication of the level of risk, the science
14 risk, overfishing and overfished status, and maybe that is the
15 point where we would contribute.

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

18
19 **MS. LEVY:** I am going to make a suggestion. I said that we
20 started internal discussions. After the SSC had this
21 conversation and sort of got stalled, we started having internal
22 discussions, and I think that our plan was to continue that,
23 meaning not to bring any sort of decision document back to you
24 at this point, and I can let Carrie and Steven speak to that,
25 but to let agency staff and Science Center staff and my office
26 continue to talk about this document and what we can do to
27 reconcile some of these things and also make it easier for the
28 council to look at it and get the Science Committee's input on
29 it and then you give advice about that range.

30
31 I mean, with respect to legal obligations and science
32 obligations, ultimately, these things like the MSY and MSY proxy
33 need to be specified in the FMP. Clearly that is the council's
34 role to specify that in the FMP. Things like MSY proxies though
35 are very heavily influenced by science, and so there is the SSC
36 and the Science Center's role.

37
38 I think that whatever decision the council makes as to these MSY
39 proxies, they're going to have to be supported by the science.
40 That doesn't mean there aren't a couple of different potential
41 alternatives that you have that could be equally supportable,
42 but I think we need to continue those internal discussions
43 before we start getting into any more detailed discussions here,
44 and that's just my advice.

45
46 **CHAIRMAN GREENE:** Okay. Ms. Bosarge.

47
48 **MS. BOSARGE:** Okay. Well, that sounds good, and I'm glad we're

1 having this discussion, because every time that we go through
2 that SDC document, it is extremely scientific and I feel like
3 that's the piece that we have been missing, is that feedback
4 from the science side of the house, and so I'm glad that they
5 are being looped into these discussions, and I hope they will be
6 a key player in it, because I really think they're the ones that
7 are going to lead us through this and help us to make good
8 decisions, and so thank you, and I look forward to hearing that.

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

11
12 **MR. ANSON:** That's fine, if legal staff want to think about it a
13 little more and get with the SSC and make sure everybody is on
14 the same page, but this discussion -- We seem to have it every
15 time that we talk about assessments and we talk about changing
16 the MSY proxies, and everybody is just kind of pointing at each
17 other, and nobody really knows who is going to do what, or
18 doesn't want to take the responsibility, and I have no idea, but
19 it just seems like you hear one comment that it's the council's
20 prerogative to establish that, but yet it's got to go back to
21 the SSC for approval or for a gut-check, and so, I mean, if we
22 can get to a place that everybody is comfortable, that would be
23 great. That would make this whole process move along a lot
24 quicker.

25
26 I just, in my mind, just based on recent history here, I
27 envision everything we decide on here at the council has pretty
28 much got to go through the SSC, whether it's socioeconomic
29 information or scientific information or management information,
30 but it seems like it's got to go through the SSC, and so, if you
31 all can come to some understanding and it's written down and
32 that's something that everybody is comfortable with, maybe it
33 will make the process for not only this document, or these
34 documents, but other future documents and things that we have to
35 decide on much more efficient and quicker. Thank you.

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

38
39 **DR. CRABTREE:** To me, this isn't that dissimilar from most
40 things that we do. It is a selection the council is going to
41 make in the fishery management plan, because it's a component of
42 the FMP, but, like everything you do, it has to be based upon
43 the best available science, which means you can't just pick a
44 number out of left field that has no scientific support or basis
45 to it, and the SSC are your science advisors, and they need to
46 give you guidance as to what a reasonable range within which you
47 can make a defensible case that that's an appropriate proxy, and
48 then, within that reasonable range, it's your choice to make.

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

3
4 **MS. BOSARGE:** I think one thing that's new that I heard here is
5 that, essentially, we could choose a range, right, and that's
6 kind of what the Science Center was just saying, that maybe we
7 could give a range, and then, that way, there is some
8 flexibility there as these new assessments come through.

9
10 **DR. CRABTREE:** Well, I certainly think, in a discussion of
11 maximum sustainable yield and what it is, it's always going to
12 be a range, because we don't really have good estimates of that,
13 and so, if you choose, for example, a spawning potential proxy
14 or something, you could still have a discussion of the potential
15 range, because of all the uncertainty in the assessments and
16 variations in recruitment and all those types of things, and so
17 it certainly could be a range.

18
19 **CHAIRMAN GREENE:** Dr. Calay.

20
21 **DR. CALAY:** I think that there are a few contributions the
22 Science Center has made that could help inform this discussion
23 as we continue to review these MSY proxies, and the range may
24 need to be restricted at the bottom end by what is biologically
25 plausible, given some of the analyses that we've done, including
26 the global SPR type analysis.

27
28 For example, in the case of red snapper and gray, where we have
29 done that analysis, we wouldn't support any values below, for
30 example, about SPR 24 or 26, that sort of range, and so we would
31 have to -- I am just saying that what you have to avoid is a
32 situation where you choose SPR proxies that have no scientific
33 support.

34
35 **DR. CRABTREE:** Then, when you choose an SPR proxy within that
36 reasonable range that comes out of the science, you're going to
37 need to choose a number there, because we're going to have to
38 make determinations based on overfishing and not overfishing,
39 and, ultimately, the minimum stock size threshold builds off of
40 that and some of those kinds of things, and, if you don't have a
41 value for that, it's difficult to determine what the status of
42 the stock is.

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

45
46 **DR. SIMMONS:** Thank you, Mr. Chairman. I think that's one of
47 the problems we're having, from a staff perspective, is trying
48 to get this information to the SSC for these stocks that we

1 don't have assessments for and we have very little information
2 on and we may never get an assessment on, and so, internally, we
3 need to talk about how to best break up the document, and if
4 that needs to be done, or if we can kind of a flow chart to say,
5 if this comes out of the assessment and it's approved by the
6 SSC, use this proxy. If there is no assessment, use the
7 indicator species, like we talked about before, and so maybe we
8 need to kind of come up with a flow chart and separate it a
9 little bit better in the amendment that way, but I think that's
10 one of the difficult challenges we have, is many of these
11 species are not assessed.

12

13 **CHAIRMAN GREENE:** Mr. Gregory.

14

15 **EXECUTIVE DIRECTOR GREGORY:** I think we can easily figure a way
16 forward, and with the Science Center now, I guess, fully engaged
17 in this IPT process, and with the SSC having the awareness of
18 what we need to do, the idea that Dr. Crabtree came up with of
19 having the SSC and the Center give the council a range that they
20 can choose from is a way to start. What the SSC had asked for
21 at the meeting was for us to put a range in the regulation that
22 they could choose from, and NOAA General Counsel said we could
23 not do that.

24

25 If you reverse it, like Dr. Crabtree says, we have a workable
26 way forward, and, to me, the understanding is that, once the
27 council chooses a -- Whether it be 30 or 26 or 28 percent SPR,
28 that's our policy, and so the stock assessment and the SSC will
29 provide projections and information based on that policy, and
30 that's the way it's been done in the past, but what we're saying
31 now, going forward, is that even -- Let's say we choose 28
32 percent SPR for gray snapper as an example.

33

34 The next time we do a gray snapper assessment, the assessment
35 advice and the SSC advice could come to the council and say,
36 well, here is your 28 percent SPR projection, but, given our new
37 information and knowledge, we recommend a 30 percent SPR, and
38 here is the projection for that 30 percent SPR, and the council
39 would then evaluate that and make a decision whether to stay
40 with the 28 percent or go with the 30 percent. That is the way
41 we go forward, in an iterative approach, I think.

42

43 **CHAIRMAN GREENE:** Further discussion? Ms. Bosarge.

44

45 **MS. BOSARGE:** For the record, I saw some heads shaking yes over
46 on the NMFS side of the house. I just thought I would go ahead
47 and put it on the record.

48

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

2
3 **MR. ANSON:** I am curious, Dr. Barbieri. The front-end
4 processes, or the output, I guess, is what you're concerned
5 about, but, as far as the mechanics and behind-the-scenes stuff,
6 the tools you have available and the process that might be
7 available -- That's already completed, correct, as far as
8 looking at a species that, again, maybe is not assessed very
9 often, if at all, and that process is already set up, where you
10 all can quickly go through a suite of species and develop that
11 range, or is that going to take some additional time and thought
12 and planning for you all to develop ranges for these other
13 species?

14
15 **DR. BARBIERI:** As Dr. Cass-Calay mentioned, I think that there
16 has been, at our center, and some other scientific work exists
17 that can provide us some guidance on that, and, on the other
18 side, we can look at vulnerability and risk assessment type of
19 work that is out there, based on different life history
20 attributes and population dynamics patterns, and so we will need
21 to do a little more work, but I don't think it's going to be a
22 long and convoluted discussion.

23
24 As soon as we get to this point where we -- We seem to be
25 getting there, to a point where we agree on the process itself.
26 It's more the process and the steps and the order, I guess, and
27 I am seeing concurrence, yes.

28
29 **MR. ANSON:** Thank you.

30
31 **CHAIRMAN GREENE:** Okay. Is there further discussion? Anything
32 else for Dr. Barbieri for right now? You're not done yet.
33 You're almost done, and so am I. All right. With that, we'll
34 go to additional staff comments with Mr. Atran.

35
36 **ADDITIONAL STAFF COMMENTS**

37
38 **MR. ATRAN:** Thank you, Mr. Chairman. Before we get into
39 discussion of a conference call that we had last week, and
40 before the SSC got into trying to discuss the SDC amendment, we
41 had, at the last council meeting, somebody over at the far end,
42 and I think it might have been Kevin Anson, that had suggested
43 that we put together a cheat-sheet that council members and the
44 public could refer to when going through the amendment to try to
45 explain what all these different things mean, MSST and MFMT and
46 proxies and so forth.

47
48 Emily and I have been working on something, and we had an

1 infographic, a series of illustrations, that was going to make
2 it really simple and really obvious to anyone who looked at it
3 of exactly what it was that you were talking about. Then we
4 brought it to the SSC, and they didn't like it.

5
6 Actually, they liked parts of it, but, other parts, they didn't,
7 and so they did have some rather useful input, and I know Emily
8 has been talking to some other folks, and she is working on
9 getting that into real good shape, so that, when we do come back
10 to you with a revised status determination criteria amendment,
11 we will also have this companion sheet that you can refer to to
12 help you understand what you are going through and hopefully
13 make it a little bit less technical as you decide what you're
14 going to do, and so it wasn't a total loss, as far as the SSC
15 goes. They did give us some information there.

16
17 Now, as Dr. Barbieri indicated, we never really got into talking
18 about the SDC amendment. We got into Action 1, which was
19 setting MSY proxies, and all the discussion that you've just had
20 occurred at the SSC, and then some, and it boils down to who is
21 responsible for doing what and what is the role of the SSC and
22 what is the role of the council in all of these items and
23 exactly what can we do and what can we not do.

24
25 What I have been told in the past is that the council sets the
26 MSY proxy, although they do it with input from the scientific
27 advisors. The SSC was concerned that you may end up setting a
28 totally inappropriate proxy, and I don't think you would if you
29 have to depend upon the best available scientific information,
30 but you might not set it exactly where the SSC thinks you should
31 set it.

32
33 We had a conference call last Friday between council staff,
34 Regional Office staff, and Science Center staff, and I know that
35 Shannon was on it, and Mara was on it, and Carrie, and I believe
36 that Doug was on it, as well as me and some other folks who
37 aren't here, and so, if any other folks who were on the
38 conference call want to add anything to what I have to say,
39 because I am going kind of from memory on this, then feel free
40 to chime in.

41
42 We put together a series of questions that we felt needed to be
43 addressed that came out of the SSC discussion, and at the top of
44 that was what you've just been discussing. Can an MSY proxy be
45 defined as a range of proxies, such as somewhere between 20
46 percent and 40 percent SPR? It was my understanding that we
47 couldn't do that, and I was going way back to years ago in our
48 Shrimp FMP, and we used to define the shrimp MSY as a range of

1 shrimp tails that could be landed, and, I think it was after the
2 1996 reauthorization of the Magnuson-Stevens Act, we were told
3 that we couldn't do that anymore and we had to go revamp the
4 Shrimp FMP so that it was a single number that represented MSY.

5
6 I was going on that when I suggested that we couldn't do it
7 anymore, but this sounds like there may be a possibility to
8 define a range, the way Dr. Barbieri said, where the council
9 might indicate a range, and I wasn't sure exactly which
10 direction we were going and whether the council suggested a
11 range and the SSC would select within that range or the SSC
12 would recommend a range and the council would select it, and I
13 guess we could look at it both ways, if it's allowable.

14
15 There was also a suggestion that the SSC could decide what the
16 MSY proxy could be, using their best scientific information, and
17 then it wouldn't be necessarily to actually have an action in an
18 amendment to implement that. We could just put a statement in
19 the amendment that says that the MSY proxy, as of this
20 amendment, is going to be whatever it is, based upon the
21 recommendation of the SSC.

22
23 That would basically be the SSC making the decision, and the
24 council would either approve it or disapprove it, but not select
25 something else, and, again, it looks like that may be possible.

26
27 It looks like the South Atlantic Council did something like that
28 back in their Snapper Grouper Amendment 24, which they
29 implemented in 2011. They adopted an alternative that says MSY
30 equals the yield produced by FMSY or the FMSY proxy. MSY and
31 FMSY are recommended by the most recent SEDAR/SSC, and so their
32 intent was to let the SSC determine what the appropriate proxy
33 was, and then they would just officially authorize it in their
34 document.

35
36 We're still trying to figure out whether or not we could do that
37 in our document. If we could, I think we could simplify this
38 action, as far as setting MSY proxies.

39
40 Some of the other questions, and I'm not going to go through all
41 of these, but Carrie had brought up the issue of assessed versus
42 unassessed stocks, or maybe it was Mara, but, with assessed
43 stocks, we can determine what yields are at various SPR levels,
44 and so we can have an SPR proxy-based MSY proxy. With
45 unassessed stocks, we can't do that, because we can't calculate
46 fishing mortality rates or SPR levels.

47
48 We have been looking into a couple of different ways to set an

1 MSY. Tier 3 of our ABC control rule lets us set the OFL and the
2 ABC by looking at the mean catch over a period of time and then
3 setting those catches at one or two standard deviations above
4 that, and I made a suggestion that, for the data-poor stocks,
5 perhaps we could take the OFL, which in this case happens to be
6 a constant level, and use that as our MSY proxy.

7
8 Then there is some data-poor methods using what is called the
9 Data Limited Methods Toolkit that make use of whatever
10 biological information is available, but they basically come to
11 the same thing, a static catch level.

12
13 There was concern that came out of the Science Center that, if
14 we did that, that's not really an MSY. That is just some catch
15 level that may or may not have any real bearing to whatever MSY
16 is, and they were concerned about calling that an MSY proxy. My
17 feeling was that we could do it and that at least it would be a
18 placeholder until we got something better to do, but there is
19 some concern as to exactly what should we do with these
20 unassessed stocks, where we don't have the biological
21 assessment, and maybe have even very limited biological
22 information.

23
24 The extremes in that situation are goliath grouper and red drum.
25 Not only don't we have a lot of biological information, but we
26 don't even have catch data on those stocks. Goliath grouper and
27 red drum -- Well, red drum, I believe, harvest in the EEZ has
28 been prohibited since the 1980s, and goliath grouper since 1992,
29 and so we have no recent catches in the EEZ. We do have some
30 red drum catches in state waters, but that's only sampling a
31 portion of the population, and so we don't even have the
32 information to set a data-poor MSY proxy for these fish, and so
33 how should we handle those in this particular case? That is an
34 open question right now, and we're either going to have to
35 resolve that for our document that we're working on now or pull
36 those two species out of the document and deal with them
37 separately.

38
39 Then another thing, getting a little bit away from MSY proxies
40 and talking about the overfishing thresholds, the maximum
41 fishing mortality rate, or MFMT, we've always set that equal to
42 FMSY, the fishing mortality rate corresponding to MSY or the
43 proxy. However, if we've got a stock that's in a rebuilding
44 plan and the stock needs to rebuild within a certain timeframe,
45 ten years or whatever you decide, fishing at FMSY is not going
46 to get you there. It will get you close, but it won't get you
47 all the way.

48

1 You have to fish at a lower level that we call F rebuild in
2 order to actually achieve that target, and so, in the document,
3 in the amendment, there is an action that has an alternative
4 that would say that, for a stock in a rebuilding plan, define
5 MFMT as equal to F rebuild instead of FMSY.

6
7 There was some concern about whether or not we could do that,
8 and, like I said, most folks are used to thinking about the MFMT
9 as being identical to FMSY all the time, but, if we could
10 redefine it as F rebuild under certain conditions, I think it
11 would help a lot in setting up our rebuilding ABCs.

12
13 Then one final thing that I had a question about was a provision
14 that's in the National Standard 1 Guidelines that Shannon had
15 forwarded to me that was brought to her attention by Rick
16 Methot. There is a section that says, for overfished stocks and
17 stock complexes, a rebuilding ABC must be set to reflect the
18 annual catch that is consistent with the schedule of fishing
19 mortality rates, i.e., F rebuild, in the rebuilding plan.

20
21 I wasn't quite sure, when I read that -- It sounded like it said
22 that, if we're in a rebuilding plan, ABC should be set equal to
23 the yield at F rebuild, period, but I talked to Mara about that
24 briefly, and I guess it just says that it has to be consistent
25 with F rebuild, and so I guess that means we could set it at a
26 lower level if we wanted to, but that's the basis for setting
27 ABC, or at least the starting point, and so these were some of
28 the things we talked about at our conference call.

29
30 Some of these items, we still have some open-ended questions,
31 and I think Mara was going to look into it a little bit more,
32 and we have an IPT meeting scheduled next week, and I know
33 Shannon and Mara are both on the IPT, and we're going to get
34 together and discuss these issues, what the SSC said and what we
35 discussed at the conference call, and see what we can do,
36 primarily focused on this Action 1 in the amendment for setting
37 MSY proxies.

38
39 It's obvious that we need to do some rewriting of it and what
40 can we do that would satisfy both the SSC and General Counsel's
41 legal requirements, and so I think that's where we stand right
42 now. We obviously could not bring the amendment to you for
43 selection of preferred alternatives, because you wanted to get
44 the SSC's input before you did that, and we never got around to
45 getting the SSC's input beyond what we've been talking about
46 with the proxies, and so hopefully we'll be able to bring you
47 something a little bit better in August, and we'll have to see
48 how the schedule goes, and so, like I said, if there's anybody

1 that was in on the conference call that wants to add to that,
2 but that was my impressions of what happened at that call.

3
4 **CHAIRMAN GREENE:** Thank you, Mr. Atran. Is there discussion?
5 Okay. Seeing no discussion, we will go ahead and take our
6 break, and we will pick back up with our next agenda item
7 afterwards, which will be the Draft Framework Action to Modify
8 the ACT for Red Snapper Federal For-Hire and Private Angling
9 Components. We will take fifteen minutes.

10
11 (Whereupon, a brief recess was taken.)

12
13 **CHAIRMAN GREENE:** We will go ahead and get started. We don't
14 have much more to go, but we'll see how things work from here.
15 Our next agenda item will be Draft Framework Action to Modify
16 the ACT for Red Snapper Federal For-Hire and Private Angling
17 Components, and it's Tab B, Number 11, and Mr. Rindone.

18
19 **DRAFT FRAMEWORK ACTION TO MODIFY THE ACT FOR RED SNAPPER FEDERAL**
20 **FOR-HIRE AND PRIVATE ANGLING COMPONENTS**

21
22 **MR. RYAN RINDONE:** Thank you, Mr. Chair. We have been bouncing
23 this one back and forth with you guys for a little while now,
24 and we've got some new alternatives to show you in our action
25 here, and we do just have one action.

26
27 Let's start in the introduction for just a second, and so we
28 updated the landings table in Table 1.1.1, so you guys could see
29 the comparison of season lengths to the percent of the quota
30 that was landed, and we broke out 2015, 2016, and 2017 between
31 the private angling component and the for-hire component, and
32 then, in the following figure on the next page, I dressed this
33 figure up a little bit better to try to show some more detail
34 for you guys and show pre and post-sector separation and how the
35 landings, which are the gray bars, and the quota, which is the
36 red dots, compare.

37
38 Then Table 1.1.2 is updated to include the most recent landings
39 information, and, again, 2017 data are still considered
40 preliminary throughout the document.

41
42 Just as a quick recap, the purpose of this framework is to
43 reduce the federal for-hire component's ACT buffer for the red
44 snapper recreational sector to a level that will allow greater
45 harvest while continuing to constrain landings to the component
46 ACL as well as the total recreational ACL, and the need is to
47 allow the recreational sector components to harvest red snapper
48 at a level consistent with achieving optimum yield while

1 preventing overfishing while rebuilding the red snapper stock.

2
3 In Chapter 2, which is on page 9, we have our single action.
4 Presently, we have a 20 percent buffer between the ACT and the
5 ACL for the private angling and for-hire components.
6 Alternative 2 would modify the respective component ACTs while
7 maintaining the overall recreational ACT, and so, essentially,
8 what this means is that, when you combine the two component
9 ACTs, they result in a total recreational ACT which still equals
10 20 percent.

11
12 Because the for-hire component has 42.3 percent of the
13 recreational ACL and the private angling component has 57.7,
14 that is why the -- Like a 5 percent drop from 20 percent to 15
15 percent, like you see in Option 2a, doesn't result in a 5
16 percent increase on the private angling side. Does that make
17 sense to everybody? It's proportional based on each sector
18 component's allocation.

19
20 In Alternative 3, Alternative 3 would apply the Gulf Council's
21 ACL/ACT control rule using landings from 2014 through 2017 to
22 set the respective component ACT buffers for the private angling
23 and for-hire components. This results in a for-hire component
24 ACT set 9 percent below the for-hire component ACL. The private
25 angling component would remain at 20 percent, under Alternative
26 3, below the private angling component ACL, and the total
27 recreational sector ACT would be approximately 15 percent below
28 the recreational sector's ACL. Any questions on Alternative 3?

29
30 **CHAIRMAN GREENE:** Is there discussion?

31
32 **MR. RINDONE:** All right. Then Alternative 4 would establish a
33 sunset provision on the modification of the component ACT
34 buffers, and it would sunset everything at the end of the 2019
35 fishing season, which we picked 2019 just because that concurs
36 with the end of the EFPs. If sector separation is not extended,
37 then this would no longer be in effect once sector separation
38 expires. Any questions?

39
40 **CHAIRMAN GREENE:** Mr. Sanchez.

41
42 **MR. SANCHEZ:** This is more, I guess, a generic legal question.
43 Is there a reason, a legal reason, why we have to have ACTs? I
44 am only saying that because it seems like the group that stays
45 within them gets stuck with them, and then the group that
46 doesn't -- There doesn't seem to be a penalty for overrunning
47 and this and that, and so why have them? Why don't we just go
48 to ACLs? Is there a legal pressing reason?

1
2 **MS. LEVY:** Well, recall that these ACTs got put in place because
3 we lost a legal challenge, because the recreational sector kept
4 exceeding its ACL while the commercial sector stayed within it,
5 and we lost a legal challenge that basically said we didn't have
6 appropriate accountability measures to make sure that the
7 recreational sector stayed within its ACL, and so we established
8 this 20 percent buffer to keep the recreational sector within
9 its ACL, and then we split the recreational sector into the two
10 components and kept the 20 percent buffer, and we do have a
11 situation where we have been fairly good with staying at the
12 recreational ACL, and I'm not going to talk about 2017, because
13 that was a different year, but with one of the components being
14 way under and sort of offsetting the other component.

15
16 We have to have something that is going to give us, and 50
17 percent probability I would say is the minimum, of actually
18 constraining the recreational harvest to the recreational ACL,
19 and it's complicated by the fact that we now have the two
20 components, and we have the EFPs and all of that dynamic.

21
22 **MR. SANCHEZ:** Thank you.

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

25
26 **DR. CRABTREE:** The issue really is the overall quota that
27 matters is the recreational quota, and the charter/for-hire and
28 the private components of that are linked by the statute, and so
29 we can't split them apart, and so that's the difficulty that we
30 have now.

31
32 Now, you could, if you look at past overruns -- It has clearly
33 been the private component that has gone over, and so that would
34 make a case, I guess, for Alternative 2, a bigger buffer there
35 and smaller on the for-hire, but I think all of us see the
36 difficulties with doing that, and so kind of the tradeoff we've
37 done with the EFPs is we have exchanged a little bit more
38 aggressive buffer, but for a payback provision that would still
39 apply, and, also, in many of the states, we've got a more timely
40 data collection system that can be used there.

41
42 But we are in a little bit of a difficult position. If we end
43 up with a quota overrun again this year somehow, and this is in
44 the secretarial review process, I think that's going to pose
45 some real difficulties for us, and so I was going to -- You
46 know, Alternative 4 sunsets it in 2019, and so that makes this a
47 very short-lived amendment. I would suggest to you that what if
48 we put in an Alternative 5 that says this reduction in the

1 buffer only applies if we stay under the overall ACL the year
2 before, in the previous year?

3
4 That way, you would kind of link it to the overall
5 accountability, and it wouldn't go away, although I guess, in
6 theory, it could go away in 2022 if sector separation goes away,
7 but then, if the private sector EFPs work and we stay within the
8 overall ACL, their season next year would be based on the lower
9 buffer, but, if we blow through the overall ACL, they would have
10 to live with 20 percent, and the private sector will have to pay
11 it back.

12
13 There wouldn't be a payback though on the charter boat guys, and
14 so that would be one way to get at this that might be easier for
15 me to make a case with GC and others that this is consistent
16 with previous court decisions and all, and so talk about whether
17 you would be willing to consider another alternative like that
18 or not.

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

21
22 **MR. ANSON:** I had another question, but I will answer Roy's
23 question. I guess I would be up to considering another
24 alternative along the lines you just discussed, but I am
25 curious. When we developed the buffers, current buffers, that
26 we have in place, we had the primarily MRIP data to use to base
27 the percentage on, based on the historical time series, and I am
28 wondering -- Maybe, Dr. Porch, you might have some information
29 of -- They have been running three years, I guess, side-by-side,
30 the effort survey, the new effort survey and the MRIP APAIS
31 survey, and so they have a side-by-side comparison.

32
33 I am wondering, since we've been hearing that there are some
34 differences in the landings, are they consistent, similar,
35 during that three-year period? Is it the same difference, or is
36 there more variability within those years, where we might be
37 considering maybe a different buffer range, potentially, that
38 might be more appropriate for the new data series or the new way
39 of collecting the data? I mean, it's something that we might
40 want to consider.

41
42 It might be better. It might have less variability within that
43 time series, and so we might be able to go to a smaller buffer,
44 potentially, but I'm just curious, and do you have any
45 information about that, Dr. Porch?

46
47 **DR. PORCH:** Not the details, except to say that there must be
48 some consistency from year to year or we wouldn't have

1 calibrations, but exactly how much it is is going to depend on
2 each individual species, too.

3

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

5

6 **MS. BOSARGE:** In your hypothetical new alternative, Dr.
7 Crabtree, the whole recreational sector would have to stay under
8 for the for-hire guys to reap any benefit?

9

10 **DR. CRABTREE:** Yes. I mean, as much as -- Listen. I gave
11 testimony to the Senate Commerce Committee, I think it was four
12 or maybe five years ago, and part of my testimony was asking
13 them to remove 407(d), but that provision in the statute says
14 there has to be a recreational quota and that it includes
15 private anglers and for-hire anglers, and so they are linked,
16 and that is the segment that the statute requires us to stay
17 below, and so I don't have any means of making them all
18 independent until Congress does something to do that.

19

20 **CHAIRMAN GREENE:** Ms. Bosarge.

21

22 **MS. BOSARGE:** I get that, but everything that we're doing and
23 that we're exploring doing on the side that we haven't been able
24 to keep within that quota very well is actually not managing to
25 an ACT. We just put that entire sub-component into an EFP and
26 reduced the buffer. We are looking at state management
27 amendments that will hand that baton off to the states, and
28 we're going to ask them to manage to the ACL and not the ACT,
29 and so everything that we're doing in practice is contrary to
30 the lawsuit, essentially, that told us that we had to implement
31 that buffer, and so all I want to see is -- If we are not going
32 to be risk-averse, then we need to do it equally for both
33 sectors.

34

35 **DR. CRABTREE:** Well, I grant you that things aren't as clean as
36 I would like them, but I would point out a few things. One is
37 one of the problems that has caused us to go over on the private
38 side in past years has been the states came in and extended
39 their season after federal waters were already closed, and the
40 EFPs, or regional management, does resolve that situation,
41 because they are managing, and they have to take ownership of
42 their share of the fisheries.

43

44 I think the situation with the buffer is we're putting the
45 responsibility on the states to stay within their ACL. We are
46 letting the states decide how much of a buffer do they think
47 they need to be able to do that, and it may be because of things
48 like LA Creel and Snapper Check and Tails n' Scales that are

1 more timely that they can actually do that with a smaller
2 buffer, and we'll see with that, but I think there are aspects
3 of regional management, particularly getting us away from having
4 different federal and state-water seasons and all the problems
5 that -- Resolving that problem significantly reduces the problem
6 that the buffer was set up to try and deal with.

7
8 Then I think the payback, which is specific now to the EFPs,
9 will help provide motivation to the states, one, to stay within,
10 but it will also make sure that whatever damage we do is undone.
11 In the case of the for-hire sector, we don't have that now, and
12 I get the fairness part of this. The payback doesn't apply in
13 the for-hire, because we are no longer overfished, and so they
14 wouldn't have to pay anything back.

15
16 Whatever payback is in the fishery right now, it's strictly a
17 function of the EFP, and I get the fairness part of this, but I
18 am looking at trying to get -- I grant you that looking at the
19 performance of the for-hire fishery I think justifies a smaller
20 buffer there, but, just because of the way the statute is set
21 up, they are saddled in with the private guys, and I am trying
22 to find a way to modify this just a little bit that I think will
23 give me a better shot at defending it and actually being able to
24 get it through the system and get it cleared by our attorneys
25 and get it to become reality, so it can affect next year's
26 season.

27
28 That's why I am going to go ahead and make a motion to add an
29 Alternative 5 which would say that the reduction in the for-hire
30 component ACT only applies if the overall recreational ACL in
31 the previous year is not exceeded. It's the reduction in the
32 buffer for the for-hire component.

33
34 My belief is that this would be chosen in addition to
35 Alternative 3. I think, if you chose Alternative 2, that you
36 wouldn't necessarily need to choose this, because you are
37 increasing the private buffer, and so my vision is that this
38 would be something we would choose from if we go with
39 Alternative 3.

40
41 **CHAIRMAN GREENE:** We have a motion on the floor in Action 1 to
42 add an alternative that establishes a reduction in the buffer in
43 the for-hire component of the ACT and only applies if the
44 overall recreational ACL in the previous year is not exceeded.
45 Dr. Crabtree, is that correct as it's written?

46
47 **DR. CRABTREE:** Yes, and this would be an Alternative 5. Again,
48 this would need to be chosen -- If you choose Alternative 3,

1 then you could choose this in addition to Alternative 3, just
2 like the way it's set up now and you would consider Alternative
3 4 in connection with another alternative.

4
5 **CHAIRMAN GREENE:** Okay. We have a motion on the floor. Is
6 there a second for this motion? Seeing no second for the
7 motion, the motion fails for lack of a second. Mr. Diaz.

8
9 **MR. DIAZ:** I agree with a lot of Dr. Crabtree's points, and I
10 know he's making a lot of valid points, and I have talked about
11 this at past meetings, and it's always been about fairness, and
12 I really don't think that the charter/for-hire sector has got a
13 fair shake. They are tied to the private rec from 407(d), and
14 they are linked, but they're so different, and that is what --
15 The differences is one thing that makes it where we can control
16 them better, and it's a smaller group, and we've got less
17 participants.

18
19 **I just feel like we need to try to correct the inequity that I**
20 **think is there, and so I'm going to make a motion that we make**
21 **Alternative 3 the preferred alternative.** If I get a second, I
22 will give a little bit more rationale.

23
24 **CHAIRMAN GREENE:** We have a motion, and it has been seconded.
25 Let's get it up on the board. The motion is, in Action 1, to
26 make Alternative 3 the preferred, and it was seconded. Is there
27 discussion? Ms. Levy.

28
29 **MS. LEVY:** I will point out a couple of things. One, it's just
30 an options paper, but, if you want to have a preferred, I am not
31 going to say you can't do it. I guess I'm just going to echo
32 the concerns. I mean, I see an issue with reducing the for-hire
33 component ACT and not addressing the other side of the equation.

34
35 It's very reminiscent of what led up to the litigation on the
36 commercial side, and so -- I mean, I'm not going to make any
37 judgment at this point, but I see potential issues at the review
38 stage if it's just left like this.

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

41
42 **DR. CRABTREE:** I understand the fairness part of this, but
43 you're not doing the for-hire guys any favors if you submit
44 something that can't be approved, and that's my concern here,
45 and so I am trying to give you a heads-up that I am not sure
46 this can happen the way it's laid out now.

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

1
2 **MS. BOSARGE:** Well, but I think you gave all the rationale just
3 a minute ago for why it can be. You gave all the rationale for
4 why we have more certainty and more safeguards in the private
5 angler sector now with the EFPs in place and with the payback
6 and that we will stay under and that's the reason you felt you
7 could go to a lower buffer on that side, and so that
8 uncertainty, because these two are linked, has to apply to both
9 sides.

10
11 **DR. CRABTREE:** If we stay under this year, maybe so, but if we
12 get to the end of the year and we run over the quota again, it's
13 difficult for me to see how we could do this. Then, if it's
14 disapproved, it's back to starting over again, whereas, if you
15 had that alternative that linked it to the ACL, it would be one
16 year it's off and then it comes back. I am just -- Leann, if we
17 stay under this year and it's not a problem, maybe you're right,
18 but it's a risky thing is all I'm saying.

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

21
22 **MS. LEVY:** I think that was one of the reasons for the quick
23 sunset, meaning the option to actually make this effective for
24 only one year, because, to the extent you have the EFPs in place
25 and they work this year, then reducing the buffer for the for-
26 hire component without addressing the private angling component
27 may be okay for 2019, while the EFPs are still in place, but
28 then there's a question-mark of what happens after 2019, and we
29 need something in the federal regulations that address how these
30 components are going to be managed in the absence of regional
31 management.

32
33 I get that we're working on the Amendment 50 stuff, but we don't
34 know when it's going to be implemented, and there is always the
35 possibility that one state doesn't have a delegation or chooses
36 not to have the delegation or their delegation gets suspended,
37 and so we've still got to have the federal backdrop of the catch
38 levels and the targets and how we're going to address that
39 stuff.

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

42
43 **MR. ANSON:** Thank you. Dr. Crabtree, I am trying to play out
44 the scenarios that could come, and so what I think you're saying
45 is that, if we were to manage the fishery and everything is fine
46 one year and we don't go over the ACL with the buffers as we
47 propose, let's say in Alternative 3, and we have a lower
48 percentage buffer for the for-hire sector and a higher for the

1 private sector, and everything works well one year and we don't
2 go over, but the next year comes in and let's say, for instance,
3 the for-hire sector goes over.

4
5 You're saying that, administratively, that you cannot offer --
6 You would have to put the penalty towards the entire sector,
7 because that's the way it's written in Magnuson right now, is
8 that you don't have the sector separated, and so they are
9 combined as one, and so they should be treated as one,
10 essentially, is what I think you're saying, and it only happens
11 when one sector feels like they may be penalized because of the
12 other sector's unequal access to the resource, i.e., through the
13 unequal buffers, and is that what you are trying to say, or is
14 that what you said and I just couldn't understand?

15
16 **DR. CRABTREE:** Well, they are linked, and so, in the sense that
17 we have to take action to stay under, you can look at it as
18 being penalized, but my main point is just that this will be in
19 the review process, depending on when we take final action,
20 during about the time we're going to find out what the catches
21 are that happen this year, and, if we go over this year, it's
22 going to be very difficult -- That would be two years in a row
23 anyway of overruns, and we're reducing the buffer again, and I
24 just don't know how to justify that.

25
26 If we stay under, then it's still not the strongest case in the
27 world, but at least it's a better argument, and so that is kind
28 of what I am saying. If I had my way, I would eliminate 407 and
29 de-link them all, so we don't have to deal with that, but that's
30 not the way it is right now, and so I'm just trying to come up
31 with something that I think we have a reasonable chance of
32 getting through the system.

33
34 **CHAIRMAN GREENE:** Mr. Diaz.

35
36 **MR. DIAZ:** We have talked a lot about crystal balls today, Dr.
37 Barbieri, and I have no way of knowing what is going to happen
38 this year, but I can look back and look at our records, and I
39 can see what has happened in the last three years, and I've been
40 talking about this for a long time, and I was told that we
41 needed some records, that we needed a history. We've got a
42 three-year history now, and the three-year history is that, in
43 2015, they caught 73 percent of their ACL. In 2016, they caught
44 70 percent of their ACL. In 2017, they caught 76 percent of
45 their ACL.

46
47 I am just -- In my mind, this group is not being able to access
48 the fish that we said that they could get whenever we allocated

1 this fishery, and I am just trying to correct that. I am not
2 trying to create more problems, and I certainly don't want to
3 penalize anybody. I am just -- I would like to see us move
4 towards correcting an inequity that history shows us that we
5 have.

6

7 **CHAIRMAN GREENE:** Mr. Riechers.

8

9 **MR. RIECHERS:** Well, everyone is talking about the inequity, and
10 there is another way to solve this, Roy. We could put them back
11 together, and then we don't have to worry about it, and we won't
12 call it an inequity then, but, getting to your point, Dale, and
13 the real point is what we've done is we missed the projection,
14 and we're now trying to create a fix to a projection that has
15 been under-projecting the number of days that could have been
16 allotted and a way to allow them to access it a little bit more.

17

18 Now that we have three years of them being separated, and the
19 data collection really isn't that much different than it was
20 before, but in some of these systems it's becoming different,
21 with the Florida and NFWF effort and Alabama's effort, where
22 it's more of a census than a sampling, and there may be enough
23 difference to look at those equations, to look at those
24 estimations of days, and see if there is a tweak there that,
25 frankly, is simpler than us having something signed by the
26 Secretary and going through an amendment process that is really
27 just a question of whether we can estimate and maybe tighten up
28 our estimation where we think it's going to -- Basically, what
29 it means is that we're willing to accept more risk with that
30 estimation, is what it means, but maybe there is a way to look
31 at it from the Center's standpoint and that respect, and maybe
32 there is not and you're back to this, but that would be maybe a
33 simpler way to approach this.

34

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

36

37 **MS. LEVY:** Well, I just want to note, when we looked at the
38 landings earlier, for 2017, the for-hire component was 99
39 percent of its ACT, and so that's dead-on. I mean, they're
40 supposed to be setting the season to hit the ACT. That is the
41 target level, and so, yes, we were 20 percent below the ACL,
42 but, in terms of projecting the number of days to hit the ACT,
43 which is what we're supposed to be basing the season on under
44 the regulations, 2017 was a pretty good year.

45

46 **CHAIRMAN GREENE:** Mr. Gregory.

47

48 **EXECUTIVE DIRECTOR GREGORY:** Well, thinking outside the box, is

1 it legal for the council to submit an exempted fishing permit,
2 say on behalf of the federal for-hire industry? Can the council
3 submit an exempted fishing permit that would provide a 10
4 percent buffer for two years, to see if that is workable?

5
6 **DR. CRABTREE:** I mean, you would just do a framework to do that.
7 That's what this is, only it's for one year, since it's not
8 going to apply this year. I mean, what would you be exempting
9 them from? You would be exempting them from the ACT?

10
11 **EXECUTIVE DIRECTOR GREGORY:** Yes. I am thinking along the lines
12 of the other exempted fishing permits, and they could include a
13 payback, that if they exceed the ACL that there's a payback the
14 following year.

15
16 **DR. CRABTREE:** I would say you would be better off to just do it
17 here, if that's what you want to do. Could I make a comment to
18 Mr. Riechers' statement? Robin, you made the statement about
19 put them back together and that fixes this, and that doesn't fix
20 anything. That makes the inequity just as bad, because then
21 they are fishing on a common quota, and, to the extent that the
22 private sector's catches go way too high, they all get shut down
23 earlier, and that's how we ended up with sector separation.
24 It's better now, but it's not perfect, and it won't be until
25 Congress does something to allow us to fully separate them, but
26 putting them back together is not a solution.

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

29
30 **DR. MICKLE:** I think we have moved past the point I wanted to
31 make on that certain topic, but I want to weigh-in about kind of
32 what's been going with the last five or six years of just
33 overall data accuracy and uncertainty.

34
35 If we can accomplish stability on seasons and knowing what
36 season is going to come, a lot of this goes away, this entire
37 problem, and it, in a lot of ways, does become easier to work
38 around. When the state seasons, the non-compliance, showed up,
39 that's more instability. In 2017, we didn't know what the
40 season was, and we were already in the season when that changed,
41 and that's more instability.

42
43 The data systems, the data is getting better from the states,
44 but Roy made a good point that it's not only the accuracy, but
45 it's the time at which they come in, and that allows you to shut
46 the fishery down, and that creates stability, and so all of
47 these things contribute, and we're all heading in that
48 direction, but there is always that unknowing factor of season

1 that is hampering all of us, and that creates a lot of
2 instability in the seasons and knowing what the seasons are, and
3 that's what is creating these problems, and, again, that's my
4 position, that creating the stability of knowing what the season
5 is going to be allows everything to become easier, especially in
6 this angle and in this particular motion.

7
8 **CHAIRMAN GREENE:** Okay. We have a motion on the floor, and
9 we're kind of getting away from it, but I felt like all that
10 conversation was necessary, and it was good for everybody to
11 kind of get it out there, but we do have a motion on the floor.
12 Is there any more comments pertaining to the motion? Any
13 further conversation before we vote this up or down? All right.
14 **Seeing no further conversation, is there any opposition to the**
15 **motion on the floor before you? Seeing no opposition, the**
16 **motion carries.**

17
18 Dr. Crabtree, I have a question, before I recognize you. That's
19 the one benefit of getting to sit up here as Chairman for
20 however long. This year, the recreational season is managed by
21 an EFP. They have declared their seasons, and they have
22 declared everything for the private angler sector. We are in
23 the middle of a recreational federal for-hire charter boat
24 season right now.

25
26 If it works out that we come in at some 75 percent of the ACL
27 and the private angler sector has already met their quota, are
28 you going to open the fishery back up and allow us to catch the
29 remaining balance of fish that are available?

30
31 **DR. CRABTREE:** That would depend on a lot of things, but if the
32 overall recreational quota is caught, then no. The statute
33 prohibits that from happening.

34
35 **CHAIRMAN GREENE:** And if it's not?

36
37 **DR. CRABTREE:** If it's not, then potentially we could look at
38 opening back up, although I think the better solution would be
39 to get the carryover amendment taken care of it and then carry
40 it over to the next year, but we could look at reopening, I
41 think, in the other scenario.

42
43 **CHAIRMAN GREENE:** Well, understand that the point that Mr. Diaz
44 made is that, if you add up the ACL percentages for the last
45 three years, the amount saved, less 100 percent, would equal
46 almost an additional season for the federal for-hire unit, and
47 that's one of the things -- I understand that everybody
48 understands the fairness, but I am just trying to make the point

1 here that when one sector runs over their quota and the other
2 sector is kind of bailing them out, so to speak, after three
3 years it becomes kind of an awkward feeling of, well, you know,
4 we need to bump it up, and that's where you get into
5 projections, and, of course, nobody wants to go over the quota,
6 but it's one of those things, and so I was just curious, if the
7 situation was reversed, would it be allowed to open so that we
8 could potentially harvest some of those fish as well. I agree
9 with you on the carryover provision, but I don't think it's
10 going to happen this year.

11
12 **DR. CRABTREE:** I think, provided that we're not over the overall
13 recreational quota, we could probably do that. Mara is saying -
14 - She may say something else about that. The other thing is,
15 the way we set this up, we close when the ACT is reached, and so
16 we would have to be enough under the ACT that there was enough
17 to open back up to catch the ACT, and, as she said, last year, I
18 think we almost hit the ACT on the nose, and, the way we set
19 this up, that's what we're shooting to.

20
21 Now, you could change it to say that, if we catch the ACT and
22 the 20 percent is left, then reopen with another buffer later in
23 the year, but I think what people would prefer is to roll it
24 over to the next year.

25
26 I see all the inequities in this. I just have to live within
27 what the statute requires and what the courts have determined
28 with it, and I don't like it, and I don't think it's
29 particularly fair, but I can't do much about it, but, if you
30 recognize me, I am going to make another motion.

31
32 **CHAIRMAN GREENE:** I will recognize you in just a minute. The
33 point I was getting at is that, after Mara read the judgment
34 summary from Amendment 28, and it talked about National Standard
35 4 and it talked about the inequities that went into that, if you
36 take Amendment 28 and you take this information and plug it in,
37 it seems that we have one component that is held back at the
38 expense of another, and that's just one of those things that
39 seems to bother me, but it's one of those things that -- We've
40 got about an hour and three minutes of me left to hear, and so
41 it's one of those deals.

42
43 **DR. CRABTREE:** Well, I will say that it bothers me too, and it's
44 why we ended up with sector separation and why we've tried to
45 find some alternative way to manage this fishery, but we had
46 things break down, and we had state seasons getting longer and
47 longer and a whole variety of problems, and we had the inherent
48 difficulty with tracking the catches, and it has proven to be a

1 very difficult problem to correct, and I know that there are
2 inequities that have come out with it, and I think we're all
3 trying to do our best to address those, but it's not easy.

4
5 **CHAIRMAN GREENE:** I agree with you. Dr. Crabtree, the floor is
6 yours.

7
8 **DR. CRABTREE:** All right. **I would make a motion to also choose**
9 **Alternative 4 as a preferred.**

10
11 **CHAIRMAN GREENE:** Okay. We have a motion to choose Alternative
12 4 as a preferred, and it was seconded by Dr. Shipp. Is there
13 discussion? Dr. Crabtree.

14
15 **DR. CRABTREE:** My intent is we would get a first year of the
16 EFPs under our belt, and we would see where we're going with the
17 regional management plan, and we would get the carryover dealt
18 with, and then we could come back and re-look at this again
19 later next year.

20
21 I think if we had the carryover provision in effect, so we were
22 carrying these uncaught fish over to them, a lot of the
23 inequities that come out of this would be addressed, but this
24 solves the problem for 2019 and buys us some more time to find a
25 solution that we can live with.

26
27 **CHAIRMAN GREENE:** Is there further discussion? Ms. Bosarge.

28
29 **MS. BOSARGE:** I am kind of torn on this. Now, if you tell me
30 that, essentially, if we submitted something that was just the
31 preferred alternative that we just had without making this into
32 a preferred as well that it probably would be disallowed and not
33 implemented, that would probably make me vote --

34
35 **DR. CRABTREE:** I wouldn't bring that up if I didn't think it was
36 enough of a possibility that you need to be aware of it. I
37 can't tell you what will be disapproved or won't be disapproved,
38 but I can tell you that the attorneys have raised some
39 significant issues, and we all see the significant issues, and
40 we all see what has come out of past litigation. I think this
41 is much easier to defend, and it gives us some time to deal with
42 some of these issues a little more effectively.

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

45
46 **MS. BOSARGE:** Would a different way of getting at that be to put
47 another alternative in here that says that there has to be a
48 payback if they overrun their ACL in the for-hire sector? Does

1 that get you to an equilibrium, because, if you have a payback
2 in both sectors -- If you reduce the buffer in both, which we've
3 done on one side already, essentially, with the EFP, and you
4 reduce the buffer on the for-hire side, but you essentially also
5 say, if you overrun your ACL, either component, sub-component,
6 you have to pay it back the next year, then, from a biological
7 conservation standpoint, doesn't that put you back into
8 equilibrium? You didn't stay within your ACL during that
9 calendar year, but you took it off the next.

10
11 **DR. CRABTREE:** I think I would say that that strengthens the
12 accountability measures, and so, in some sense, it might be
13 helpful, but, when you look at the performance of the fishery,
14 it wouldn't have made any difference, because they have never
15 gone over their ACL anyway. I see what you are saying there,
16 but I don't know that it fully resolves the problem.

17
18 **CHAIRMAN GREENE:** Is there further discussion? Dr. Frazer.

19
20 **DR. FRAZER:** I don't even know if I want to say this, but I'm
21 going to have at it for a minute. In 2019, the ABC is going to
22 be increased by one-and-a-half million pounds, and so everybody
23 is going to get a little more fish, and so, if you actually
24 looked at Alternative 2, and you actually -- Let me go back and
25 find it.

26
27 If you manipulated or played with one of those options, the true
28 recreational guys are still going to get more fish, a lot more
29 fish, about 750,000 pounds, and then, if you shifted it a little
30 bit where they had maybe an ACT of 27.3 percent, or something
31 like that, they're going to lose about 80,000 of that, and so
32 it's still going to be a really huge infusion of resources for
33 the recreational guys, and it would allow the for-hire guys to
34 actually keep more fish. I don't know if anybody -- It looks,
35 on the surface, like you are taking away from the true
36 recreational anglers, but what you're really trying to do is
37 take advantage of an increase in the fish and deal with that
38 inequity that everybody recognizes.

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

41
42 **DR. CRABTREE:** Well, that's a fair point, and I think
43 Alternative 2 is more easily defended, given the litigation
44 we've had, but there are the perception problems and the rest of
45 it, and so we're not taking final action here, and it will be
46 more fully analyzed and all of that when we come back to the
47 next meeting, but that's just a decision that you guys would
48 have to make.

1
2 It also, doing that, I guess would not impact 2019, because of
3 the EFPs, and so then it would become more of a factor from that
4 point forward, depending on what we do with all of this in the
5 regional management amendments, and so it's complicated to think
6 it through.

7
8 **CHAIRMAN GREENE:** Is there further discussion? Mr. Anson.

9
10 **MR. ANSON:** Well, based on Roy's comment about the EFPs and
11 using that as the management for 2019, should we not alter
12 Alternative 4's language to say something to 2020 or something
13 along those lines?

14
15 **DR. CRABTREE:** Well, my thought had been, once we know what's
16 going to happen after 2019, we would come back in and make
17 adjustments, but, right now, I really don't know where we're
18 going to be come 2019. I am assuming we're going to get this
19 regional management amendment in place, and I am encouraged that
20 we made some progress, but I am not sure we really know at this
21 point.

22
23 **CHAIRMAN GREENE:** All right. Is there further discussion? Mr.
24 Sanchez.

25
26 **MR. SANCHEZ:** Just quick, I guess before we leave this, I just
27 want to make sure that I'm correct in my understanding of this.
28 I had supported earlier Alternative 3, but then, as we got into
29 the discussion, Alternative 2 looks pretty useful, and it seems
30 to address some of the concerns, Roy, that you were having that
31 maybe Alternative 3 left you a little more exposed to, if we
32 went to Alternative 2. I would like to know if I'm kind of
33 correct in assuming that, because I might change my stance to
34 choosing something along the lines of Alternative 2 down the
35 road sometime.

36
37 **DR. CRABTREE:** Well, I don't want to speak for Mara, but, in my
38 view, Alternative 2 maintains the level of the overall buffer,
39 and so, in that sense, I think it's more consistent with some of
40 the issues we've had to deal with.

41
42 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
43 discussion? Okay. We have a motion on the floor. The motion
44 is, in Action 1, to make Alternative 4 the preferred. **Is there**
45 **any opposition to the motion on the floor before you? Seeing**
46 **one in opposition, the motion carries.** Mr. Diaz.

47
48 **MR. DIAZ:** I just want to address something that Mara said

1 earlier, so we can clear it up and see what is correct. The
2 document I have says that this is a framework action. We picked
3 a preferred earlier, and you said something to the effect that
4 it was a public hearing draft or a scoping document or something
5 like that, but it was my understanding that this was a framework
6 and we were going to take it to final action at the next
7 meeting, and so where are we at with that?

8
9 **CHAIRMAN GREENE:** Ms. Levy.

10
11 **MS. LEVY:** I just noted that it was an options paper, and so it
12 has the actions and the alternatives, but it doesn't really have
13 any analysis in it yet.

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

16
17 **MR. RINDONE:** Thank you, Mr. Chair. With a framework action,
18 typically we will present you guys -- You guys request it at one
19 meeting, and the next meeting we show you options, depending on
20 what the workload was, and then, the following meeting, you have
21 the ability to go final on it, as long as the analyses and
22 everything have been completed and you have Chapters 1 through 4
23 and all of the effects analyzed and whatnot. I think our
24 schedule right now is to bring it final in August, and so
25 depending on what the council determines to be its priorities.

26
27 **CHAIRMAN GREENE:** Mr. Diaz?

28
29 **MR. DIAZ:** I mean, in my mind, we wanted this to impact the 2019
30 season, and we need to go ahead and bring it and get it
31 finalized in August, and so that's what my priority would be.

32
33 **CHAIRMAN GREENE:** Okay. Is there further discussion? Okay.
34 Mr. Rindone, do you have anything else?

35
36 **MR. RINDONE:** No, sir, I do not. We only have one action in
37 this, and you guys have selected a couple of preferreds, and so
38 we'll take it back and we'll complete Chapters 3 and 4 and bring
39 it back to you guys in August.

40
41 **CHAIRMAN GREENE:** Okay. Thank you. We will move on to our next
42 agenda item, which will be the SSC Summary Report, Tab B, Number
43 12, and Dr. Barbieri, for the last time today.

44
45 **SSC SUMMARY REPORT**

46
47 **DR. BARBIERI:** Thank you, Mr. Chairman. This is going to be the
48 last episode of this little Luiz soap opera, for at least today.

1 I will try to go through this fairly fast. It is basically a
2 number of items beyond the stock assessments that I presented
3 this morning that were discussed by the committee, and so this
4 is really an informational piece for you.

5
6 There was a fairly detailed discussion, and we got a
7 presentation by the Science Center on reducing discard mortality
8 with descending devices, and this is really some work the
9 Science Center did, and it was basically a simulation type of
10 exercise, and, working with a Science Center partner, they
11 developed a tool to facilitate the exploration of different
12 values and parameters, and they looked into the discard
13 mortality impact on OFL and catch of different species.

14
15 We also discussed best scientific information available, and we
16 had a couple of presentations to that effect, and we made some
17 choices regarding SEDAR 64, which is going to be a benchmark
18 assessment for yellowtail snapper, and this is to be conducted
19 by FWC/FWRI. I already discussed with you our discussion of the
20 proxy, MSY proxy, and the Amendment 48 and Red Drum Amendment 5.

21
22 Then, under Other Business, we had some brief discussions and a
23 couple of other items. Basically, it was potentially having a
24 presentation in more detail, most likely, not at the July
25 meeting, but at the next meeting, on the research track, the
26 SEDAR research track, assessments that Dr. Julie Neer said that
27 she would come over and give the SSC an overview on the
28 components of the research track and where we are, the main
29 parameters that define the research track assessments.

30
31 Then, again, under Other Business, we had discussion with Dr.
32 Simmons and others about the red grouper indices and the
33 potential for development of an interim analysis by the Science
34 Center to help inform management of red grouper before we have
35 an assessment in front of us, and I am going to go over the
36 descending device simulation in a bit more detail, and I am
37 going to try to make that as fast and painless as possible.

38
39 There is the evaluation of effects on OFL from reducing discard
40 mortality, and, as we discussed this morning, the current
41 estimated level of recreational discard mortality for red
42 snapper is that 11.8 percent that is being used, but there have
43 been a lot of questions on the impact of different values of
44 discard mortality and the use of discard mortality mitigation
45 type techniques, descending devices and venting tools, as a way
46 to reduce that, and then, of course, the SSC was interested in
47 this discussion of, if we have reductions in the discard
48 mortality, what would be the impact on the stock and the amount

1 of harvest that can be taken out, in terms of an overfishing
2 limit.

3
4 The strategy that the Center used was, in the absence of more
5 specific data and parameters that could be expanded and used
6 Gulf-wide on the use of these devices, they actually implemented
7 this simulation considering different scenarios, and so it's
8 basically a theoretical exploration of what-if scenarios that
9 you can consider going forward, given the use of different types
10 of barotrauma mitigation techniques.

11
12 What they did is, not knowing how to separate between the two,
13 or one versus the other, was really the combined effect of
14 venting and the use of descending devices as a way to reduce
15 discard mortality and what would be the impact.

16
17 Those are the two scenarios that were considered. One basically
18 is, okay, if we use these types of techniques that we have a 50
19 percent reduction in future recreational discard mortality, and
20 so that would be a reduction from the 11.8 that is being used
21 now to about 6 percent, and then what if we can completely
22 mitigate the barotrauma mortality and actually obtain a 100
23 percent reduction in future recreational discards. Of course,
24 all of this is theoretical, but it will give you an idea of the
25 relative impact of this discard mortality reduction on the
26 actual condition of the stock and the harvest subsequent to
27 that.

28
29 I already mentioned that the reductions in mortality for those
30 scenarios were actually combining the impacts of venting and/or
31 descending device mortality reduction and that the goal of the
32 analysis was to determine the maximum impacts possible on the
33 projected OFL and the numbers of dead discards.

34
35 Again, and I reemphasize this, because this was an issue or a
36 point of discussion at the SSC, that this was all done as a
37 simulation, a what-if scenario. What if we have this 50 percent
38 and a 100 percent reduction in discard mortality?

39
40 The methods, as I mentioned, is the Center, working with an
41 associate, developed this stock assessment decision support
42 tool, and this basically uses the stock assessment model to
43 evaluate the impact of these discard mortality reduction
44 techniques, but then it interfaces through this decision support
45 tool to facilitate the exploration of different values there.

46
47 Here is a screenshot of what the decision support tool looks
48 like, and so it's basically -- We have seen some of those, and I

1 think Dr. Froeschke developed some of those types of decision
2 support tools for some of the issues that we have discussed
3 here, and this one -- You have these sliders, so that you can
4 change some of the different parameters in your simulation and
5 rerun the simulation.

6
7 Results, basically, they were that, for those scenarios that
8 were considered, the potential gains in OFL through the
9 reduction in the discard mortality were modest. 75 percent of
10 these potential gains were realized through mortality reduction
11 through the closed season versus the open season, and a number
12 of other issues would have to be evaluated regarding this topic,
13 and there is further research, and this is a work in progress.
14 The Science Center is working with its partner in continuing to
15 investigate and refine this analysis as to produce additional,
16 more refined results.

17
18 That is -- The green line is the 6 percent of the in-season
19 recreational discard mortality, and the blue line is 6 percent
20 for all year, and then the yellow is zero percent in-season
21 recreational, and the red is zero percent all year recreational,
22 and so you look there at the percent increase in the forecast
23 quota -- As you apply this to your projections, what would be
24 the outcome, in terms of your ACL, for example, for this
25 species, given these different scenarios of reductions and in
26 discard mortality.

27
28 As implemented right now, you can look at this increase in
29 yield, and you can also look at the reduction in the numbers of
30 fish that are being killed due to that discard mortality, and so
31 it's basically an exploratory tool that allows you to look at
32 different scenarios and evaluate the potential impact of them
33 together over the stock.

34
35 In summary of these results, the maximum possible increase in
36 OFL, if all recreational discard mortality was avoided, is only
37 about on the order of 8 percent, considering the scenarios that
38 were evaluated in the study. The maximum possible reduction in
39 numbers, if all recreational discard mortality was avoid, is
40 approximately 70,000 fish, and so that gives you an idea of what
41 would be the losses and gains, given different scenarios of
42 reduction in discard mortality.

43
44 A maximum possible reduction discard mortality rate is likely
45 only 50 percent, which results in a 4 percent increase in OFL
46 and approximately 35,000 less dead fish, and so sort of the
47 take-home message for the SSC is that, given the conditions that
48 this study was considering, the gains seem to be modest. There

1 are a number of assumptions that go with the way that this study
2 was done, and the SSC provided some comments to the Science
3 Center and the partner, and those, hopefully, are going to be
4 integrated into further steps to continue exploring this topic.

5
6 This ends this one topic, Mr. Chairman, and I'm going to pause
7 there, in case there are questions. I may or may not be able to
8 address all the questions, since this was a presentation from
9 the Science Center to the SSC, but Dr. Cass-Calay or Dr. Porch
10 might be able to step in and help me address some of those
11 questions.

12
13 **CHAIRMAN GREENE:** Very good. Thank you. Dr. Stunz.

14
15 **DR. GREG STUNZ:** Thanks, Luiz, for the summary. Obviously I
16 have a lot of interest in this area, and so I've got a couple of
17 comments and then maybe a question that you may or may not be
18 able to answer, since I know this isn't your presentation.

19
20 One, just in the beginning of the presentation, it said there is
21 potential that these devices may work, and I sort of take
22 exception to that. A lot of folks around the Gulf have
23 longstanding research programs that show that they do in fact
24 work under many scenarios, and so I wanted to clarify that.

25
26 I know this is a simulation on hypothetical data, and so, in my
27 mind, part of the problem, and this table I'm sure we'll discuss
28 tomorrow in Mr. Dyskow's committee, but the discard rates, or
29 the actual number of fish discarded, is pretty elusive. I mean,
30 I think that's a number that none of us can really pin down, and
31 so that's kind of unfortunate.

32
33 If you just looked at some -- You are just talking about the
34 recreational sector here, I think, in this presentation, and so,
35 if you looked at those numbers in that table that we'll see
36 tomorrow, you are looking at one-and-a-half to two-million fish
37 that are discarded, on estimate, and the 12 percent discard rate
38 -- I did my simulation real quick while you were talking, and
39 so, if you figure -- Let's just ballpark it at two-million fish
40 at around 12 percent, and you're looking at 250,000 fish that
41 would have died if you didn't do something.

42
43 Then you add a seven or eight-pound average under that, and
44 that's almost two-million pounds, and so what I'm trying to
45 reconcile is throwing back two-million fish, and 12 percent are
46 going to die, and how are you getting at only saving 30 to 70
47 percent? It seems like we're off. Something is not meshing up,
48 and maybe it's my five-minute calculation here that I just did,

1 but I don't know. I am trying to reconcile it. To me, it seems
2 like there is a lot greater bang for your buck when you're
3 throwing back millions of fish.

4
5 **DR. BARBIERI:** I will defer to Dr. Porch and Dr. Cass-Calay for
6 this, but this is an issue that has, I can tell you over years
7 and years of looking at these stock assessments, that can be
8 puzzling, and that is that, when you integrate these discard
9 mortality rates, different rates, into stock assessments, it's
10 how the model handles that issue in terms of biomass and how all
11 of that actually -- It translates into changes in the dynamics
12 of the population.

13
14 At times, you actually don't see, more often than not, as you
15 run your assessment, as much of an impact as we would
16 intuitively think about just by working the numbers like you are
17 saying, because you are dealing with a dynamic model that is
18 integrating a whole number of different parameters, and,
19 actually, by the time that it's projecting forward, it's
20 integrating that dynamic as well. With that, I am going to
21 defer then to Dr. Porch and Dr. Cass-Calay, if they have
22 something to add that I didn't capture there.

23
24 **CHAIRMAN GREENE:** Dr. Porch.

25
26 **DR. PORCH:** Thank you, and Dr. Calay can jump in as she feels
27 appropriate, but we also were struggling with the same sort of
28 back-of-the-envelope calculation that Greg was mentioning, and
29 we asked the analysts to check their results, and, so far, they
30 are fairly confident that that's the way the numbers play out.

31
32 Having said that, I do regard this as preliminary, because it is
33 a tool that is being developed, and so what we'll try and do is
34 go back and approach the problem from a couple of different ways
35 and make sure we can validate these numbers, but, even so, when
36 you have -- If you are assuming that the discard mortality rate
37 is only 11.8 percent, you are not going to get as much bang for
38 the buck as we might have expected, as Dr. Barbieri pointed out,
39 or as if we were talking about some of the fisheries that
40 operate in deeper water, where the mortality rate is much
41 higher, and you would get a much greater effect.

42
43 I do wonder, and many of us have for a while, if the discard
44 mortality rate really is only 11.8 percent, because I think the
45 way that's calculated is based on an average depth rather than
46 integrating across the fraction of fish that are caught in very
47 deep water and then progressively shallower water, because the
48 discard mortality rate increases very rapidly with depth, and so

1 they tried to account for that, but I think we didn't have the
2 true depth distribution of all the recreational landings. We
3 sort of had some average statistics, and some came from TIP and
4 some came from iSnapper, but what we don't have is the actual
5 full proportion of the landings by depth for the whole fishery,
6 and that would help a lot if we could get that information.

7
8 **CHAIRMAN GREENE:** Is there further discussion or further
9 questions? Mr. Dyskow.

10
11 **MR. DYSKOW:** A couple of questions. If you look at the fact
12 that we can't mint more fish, the low-hanging fruit to increase
13 the stock of available fish is decreasing mortality rates of
14 discards and to reduce foreign fishing in U.S. waters, Mexican
15 panga fishing in this case, and those numbers -- We hear all
16 sorts of estimates on both of those issues of high, low, and in
17 the middle.

18
19 We don't really have good data to form these opinions, and the
20 information that was presented at the Education and Outreach
21 Committee showed tremendous promise to make a significant
22 reduction in discard mortality, particularly in the private
23 sector, and a whole number of groups outside of NMFS are
24 spending a lot of money and effort to focus on the education of
25 recreational anglers so that venting, in particular, but all of
26 this is going nowhere if we get some piece of data that says
27 you're not going to save anything.

28
29 All of these data pools need to be evaluated carefully, to make
30 sure that we're not saying two different things to two different
31 groups, and I look at this and I am really disappointed, in that
32 it says this is all a waste of time, where other datasets that I
33 have seen are telling me that it's not a waste of time, and so I
34 would like some clarification, and I would like to understand
35 how we can reconcile this. It's almost like we have two
36 different presentations, the one that we had at our Outreach and
37 Education Committee and this information, which are quite
38 different and shocking, frankly.

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

41
42 **DR. PORCH:** Please keep in mind though that this 11.8 percent is
43 assuming that fishermen are venting, and so it's already
44 accounting for that. If we wanted to get the numbers prior to
45 venting, and I can't remember the exact percentage, but I think
46 it was more like 20 percent, and so it's almost cut in half by
47 assuming that venting is going on.

48

1 If you use descender devices on top of that, you make some
2 gains, but a lot of the gains were made just by accounting for
3 venting, and so we're basically looking at, okay, if you get
4 over and above venting and you use descending devices, then you
5 reduce from the 11.8 percent to maybe 6 percent mortality rate,
6 and it gives you some gains, but it's going to amount to -- I
7 forgot what the exact number was, but a few hundred thousand
8 pounds in additional quota.

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

11
12 **MR. DYSKOW:** That goes right to my point, where data
13 presentation is a dangerous tool, because, if we're assuming
14 that in the private sector that fish are already being vented,
15 that's a ridiculous assumption to make a presentation like this
16 on, because the whole purpose of what the Education and Outreach
17 Committee is moving towards is to implement that procedure,
18 venting and descending device procedure, amongst a broad sector
19 of recreational anglers, and so we're starting here with the
20 premise that it's already done, and it isn't, and so how could
21 this be valuable information for us to use as a tool?

22
23 **DR. BARBIERI:** I was just going to say that this is a fair
24 point, and I think it is, but keep in mind that the assessment,
25 given the paucity of data and the inability, really, to evaluate
26 with real precise numbers what the reduction in mortality has
27 been with a fairly large proportion of people using the venting,
28 a decision was made to come up -- That was the value that was
29 used in the stock assessment that I presented, the SEDAR 52,
30 that 11.8 percent that was considered after venting became
31 mandatory.

32
33 Yes, it involves that assumption that this is being implemented,
34 but this is because there is really not clear information out
35 there of the proportion of folks that are using versus not
36 using, and, since this is a rule, the only thing that you can do
37 is assume that it's rule that the council implemented, and so
38 that was actually used. It's very difficult to go beyond that,
39 and I don't know if Dr. Porch has anything to add to that.

40
41 **DR. PORCH:** The only thing I would add is that at one point
42 venting was on the books, and then it was taken off, and that's
43 probably where part of this comes from, because, when the
44 assessment was done, the years that were used, I think venting
45 was still required, and then it was taken off, and so this
46 assumption is operating as though venting was required and
47 actually being done, and that was the baseline, and so,
48 arguably, we should change the baseline now, since it's no

1 longer required.

2

3 **CHAIRMAN GREENE:** Dr. Crabtree.

4

5 **DR. CRABTREE:** The reality has always been that you have to make
6 assumptions to get to the release mortality rate to begin with,
7 and we don't really know how effective venting is, and we don't
8 know how many anglers actually do vent, and so you get into an
9 awful lot of uncertainty with this, and it might be more useful
10 to pull the venting issue back into this and kind of look at it
11 more as what's a range of reasonable impacts that this might
12 have and look at it a little more broadly, because, as Clay
13 said, if you went back to the 20 percent release mortality rate
14 assumption, I suspect this has quite a bit more impact on yields
15 than it does now, and the trouble is you don't really know where
16 to put those assumptions very well.

17

18 **CHAIRMAN GREENE:** Dr. Stunz.

19

20 **DR. STUNZ:** Roy is really hitting on my point, and, to add to
21 Roy's -- Also, we don't have a good handle on exactly those
22 numbers of discards that are really occurring, which is
23 compounding any type of projection, but that was not the point
24 that I wanted to make.

25

26 If I'm understanding it, Clay is saying we're already pretty
27 much giving credit for venting or discarding or whatever down to
28 that 12 percent mark from the 20, or 11 or whatever it is, but
29 still, at 11 percent, depending upon if you believe those
30 discard numbers, you are still looking at -- I will have to look
31 at my calculation again, but you're still looking at anywhere
32 from basically in the 200,000 to 250,000 fish that would be so-
33 called saved, and, of course, I know there is all the caveats of
34 exactly where they are removed from the depth and things, but
35 that is still a long way from that maximum 35,000 fish, and so
36 that's what I am trying to reconcile, is that -- That's a wide
37 swing.

38

39 Now, I understand this was sort of a theoretical exercise and so
40 maybe that's part of the issue there as well, but this is an
41 important consideration, in my mind, especially as we're about
42 to have a big discussion tomorrow related to implementing these
43 devices in the fishery, and we need to get it right.

44

45 **DR. BARBIERI:** I think that -- To that point, Mr. Chairman, and
46 I'm sorry. I just jumped in. Sorry.

47

48 **CHAIRMAN GREENE:** Absolutely.

1
2 **DR. BARBIERI:** The take-home message is that this is a work in
3 progress, and so any of these comments, both from the SSC and
4 the council, I think can be taken into account to continue
5 refining this. This just simply demonstrates how the Science
6 Center is trying to be responsive to addressing some of these
7 questions that are coming up, and, even if you don't have
8 absolute values that we can put in front of people, at least we
9 can investigate ways to give you some of the relative what-if
10 scenarios to be explored, but this is a work in progress, and
11 refinement is definitely needed.

12
13 **CHAIRMAN GREENE:** Okay. Thank you. I guess the one question I
14 have is in the results. On page 10, you talk about the results,
15 and 75 percent of the potential gains are realized through
16 mortality reduction during the closed season. That seemed kind
17 of surprising, to me. I mean, obviously, the seasons are
18 closed, and that's why they're releasing the fish, and it seems
19 like a very large gain there, but was the gain marginalized
20 during the season, or why -- That seems kind of an interesting
21 point to me, and I was just curious if someone could elaborate a
22 little bit on that, Dr. Porch or Dr. Cass-Calay or anybody.

23
24 **DR. BARBIERI:** Well, you may remember, Mr. Chairman, that from
25 this morning -- Consider the fact that the season is relatively
26 small, short, and that this morning -- Consider the impact of
27 the amount of effort on the eastern Gulf and the fact that we
28 have such a long season that is closed, and people are going out
29 to fish for all sorts of different things, and remember that
30 that mortality rate was actually one of the highest.

31
32 That is part of the season there that ends up having -- Because
33 it has the most impact, if you address that, it's really going
34 to have the most gains. Do you agree with my interpretation,
35 Dr. Porch?

36
37 **CHAIRMAN GREENE:** I remember the graph this morning that showed
38 the real high deal, and I was just making sure that this is
39 tying into basically what we saw this morning, and is that kind
40 of correct, Dr. Porch?

41
42 **DR. PORCH:** Right, and so the closed season is very long, and
43 people are fishing for vermilion snapper and other things and
44 catching red snapper as they go, and some fraction of them die,
45 whereas, during the open season, it's short, and you are only
46 mostly throwing back undersized fish, and some people might be
47 high-grading and that sort of thing, or fishing past the bag
48 limit, but, for the most part, the discards are undersized fish.

1 The closed season, it's all sizes, large and small, for a very
2 long period of time, most of the year, and so a lot more fish
3 discarded in the closed season than the open season.

4
5 **CHAIRMAN GREENE:** Does the fact of a directed fishery or a
6 directed, targeted trip have any influence on that at all?

7
8 **DR. PORCH:** It does, but it's swamped by the sheer length of the
9 season. People are still doing offshore fishing trips on the
10 snapper grounds and catching other stuff and throwing back red
11 snapper.

12
13 **CHAIRMAN GREENE:** I understand. Okay. I am just trying to find
14 any savings or potential value in this that I can. All right.
15 Anybody else have any further discussions? Okay. Thank you,
16 Dr. Barbieri.

17
18 **DR. BARBIERI:** Moving on to the next topic, it was discussion of
19 best scientific information available, and we received
20 presentations from Mr. Atran and as well as from Mr. Gregory on
21 the NS 2 Guidelines that define the best scientific information
22 available, and then we had comments on this draft document,
23 framework, for determining that stock status determinations and
24 harvest specifications are based on the best scientific
25 information available.

26
27 The agency is putting out there some criteria, this framework,
28 to help us deal with the different factors, and there are four
29 there that are listed on that slide, that can and should be
30 looked at as we determine whether the best scientific
31 information available was used for stock status determination.

32
33 As I explained earlier, this has been an issue that seems
34 simple, but it hasn't been, and this is not the only SSC that
35 has struggled to actually deal with this issue, and so this new
36 framework, I think, is helpful, in that sense, and we would like
37 to, at a future meeting, with the help of Ms. Levy, continue
38 this discussion, because I think that we need to get our ducks
39 in a row and have a better understanding of how to tie some of
40 these criteria into the catch advice that we provide to you.

41
42 **CHAIRMAN GREENE:** Is there discussion? I am not seeing any, Dr.
43 Barbieri.

44
45 **DR. BARBIERI:** No, I didn't expect much. That is pretty dry.
46 The SEDAR 64, and I just put it there for inclusiveness, so you
47 have that as part of your briefing book and as part of the
48 package of information that you have, but, basically, the SSC

1 reviewed and approved the schedule. This, as I mentioned, is a
2 benchmark assessment that is going to be conducted by FWC.

3
4 The terms of reference and the schedule were approved, and the
5 SSC actually did not select participants, SSC participants, to
6 be members of these panels, since, at this meeting, you actually
7 appointed a new, fresh SSC, and we figured that it would be
8 better to wait to hear your decisions to then proceed at our
9 next meeting and make recommendations or ask for volunteers to
10 participate as panel members.

11
12 **CHAIRMAN GREENE:** Are there questions or discussion? I am not
13 seeing any, Dr. Barbieri.

14
15 **DR. BARBIERI:** Thank you. This one, we have already discussed,
16 and it's to be continued. Under Other Business, as I mentioned,
17 the nature of the SEDAR research track, and it's a framework
18 that is still in development, being evaluated by the SEDAR
19 Steering Committee and by the councils and the Science Center,
20 and the SSC is interested in exploring further how this is going
21 to be operationalized, and I don't think it will by the July
22 meeting.

23
24 I think it will be the subsequent meeting that Ms. Neer is going
25 to come and give a presentation, an update -- We have had
26 presentations before on the research track, but perhaps get into
27 a little more detailed discussion of the components and
28 parameters of these research track assessments, so we have
29 better guidance on how to deal with it.

30
31 **CHAIRMAN GREENE:** Is there discussion? I am not seeing any, Dr.
32 Barbieri.

33
34 **DR. BARBIERI:** Then, also under Other Business, a question came
35 up from Dr. Simmons regarding the potential for the development
36 by the Center of an interim analysis that would provide some
37 scientific basis for further management action regarding red
38 grouper.

39
40 She discussed the fact that, back in January, the SSC was
41 presented with indices of abundance for red grouper, and you had
42 requested that we look at those indices and help you with some
43 scientific basis for a reduction, perhaps, in the ACLs to be
44 better aligned with the reductions in abundance that had been
45 observed in the indices, and the SSC did not feel comfortable
46 going that far, given some of the uncertainties in the indices
47 and given the fact that a number of other factors, they felt,
48 were weighing on the stock status of red grouper, and they just

1 didn't feel comfortable providing that advice then,

2
3 There was this discussion of the potential for an interim
4 analysis, and I don't think we got this resolved, that there is
5 a scheduling issue that the Science Center needs to consider, in
6 terms of data availability and staffing to actually conduct the
7 interim analysis by August.

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

10
11 **DR. PORCH:** It's not so much a scheduling issue. We can come up
12 with some examples for how an interim analysis would be
13 calculated and apply it to some of those indices for the July
14 SSC meeting, but what we can't do in that timeframe is fully vet
15 it. It's like I described I think yesterday.

16
17 In principle, the idea is, if the index goes up, then
18 potentially the ABC could go up. If the index goes down, the
19 ABC would go down, but exactly how much the ABC should go up or
20 down depends on your uncertainty in that index that you're
21 using, and so, there, we would like to do some management
22 strategy evaluations to find out the best way to adjust the ABC,
23 but there has been some work in the literature already, and we
24 could show those examples to the SSC. If the SSC was
25 comfortable making management recommendations from that, fine,
26 but, otherwise, we wouldn't promise to have management strategy
27 evaluations done in time for July.

28
29 **DR. BARBIERI:** Right, and Dr. Cass-Calay actually made that
30 point clear to the SSC, and it was unclear how the SSC -- Let me
31 put it that way. It was unclear how the SSC would react to
32 seeing those potential results until further, more detailed
33 results of the MSE would be available.

34
35 I don't recall, and Mr. Atran may refresh my memory here, but I
36 don't recall how we actually finished -- Whether we resolved a
37 way forward with this or whether we would bring this to your
38 attention here, given the discussion that we had, and ask you
39 for additional guidance or requests from you for what you would
40 like to see in terms of further SSC actions on this item.

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

43
44 **MS. BOSARGE:** I guess I was thinking that MSE analysis would be
45 forthcoming, hopefully, for not your July meeting, but your
46 September meeting, and so we would be able to present those to
47 you at your September meeting, and then hopefully you all would
48 be able to take a look at that and evaluate it and come up with

1 some sort of recommendation, because it's sort of like a trial
2 run at these interim analyses, right? That is what we're hoping
3 to -- We are actually hoping to get catch level recommendations,
4 I guess, once we have those MSE analyses before us.

5
6 **DR. BARBIERI:** Yes, and, in that case -- That is the part that I
7 missed, I guess, at the end of that meeting. I really did not
8 come out of there with that feeling, that we would be able to
9 see the MSEs and the interim analysis completed by September,
10 but, if that's the case, that would be great, because I think
11 this is a process the SSC, at least over here, needs to
12 familiarize itself more with, and it's going to become a way to
13 update catch advice more frequently than we have been doing so
14 far, and so we will just look forward to seeing that analysis at
15 our September meeting, and we are going to proceed accordingly.
16 In that case, Mr. Chairman, that completes my presentation.

17
18 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
19 Okay. I am not seeing any further discussion, and thank you,
20 Dr. Barbieri. That completes our regular agenda, as we had it,
21 and we have a couple of items under Other Business. The first
22 one we'll tackle will be the IUU fishing report, and then Ms.
23 Gerhart had an additional item, and so, Mr. Riechers.

24 25 **OTHER BUSINESS**

26
27 **MR. RIECHERS:** I will just refresh everyone. If you don't
28 remember, and they were trying to send it out today or put it on
29 the website, but this came through since the last meeting, and
30 it's a positive certification determination from Mexico's 2015
31 IUU fishing identification, and it was issued in April of 2018.

32
33 Just the long and short of it is they started consultation,
34 basically, with a letter on January 18 of 2017 from NMFS to
35 Mexico, and a little dialogue back and forth, and then it sounds
36 as if, on October 19, basically the government of Mexico
37 delivered what NMFS thought they needed, and so then NMFS
38 certified Mexico, whatever that means exactly, which we will
39 look to someone to tell us.

40
41 But all of that stands in contrast to a lot of what we're
42 hearing on the ground right now, and the Coast Guard can maybe
43 help with this, but at least, certainly from the Texas Parks and
44 Wildlife perspective and our efforts down there with the Coast
45 Guard and National Marine Fisheries Service, it doesn't seem
46 like that activity is curtailed at all, and, if anything, it has
47 ramped up this year, from what we're hearing.

1 We are early in the year still, and so I'm -- It could tail off,
2 and so I'm just kind of wondering about how that occurred, and
3 then I will come back to the comments, or I have a comment about
4 the exchange this morning about this as well, but I will also
5 look to the Lieutenant, if he has anything to add here.

6
7 **CHAIRMAN GREENE:** Okay. Lieutenant Commander, would you like to
8 add anything?

9
10 **LT. ZANOWICZ:** No, but, just from the Coast Guard side, the
11 District 8 Office that I work for and myself weren't directly
12 involved in the IUU decision, and so all I can say is that we
13 don't seem to have seen any decrease in activity at the
14 U.S./Mexico maritime boundary line.

15
16 **CHAIRMAN GREENE:** Okay, and you said earlier this morning that
17 it was roughly 30,000 pounds?

18
19 **LT. ZANOWICZ:** I re-consulted my numbers, and it's actually
20 approximately 23,000 pounds this fiscal year so far of red
21 snapper that we have recovered.

22
23 **CHAIRMAN GREENE:** In the past, it seemed like you all had talked
24 about a 10 percent known intercept, and is that still roughly
25 correct, or do you have any idea?

26
27 **LT. ZANOWICZ:** I can't comment on that.

28
29 **CHAIRMAN GREENE:** Fair enough. Thank you. Dr. Stunz.

30
31 **DR. STUNZ:** A while back, and this has been two or three years
32 ago now, we got that nice report on that simulation model that
33 was done, and it would be great to maybe have an update on that
34 at some point. I certainly don't want to create all this extra
35 workload if it's a lot of trouble, but I just pulled that up a
36 little while ago, and certainly this is a big concern for our
37 region, because this is where it's occurring, and, in our work,
38 we recover their gear all the time.

39
40 What was just mentioned earlier was that what's not captured or
41 what's not seen -- If you look at the number -- I think Clay
42 mentioned earlier that it was like 500,000 pounds, but I went
43 and looked at that report again, and it's something they
44 estimated, and this was in 2016, that 1,100 actually occur per
45 year and that not all of those get caught, and they are
46 averaging 2,000 pounds, and some can carry up to 3,000 pounds,
47 and so we're talking more like a million, or maybe two-million,
48 depending upon how many of them there really are, which it

1 sounds like we don't even completely know that.

2
3 I feel like this is a much bigger problem than we are giving it
4 really credit, and so I certainly would like to see something
5 done about it, obviously, but let's pay a little more attention
6 about what that take really looks like in our region.

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

9
10 **DR. CRABTREE:** I remain concerned about continuing monitoring of
11 this, but there were some things done in consultation with
12 Mexico. If you look at the report that I think was distributed,
13 there were \$2.7 million worth of fines assessed under the Mexico
14 General Law of Sustainable Fishing and Aquaculture.

15
16 Mexico reported that they had installed satellite monitoring
17 devices on vessels sailing out of Baghdad Beach, Matamoros, and
18 they stopped subsidizing engines and gas to the fishing
19 cooperatives that are associated with the lancha incursions. I
20 think part of the problem had been that they come over and they
21 get caught and the boats are seized and they go home and they
22 get given money to buy new boats.

23
24 There were a variety of things done to try and address this, in
25 part because they were found out of compliance in the biennial
26 report, and the question, I guess, would be is it enough and are
27 we seeing diminished activity, which we're not hearing
28 encouraging things from the Coast Guard there, and do they end
29 up being decertified yet again, and I think these are annual
30 reports that are done every year.

31
32 I think, with some heads-up that this is something you want to
33 talk about, we could have some more knowledgeable people here
34 who could come in and address the details of this, and maybe we
35 could get someone in the Coast Guard who is more directly
36 involved with some of the numbers, and we could try to see
37 what's going on and what has happened, and you could make your
38 concerns about the situation known.

39
40 I would suggest that, if this is something you want to follow-up
41 on, let's put it on the agenda at a future meeting, and let's
42 make sure we have the people here who have been more directly
43 involved in all of this and can respond to your questions and
44 concerns.

45
46 **CHAIRMAN GREENE:** Thank you. Mr. Riechers.

47
48 **MR. RIECHERS:** Yes, and I didn't mean to blindside you, Roy. I

1 know other people are probably more attuned and deal with this
2 with the Mexican National Government, but, I mean, the point
3 that I am trying to make is that, while they got decertified,
4 and whatever actions were taken here, that hasn't curtailed the
5 effort, or the incursions, that are ongoing down there, at least
6 according to all the reports we're hearing.

7
8 Now I will take my side discussion about some of what Greg just
9 reiterated as well. We had that report three or four years ago,
10 and I don't remember exactly when it was, and we asked, at that
11 time, for it to be reviewed, and I guess I'm just a little
12 disappointed that, upon that review, there was a decision about
13 needing more kind of continual effort, which certainly the
14 operations research individual who came and brought that to us
15 had more than the capabilities to do that on an annual basis,
16 and we could have had that and at least -- Whether it ends up
17 working in directly to the assessment or whether it's over on
18 the side as a backdrop and us thinking about the sensitivity of
19 the assessment to those poundages, that would have been at least
20 a useful exercise, I think.

21
22 I was a little disappointed that that communication hadn't
23 occurred until it occurred this morning, but, again, the IUU
24 situation is just a difficult situation, and certainly the Coast
25 Guard and Texas Parks and Wildlife and Border Patrol and
26 National Marine Fisheries Service agents are all working to do
27 what they can down there.

28
29 **CHAIRMAN GREENE:** Dr. Stunz.

30
31 **DR. STUNZ:** Just to add to that, and I know we've sort of had
32 this discussion, but maybe to refresh everyone that it's not
33 just red snapper that we're kind of talking about here. It's
34 just as many sharks and just as many pounds of other fish as it
35 is red snapper.

36
37 We all suspect that, particularly snapper, at that price per
38 pound that they're going for now, where do they end up, and I
39 think it was last week, or maybe the week before, they
40 intercepted a truckload of snapper at a border checkpoint in the
41 U.S. at a stop that uncovered a bunch of snapper being illegally
42 transported north, and so those fish are somehow making it back
43 into us and being sold at some point, and so, obviously, there
44 is a lot more activities, and I can get the details on that
45 recovery, and I don't remember off the top of my head.

46
47 What all this is leading me to and the point is I think this is
48 a lot bigger problem than we really are imagining right now, and

1 so, obviously, given all of the efforts we do to improve this
2 fishery and it's just sort of being pulled out behind our back
3 is troubling to us, especially in south Texas.

4
5 **CHAIRMAN GREENE:** Thank you. Dr. Cass-Calay.

6
7 **DR. CASS-CALAY:** Dr. Porch already alluded to this, but an
8 important aspect of that analysis will be what happened
9 historically, because if, for example, there is a large
10 extraction of Mexican landings that has always occurred, the
11 assessment model won't be very sensitive to that, but, if it is
12 increasing recently, that is much more important, and so we're
13 going to have to have some idea of how these Mexican landings
14 have evolved over time, when it began, how quickly it increased.

15
16 **CHAIRMAN GREENE:** Thank you. Lieutenant Commander.

17
18 **LT. ZANOWICZ:** Just to comment on as far as the data and the
19 numbers, and so I wasn't in this seat when that presentation was
20 given a few years ago, and so I don't know what expectations
21 were set when that presentation was given, as far as delivering
22 it annually. What I can do is go to the person that gave that
23 presentation and try to get updates.

24
25 As far as numbers we do have on record, we do have records going
26 back several years regarding not just the number of lanchas that
27 we have interdicted, but also the numbers that we have detected
28 and intercepted as well, which means we have an asset on scene
29 actually pursuing it, and so we do have those numbers going back
30 several years as well as the catch we recovered.

31
32 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
33 discussion? Okay. Very interesting conversations this
34 afternoon, especially as late as it is. Okay. Anything else?
35 All right. With that, we have one remaining additional agenda
36 item, and that is Ms. Gerhart and a presentation on the
37 electronic reporting.

38
39 **MS. GERHART:** Thank you, Mr. Chair. The council had requested
40 an update on how we were doing with the implementation of the
41 for-hire electronic reporting amendment, and I do have a
42 presentation that we need to put up.

43
44 The status of the rulemaking, to start out with, is, for the
45 Gulf of Mexico, we submitted the Notice of Availability for the
46 amendment itself for the secretarial approval, and we have just
47 found out this morning that that NOA will publish on the 21st,
48 which is Thursday of this week, and so that will open the

1 comment period on the amendment, and that's a sixty-day comment
2 period, and so August 20th is the end of the comment period for
3 that.

4
5 We hope to publish a proposed rule by August 15, and it's a
6 little behind the amendment, because there are some details that
7 weren't in the amendment that we have to work out for the rule
8 itself, and we hope to publish the final rule by December 15.
9 The implementation date that we're aiming for is April 1 of
10 2019.

11
12 One of the things to keep in mind is that this might be a step-
13 wise implementation. We have essentially two parts to this
14 program. One is reporting of landings and effort, and the other
15 is the GPS portion of it, and those are a little bit separate,
16 and the GPS part is maybe a little more difficult to implement,
17 and so we may have that implemented a little bit later than the
18 initial reporting.

19
20 The South Atlantic is also doing rulemaking for their reporting
21 requirements, and they have already published a proposed rule in
22 April, and the amendment was approved on June 12 by the
23 Secretary of Commerce. The final rule is expected to be
24 published around mid-August as well, and they are aiming for
25 implementation on January 1.

26
27 Recall that their requirements are much less stringent than
28 yours are. They don't have the GPS portion, and they only have
29 weekly reporting, and so it's a little less complicated to get
30 their rulemaking done then for the Gulf.

31
32 Very quickly, you will recall that we have a group together to
33 implement this, and there is actually fifty-three people on this
34 team, which is quite a lot, and we're trying to pare that down
35 now that we've gotten started on that, but there are six
36 different sub-groups that meet to discuss the different items
37 here, and some of those have been meeting for quite a while and
38 some are just getting started, like, for example, Outreach and
39 such like that.

40
41 Just to update you on some of the things that are going on with
42 this, we have selected ACCSP as the data warehouse, and we're
43 still working out some of the issues with them to make that
44 happen, but that was the selection, and that's a fortunate
45 thing. It makes us the same as the South Atlantic and the Mid-
46 Atlantic, and so there will be a lot better data sharing and
47 less duplication of effort of people's parts.

1 We also have a minimum standards technical guidance document
2 that is almost complete, and that will talk about the equipment
3 that is required and the minimum requirements for that, and
4 we're also working on determining what is the minimum amount of
5 validation and such to meet the MRIP certification, because,
6 just like with the state programs, this will have to be
7 certified by MRIP before it can be used. Then we're also in
8 some discussions with Enforcement and with General Counsel about
9 how we're going to work with compliance and enforcement on this.

10
11 As I said, we're starting to gear up on the outreach, and one of
12 the things we wanted to highlight for you is that there are FIS
13 funds that have been given to the council for planning some
14 meetings and for materials for those meetings.

15
16 One of the things we're going to do is there is a meeting of the
17 Quality Management Professional Specialty Group, which is part
18 of FIS, and they meet regularly to go through processing, and
19 they are meeting in St. Petersburg at the Southeast Regional
20 Office in July, and I believe the dates are the 16th through the
21 18th, but they always choose a project to put through their
22 process, to test a test project, and they have chosen our
23 process for that, and so we're really pleased that we'll be able
24 to get their input on this without spending any extra money on
25 it than just helping out with the arrangements of the meeting,
26 but the council staff has been helping to put together that
27 meeting with this money from FIS.

28
29 We will be including in that meeting one council member and two
30 fishermen, a charter boat and a headboat fisherman, to go to
31 that meeting to be part of that and start learning about it.
32 Then we also plan to have public workshops beginning early in
33 2019 to get ready for that April implementation date, and all of
34 this will be a joint effort between the council and SERO staff
35 to get the information out as best as we can. That's it.

36
37 **CHAIRMAN GREENE:** Thank you, Sue. I appreciate that. Ms.
38 Guyas.

39
40 **MS. GUYAS:** Sorry to stand between this and the social, but,
41 since we're in Monroe County and we now have two different
42 implementation dates projected, can you talk about what that is
43 going to mean for these captains, because it's -- It looks like
44 they are going to have to switch between systems, which could be
45 problematic.

46
47 **CHAIRMAN GREENE:** Dr. Crabtree.
48

1 **DR. CRABTREE:** Well, I am talking -- There are several hundred
2 dually-permitted vessels, and I suspect the majority of them are
3 in Monroe County, and, ultimately, they will report to the Gulf
4 system. I am talking to our attorneys and looking for a way to
5 exempt them from the South Atlantic reporting requirement and
6 have them just on hold until the Gulf system comes online, and
7 so I am trying to find a way to avoid having them report to one
8 and then to the other.

9

10 **CHAIRMAN GREENE:** Okay. Is there further discussion?

11

12 **DR. CRABTREE:** You look confused. No?

13

14 **MS. GUYAS:** He was asking what the gap is between the
15 implementation, and it was a few months.

16

17 **DR. CRABTREE:** It's a few months right now.

18

19 **MS. GUYAS:** Right, and so I guess that would make sense, but
20 would it be better, and I know the South Atlantic doesn't want
21 to do this, but just to roll them out at the same time? It
22 really is just a few months.

23

24 **DR. CRABTREE:** Well, we had this discussion at the South
25 Atlantic, and they didn't want to delay their program, and so I
26 don't rule that possibility out, but I think the better solution
27 would just be have them off to report in the Gulf.

28

29 I look at both of these programs in the first year are going to
30 be largely troubleshooting and outreach and education and trying
31 to figure out what else we need to do and what works and what
32 doesn't, and so I don't think we really lose much by doing that,
33 and I think there is a downside with the confusion that it would
34 cause if they're in one system and then have to go to the other.

35

36 **MS. GUYAS:** One more question, and then I will stop. The other
37 big question-mark with these amendments, both the Gulf and the
38 South Atlantic one, but particularly the Gulf one, was funding
39 for validation and to get these systems running, and has that
40 materialized?

41

42 **DR. CRABTREE:** No, that remains a problem.

43

44 **MS. GUYAS:** So how are we actually going to do this, I guess, or
45 I guess stick to this timeline if there is not the money to do
46 that?

47

48 **DR. CRABTREE:** Well, the validation will be a problem in terms

1 of achieving certification by the MRIP programs and being able
2 to produce catch estimates that we can use, and so we've been
3 working, at this point, on refining how much it is that we
4 absolutely are going to have to have for the two programs, and
5 then we're dependent on appropriations in order to achieve that.

6
7 **CHAIRMAN GREENE:** All right. Anything else? All right. It's
8 almost that time, but, before I do, I promised my kids that I
9 would get a selfie to prove that I was doing this, and so it is
10 with great pleasure that I tell you, Madam Chair, this concludes
11 this committee.

12
13 (Whereupon, the meeting adjourned on June 19, 2018.)

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15 - - -