GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

REEF FISH MANAGEMENT COMMITTEE

IP Casino and Resort                             Biloxi, Mississippi

OCTOBER 18-19, 2016

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The Reef Fish Management Committee of the Gulf of Mexico Fishery Management Council convened at the IP Casino and Hotel, Biloxi, Mississippi, Tuesday morning, October 18, 2016, and was called to order by Chairman Johnny Greene.

ADOPTION OF AGENDA
APPROVAL OF MINUTES
ACTION GUIDE AND NEXT STEPS

CHAIRMAN JOHNNY GREENE: Good morning. This is a committee of the whole. The only committee change would be noted as Ms. Guyas is Vice Chair and everyone else is, as noted, on the committee of the whole.

With that, we will get started with the Adoption of the Agenda. Are there any changes or additions to the agenda as written? Seeing none, we will adopt the agenda as written. Approval of the Minutes, is there any additions or deletions or corrections? Seeing none, we will adopt the minutes as written.

The next action item is the Action Guide and Next Steps for your review, Tab B, Number 3. As we go through this document, if you need a little reference of what we’re doing or where we’re trying to go to, then please refer back to Tab B, Number 3.

With that, we will move on to Item Number IV, Review of Proposed Regulations for the Flower Garden Banks National Marine Sanctuary, and we will look to staff for that, to Dr. Kilgour.

REVIEW OF PROPOSED REGULATIONS ON THE FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

DR. MORGAN KILGOUR: Thank you, Mr. Chair. I have a presentation, for my own sake, to go through the document. It matches pretty much exactly what’s already in the document, but I’m just waiting for them to bring it up on the screen. Just a note that G.P. Schmahl from the Flower Garden Banks National Marine Sanctuary is here to answer any questions that you may have for him.

The current fishing regulations in the sanctuary prohibit anchoring, mooring a vessel over a hundred feet in registered length on a sanctuary mooring buoy, fishing and related activities, with the exception of hook-and-line gear, and there is one general exception that I used as part of our rationale for the rest of the document, and that is that oil and gas exploration or development -- The prohibitions on anchoring within the sanctuary, drilling or altering the seabed do not
apply to necessary activities conducted in areas of the
sanctuary outside of the no-activity zones and incidental to the
exploration for, development of, or production of oil and gas.

The general recommendations in this white paper are to maintain
current fishing regulations in the existing HAPCs with
regulations, establish a certificate program or endorsement
program that would allow for education of fishermen within the
Flower Garden Banks National Marine Sanctuary on the
environmental importance of the areas, fishing restricted areas,
and appropriate gear types, and to provide an adequate number of
mooring buoys on any of the expanded no-bottom-tending-gear
zones, to allow for access of the public.

For general fishing recommendations, I used the tiered approach
that was discussed at the August council meeting, and so it
would continue to allow historical fishing practices in the
areas that are outside of the BOEM no-activity zones, and these
are designated by BOEM as no-drilling or oil and gas
exploration, and so the boundaries should be consistent with
those areas.

In these no-activity zones, to create a no-bottom-tending-gear
zone, which would still allow for hook-and-line fishing.
Outside of these no-activity zones, or no-bottom-tending-gear
zones, allow some anchoring by fishing vessels and some bottom-
tending gear, but just no trawling. If the area does not have a
no-activity zone, which will be an example that I give you, but
it’s for Horseshoe Bank, to establish a truncated no-bottom-
tending-gear zone, because those no-activity zones that are
currently on the books by BOEM are under revision, because of
new data that shows hard bottom areas that weren’t previously
document, and Horseshoe Bank, I believe, is one of those areas.

Allow historic fishing practices with gear other than hook-and-
line within the proposed sanctuary boundary to continue as long
as that fishing is not occurring in the no-bottom-tending-gear
zones, and allow anchoring by fishing vessels over soft sediment
outside the no-bottom-tending-gear zone, and this is where I
would need council input. These vessels must carry an operating
vessel monitoring system. Anchors should be specific to
anchoring on soft sediment and equipped with a weak link.

The first bank in the document is Stetson Bank. This is
currently part of the National Marine Sanctuary. That’s the red
box. The hatched box that’s outlined in purple is the boundary
of the existing HAPC. This has regulations. There is no
bottom-tending gear inside the HAPC, and so the recommendations
in this white paper are for the sanctuary to maintain the
current red-line boundary and fishing regulations, but it’s been
brought to my attention that there is significant hard bottom
that is outside the current sanctuary and we already have an
HAPC with fishing regulations, and so perhaps the council may
want to just not have recommended regulations for the entire
expansion of Stetson Bank. I am happy to take questions as we
go through the document.

CHAIRMAN GREENE: Ms. Bosarge.

MS. LEANN BOSARGE: Morgan, I do have some comments, but I am
more familiar with the actual white paper, and so I think I will
just kind of reserve any comments that I may have until we
finish the presentation, and then we can switch over to the
white paper, or I will get a little confused, probably.

DR. KILGOUR: Okay. This is my cheat-sheet for going through
the white paper, and so if you want me to go on the page number,
but I am trying to basically go through the white paper in the
form of this presentation without having all the text, but I
will let you tell me at the end. That’s fine.

The next banks were the East and West Flower Garden Banks that
the sanctuary has proposed. Again, I’m sorry for the busyness
of this. There is a lot of information on this slide, and so
the dashed lines are the pipelines, and this is going to be
consistent throughout. Any green stars are existing oil and gas
platforms. The purple line is the boundary of the proposed
expansion, and you can see, at the southeast corner, there is a
couple of green boxes. That is where Horseshoe Bank is.

The red areas are the no-activity zones established by BOEM, and
the hatched boxes, again, are the existing HAPCs, and these do
have regulations. The boxes in the background that are blue,
purple, and green, those are the VMS data. It’s the number of
pings for 2007 to 2015 for bottom-tending gear VMS. In that
green area, that’s actually a hotspot of VMS pings, and so there
is definitely fishing that goes on in that southeast corner
where Horseshoe Bank is.

The recommendations in the white paper for this area is to
maintain the fishing regulations in the existing HAPCs to
continue to allow historic fishing practices in the area
highlighted in green, and so that’s where that Horseshoe Bank
is, to establish a truncated no bottom-tending gear zone that
coincides with the established no-activity zone. For Horseshoe
Bank, they don’t have one.
Currently, I believe that’s, again, under revision, but it would be helpful if the sanctuary could help with establishing a no-bottom-tending-gear zone that protects the hard bottom. Prohibit trawling within the proposed boundaries and allow anchoring by fishing vessels over soft sediment and require a Flower Garden Banks endorsement.

CHAIRMAN GREENE: Ms. Levy.

MS. MARA LEVY: Thank you. Just for my understanding, when you say maintain fishing regulations in the existing HAPCs, are you talking about the council’s regulations that they established in these HAPCs or some other regulations? I guess I’m trying to figure out what we’re recommending to the sanctuary, if they happen to be the council’s regulations.

DR. KILGOUR: That is the intent, is there are no-bottom-tending-gear regulations for the existing HAPCs, and so those hatched boxes, and so that would be what the recommendation would be, to maintain those regulations for those portions.

MS. LEVY: But those are council regulations, right?

DR. KILGOUR: Right.

MS. LEVY: So you’re not suggesting that we recommend that the sanctuary do something with this, but it’s just that the council should maintain those.

DR. KILGOUR: I see what you’re saying, and I guess these are the recommended regulations for the Flower Garden Banks from the council’s perspective, and so I would guess that -- I think that we are recommending that the sanctuary adopt the current council regulations for those areas.

CHAIRMAN GREENE: Mr. Swindell.

MR. ED SWINDELL: In looking at the green area with all the pinks, may I ask what length of time does this data represent? I mean, this is a pretty solid area. Was this collected for a year or for ten years or for two months?

DR. KILGOUR: The VMS data is from 2007 to 2015, and so it’s all bottom-tending gear VMS, and so it’s bottom longlines and bottom trawls. The gray dots are the shrimp ELB data, and that’s from 2004 until 2014.
CHAIRMAN GREENE: Thank you. Any further comments? Okay, Morgan.

DR. KILGOUR: Thank you. The next bank in the white paper is MacNeil Bank. This is currently an HAPC with no fishing regulations. Again, the recommendations for this bank are to continue to allow historic fishing practices in the area highlighted in green, but establish a no-bottom-tending-gear zone that coincides with that BOEM no-activity zone, and that’s that red splotch. It’s to prohibit trawling with the boundary of the proposed expansion and to allow anchoring by fishing vessels and to require, again, that Flower Garden Banks endorsement.

The next bank is Rankin, 28 Fathom, and Bright Bank. Rankin and Bright Bank are currently, which also encompasses 28 Fathom Bank, but they are currently HAPCs with no fishing regulations. Again, this is to continue to allow historic fishing practices in the areas highlighted in green and establish a no-bottom-tending-gear zone that coincides with that BOEM no-activity zone, prohibit trawling with the proposed boundaries, allow anchoring by fishing vessels, and require a Flower Garden Banks endorsement.

CHAIRMAN GREENE: Ms. Bosarge.

MS. BOSARGE: Can you back up one slide, Morgan, for me, please, so I can just make sure that I’ve got this right? On this slide, there is a square box with diagonal lines, and that is an existing HAPC. Then there is pink lines that are a little different, that kind of come to a pyramid shape, that border does, at the top, and that is what the Flower Gardens is proposing in their sanctuary expansion, Alternative 3, right?

DR. KILGOUR: Correct.

MS. BOSARGE: Okay, and then there’s a red solid area in the middle, and so what we’re proposing is, in that red solid area, this is our tiered approach. That is a no-bottom-tending, essentially a no-activity zone, for us, for fishing. It’s a no-bottom-tending-gear zone. In that solid red area, you cannot go in there and drop an anchor. You can’t use bottom longlines, and obviously you can’t trawl. You can only use your traditional hook and line gear over that area, and there will be mooring buoys put out by the sanctuary in that area, or that’s what we’re recommending, so that you could use that for fishing.

Once you get outside that red solid area, you are still within
the sanctuary boundaries, but that is our second tier of fishing regulations, and, in that area, as long as you get your endorsement, which means you have to go through your educational class with the Flower Gardens, and you have your functioning VMS and you have the right type of anchor aboard the vessel, you can anchor in those areas and you can use bottom-tending gear, but you cannot trawl.

The third tier would be outside the actual sanctuary boundaries. That is where bottom trawling would be allowed, and so that still is not going to be allowed in the sanctuary, and so we have a couple of different things going on here in this when we’re recommending the tiered approach and we’re also recommending that we go with the sanctuary boundaries that the Flower Gardens has proposed, which is different from actually our council HAPC that we drew many, many years ago.

One thing that I think we probably need to put in our paper, and I think it may clarify somewhat what Mara was saying, is that, once the Flower Gardens regulations and expansions go final and these boxes are drawn and we know exactly what the corners are, as a council, we will probably go back and look at our original HAPCs and see if we would like to adjust those to match the new sanctuary boundaries, because I do think there has been more information and more documentation on what’s on the bottom, and that’s why we see a little bit of tweaking to the shapes of these boxes, to better mirror what’s really on the bottom. Maybe if we could out that in our document, I think that might be good.

CHAIRMAN GREENE: Morgan.

DR. KILGOUR: Just for clarification, are you suggesting that we put that in this Flower Garden Banks document, because, if you look at ahead at the Coral 7 scoping document, that’s one of the options that the council can take, is to modify the existing HAPC boundaries in the scoping document. If you want it in both places, just let me know.

MS. BOSARGE: No, I think you’re already ahead of me, and so that sounds great.

CHAIRMAN GREENE: Mr. Sanchez.

MR. JOHN SANCHEZ: I had a question. What are the requirements, the particulars, for getting a Flower Gardens Banks Sanctuary endorsement?
DR. KILGOUR: That’s a really good question, and that hasn’t been -- That is a sanctuary decision. This endorsement was recommended by the council at the -- There was some discussion about it, but the actual particulars, I don’t have in this white paper.

It was a significant source of discussion at the Reef Fish AP on who should be doing this endorsement and should it be just commercial fishermen or should it be all fishermen? How do you go about getting the endorsement? Should it be an online program? Do you have to go to the sanctuary? That’s something that we’re recommending to the sanctuary, but we’re going to let them iron the details, unless you have specifics that you want to include in this document.

CHAIRMAN GREENE: Mr. Sanchez.

MR. SANCHEZ: No, but I think we -- At least for me, I would like to know what they are and have it be in this document, so everybody can know what they’re going to be required to have.

CHAIRMAN GREENE: Thank you. Ms. Bosarge.

MS. BOSARGE: Well, the main thing that we have discussed is that you will actually have to go and sit through a course, essentially, and I don’t know how long that class would be. It might be a few hours and it might be a day, and you will have to get an education on essentially what is on that bottom and why is it important and how do you interact with it?

What’s the proper way to interact with it and how do we fish sustainably in these areas? What are the expectations, if you’re going to go into these areas and fish and be able to put an anchor down there and things of that nature? Then I envisioned it as some sort of endorsement, at that point, that would allow that vessel to be in that area, but we are open to suggestions. Please, throw it out there.

CHAIRMAN GREENE: Dr. Crabtree.

DR. ROY CRABTREE: One thing that kind of jumps out at me if I look at this is one thing we have always heard from enforcement is they like relatively simple boundaries and straight lines, as much as they can, and I look at that BOEM no-activity zone, and that’s about as complicated a shape as I’ve seen.

The sanctuary will have to publish an extremely long list of coordinates to track that, and then fishermen are legal on one
side and not on the other, and it sure seems that it would be
better, to me, to draw some kind of straight-line shape around
that, rather than trying to track all those curves in, from an
enforcement perspective, and I suspect the sanctuary will have
some difficulties with that, and so I think you ought to think
about that.

CHAIRMAN GREENE: Ms. Bosarge.

MS. BOSARGE: I actually had a conversation with G.P. about that
this morning, right before we came in, and he said, you know, if
we’re going to go the route of the no-activity zones, he said
what we will probably do is -- G.P., I hope you’re okay with me
speaking for you here, but that we’ll probably have to get back
with our committees and see how to essentially draw the closest
mirror image that we can of that no-activity zone without it
having quite all those curves, and so that’s what he -- But he
said he could also get with law enforcement and see exactly how
squared off they would need some of those corners to be, but it
would be my hope that it will be very close, as close as
possible, to that red solid area, because that’s the important
part.

CHAIRMAN GREENE: Thank you. Is there further discussion? Dr.
Kilgour.

DR. KILGOUR: Thank you, Mr. Chair. We did Rankin Bank.
McGrail Bank, this is currently an HAPC with regulations. There
is no bottom-tending gear allowed in the HAPC, and so, for this
particular part, we have no recommendations on regulations. For
Sonnier Bank --

CHAIRMAN GREENE: Hold on one second, please. Ms. Levy.

MS. LEVY: Going back to my prior point about continuing the
regulations in the HAPCs, it seems like we’re treating them a
little bit inconsistent, and, if I’m wrong, you can correct me,
but I think we either just say that we have HAPCs with
regulations, and those are our regulations and we don’t really
need to recommend anything to the sanctuary with respect to
those, or you have to do it for all of them, because it makes me
question why we would do that for the prior one, but then say no
recommendations here.

CHAIRMAN GREENE: Dr. Kilgour.

DR. KILGOUR: The big difference with the prior one is they’re
proposing an expansion that includes both Flower Garden Banks
and the Horseshoe Bank and connects them all, whereas this one is expanding the sanctuary, but it’s not connecting a whole bunch of banks, and so that’s why I had different -- I can recommend existing council regulations, if that makes you more comfortable, for the HAPC, but that’s why I didn’t have specific recommendations, because we’re not using a tiered approach for this one or have any additional recommendations for this bank.

CHAIRMAN GREENE: Ms. Bosarge.

MS. BOSARGE: Thanks, and I guess I will go ahead and make this comment now. When I read through the white paper, and I was going to save this until we got to that document, I kind of had that same thought process as Mara, that if we’re going to use a tiered approach, based on the BOEM no-activity zones, and regulate out from there, even though some of this does interact with HAPCs that already have regulations, I think we should be consistent.

I think, on each of them, it would be my preference, no matter what the current regulations are that were set by us, but we’re setting a new standard, and I think we should be consistent with it.

If we need to go back and adjust our regulations on our HAPCs, we can do that and take a look at that, but I do think each one of these recommendations should be consistent. The BOEM no-activity zone, that’s our no-bottom-tending-gear zone. Then, outside of that, we allow certain things. Then, outside of that, you actually have to get outside the sanctuary to do the other types of fishing.

CHAIRMAN GREENE: Thank you. Is there further discussion? Dr. Kilgour.

DR. KILGOUR: Okay, and so, noted, and I will incorporate that into the discussion of today. Sonnier Bank is another existing HAPC, but it doesn’t have regulations. The expansion is that purple box, and it’s also underlain with the VMS hotspots, and so, again we have that tiered approach recommendation for this particular area, which has the no-bottom-tending-gear zones that mirror what the no-activity zones are and then allows some types of fishing outside of those and then trawling outside of the sanctuary.

It should be noted, for this particular one, that we’ve written a letter for the DEIS for the sanctuary to reconsider that northern boundary, because it’s a heavily-shrimped boundary,
just to move it slightly south, and that’s noted in the paper.

CHAIRMAN GREENE: Ms. Levy.

MS. LEVY: I am seeing the pattern now, and sorry, but I didn’t really recognize it before. You’re using this tiered approach whenever the sanctuary boundary overlays this more used fishing area, and is that the difference between why there were no recommendations for the prior bank, because it wasn’t over that sort of green hotspot area?

DR. KILGOUR: Exactly.

CHAIRMAN GREENE: Further discussion? Ms. Levy.

MS. LEVY: I don’t know if that goes to Leann’s point about being consistent throughout, but I just wanted to point out the pattern that I was seeing about why there wasn’t that consistency with using that tiered zone, because I think this tiered zone, I understand why it would be the recommendation, but it is pretty complicated, and I see the point of not recommending it if you don’t have a sanctuary boundary that’s over a heavily-fished area. Then it would make sense to not recommend this more complex tiered zone, but obviously that’s up to you all.

CHAIRMAN GREENE: Further discussion? Dr. Kilgour.

DR. KILGOUR: Moving along, Alderdice Bank, again, this has that tiered approach. The sanctuary expansion is in purple and the existing HAPC is the hatched mark, and we’re recommending -- In the paper, it recommends the no-activity zone have a coinciding no-bottom-tending-gear zone to account for that hotspot of fishing activity in the southeast corner.

Elvers Bank, this is an area that’s not an existing HAPC, but it’s proposed as part of the expansion, and so, again, this has that tiered approach of that small little red part having a no-bottom-tending-gear zone associated with it, and, again, the prohibit trawling within the boundaries and require an endorsement.

Bouma, Bryant, Rezak, and Sidner Bank, the hatched areas are the existing HAPCs. The proposed expansion would be connecting those. We have made a recommendation in the paper and in a previous document to modify that northeast boundary, where you can see there is heavy shrimping, to just move that slightly so that that historic shrimping can continue.
This is Parker Bank, and there are no recommendations for this area. It’s not a heavily-fished area. It’s not an existing HAPC, but it does have significant coral and habitat information associated with it now.

Then this is an example of the no-bottom-tending-gear zone. In Tier 1, that orange boundary, which does not show up very well here, but it basically -- You can kind of see the straight line that connects from the right-hand side of the blob, and so that would be the no-bottom-tending-gear zone, to try and closely match that red area.

Tier 2 would be outside the no-bottom-tending-gear zone, but inside the council-recommended boundary of the expansion. There would be no bottom trawling, traps, or dredges. Then, Tier 3, outside of the proposed boundary, would have no Flower Garden Banks-imposed regulations. I am happy to take any questions and go through the white paper now.

CHAIRMAN GREENE: Thank you. Are there questions? Lieutenant Danaher.

LCDR LEO DANAHER: Thank you, Mr. Chair. Just looking over some of the regulations that we are enforcing out there, and also the consideration that a lot of these banks are so far out that, having been at the recent National Marine Sanctuary Council, it’s pretty apparent to me that a lot of the state agencies can’t make it out there to patrol these regions.

Most of it is really on the shoulders of the Coast Guard, and, going back to the point that Dr. Crabtree made about the boundaries, the existing boundaries, with the current National Marine Sanctuary, don’t have as many of these indentations and cuts that come into the banks on a lot of these proposed expansion banks, and I guess I -- In trying to look through the eyes of the officers that are going to be out there enforcing the law, it is going to make it a little more complicated.

We’re not trying to go out there and hassle you, but we are trying to go out and do our job, and I just see -- Even looking at MacNeil Bank, for example, that’s certainly going to cause, I think, some issues on where are you actually at with this particular gear, and I just wanted to reference one of the laws here.

Possessing or using within the sanctuary, except possessing while passing without interruption through it, any fishing gear,
device, equipment, or means except conventional hook-and-line gear. We’ve made it clear that the hook-and-line gear is acceptable, but, from the data that we’re seeing here over the past eight years, I think that we’re going to probably see some convoluted situations, where it’s going to be difficult for law enforcement to actually enforce the regulations.

CHAIRMAN GREENE: Thank you. Further discussion? Captain Walker.

MR. DAVID WALKER: I’ve just got some comments. I’ve got an email here about the -- I guess it’s July through August. It’s three months is 50 percent of the coral has been bleached, and, just getting back to the comments, it’s not the fishing gear or anchors that is causing a lot of the problems. We have some more environmental factors that are causing problems, and I don’t know if it’s fertilizer or weed killer coming out of the Mississippi River.

We have a lot of other things too, but I think the endorsement is a good thing for the commercial industry and being able to allow them to be able to still fish these historical areas and just to kind of put on the record that they’re not the causation of a lot of these problems we’re having, when we’ve lost 50 percent of the coral in the last three months has been damaged.

CHAIRMAN GREENE: Thank you. Anyone else? Mr. Swindell.

MR. SWINDELL: Do we know anything about the oil industry, regulations on the oil industry, and placement of anchors as they work on pipelines or rigs or platforms that are within the defined areas? I mean, I am just a little concerned of whether or not we’re trying to be -- If we’re going to have to be more conservative, or do they give permits to the oil industry to put down anchors as they’re working on a rig, because I will tell you, when they go out there on the big platform to do major work on a rig, you have to place anchors to secure the vessel from which they’re working from, and the only way to do that is to survey the bottom and put anchors down. I don’t want us to get to have to survey the bottom to place an anchor, but I just was wondering, do we know? Has there been any information about placement of anchors for the oil industry?

CHAIRMAN GREENE: Thank you. Dr. Kilgour?

DR. KILGOUR: G.P. is here to answer that question for you, and so I’m going to punt that to the Sanctuary Superintendent.
MR. G.P. SCHMAHL: Hi. My name is G.P. Schmahl, and I’m the Superintendent of the Flower Garden Banks National Marine Sanctuary. Specifically, to answer that question, you're absolutely right that -- For an oil company to place a platform or any kind of infrastructure in one of these areas, it’s actually a very detailed survey and approval process through BOEM, and so they do have to put down remotely-operated vehicles and survey the area completely and do what they call a hazard survey, and hazards include biological communities that may be impacted by their operations. If they were going to place anchors to place an infrastructure inside these areas, it would be based on very detailed surveys and placement of anchors in soft-bottom substrates.

CHAIRMAN GREENE: Thank you. Any further questions?

MR. SCHMAHL: If I could, I would like to address just a little bit the concept of the no-activity zones and incorporating the no-activity zones into the regulatory regime that you’re discussing here.

First of all, the no-activity zones were actually created and developed back in the 1970s, based on the information that they had at the time. They were developed primarily based on depth contours. If you look at these things, they are actually based on what’s about the eighty-five-meter depth contour, and that’s why they have such a complicated geography.

In the time since then, there has been a lot more information that has been obtained in all of these areas, and I just want to advise you that BOEM is in the process of looking at their no-activity zones and potentially revising the no-activity zones, because there are quite a bit of sensitive habitat that does exist outside of the current no-activity zones, and so it is -- In order to adequately protect the mesophotic and deepwater coral communities that this whole process is designed to address, it would have to include more than just the no-activity zone.

CHAIRMAN GREENE: Thank you. Are there further comments or questions? Mr. Riechers.

MR. ROBIN RIECHERS: You just indicated that they were looking at this now. When would we have the surveys or when can we be privy to those surveys that would indicate those, and we’ll just say other areas that may need that protection?

MR. SCHMAHL: We have that information, and it’s based on some
high-resolution multibeam bathymetry that has been obtained since 2000. We have done a large number of remotely-operated vehicle surveys throughout this region, and ground-truthed some of those areas. We have provided that to BOEM, and they are aware of it.

Some of those maps are included in our DEIS, in Volume II, where we describe each of these areas under consideration, and I know that BOEM does have one of their environmental studies that is funded for this year, for FY 2017, to obtain high-resolution multibeam bathymetry on those no-activity zone areas that it has not been collected for, and so they are actively in that process, but I don’t know what the timeframe is.

CHAIRMAN GREENE: Thank you. Is there further discussion?

MR. RIECHERS: Someone else earlier had asked about how to get the permit.

CHAIRMAN GREENE: We were talking about the endorsement and how we go about it and what would be the qualifications and how that would go. Can you share some insight with us on that?

MR. SCHMAHL: That’s a good question, and I am concerned about that. What you’re suggesting, I actually like the concept. I think it’s something that we could certainly investigate, but it is quite complicated, and it is, I think, difficult to implement.

I think what we’re talking about, establishing a no-activity zone or a no-bottom-tending-gear zone, is fairly straightforward if you can address the enforcement issue, and one question was if -- I have been advised by enforcement folks that I’ve talked with that it’s very difficult just to reference a depth contour as an enforcement zone, but that is one option, that you cannot anchor in depths less than forty fathoms or fifty fathoms or something like that.

The area outside of that though, if you look at the data that we have for the hard-bottom features, it’s very -- It’s a very complicated mosaic of hard-bottom features and soft-bottom areas, and so what you’re trying to do is target those soft-bottom areas within a very complex mix of hard bottom and soft bottom, and you’re in depths of typically greater than 200 feet, and so you don’t -- You can’t see the bottom, and you don’t know exactly where you’re placing your anchor, and so how do you do that? How do you physically do that?
Certainly just making people who are fishing out there aware that these are sensitive areas and to look at different types of anchor types and that type of thing, those are all very positive ways to approach it.

It may be that you could get this high-resolution bathymetry that could be incorporated into the navigation system of individual fishing boats and they could more precisely try to target these soft-bottom areas that are within this mix of hard-bottom communities, but I do think that it would be a very difficult and a complicated thing to do.

At the same time, we’re talking about relatively small boats and relatively small anchors compared to the major concern for these areas, for establishing no-anchor zones, are the large ships that are passing through of the safety fairway right outside of this area, and so some ability to accept a certain amount of injury that will occur with anchoring, because anchoring does cause injury, and there’s no question about that, even if it’s a more sensitive anchor, but is that a level of injury that we can live with? That’s a discussion that I think we could have as well.

CHAIRMAN GREENE: Thank you. Is there further discussion or questions? Dr. Frazer.

DR. TOM FRAZER: We haven’t seen the likely proposed, I guess, extent of the no-activity zones, but do you have a feel for how big of an expansion those might be?

MR. SCHMAHL: If I was drawing them, they would pretty much look like the proposed boundary that we have put forward for sanctuary expansion. What we did was used the data that we believe -- There is more than just -- From BOEM’s perspective, there is more than just the no-activity zones. There is also a thing called the potentially sensitive biological features, and there is also low-relief live bottom.

Both of those categories also have to be avoided by oil and gas activities, and those are not mapped like the no-activity zones are, but the oil companies have to go out there and survey these areas. Any time they see what’s termed as a potentially sensitive biological feature, for example, which is something that’s over eight feet of relief and have a certain amount of live communities associated with it, they have to identify those and avoid them.

When you map out all of those areas and then provide a little
bit of buffer, and we’ve talked about different types of buffers, from a hundred meters to 500 meters, and you aggregate all of those together, what you get is kind of a cloud kind of diagram that very much is sort of incorporated by the boundaries that we have drawn.

Now, we have tried to make these somewhat enforceable, and so we have squared them off in areas, a lot of times to make them consistent with the existent HAPC boundaries, and so there are some adjustments you can make on the edges, but the -- Just to answer your question, the sensitive areas are essentially the areas that we’re proposing for the sanctuary, in my opinion.

**DR. FRAZER:** Just as a follow-up then, when you redesign these no-activity zones, is there already a buffer that’s been incorporated into that, or is that something that we need to talk about here?

**MR. SCHMAHL:** In the existing no-activity zones, there was not a specific buffer. Like I mentioned, it was just based on essentially a depth contour that corresponded with what they knew at the time as being the most sensitive areas of these areas. We have proposed -- Our Sanctuary Advisory Council, in fact, proposed a 500-meter buffer from areas that are sensitive.

Now, I have to say though that that buffer was based on oil and gas impacts. That was based on if they are placing an oil and gas platform and the drilling muds and cuttings that would be generated from a platform provides a halo about 500 meters around that platform, and so you had to have that back-off, and so whether that’s appropriate for anchoring is something that can be discussed, but that was what we were working with, a 500-meter buffer.

**DR. FRAZER:** Thank you.

**CHAIRMAN GREENE:** Patrick.

**MR. PATRICK BANKS:** Maybe this is a question more for staff, but do we have the GIS overlay that helped lead these folks to draw the pink boundaries that they did, or did they just submit those GIS boundaries to us? It would be helpful for us to see the features that he is talking about that helped him draw the pink polygons that he did. I hear you talking about bottom contours and things like that, and so we have that overlay?

**CHAIRMAN GREENE:** Dr. Kilgour.
DR. KILGOUR: We do. They have a finer resolution than we have for some of these areas, and they more on-the-ground knowledge than we do for some of these areas, but I do have access to all of the data that they used for their underlying bathymetry. It’s publicly available on I think it’s USGS for most of these areas. It just takes a significant amount of cleaning to get to the resolution that you need to be able to see some of these areas, and time was of the essence to get this document completed.

MR. BANKS: Where I’m going with that is you look at these images here and it’s tough to understand the rhyme or reason as to why the boundaries are drawn like they are. It looks like, at first glance, that you’ve got a coral head that’s shaped like the red, which I know that’s not necessarily true, and then you’ve got all this non-coral area outside, and I’m just trying to get a better feel for why the boundaries were drawn like they were.

CHAIRMAN GREENE: Dr. Kilgour.

DR. KILGOUR: Just to refresh everyone’s memory, the DEIS that the Flower Garden Banks put forth has, in their appendices, all of those areas with the maps and the high-resolution bathymetry, and so that was presented to you guys in June and in August when we reviewed the DEIS, but, again, that fine-resolution bathymetry, I did not include in these maps, because they were pretty busy. It would have taken significant cleaning of the bathymetry, and so I was trying to make them as simple as possible, and they’re still really messy.

CHAIRMAN GREENE: Thank you. Any further questions? Well, I have one. Mr. Schmahl, we’re working on anchoring and bottom-tending fishing gear, and the exclusion for the oil and gas industry, is that for current, existing platforms? What about new development? Are they allowed to go in this area and drill and so on and so forth or what is the exclusion there? Is that for historical stuff, or is that moving forward, or how does that work here?

MR. SCHMAHL: Our regulations actually do allow for oil and gas exploration to occur inside a sanctuary boundary. The first step is it has to be outside of the no-activity zone, if they comply with the other stipulations that both BOEM and what the sanctuary would require, and those go to those areas that I was referring to previously, those potentially sensitive biological features, the low-relief live-bottom features, and additional regulations that we have where you have to avoid any kind of
While it is possible that you could place oil and gas infrastructure inside the sanctuary boundary, it would make it quite difficult, and there are some areas that it could happen, but, for the most part, because of the existing restrictions that already exist, it would be unlikely.

Now, for existing infrastructure, typically what happened with the designation of the original sanctuary, the law that National Marine Sanctuaries act under says that we cannot eliminate any previously-existing valid federal lease and permit, and so it essentially grandfathers in existing infrastructure inside the boundary until that lease has expired.

CHAIRMAN GREENE: Okay, and so I have one more follow-up, if nobody else has anything. You have an existing structure that’s in an area right now, and is there anything that prohibits them from removing it because it may have significant coral growth on it or anything to that effect?

MR. SCHMAHL: That’s a very interesting question, and we’re going through this right now with a platform that was previously existing inside the boundary of the East Flower Garden Bank, and it’s going through a decommissioning process as we speak. It has, over the time that it’s been in there, since 1981, there has been a significant amount of biological growth that has occurred on the platform.

The basic idea though is that when that platform, when any platform, was permitted, it was required, at the time, to be removed at the end of its useful life, and when I mentioned when we designated the sanctuary, we certified that permit and that lease, which included the removal of that platform.

Therefore, we have not -- We have basically taken the position that, because it has already been approved, that it is not an issue of removing coral, for example, and it turns out that the amount of coral on that platform is actually very low. There is only a very few number of colonies of native coral, but it does have a lot of what is an invasive exotic coral, which is the orange cup coral, over that platform and many other platforms as well.

In that particular case, we have not -- Essentially, we are okay with the removal of that platform, even though it has technically some protected species that may be associated with it.
CHAIRMAN GREENE: Thank you. Anything else for Mr. Schmahl before we move on? Okay.

MR. SCHMAHL: I would mention -- Somebody mentioned the coral bleaching that’s going on right now, and it is a significant event. Our folks are out there today monitoring that event. Coral bleaching though does not necessarily mean that the coral is dead, and, in fact, in 2005, we had a similar bleaching event that affected about 50 percent of the coral, which is the same thing that’s happening right now, and we had very limited actual mortality associated with it, and so there’s a high concern that it’s an impact, but, as of yet, the corals have not died, and the water temperature -- It is related to high water temperatures. As those water temperatures are going down, and they are going down now, we’re hoping that we will have a pretty near full recovery.

CHAIRMAN GREENE: Thank you, Mr. Schmahl. We are going to -- We’re getting a little bit behind schedule here, but not too bad. I know we’ve got some other stuff, and so I’m going to turn it back to Dr. Kilgour to see what else she has for us.

DR. KILGOUR: Thank you, Mr. Chair. What’s left on this item is we have the Reef Fish AP Comments, and it’s been brought to my attention that the Law Enforcement Technical Committee had comments from their meeting last week, and so if you will indulge us and let us go through those really quickly, that would be great.

CHAIRMAN GREENE: Yes, ma’am. Please proceed.

REEF FISH AP COMMENTS

DR. CARRIE SIMMONS: Thank you, Mr. Chairman, and good morning, everyone. Again, we’ll start with the Reef Fish Advisory Panel Summary regarding this agenda item, and that’s Tab B, Number 13. Mr. Swindell was our council representative, and we had fifteen members present. This was a meeting in October, the 4th and 5th, at the council office. Throughout today, the items that you have on your agenda will have recommendations from the AP that we’ll be referring back to this report on.

This was the first item they discussed. They spent a lot of time on it, and I should also mention that we have the Chair on the webinar, Martin Fisher, if you guys have specific questions that you would like him to address that I can’t answer or staff can’t answer.
The AP was very helpful. They did help us with defining what we meant by historic fishing, and that was updated and put in the document that you have in the briefing book, and so that was very useful. The first motion they made is on page 2. By a vote of twelve to zero, with three abstentions, the AP accepts the council’s recommendations for maintaining the current boundary and fishing regulations for Stetson Bank.

Next, they discussed the fact that spearfishing was not allowed in the Flower Garden Banks currently, and one AP member stated that Geyer Bank is a bank where I guess pelagic free divers target wahoo, and this expansion in the current regulations that are proposed to this area would eliminate them from participating in that particular activity, and a majority of the AP members felt that this activity would have no impact on the coral habitat and should be allowed, should continue to be allowed. By a vote of thirteen to one and one abstention, the AP recommends to allow pelagic free-dive spearfishing at Geyer Bank.

Next, they generally discussed just spearfishing, and they really felt that it had minimal impacts to coral habitat, and several of the members really didn’t feel it was fair to eliminate spear fishers from these areas while still allowing hook and line fishing. By a vote of eight to four and three abstentions, the AP recommends that in any additional expansion of the Flower Garden Banks National Marine Sanctuary that all spearfishing be allowed.

Next, we talked about the use of anchors, and we also spent quite a bit of time on that topic and what was proposed currently in the white paper. The AP felt that any type of anchor provision -- They did not feel that any type of anchor provision was needed in the document, because they would not be allowed in that proposed no-bottom-tending-gear zone. If we put in specific regulations about anchors, that it would be very difficult to regulate and to enforce, based on the type that may be necessary for various tonnages of those vessels, and so they thought that could be very difficult and get into a gray area to enforce for the various activities and tonnage.

By a vote of twelve to one and two abstentions, the AP recommends to remove the anchor size and type provisions from the draft proposed fishing regulations for the Flower Garden Banks National Marine Sanctuary document, the white paper.

Then, next, we talked about the endorsement program or the
certificate program that’s proposed and whether it should be directed at commercial fishermen or recreational fishermen or both, and the AP had no specific recommendations at this time about that endorsement program. They felt that any type of education program would be beneficial regarding fishing in these areas, and they thought that was a good idea.

There was some concerns expressed about having to go physically to a location and have days of training, and so I think staff kind of said what we were hoping for it to be maybe more of an online training that could occur, but I think there were some questions about how much time it would take and that sort of thing.

By a vote of twelve to zero and three abstentions, the AP recommends that the council forward the white paper on the Flower Garden Banks National Marine Sanctuary regulations, as amended by the AP motions. That concludes my section of the report.

CHAIRMAN GREENE: Thank you. Any questions? Dr. Simmons, we heard them talking earlier about weak links for anchors, and I have never considered a weak link use in an anchor-type situation, although I am familiar with them in certain parts of Coast Guard requirements, such as life floats and various other things. Did the AP have any conversation about the use of weak links as opposed to anchor types or sizes?

DR. SIMMONS: I don’t think we discussed that specifically. I think it was still getting into -- I think a lot of people are using that already and getting into the weeds on regulating the anchor type, but maybe, if Martin is available, he could help me with that question.

MR. MARTIN FISHER: Good morning. Yes, we did talk about that, Mr. Greene. It was discussed. Several captains are familiar with it and do use it, and it, in essence, would let you use any size anchor with the weak link, and you’re going to do very little damage to the bottom in extracting the anchor from wherever you place it, and it just seemed to us that certainly trying to create some kind of nuts and bolts, in the weeds, regulation on size and type would be extremely hard to enforce and extremely hard to implement and would just create a nightmare.

CHAIRMAN GREENE: Thank you, Mr. Fisher. Any further discussion? Seeing none, we will move on to Lieutenant Danaher.
LCDR DANAHER: Thank you, Mr. Chair. I guess my question about the anchors is wouldn’t that discussion come up during their request to actually go out and visit the banks? Wouldn’t that be part of your application process, to discuss what types of anchors are permitted? At that point, make it clear as to what’s acceptable, or am I getting my jurisdictions wrong here?

CHAIRMAN GREENE: I would think that would fall into the endorsement part of it, that you’ve got these acceptable types of stuff, but it sounds like the AP doesn’t want any of those regulations, and this is one of those things where we’re going to have to come up with some type of a recommendation to offer them.

The weak link thing is interesting to me, but it’s more out of just interest at this particular point, although I certainly do understand the part of not obstructing the bottom, if it was to get hung or trying to extract it, but you certainly bring up a good point. Does anyone else care to weigh in on this at this particular point? Okay. Seeing none, I guess we have some law enforcement stuff as well, or did I misunderstand earlier? Dr. Lasseter.

LAW ENFORCEMENT TECHNICAL COMMITTEE COMMENTS

DR. AVA LASSETER: Thank you, Mr. Chairman. I just wanted to call your attention also to a change in the briefing book document for the Law Enforcement Committee Report. Just this past Thursday, the commission and council’s Joint Law Enforcement Committees met.

The initial document that was provided in your briefing book from yesterday morning was just the recommendations for the council documents. We have since compiled the entire report for the commission sections and the council sections, and the group added, under Other Business, a discussion on the Flower Garden Banks Sanctuary expansion and the impacts on law enforcement.

I just wanted to comment that they largely reflect what Lieutenant Commander Danaher has already addressed as far as preference for more regular shapes of the areas, rather than these multisided polygons, and they also -- Law enforcement would be difficult to use boundaries based on depth contours, and so I wanted to share these comments. Also, another representative who couldn’t make it, Brandi Reeder from Texas, also provided her comments that reflected what the entire committee spoke to as well, and so I just wanted to add those to the record.
CHAIRMAN GREENE: Thank you. Is there further discussion? Ms. Bosarge.

MS. BOSARGE: I did have some comments and notes in my white paper that I made, and obviously we don’t have time to go through them, and so I guess I will just give those to you offline, Morgan. I will just give you my comments, but, essentially, it boils down to I do -- There is some specific little grammatical errors that we probably need to address in here, but, to get it on the record, on the whole, I understand the law enforcement concerns, but, when you look at it from the other perspective, it’s a risk/reward tradeoff, and these are pristine areas that these men and women have been fishing historically for centuries.

They are sustainable fishers, and they do interact with this bottom in a sustainable way, and I do not feel that the risks that they are imposing is great enough that we should square off the boxes to make it easy and essentially we end up shutting them out of here, and that is why we went with a tiered approach.

We tried to build some things into it that would aid law enforcement, and that would be your endorsement and your VMS, in order to anchor, and so the only people that will be able to go in there and anchor in those areas is a small, discreet universe of individuals that you have documented and that have an enforcement tracking device on their vessel that pings at a higher frequency when they are actually fishing in those areas and they start to get close to that closed area, and so we did try and build some functions into this new regulatory scheme that would help enforcement.

You will have a generally squared-off box for the outside. Anybody inside that squared-off box that is allowed to do certain things will be, as I said, a very small universe of individuals that is well documented and that has a tracking device onboard, and so we did try and build that in, and I will get with Morgan on my notes in this, if that’s okay, for time’s sake.

CHAIRMAN GREENE: Mr. Riechers.

MR. RIECHERS: The outcome of the white paper is we’re just sending this as suggestions, based on the comment period, and we’ve already heard from G.P. that, in some respects, one of our suggestions about an endorsement, while I will -- I am
characterizing -- I am going to speak for what I heard and not necessarily what you heard or what he said, but I heard him suggest that it was going to be difficult to do that in the way that we talked.

I think that you’re correct, Lieutenant Commander, that it could possibly be part of an endorsement, if there were such an endorsement, to describe anchoring, and you could create an endorsement that had certain restrictions with it, but, at the end of the day, it doesn’t sound like that may be something they want to go through the trouble of doing, and so I’m just trying to make sure that I understand where we are in the process, but that’s where I believe we are in the process, and is that correct? We’re just going to now submit it as part of the public comment?

CHAIRMAN GREENE: Dr. Kilgour, to that point?

DR. KILGOUR: Just to be clear, this isn’t part of the public comment period. The council has until December to submit specific recommendations on regulations for the sanctuary. The public comment period ended on August 19, and so this a council-specific recommendation that the sanctuary requested.

CHAIRMAN GREENE: Ms. Levy.

MS. LEVY: I would just ask, either in committee or at full council or somewhere, that if you’re going to agree with what’s in the white paper and the fishing regulation recommendations that Morgan has described, that you have a motion, some type of record, that the council as a body agrees with this and these are the fishing regulation recommendations that you want to send to the sanctuary.

CHAIRMAN GREENE: Lieutenant Commander.

LCDR DANAHER: Mr. Chair, the follow-on to what I was trying to get at is I -- I am not saying that you necessarily need to have square boxes out there to enforce the zones, but I think McGrail Bank was probably one of the better examples of where you have some pretty distinct indentations into the -- They’re kind of cut into that boundary, and, when you’re out there and you’re depending upon technology to essentially give you an accurate position, I just see some of those smaller little cuts as possibly creating some confusion between fishermen and enforcement officers, and so I am not advocating, necessarily, that you take on these big expansions or make it just like a very blanket area, but I think there are some smaller regions in
there where, based on the data that we’re seeing, it may cause for some confusion. Like I said, we’re not trying to hassle the fishermen, but we’re just trying to enforce the law and do our job.

CHAIRMAN GREENE: Okay. I think your points are pretty well noted, and understanding that this will be our last opportunity as a council to weigh in on this -- Some of the stuff we have further down the agenda, we’re going to be looking at for a bunch of meetings to come, and so, with that, before we let go of this as a committee, is there anybody else that wants to weigh in or has anything else? Mr. Matens.

MR. CAMPO MATENS: This is pretty interesting for me, and I’m a little confused. What are the proposed regulations and requirements of recreational fishermen, including trolling over these spots? What is the thinking about this?

CHAIRMAN GREENE: Yes, Dr. Kilgour.

DR. KILGOUR: This was kind of addressed by the Reef Fish AP with regard to the endorsement, and that’s something that I would like clarification on from the council. Is this endorsement going to be required for everybody, including recreational fishermen, in which case a one-day class might not be feasible, or is this endorsement only going to be required for commercial fishermen with VMS?

As of right now, sanctuary regulations allow for hook-and-line fishing, which is the traditional recreational gear, and so it wouldn’t really affect them, other than they would not be allowed to anchor in the sanctuary. They could tie up to mooring buoys.

MR. MATENS: To that point, I don’t think I really mind if an endorsement is required, but I just want to know if it is, if it’s going to be, because, if I read this correctly, the last part of this document says all fishermen.

CHAIRMAN GREENE: An endorsement can come in at a lot of different parameters. If you’re going to seek out the ability to anchor within a specific area, then perhaps you do have to physically attend a class and participate to qualify to get that.

If your concerns are for the private recreational anglers going out and they’re going fishing, then perhaps an online tutorial, a twenty-minute deal where you go through these slides and you
click a box that you understand that you’re going to fish a biologically-sensitive area and that you have to do this and that and the other. Then you print out a thing, such as like HMS does tuna permits, and you have it onboard.

If the Coast Guard comes up to enforce you, you had better have your paper, or there is going to be stiff consequences, and so there’s ways that we can work with this, providing that the Flower Garden Banks National Marine Sanctuary people and the powers that be, whoever they are, are on the same line that we’re thinking.

Back to Mr. Riechers’s point, whether they do that or not is certainly beyond our purview, and so, if we go into this blessing it and thinking that this is going to happen, and ultimately it does or does not, it’s certainly going to have a big impact.

I am kind of really torn about this either way, especially in light of some of the oil and gas stuff that I found out this morning that I was not aware of, and so -- To be correct, this is our last opportunity to weigh in on this, and everybody at the staff table is nodding their heads yes, and so, at this point, I am kind of willing to allow some more time and discussion, because I want to do this at committee, and we need to follow up, because, at full council, that’s it. If there is anybody else who wants to weigh in, we need to do it now. I do have some concerns about it. I don’t see where wahoo trolling or surface fishing is an issue.

The spearfishing thing, I am not so sure about. Now, if an individual jumps in the water to spearfish and he’s going to be targeting pelagic wahoo, which is intriguing to me as well, I wish him good luck with that, but I don’t know how the Coast Guard is going to know if he is engaged in pelagic spearfishing or if he’s going to the bottom.

Now, if it’s free diving, obviously they’re not going to have a tank, and that’s pretty simple, but, if you’re going to drop a diver off in a boat, is the boat going to have to be anchored or tied up to a mooring buoy? I don’t know much about spearfishing at all, and so I mean we have some AP recommendations, and they’re asking that the council recommend to forward the white paper on the Flower Garden Banks National Marine Sanctuary regulations as amended by the AP motions.

We’ve got these AP motions before us. Is there any of these motions that are particularly concerning? Do you want to go
through them one at a time? Executive Director Gregory, please
assist us here. Absolutely. Please go ahead, Mr. Fisher. While they’re bringing Mr. Fisher up, Corky Perret is also the
chair of one of the APs as well, and if you have a comment that
you would like to present to us in regards to this, be ready as
well. We’re trying to get Mr. Fisher up and going, and so, if
he’s ready, we can proceed with that. If not, Corky, if you
want to shoot from the hip, come ahead, please.

MR. FISHER: What is the question to me, please? My audio cut
out for a minute.

CHAIRMAN GREENE: Doug Gregory had indicated that you wanted to
speak about anchoring.

MR. FISHER: Yes, sir. It’s simply that to require soft-bottom
tending anchor gear would actually create more harm to the reef,
because, more chances than not, that gear is going to drag.
Between inexperience of possible anglers that aren’t experienced
in dropping anchor in deep water and the anchors that might be
required for soft bottom, my experience is it’s hard enough to
stay anchored at sea, in a tide, in a wind, in those depths of
water, no matter what kind of anchor you have down. To require
something that is less firm in the ground, I think that’s just
going to encourage more reef degradation. Thank you.

CHAIRMAN GREENE: Okay, and so what is your thoughts on the weak
link, specifically to that?

MR. FISHER: The weak link solves all the problems if the anchor
happens to hit a rock or a piece of coral and it gets stuck. That is what the weak link is designed to do, and then the
anchor is actually pulled out from behind. As the weak link
breaks, the chain goes to the very bottom of the shank, and the
anchor gets pulled out in reverse, and so there is little, if
any, bottom disruption, and so I think a weak link absolutely
takes care of all the issues. Thank you.

CHAIRMAN GREENE: Thank you. Just for council and committee
members here, if you remember, I believe it was at the last
meeting, Wayne Werner came up with an anchor and had a
presentation of how it would break loose, and I believe that’s
what they are considering a weak link. I am not sure about
enforcement on that, but it’s a pretty simple deal.

If you’ve got it down and the Coast Guard has some concern and
they ask you to pull it up, then it better comply, I would
assume. I am certainly in no way speaking for Lieutenant
Commander Danaher, but does anybody else have any conversation before we go to Corky? Mr. Walker.

MR. DAVID WALKER: I was just going to say that I think a weak link would work. I’ve used anchors like that type before, and I have had better success with a Danforth-type anchor when I’m in the soft mud though. If you just pull far enough ahead and let enough scope out and then get back onto the coral reef or whatever you may have, but I think that one thing that was mentioned was using a fathom curve, and I heard fishermen mention that as well.

If we just use the fathom curve around these areas, that you had to anchor outside a certain fathom, I think that may be something to entertain, but there is different ways, and most fishermen are not out there to lose their anchors. That’s time consuming, and it’s an expense, and most of them that I know have a type of weak link or are already using that today.

CHAIRMAN GREENE: Thank you. Anybody else? Mr. Matens.

MR. MATENS: Mr. Greene and Ms. Bosarge, I know we’re running a little late, but I have a few concerns. To David’s point, are there people that think a weak link is you break the anchor loose and leave it there or -- I know what I think, but are we all on the same page here? What really worries me here is not what is said, but it’s what is not said in this thing.

The issue of the recreational fishermen, I am a diver. I am not about to free dive and shoot a wahoo, but there are people that do. My dear friend, Mr. Delacruz, that comes to these things is -- I think he’s insane, but he does that.

It’s unlikely that a diver would go to the bottom in most of these spots. Some of these things are at 200 feet, and you can go to the bottom. You can bounce dive, but, if the recreational fishermen are going to be required to do something, and it says all, and who knows what that means, then I think we need to pursue that, I think, as part of our purview.

The issue about the anchor, what is a weak link? Somebody needs to tell me what these guys think it is. Also, all of these spots that we’ve been talking about today, does that encompass all of the areas of concern or are there other reefs out there that we’re not talking about, and what is going to happen to them?

It bothers me that this is our last chance to weigh in on
something that is of this importance, not just to my friends in
the commercial business, but the charter guys and the
recreational guys. I don’t know if there’s any way out of this,
but I don’t care for this.

CHAIRMAN GREENE: Thank you. Mr. Perret, would you care to
weigh in?

MR. CORKY PERRET: Thank you. Speaking on behalf of the Shrimp
Advisory Panel, one of the group’s largest concerns was drawing
the straight lines. My friend, Dr. Crabtree, talks about that
area, and, indeed, it did have a lot of convoluted boundaries,
but they felt that, with current technology today, that they
could adhere to these meandering type of lines rather than just
the straight line type of box.

The gentleman with the Flower Gardens Banks that made the
presentation, he said it was done that way because of lack of
enforcement capabilities. Well, in your council letter of
August whatever it is, 18th, I think it was very well stated
that, with technology today, fishermen are certainly aware of
boundaries, based on the instrumentation they’ve got and so on
and so forth.

Having worked indirectly with law enforcement for fifty years, I
know their equipment today is a lot better than it was many,
many years ago, and so I think if fishermen are capable of doing
it that certainly our law enforcement people probably have those
capabilities too, and so, from the Shrimp Advisory Panel
standpoint, some of those straight-line boundaries were some of
the biggest concerns they have on some of those areas, and so,
thank you.

CHAIRMAN GREENE: Okay. Mr. Riechers.

MR. RIECHERS: I will follow-up, Corky. I hear your concerns,
Leann, and I certainly understand those, but I also hear the
Lieutenant Commander’s concerns and I guess I would ask, did you
all -- I doubt you had time, but did you all offer up any other
boundaries, other than just to say that some of the difficulties
here, with the context of the way they’re drawn and without
having some more -- As you said, not necessarily square boxes,
but tighten they up a little bit with some edges, and you all
didn’t have time or a chance to look at that and offer a
solution to that, did you?

I guess I’m a little torn, Leann, because I hear some of the
issues, and I think they’re -- Certainly when you look at some
of the boxes, based on what was optioned as preferred and what is now is red, deep-dark red, there are probably some places where it could tighten up, but we’re at a point where we’re going to have to send this today or else we don’t get another shot at it, and so I don’t know what we do in that kind of context, other than to express on the record that at least some of us have some concerns over that as well.

CHAIRMAN GREENE: Mr. Walker.

MR. WALKER: Camp, I was just going to address your concern there, and particular types of anchors -- Like I have a rock anchor that has a bolt in the bottom of it, and, when you pull forward with your boat, it sheers the bolt, and then it just pulls right out. Then I think the one we had that Wayne Werner demonstrated, it was a line at the top. When he pulled it forward, it pulled the line loose from the top, and it’s the same principle, but they’re going to lose the anchors that way, but that is one thing that is a concern, is being able to figure out some way that we can anchor in these areas, because, if you don’t allow fishing in these areas, it’s going to intensify efforts in other areas.

CHAIRMAN GREENE: Thank you. Any further discussion? Leann.

MS. BOSARGE: I know we’re out of time, and I will get with Morgan and give her my specific comments for this document before Full Council, because I don’t want you all to bless something that you haven’t seen my comments on it. That way, she can put it up on the site and you can look at it. A lot of them are just grammatical errors, and a lot of it is just moving information, so that they’re in our recommendations, but I think you should see it before you bless this document to send it on.

G.P., I don’t guess there’s any time anyway that you could grant the council an extension to work on this. We essentially are trying to write regulations in two council meetings, and that is warp speed for us.

MR. SCHMAHL: I would like to address that, because I’ve been thinking a lot about it. I can understand your predicament here, and I also want to say that we are in the process right now of looking at some of these specific boundary configurations. We have a boundary expansion working group that we have created out of our advisory council, and we will be working between now and spring, the April/May timeframe, to tweak some of those boundaries and to adjust some of the boundaries, where necessary, and it would certainly be
appropriate, if we were going to take your recommendation, for
example, about the no-bottom-tending-gear zone and work that
through our advisory council working group, we should certainly
come back to the council and say, okay, this is what we came up
with, and we could have some back-and-forth there.

I don’t know about an extension, per se, but what this ought to
be is a conversation of some back and forth, and I would
certainly commit to that, to coming back to the council to show
you how we would implement or not the recommendations that you
have provided.

CHAIRMAN GREENE: Thank you. Further discussion? Okay. Staff,
do you have anything else that is pertinent with this document
that we need to do at this particular point?

DR. KILGOUR: Not at this time.

CHAIRMAN GREENE: Does Martin Fisher have anything else that he
wants to bring up?

MR. FISHER: Thank you very much, Chairman Greene, but I’m good.
Thank you.

CHAIRMAN GREENE: Okay. With that, we will wrap up this part of
it, and we will continue on through our agenda, which our next
item would be SEDAR 47, Goliath Grouper Benchmark Assessment,
and that will be Tab B, Number 5. I see Mr. O’Hop, and are you
here?

SEDAR 47 GOLIATH GROUPER BENCHMARK ASSESSMENT
SUMMARY OF ASSESSMENT

MR. JOE O’HOP: Yes, I am. I can make this a very short
presentation, or I can give you a full one. There is plenty of
notes on the presentation itself, and let me know what your
pleasure is, if you want to get back on schedule.

I can make this a short presentation and try to get you back on
schedule, or I can go through the full presentation. There is
plenty of notes on the slides, if you would rather have the
short presentation, and so let me know what the committee’s or
the council’s pleasure is.

CHAIRMAN GREENE: Council, what would you like to do? Do you
want to go through it in this short, abbreviated deal, or do you
want to go through it step-by-step? I know it’s important to
some individuals, and I certainly do not want to take that away
from them. Dr. Frazer.

DR. FRAZER: I am happy to expedite this presentation.

CHAIRMAN GREENE: Okay. Let’s expedite it, as best you can, and if at any point, the council has something or the committee has something that they want to weigh in, please do so.

MR. O’HOP: Okay. Let me start by saying thank you and good morning, Mr. Chairman and council members. This is a presentation about SEDAR 47. Joseph Munyandorero and myself put this together. It’s a data-limited or a data-poor assessment. Many of the usual necessary inputs are not fully known. There is some uncertainty in the reported commercial landings and sketchy data on commercial discards. Recreational landings and discards are poorly described.

Age composition is almost non-existent. Some aspects of the goliath grouper’s reproductive strategy are still being worked out. There are no systematic surveys that comprehensively cover the assumed geographic range of goliath in the Gulf of Mexico and the South Atlantic. Needless to say, these data deficiencies make an assessment of the species pretty challenging.

In a brief way, a little history. After testimony by fishermen and divers about declines in goliath grouper numbers in the Gulf of Mexico, the Florida Marine Fisheries Commission back then, which is now part of the FWC, and both the Gulf of Mexico and the South Atlantic Fishery Management Councils took precautions and prohibited the retention of goliath groupers in 1990. Since that time, observations made by divers and research studies have documented increasing numbers and signs of population recovery of this species in southern Florida, and there are increasing sightings in the northern Gulf of Mexico and in the South Atlantic.

With that, I will just skip to the last slide. With SEDAR 47, we built on the structure and recommendations that came out of SEDAR 23, which was also a rejection of the assessment. We made further revisions and updates to the indices. We didn’t hold data and assessment workshops, which, in retrospect, was probably a mistake.

We didn’t feel that there were significant additions of data that would warrant the workshops, but the reviewers really wanted to see those particular recommendations that would come out of those workshops.
We, again, used the catch-free model, and we also included a stochastic stock reduction analysis. Both are age-structured production models, and they use inputs such as historic time series of fishery removals, some idea on the vulnerabilities of the species to gears and to harvest, and indices of abundance and biological parameters to try and estimate what the population would have been doing over that time period.

The catch-free model, of course, is unique in that it doesn’t require the history of removals. The analyses were rejected by the review panel. They felt there was insufficient vetting of the fishery removals, and they were skeptical of our indices of abundance as representing, I guess, the trajectory of a population increase. They questioned the proxies we used for the vulnerabilities at the age structure for fishery catches or indices. Again, they were concerned that we didn’t hold the workshops and we didn’t feel that there was sufficient amounts of new data that would be useful for the assessment.

They recommended that, to go forward, that it would be -- I guess, in order to make it through an external review, they suggested that there should be a fishery-independent survey that was statistically designed to give us better data on population abundance and distribution, and so that’s basically my presentation. If you have questions, go ahead.

CHAIRMAN GREENE: Thank you. Any questions? Okay. I am not seeing anybody waving their hand. With that, I will turn it back to the staff to help us through the next item, the SSC Comments.

SSC COMMENTS

DR. JOE POWERS: This agenda item came up at the recent SSC meeting, and we passed a motion essentially saying that the SSC concurs with the conclusion of the review panel. We also had a discussion of a number of the things that were brought up, in terms of the inadequacies of catches and that sort of thing, but we also talked about are we -- Where are we going with this, because, as Luiz Barbieri presented to us, there has been a whole history of trying to do assessments of goliath grouper.

Ultimately, what we’re trying to do, through these assessments, is determine status, in terms of where we are now relative to the potential productivity. In order to get productivity, we basically have to know how many have been caught or how many have been killed and/or absolute abundance.
We are operating off of indices, pretty t, and I think everybody
is clear that there is more goliath grouper than there used to
be, but I don’t think any of us are real confident that the
assessments are going to get any better, and so I think that, in
the long term, without doing additional extensive surveys, you
will have to come to some consensus about what it is that you
want, or what it would take, in order to allow fishing again, if
indeed you want to allow fishing again, and so that’s the
essence of our conclusions.

CHAIRMAN GREENE: Thank you. Comments? Mr. Sanchez.

MR. SANCHEZ: We have had discussions before at the state level
in Florida, as well as I guess federally, that there is an
interest from the public in perhaps revisiting having some level
of consumptive take of goliath grouper, given the abundance
they’re seeing out there.

This is very chicken-and-egg, in that how do you arrive at what
potential biomass could become available, once again, without
being able to do some consumptive sampling that, during the
course of these discussions, there were some academic groups out
there that said that technology is available to do some sampling
of the biomass and perhaps arrive at these thresholds without
killing fish.

It was just costly and expensive, but it’s almost like we’ve got
to do it or what we’re, in essence, saying to the public is,
then we take something, even though it’s brought back, because
of this conundrum we’re in, this chicken-and-egg situation, you
never reopen it again, and I think we’ve got to look at that, in
that guise, and maybe revisit this and see if there is some
funding available to take a look at this and see if we can’t
justifiably do something.

CHAIRMAN GREENE: Thank you. Further comments? Mr. Walker.

MR. WALKER: I was just going to add some discussion. When I
was actually in Tampa two weeks ago with MREP, and I had some
discussion with some of the AP members about the abundance of
goliath grouper, and they said that -- Some of them were divers,
and, when they dive, they send a camera down before they dive a
spot, and they said there were several spots they had that they
were so thick that they didn’t even bother diving because there
were so many goliath grouper around. That’s just some of the
conversations I’ve had with them, and they were talking about
the abundance of goliath grouper was -- The biomass was growing.
DR. POWERS: Within the assessment, and, Joe, correct me if I’m wrong, there were indices from the Project Reef, which I think is what you’re referring to, and basically there is lots of questions about how to standardize those sorts of indices, but they are being used. Like I said, I don’t think anybody is really disagreeing with the conclusion that there’s more than there used to be, which would make absolute sense if you don’t catch any, but there is the larger issues of how do you actually estimate things like maximum sustainable yield.

CHAIRMAN GREENE: Thank you. Is there further discussion? Okay. Seeing none, we will move on down our agenda to Reef Fish AP Comments and Dr. Simmons.

REEF FISH AP COMMENTS

DR. SIMMONS: Thank you, Mr. Chairman. This is on page 11 of that Tab B, Number 13 report, and the AP didn’t make any motions on this action item, after they heard the presentation from Mr. O’Hop.

As has been stated, several members of the AP have observed goliath grouper, and they felt the stock is rebounding, particularly in the northern Gulf, and they thought that, in order to better inform scientists and managers, there should be a requirement that all fishermen and divers who have an interaction with goliath grouper make a report, and they suggested that anglers should report the time, date, and location of this interaction with the goliath grouper.

Interestingly enough, our staff has developed recently a learning module with goliath grouper with Angela Collins, who did her PhD work, and we just put it up on our website, and the link is actually in the report, and you can -- Anglers can upload that information, and we have some various life history information about goliath, to try to educate folks.

We informed the panel of that information, and the AP posed a motion that later failed to recommend a trophy tag program be explored based on the recreational interest in this species, but some of the commercial AP representatives stated that the species would never be a commercially-viable species again and that basically a lot of the recreational interests -- It has a lot of ecotourism value, the animal does, because divers want to observe this big fish underwater.

Mr. O’Hop concurred with that, as far as being an edible, viable
species again, because of the numerous mercury studies that have suggested the species was unsafe to consume, particularly when they get larger, and concludes my report.

CHAIRMAN GREENE: Thank you. Is there further discussion? Mr. Sanchez.

MR. SANCHEZ: Our discussions in Florida addressed known aggregations that are of value to the dive community, and you can identify those and then protect them, but, in other areas, this fish has expanded in its range tremendously. You can make some available, and you could probably do so with a slot limit that addresses the mercury concerns and allow some recreational take of this fish. I mean, we just have to have the data to be able to do that, but the public surely wants to see that, in Florida anyway.

CHAIRMAN GREENE: Thank you. Further comments? Okay. Seeing no further comments, I believe that was the last item I had under the Goliath Grouper Assessment. I am not seeing anyone raising their hand, and we will move on to Draft Framework Action for Mutton Snapper ACL Management Measures and the Gag Commercial Size Limit, Review of Draft Framework Action, Tab B, Number 6, and Dr. Froeschke.

**DRAFT FRAMEWORK ACTION - MUTTON SNAPPER ACL AND MANAGEMENT MEASURES AND GAG COMMERCIAL SIZE LIMIT REVIEW OF DRAFT FRAMEWORK ACTION**

DR. JOHN FROESCHKE: Are you ready for mutton? Okay. If we go to Action 1 on this, what I would like to do for each of the actions is kind of reorient you to what the action actually addresses, and then, for two of the actions, we have comments from the Law Enforcement Committee. Then, for all of the actions, we have comments from the Reef Fish AP, and so I would like to do those first and then discuss the alternatives with you and get your comments.

CHAIRMAN GREENE: That sounds to me. Go ahead.

DR. FROESCHKE: Action 1 addresses the output of the recent stock assessment, getting less recent by the day, and the stock assessment recommended a reduction in OFL and ABC from current levels, and so this was based on changes in the model configuration and other things.

The current OFL is -- Just for your orientation, this is a stock that is managed with the South Atlantic Council, and so it’s a
single stock in the Southeast Region, but we do have our own apportionment, and so we manage that independently of that, and that’s 18 percent of the stock.

There are two alternatives with some options in them. The way the Alternative 2 is structured is there is an ACL and an ACT option. We currently have an ACT in there. Option 2a in the document would remove the ACT and just set the management target at the ACL, and the ACL is equal to the stock ABC times the apportionment, and so we have 18 percent of the ABC, and so this would just set the ACL at 18 percent of that, and so that’s as high as could be set under the ABC and the OFL that have been set by the SSC, and so Alternative 2 is an increasing yield schedule from 2016 to 2017.

Option 2b in this would set an ACT that would reduce the ACL by application of the ACL/ACT control rule. That resulted in a 12 percent buffer, and so you would take the ACL and reduce that by 12 percent, and that’s what the values are in the far-right column of that table.

Alternative 3, what you will notice in here is that there is, again, no ACT. However, the ACL/ACT control rule was applied and the ACL was set to -- That 12 percent buffer was placed between the ABC and the ACL, and so the Gulf ACL in Alternative 3 is equal to the ACT in Option b, Alternative 2, Option b.

The difference, in practice, is that, under this one, if you exceeded the 109,000, for example, in 2016, that would trigger the accountability measures, whereas, in Alternative 2b, as long as you didn’t go over the ACL, the 124,000 -- It would allow you some variation about that value without it triggering it. Carrie, do you want to go over the Reef Fish AP or do you want me to? I can do it, if you want. It’s B-13.

**DR. SIMMONS:** The motion the AP made regarding Action 1, was, by a vote of twelve to zero with two abstentions, the AP recommends, in Action 1, that Alternative 2a be the preferred alternative, which would accept the OFLs and ABCs recommended by the Gulf and South Atlantic SSCs from 2016 through 2020 and remove the Gulf annual catch target, the ACT, as a management target.

**CHAIRMAN GREENE:** Thank you. Any questions or comments? I’ve got Mr. Sanchez.

**MR. SANCHEZ:** If somebody could help me out, which alternative had a five-fish year-round open? Which one of these options in
Action 1 would prevent having a closure?

DR. FROESCHKE: That’s Action 2, and so Action 1 just addresses the ACL.

MR. SANCHEZ: Exactly, but which choice of ACL do you avoid a closure if we go to five fish? I would like to understand that before I get my arms around this.

DR. FROESCHKE: I think, based on the -- Well, let me just say the Alternative 2, Option 2a, is the alternative that would allow you the maximum number of fish. I think, depending on how you structure the other management, with trip limits and things, that should be sufficient to allow a year-round commercial season.

CHAIRMAN GREENE: Thank you. Does anyone else wish to weigh in at this time? Dr. Froeschke.

DR. FROESCHKE: Are you ready for Action 2? Action 2 addresses mutton snapper recreational bag limits, and we had input from both the Law Enforcement Committee and the Reef Fish AP. Just quickly on this, the options that have been proposed are considering both a within spawning season, or within peak spawning, and so April, May, and June regulations, and then regulations outside of that, and so the other nine months, or just setting consistent regulations year-round, and so the Law Enforcement had some comments on that, and so I’m going to turn that over to Ava.

DR. LASSETER: Okay, perfect. On the Action 2, to provide a little bit of context, prior to addressing the mutton document, the committee already discussed the gray triggerfish document, and so, in that document, they had talked about their concerns with having multiple season openings and closings, and so that speaks to what is included in the text in this report, and I can tell that -- It’s page 4. It’s at the very top of page 4 on the report.

In discussing the recreational bag limit in Action 2, the Law Enforcement Committee felt it was a burden on both the officers and the public to have changing multiple bag limits within a year, and they felt that this was even more problematic, to have changing bag limits, than the multiple season openings and closings, as they had discussed in the gray triggerfish amendment, and then, in turn, after discussing these different types of measurements, they noted that, because this is primarily a South Florida fishery, their greatest preference was
to select the alternative that would provide consistency between
the state and federal regulations.

Thus, the committee recommended Alternative 4, Option 4d, of
Action 2, which would establish a year-round bag limit of five
fish per person per day within that aggregate bag limit.

CHAIRMAN GREENE: Okay. Thank you. Is there discussion? Ms.
Guyas.

MS. MARTHA GUYAS: Just a question. Are we looking to set
preferred alternatives here or are we looking to cut options out
of this document or are we just walking through it and just
looking at what we have here?

DR. FROESCHKE: What we’ve brought for you so far is just
Chapters 1 and 2. We typically don’t select preferred
alternatives without the supporting documents. What I am hoping
is to refine these actions and alternatives such that you’re
happy with them and we can further develop the document and then
select preferred alternatives in January, was what seemed to
make sense with me. I have a couple of points in here that I
will bring up to your attention about perhaps modifying
alternatives or removing a couple of them from consideration.

CHAIRMAN GREENE: Are you fine with that, Ms. Guyas? Okay, Dr.
Froeschke.

DR. FROESCHKE: The other thing, for your information, is
Florida has selected also this five fish per person per day
year-round as well as the South Atlantic Council. The Reef Fish
AP, and I think Carrie can tell you, but the motion they passed
was essentially to embrace consistency with the South Atlantic.
The vast majority of the recreational landings of this stock
occur in the South Atlantic. Our recent landings in ours is
only about 1,500 pounds a year, and so I will let Carrie go
through the Reef Fish AP recommendations.

DR. SIMMONS: Okay. Thank you. That’s exactly what was
discussed. I’m sorry.

CHAIRMAN GREENE: I just wanted to make sure that I understood
Dr. Froeschke. 1,500 pounds was landed by commercial or
recreational?

DR. FROESCHKE: Recreational. It’s primarily commercial in the
Gulf. It’s the majority recreational in the South Atlantic.
CHAIRMAN GREENE: Thank you. I just didn’t understand what you said. Dr. Simmons.

DR. SIMMONS: Based on that information, the AP passed a motion regarding the recreational management measures, and they wanted -- In the spirit of maintaining consistency with the South Atlantic Council and the State of Florida, by a vote of fourteen to zero, which was unanimous at the time, because we had one AP member that didn’t come in until lunchtime of the second day, the AP recommends, in Action 2, that the council follow the lead of the South Atlantic Council for implementation of recreational bag limits for mutton snapper.

CHAIRMAN GREENE: Thank you. Any discussion? Okay, Dr. Simmons, that was the only comment relevant to that? Okay. Mr. Boyd.

MR. BOYD: Kind of a related question. Has there been any discussion in Florida about closing mutton snapper during the spawning season, or is that not necessary?

CHAIRMAN GREENE: Ms. Guyas.

MS. GUYAS: I can address that. Our commission did discuss mutton snapper, and they moved forward with a final rule package that’s going to take effect in January, and there is no spawning season closure for mutton snapper, and so there will be a recreational bag limit of five year-round, across the state.

On the commercial side, in Atlantic waters, both state and federal, and I think the South Atlantic is moving towards the same way, the commercial would drop down to five per person during that time, to match the recreational bag limit. There is a similar regulation in place now with a ten-fish bag limit that’s in place, where commercial drops down, but, at the state level, we recommended that only for the Atlantic side, and so that’s not necessarily in play here, but no spawning season closure at this time.

CHAIRMAN GREENE: Thank you. Is there further discussion? Okay, Dr. Froeschke.

DR. FROESCHKE: Action 3 addresses commercial trip limits in the Gulf, and I have a couple of things here. One of the things, in the spirit of consistency, the South Atlantic and the State of Florida have gone with a five fish per person per day in the spawning months. We don’t have that even as an option at this point.
The other thing that has come up, in terms of the current Alternative 3, is we have options in there for both bag limits per person per day and bag limits per vessel per day, and the IPT has discussed this. We’ve gotten feedback that the vessel per day is very confusing, and it’s been recommended that we go to bag limits per person per day, and so, in the document, we have recommended -- We have this revised Alternative 3 in yellow that we’re recommending be used to replace the current Alternative 3. If that’s something that you could support, we could pass a motion to do that.

CHAIRMAN GREENE: Thank you. Is there discussion? Ms. Guyas.

MS. GUYAS: Let me explain where the commission went on this with the commercial limit. They only put the commercial limit in place for the Atlantic side, and the reason for that is we were trying to think of we’re going to take this package to the council and we’re going to be looking for consistency, ultimately. In the Gulf, there is the longline fishery that’s taking mutton snapper, and that’s not in play in the South Atlantic.

After speaking to some of the fishermen and the dealers that are working and landing fish on the Gulf side, the commission ultimately decided no trip limit on the Gulf side, because most of these fish are coming from federal waters that are coming in commercially, and so I am fine with putting in this IPT recommendation, if that’s something that we need to do, but, at least where I’m at, I don’t know -- If the goal of this document is to be consistent, I guess, with what’s going on in state waters of the Gulf, I don’t even know that we need this whole action for commercial trip limits, but if the council wants to consider going consistent with the South Atlantic side, then we would want to keep this. I don’t know what other people’s thoughts are.

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: That’s been my concern with the trip limit, because there is a substantial number of fish that are coming in from the longline fishery, and, of course, they are fishing outside of twenty fathoms, and so it’s fairly deep water. To the best of my knowledge, they’re not targeting mutton snapper. They are catching them incidental to other things, and it seems to me that there would be a very high mortality rate if we have them throw those back, and so I think we need -- If we want to go down the trip limit path, which I tend to agree with Martha
that maybe we just don’t even need to go there, but, if we do, we need to -- I think we’ve got to treat the vessels with longline endorsements different somehow, because we don’t want to force these guys to just throw dead fish back into the water.

CHAIRMAN GREENE: Ms. Guyas.

MS. GUYAS: Roy is right. From our conversations with the longline fishermen, most of the time it’s incidental fish when they’re fishing grouper, but sometimes, during certain times of the year, they may target mutton snapper, more so than grouper, depending on what their situation is at the time, but I can make a motion to remove this action if you’re willing to accept one.

CHAIRMAN GREENE: Certainly.

MS. GUYAS: I will make a motion to remove Action 3 to Considered but Rejected.

CHAIRMAN GREENE: We have a motion, and a second by Mr. Sanchez. The motion is on the board. Is there any discussion? Mr. Swindell.

MR. SWINDELL: The advisory panel also suggested to take Alternative 1 in Action 3, which is just to do no action, and also no size limit, because they feel that, as Dr. Crabtree was saying, that the size limit is not effective in this fishery.

CHAIRMAN GREENE: Thank you. Is there further discussion? We’re going to get the motion up on the board before we vote on it. Ms. Guyas, is that motion correct? Okay. Is there any further discussion about the motion on the board before you? Is there any opposition to the motion? Seeing no opposition, the motion carries. Any discussion on anything else? Dr. Froeschke.

DR. FROESCHKE: Thank you for that swift action. Action 4 addresses the mutton snapper minimum size limit. This is something that both the South Atlantic and Florida have taken action to increase from sixteen to eighteen inches. We have five alternatives, ranging from the current sixteen inches through twenty inches, in one-inch increments.

As Mr. Swindell noted, the Reef Fish AP recommended just no action for this, stating that it’s not an effective management measure for commercial fisheries, which is predominant in the Gulf, and so think about that.
The other thing that the IPT is -- We recommended that Alternatives 2 and 4, seventeen and nineteen inches, aren’t really necessary in achieving the purpose and need. There is a figure in here, which is Figure 2.4.1. It basically shows you the length and the corresponding age. They grow pretty fast in this range, and so there’s not a lot to separate that, and so what we would recommend, if you want to retain this action, is removing Alternatives 2 and 4 to Considered but Rejected.

CHAIRMAN GREENE: Thank you. Anyone want to weigh in on removing Alternatives 2 and 4? Dr. Crabtree.

DR. CRABTREE: That makes sense to me. I would offer a motion to remove Alternatives 2 and 4 in Action 4 to Considered but Rejected.

CHAIRMAN GREENE: It’s seconded by Mr. Sanchez. Any further discussion on the motion on the board? Seeing no further discussion, is there any opposition to the motion? Seeing no opposition, the motion carries. Dr. Crabtree.

DR. CRABTREE: Then I think what -- My concern, again, would be with the longline fishery. Are we just forcing them to discard dead fish? It would be worth looking at, and I know we do have observers out on some number of longline trips, and can we generate a length frequency of what they’re catching? I know they tend to catch bigger and older fish, and so it may be that you could raise the size limit a little bit without really affecting them, if you wanted to, but I am not convinced it’s a good idea, in any circumstance, but I would like to see what size fish they’re catching on those longline vessels before we make any sort of recommendation here.

CHAIRMAN GREENE: Thank you, Dr. Crabtree. Ms. Guyas.

MS. GUYAS: I am good with that. The testimony that we got from those fishermen and the dealers were that, in the commercial fishery, these are big fish, and the eighteen-inch limit was not an issue, but an analysis is -- I’m good to go there.

CHAIRMAN GREENE: Thank you. Is there further discussion? Seeing none, Dr. Froeschke.

DR. FROESCHKE: The Reef Fish AP, again, they recommended Alternative 1 for this, just for your information. Do you have anything to add to that, Carrie? Okay. Now we can go to Action 5, and Action 5 switches gears a little bit. This addresses the commercial gag minimum size limits in the Gulf.
Currently, it’s twenty-two inches. The minimum size limit for the recreational fishery is twenty-four inches, and so one potential benefit is achieving consistency between the sectors for this fishery. Some analysis has been done as part of the stock assessment that suggests there are biological benefits to the SPR, which you can see in Table 2.5.1. There are really just two alternatives here, with no action or Alternative 2.

The Reef Fish AP weighed in on this one as well. It followed the discussion of mutton snapper, when they stated that it wasn’t an effective management tool, and so they had a long discussion about that, because, for this, the benefits of achieving consistency and the biological benefits of raising the size limits, according to the analysis in the document, were enough to sway them, and they recommended increasing it to twenty-four inches, which would be Alternative 2.

CHAIRMAN GREENE: Thank you. Any discussion about size limits on gag grouper? Dr. Crabtree.

DR. CRABTREE: Again, I would like to see the same sort of analysis done of the longline vessels. What size gag are they catching? Is this going to increase discards? Other than perception, I am not sure what the benefit of having the same size limit is.

I know there is some of the public who don’t like to have the difference, but it doesn’t seem to me that it’s an enforcement problem, but I think we need to have -- I understand there may be some SPR benefits from raising the size limit, but I am not sure that those come from requiring the longline fishery to discard dead fish. That seems, to me, to just be a losing proposition, and so maybe, again, they’re not catching many gag below twenty-four inches anyway and it’s not really a problem, but I think we need to see some numbers on that before we make a decision here.

CHAIRMAN GREENE: Thank you. Mr. Walker.

MR. WALKER: I didn’t know if Martin Fisher was still with us. I was sitting here looking at the gag landings right now, and the size limit is just a little over 80 percent with just a few months left, and so I didn’t know how that would affect us being able to catch our gag ACL of the commercial quota and raising the size limit and how that would affect that.

MARTIN FISHER: I am here, David, but what’s the question?
MR. WALKER: What do you prefer on the size limit?

MR. FISHER: The AP was kind of split. It was a vote of eight to five with one abstention, and so what I prefer and what the AP prefers are probably two different things. It doesn’t seem to me that longliners are catching fish predominantly of that size. They are predominantly catching much larger fish.

The hook-and-line fishermen that target gag have interactions with less than twenty-four-inch fish, but they’re fishing in shallow enough water, and I think the previous science has showed us that discard mortality is much reduced in eighty feet or less, or sixty feet or less, where that interaction is occurring, and so, to be equal with the recreational community would be a good thing, but a size limit in the commercial industry doesn’t make any sense at all, and so you’ve got those two things opposing each other. That’s really all I can say. Thank you.

CHAIRMAN GREENE: Thank you, Martin. Does any committee member wish to weigh in? Okay, Dr. Froeschke.

DR. FROESCHKE: Again, we’re not asking you to make a preferred alternative here. We can complete the required analysis for the next meeting. We plan to flesh out the rest of the document, Chapters 3 and 4, and bring you a draft back for the next meeting, where you can consider preferred alternatives. Otherwise, that’s all I have.

CHAIRMAN GREENE: Thank you. Anybody have anything else on gag? With that, we are back on schedule. We are scheduled for a break at 10:15, and so I think now is the time to take about a fifteen-minute break, and we will get started just shy of 10:30.

(Whereupon, a brief recess was taken.)

CHAIRMAN GREENE: We are going to pick up on Draft Amendment 42, Reef Fish Management for the Headboat Survey Vessels. Dr. Diagne, if you’re ready, we will pick up on Draft Amendment 42, Tab B, Number 7, unless you want to direct us elsewhere.

DRAFT AMENDMENT 42 - REEF FISH MANAGEMENT FOR HEADBOAT SURVEY VESSELS

DRAFT AMENDMENT 42

DR. ASSANE DIAGNE: Yes, Mr. Chair, and thank you. For Amendment 42, the review of the amendment, and the subsequent
thing we will discuss is the eligibility requirements for the referendum. For the amendment itself, for this committee meeting, we would like to just go over some issues, if you would. Rather than spending a lot of time discussing the action-by-action, perhaps just try to address some issues for which we have questions.

The first question that we would like to ask the committee and the council would be, should you decide to go forward with this Amendment 42, what is your intent when it comes to the bag limits of the species included in the amendment?

As you recall, you have the five major reef fish species in here of red snapper, red grouper, gag, greater amberjack, and gray triggerfish, and so would you like to keep the existing bag limit, even though you may transition to a fishing quota program, IFQ or PFQ? I will stop there first, and that’s the first issue that we would like to hear some discussion about.

CHAIRMAN GREENE: Thank you, Dr. Diagne. Anyone want to weigh in on the bag limits of the species that are included in Amendment 42? Seeing no one raising their hand, I would assume, and I always hate to assume, that my interpretation is that it would follow what is currently there, as listed. I think it would be an enforcement problem if there were differing regulations, but, if anyone wants to weigh in, now is the time to do so. I certainly don’t want to steer your perception, but, with lack of vigor of people raising their hands and weighing in, I would assume that’s what everybody understands this to be. Seeing a few nods around the table, Dr. Diagne, it would be under current parameters.

DR. DIAGNE: Thank you, Mr. Chair, and so we will make sure that the document reflects the point that you just made, that all existing, essentially, bag limits would be in effect, even under a fishing quota program.

The second issue that we would like to discuss with you today has to do with Action 3, and Action 3 is on page 12 of the amendment. It has to do with the participation at the onset of the program, the fishing quota program.

At the end of the last council meeting, there was some discussion relative to continued participation in the survey, the Southeast Survey, to be able to participate in the fishing quota program, but the amendment, as written, does not include that requirement, and essentially, moving forward, that requirement would not be included, because this is a council
amendment, if you would, and so the council would decide who is in and who is out.

If we base it on future participation in the survey, perhaps that will be a moving target, and then the decision would be done by the survey, if you would. If someone is out of the survey, they will be out of the program, and so anybody who would have met having landings by the control date that you selected, meaning October 31 of 2015, will be in the program, and this was more something to just bring to your attention, but nothing really to discuss in detail. I could move to Action 4, unless someone has a question, and I see a hand being raised there.

CHAIRMAN GREENE: Thank you. Mr. Diaz.

MR. DALE DIAZ: Assane, I am not sure that I understand exactly what you just said. At the last meeting, we had a discussion, and I think we even had a vote, about leaving the option in here for vessels to opt out of the program, and so you’re saying that will not be an option and vessels are in if they were in the program as of December 31, 2015?

DR. DIAGNE: No, Mr. Diaz, and maybe I didn’t express myself very clearly on this one. This was not really in reference to the opting out or the staying in the program portion of this. That set of alternatives, as discussed, is still in the document. Yes, people will have the option to opt out, but this was more really in reference to who is going to be considered for the program in the first place, that’s all.

MR. DIAZ: Thank you.

DR. DIAGNE: If I could then move to Action 4, in Action 4, in the amendment, it is on page 13, and this action deals with the establishment of a new endorsement or of a permit, and essentially, for the permit, we would split the federal for-hire reef fish permit into two, one for those in the program and one for the others, and the point that we wanted to bring to your attention is that, if we were to create this permit, it will have to be very clear that the two permits would have to be mutually exclusive, meaning one could not acquire both permits and be able to fish under the program in 42 and then turn around and fish under the program in 41 or in the recreational sector at large, if you would.

If the endorsement is created, we have to also make sure to put that in the requirements, so that people are not allowed to,
quote, unquote, double dip and be able to fish under 42 and turn around and participate in other programs and take advantage of those. That is a point also that we wanted to bring to your attention.

CHAIRMAN GREENE: Any discussion? Seeing none, carry on, please, Dr. Diagne.

DR. DIAGNE: Thank you, Mr. Chair. A final thing that we would like to discuss with you would be on Action 5, and this has to do with the allocation of the ACL to this program, the landing history vessels.

The action begins on page 14, but the document includes a table, Table 2.5.2, which is on page 17, and essentially, as you recall, in 2014 and 2015, we had an EFP for the headboat vessels, and the two species considered there were gag and red snapper.

When we look at the percentage of the federal for-hire quota for red snapper landed historically, we see that there is a notable jump in 2014. In 2014, the landing history vessels landed 52 percent of the red snapper, when you express the percentage as a portion of the federal for-hire quota.

This is understandable, because vessels who did not participate in the EFP were constrained to a nine-day season, as you recall, but participants in the EFP were given, beforehand, a certain portion of the quota, and so the question that we wanted to ask is whether you want us to consider in this document options that would exclude 2014 from the computations of the allocation to this program.

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: I think the answer should be yes, that we would need options to exclude that year, because it’s anomalous, because of the management you put in place.

CHAIRMAN GREENE: Thank you. Mr. Diaz.

MR. DIAZ: I agree with Dr. Crabtree. Assane, when I read Alternative 2 and Alternative 3, you’ve got, in parentheses, 2011 through 2015, and so the Headboat Collaborative operated in 2014 and 2015, and why would we not have options to exclude 2015 also in Alternatives 2 and 3?

DR. DIAGNE: Mr. Diaz, if you look at Table 2.5.2, you would see
that, in 2015, the landing history vessels, and it’s on page 17,
landed 26 percent of the -- They represented 26 percent of the
federal for-hire landings, and so you see that it is not an
issue there, but it is an issue in 2014, because, in 2014, they
landed 52 percent. They represented 52 percent of the landings,
and so, really, excluding 2015 would not do anything for you.

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: Isn’t the difference, Assane, that Amendment 40
went into effect in 2015?

DR. DIAGNE: Thank you, Dr. Crabtree. That is exactly the
point. By 2015, we had sector separation in effect, and so then
the entire federal for-hire sector, if you would, or subsector,
received a certain portion of the allocation.

CHAIRMAN GREENE: Thank you. Further discussion? Mr. Boyd.

MR. DOUG BOYD: Dr. Diagne, when we talk about an allocation at
this point, we’re talking about an allocation from the subsector
allocation for sector separation that’s already been done, and
isn’t that correct, and not from the entire recreational
allocation?

DR. DIAGNE: Yes, Mr. Boyd. If we are discussing red snapper,
in specifics, because that is, of course, the only species for
which we have sector separation, then, yes, absolutely. This is
an allocation of the federal for-hire quota between the two
components that we are going to identify here, yes.

MR. BOYD: Thank you.

CHAIRMAN GREENE: Mr. Diaz.

MR. DIAZ: Dr. Diagne, can you refresh my memory -- I know I
read it, but I can’t recall it right at the moment, but what is
the percentage that the headboats generally land of the
charter/for-hire allocation?

DR. DIAGNE: For red snapper? I think we could refer to Table
2.5.2, and it gives us a time series from 1986 to last year,
2015, as far as the percentage of the landings accounted for by
the landing history vessels, meaning the headboats that we are
considering for inclusion in the program developed in Amendment
42, and it varies. In recent history, let’s say from 2010
downward, it’s somewhere between 26 percent to 50 percent.
MR. DIAZ: Back to my point about having an option to exclude 2015. Depending on where we go with this, it might actually hurt headboats to leave 2015 in there. I haven’t thought though it enough to know, but, during that time period, they had a fixed amount of catch that they could catch. It’s not the same as the rest of the years, but, from 2013 back, they did not have a fixed amount.

While 26 is in the range that they’ve caught historically, during that particular year, it was fixed, and so I still feel like there should be an option to exclude 2015 in the document for Alternatives 2 and 3.

DR. DIAGNE: Certainly, if that is the intent of this committee, we will consider, we can consider, options excluding 2015, but then, if we look at some of the time series, they become very short. Let’s say, if I take Alternative 2, 2011 through 2015, and cut out 2014 and 2015, it becomes extremely short, but we could certainly consider it. We have the numbers here in front of us.

CHAIRMAN GREENE: Ms. Levy.

MS. LEVY: Thank you, and just with the understanding that there was only a percentage of the headboats that were fixed. It wasn’t the whole survey vessels. It was twenty of them or seventeen or eighteen or whatever it was that were in that EFP, and so it wasn’t like the whole portion of them had some fixed amount that they were allowed to harvest.

CHAIRMAN GREENE: Mr. Riechers.

MR. RIECHERS: I hear both sides of this argument, but I have to agree with Dale that if you’re going to exclude it because it was years that you had the EFP in place, then that’s your decision rule for excluding them, no matter what percentage landings they ended up coming up with that year.

One year they came up with a higher percentage, and the next year they came up with a lower percentage, but, either way, using that logic, they were in the program for both of those years, and I am like Dale. We at least should have the option of excluding both of those years as we go through here. It’s just an option, but it doesn’t mean that we have to choose it.

CHAIRMAN GREENE: Thank you. Any further discussion? Mr. Diaz.

MR. DIAZ: If it’s not too late, I will make a motion that we
include an Option c in Alternatives 2 and 3 that would exclude the year 2015.

CHAIRMAN GREENE: We will get your motion up on the board here in just a second. Is there a second for this motion? It’s seconded. Ms. Levy, did you have something?

MS. LEVY: I think you probably, if you’re going to do that, want to do Alternative 4 also.

MR. DIAZ: All right. From where you’re at right there, you could say, in Action 5, to include, in Alternatives 2, 3, and 4, an option to exclude 2015.

CHAIRMAN GREENE: Dr. Frazer.

DR. FRAZER: Dale, wouldn’t the wording be to exclude 2014 and 2015?

MR. DIAZ: 2014 is already included.

DR. FRAZER: In my view anyway, you need them both. You need both years to accomplish what you’re trying to accomplish.

MR. RIECHERS: He was suggesting, Tom, that 2014 is already in there, but are you suggesting that we want to have an option just excluding 2014 and 2014 and 2015?

DR. FRAZER: Yes, they’re two separate options.

MR. DIAZ: What I am thinking is we could choose preferreds for whichever way we decided to go. We could choose Option b as a preferred and Option c and d both as preferreds, if we so chose.

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: Since this related to the Headboat Collaborative, that was red snapper and gag, and so you’re talking about just red snapper or you’re talking about red snapper and gag?

MR. DIAZ: I would be talking about both, but I’m just reading the action to see if the action includes everything.

CHAIRMAN GREENE: Dr. Dana.

DR. PAMELA DANA: This is just housekeeping, but Option c only is relevant for Alternative 2. Alternative 3 and 4 already have an Option c, which is to exclude 2014.
DR. DIAZ: Thank you, Dr. Dana.

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: Our intent is this would apply to gag and red snapper, since it’s related to the headboat survey, correct?

CHAIRMAN GREENE: Okay. Dale, does that motion on the board accurately collect your intentions? Dr. Crabtree.

DR. CRABTREE: The option to exclude 2010, which is presumably because of the oil spill, that would apply across the board to all species, but the options for 2014 and 2015, which are due to the Headboat Collaborative, would apply to gag and red snapper.

MR. DIAZ: That’s my motion, Mr. Chair.

CHAIRMAN GREENE: Okay. Dr. Diagne.

DR. DIAGNE: Thank you, Mr. Chair. Because of the discussion here and the justification provided for this is based on the EFP, it seems to me then that we can go ahead and simplify this and just make it one option to exclude 2014 and 2015 at once, because the justification for them is the same. I guess that would go towards the point that Dr. Frazer was making, and we could just make it one option to exclude 2014 and 2015, because the reason that we are giving for it is participation in the EFP.

MR. DIAZ: That is fine with Mr. Diagne. It’s just I don’t know if other council members agree with the motion that I have on the board. If that’s the will of the council, that would be okay with me, because that’s my rationale.

CHAIRMAN GREENE: Dr. Frazer.

DR. FRAZER: I agree with Dr. Diagne.

CHAIRMAN GREENE: Okay. Dale, would you want to include in your motion 2014 and 2015?

MR. DIAZ: I think if this motion passes that Dr. Diagne can just include it in the document that way,

DR. DIAGNE: Yes, and, for now, essentially, these options, as you see in the text, they are highlighted. That was just as a placeholder, to make sure that during the discussion that we had
something to go through, to follow, but, if that is the intent of the council, next time you see this, this action would be, in fact, separated into two sub-actions, one that would deal exclusively with the two species that were in the EFP, meaning the gag and red snapper, with those options that were considered, and one that would deal with the other three species without those exclusions.

CHAIRMAN GREENE: Thank you. Any further discussion about the motion on the board? Seeing no further discussion, is there any opposition to the motion on the board? Seeing no opposition, the motion carries.

Before we leave that Table 2.5.2, I think it’s paramount to point out the small text at the bottom, the sources of where this information has come from, but the last part of it is -- On my copy, it’s a little different than what’s on the board, but it says, after LA Creel data, which has not been calibrated to MRIP data, and is that correct, what I am reading in the document, because what I see up there is different. Has this information been calibrated?

DR. DIAGNE: Yes, I think perhaps the table that’s on the board is a previous version of it. That’s where it comes from, your observation, and, sitting here, I couldn’t read it, but what is in the document is the current version of the document, yes.

CHAIRMAN GREENE: Thank you. Mr. Riechers.

MR. RIECHERS: I think maybe what you are -- This table is different than the next table. One of them includes LA Creel data which has not been calibrated, and the previous table has this. I am assuming, in both cases, you are using data that hasn’t been calibrated, but I don’t know what the answer to that is.

CHAIRMAN GREENE: That’s correct. I was looking at 2.5.2. I don’t know if it’s been MRIP calibrated or not, but I will let people have time to look that over, because that would be something I would want to point out at full council. Does anyone else have anything before I go on? Dr. Diagne.

DR. DIAGNE: For this Amendment 42, that’s all I have for this meeting. Thank you.

CHAIRMAN GREENE: Okay. That takes us back to our next item, which would be the Final Action Referendum Eligibility Requirements, Tab B, Number 7(b), and who will take us through
that? Dr. Diagne.

**FINAL ACTION - REFERENDUM ELIGIBILITY REQUIREMENTS**

**DR. DIAGNE:** Thank you. To discuss this short document that we prepared for your consideration, perhaps we could just go to page 8 and specifically put up on the board, if possible, Table 3.1. In essence, the table shows us the number of potential voters based on the threshold that, as a committee, you would select, and obviously the higher the threshold, the fewer the number of potential voters in this referendum.

For the alternatives that are considered here, we have four of them, starting with the no-action alternative. As it was discussed the last time, that wouldn’t be consistent with the provision of the Act. Alternative 2 would set a threshold at an average harvest of 100 fish during the time period considered, and the time period considered is a five-year period starting in 2011 and ending in 2015.

If we were to select Alternative 2, essentially sixty-four out of the seventy-one potentially eligible voters would be granted a vote in this process. These sixty-four voters would represent in excess of 99 percent of the harvest, of the landings.

Alternative 3 has a slightly higher threshold of 400 fish, on average, during the five-year period. Here, you will still account for 98 percent of the landings, and the number of voters would decrease to fifty-six.

Finally, if the threshold was set at 1,000 fish, on average, during the time period considered, the number of voters would drop to forty-three, but these forty-three voters would represent in excess of 90 percent of the landings of the five species considered here, and so essentially, following discussions, the council may pick a preferred eligibility requirement, if you would, for voting, and I will stop here for now, Mr. Chair. Thank you.

**CHAIRMAN GREENE:** Thank you, Dr. Diagne. Is there discussion? Thank you. Dr. Diagne, at this point, we need to pick preferreds, and is that correct?

**DR. DIAGNE:** Yes, Mr. Chair. This is brought before you as a final action. As you recall, because of the timeline that is very compressed, if it is the council’s intent to consider implementation by January 1 of 2018, we need to move forward by addressing this.
CHAIRMAN GREENE: Ms. Levy.

MS. LEVY: Just when you’re thinking about the threshold should be, you’re choosing a level for which you have determined that those participants substantially fished the species to be involved in the program, right, and so it’s the substantially fished type of language.

Just for reference, when you did the referendum for the IFQ for grouper/tilefish, I think it was about 30 percent of the reef fish holders, based on the threshold that was picked, that got to vote, but that represented 90 percent of the landings. I am not saying you have to do the exact same thing here, but I just wanted to remind you of the basis for it, which is the substantially fished criteria.

CHAIRMAN GREENE: Thank you. Mr. Riechers.

MR. RIECHERS: Assane, I recall the discussion at the last meeting regarding that timeline, and did we have a webinar public hearing or is this our one hearing for this? How are we handling that for this document?

DR. DIAGNE: Yes, keeping in mind that this is not really the amendment. These are only the eligibility criteria, and, no, we did not have a webinar or public hearings, but those, of course, we will have then for the amendment itself.

CHAIRMAN GREENE: Mr. Riechers.

MR. RIECHERS: But have we -- Obviously we’ve worked with the set of people who have been trying to develop this, but have we at least notified the other participants of the options here in any way?

DR. CRABTREE: There would also, in addition to your public hearing tomorrow, there would be a proposed rule put out with a
public comment period on this before the criteria were finalized, and so there will be an additional opportunity for public comment.

CHAIRMAN GREENE: Thank you. Is there further discussion? Anybody want to pick a preferred? Mr. Riechers.

MR. RIECHERS: I am struggling with the notion of a preferred here, simply because, without that notification, we’ve had very little input, other than from probably individuals who have suggested this, but, if you’re going to -- Since there hasn’t been public input, I would opt for either Alternative 1 or 2, so that everyone would get a chance to weigh in with their actual beliefs about what should be there. That way, you don’t eliminate very many people from your pool, to that extent. I am not willing to make that motion. I will let someone else do that, but that’s at least some logic about how I would frame that.

CHAIRMAN GREENE: Thank you. Further discussion? Mr. Sanchez.

MR. SANCHEZ: Discussion, but I don’t have a motion. I don’t know that we have adequately answered some of the concerns on why 1,200 folks aren’t going to have a vote in this, even though their permit reads headboat and charter/for-hire, and I think, unless that’s really clear, crystal clear, here -- I would like to hear some explanation as to the rationale for that and see --

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: I think the answer is because they’re not eligible to participate, and so they won’t be participants in this program, which it seems to me is seventy-one vessels, some of which don’t have any landings, and so it’s hard to argue how they are substantial participants, but we’re looking at the vessels that are eligible to fish in this program and so will be affected by the program.

CHAIRMAN GREENE: Dr. Diagne.

DR. DIAGNE: Dr. Crabtree made my point. Thank you.

CHAIRMAN GREENE: Anybody else wish to weigh in? Dr. Crabtree.

DR. CRABTREE: To try and move us forward, I will offer a motion to adopt Alternative 2b as our preferred.

CHAIRMAN GREENE: We have a motion to adopt Alternative 2b as
the preferred. Is there a second for this motion? It’s seconded by Mr. Blankenship. Is there discussion? Dr. Crabtree.

DR. CRABTREE: What I’m looking at is, among the vessels that are eligible, this would provide the broadest level of participation. Everyone who meets a relatively low landings threshold will get a vote, and everybody’s vote will count equally.

CHAIRMAN GREENE: Thank you. Is there further discussion? Seeing none, there is a motion. Mr. Diaz.

MR. DIAZ: I guess a thought hits me, and I want to put it out on the record. Even though folks don’t have a landings history, they have a headboat that is in this program, and even though the landings threshold you’re proposing, Dr. Crabtree, is only 100 pounds, the only thing that gives me pause is folks have a vessel, and I don’t know what’s going to happen to the value of that vessel by this vote.

Even folks that don’t have a landings history might have a financial stake in this vote, and Dr. Diagne is an economist and maybe he can tell us if the value of these vessels are going to go down. I mean, I don’t know, but they are going to have -- Basically, they’re going to be in a program where they’re probably not going to get any fish, and so I don’t know if that helps their vessel price or it hurts their vessel price, but I am kind of leaning towards having a threshold at zero, where everybody can vote.

CHAIRMAN GREENE: Ms. Levy.

MS. LEVY: First, you haven’t decided whether it’s going to be mandatory or you’re going to allow people to opt out. Then, just about having a threshold of zero, I don’t think that’s going to meet the requirements of deciding who substantially fished the species to be included in the program, because we already know that going to 100 fish captures 99.8 percent of the landings.

If you let everybody vote, there are clearly going to be people in there that haven’t fished any of these species, and the language of the Act is pretty clear that for multispecies permits that only those participants who have substantially fished the species to be included in the program are eligible to vote, and so I think there has to be some threshold above zero.
CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: I think, in this case, Dale, Congress was pretty clear that we have to conduct a referendum and people who haven’t fished don’t get to vote in it, and so I think this motion chooses the most liberal definition we have and allows the largest number of folks to vote in it, but I agree with Mara that to allow everyone to vote, even vessels that have no landings, doesn’t seem consistent with the statute, to me, and I think, and, Assane, correct me, but these vessels account for 99.8 percent of the landings. That’s the fishery right there.

CHAIRMAN GREENE: Thank you. Further comments? Okay. We have a motion on the floor, and it was seconded. We have no further discussion. Is there any opposition to the motion on the floor before you? Seeing one in opposition, the motion carries. Dr. Diagne, that concludes this?

DR. DIAGNE: Yes, Mr. Chair. That concludes this part of the discussion, and I will just perhaps direct your attention to the very last section of this document, Section 5, which deals with the next steps.

Essentially, it states that, after selecting eligibility requirements, the council would request National Marine Fisheries Service to publish a proposed rule, et cetera, following the process that Dr. Crabtree has highlighted. When this is finished, I assume that’s where we’re going.

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: Yes, and then you will need to send us a letter saying that the council approved these voting procedures and here is the analysis they had and then request us to conduct the referendum once the DEIS for the amendment is completed.


MS. GUYAS: Just a question. I apologize, because I stepped out of the room, if you covered this. Roy, when you guys mail this referendum to the eligible voters, I understand they would get the suite of preferred alternatives that the council has put forward, and are they also getting a snapshot of what that actually means for them, in terms of what they would be allocated?

DR. CRABTREE: Well, they will get the council’s document, either a link to it electronically or something, and, to the
extent all of that is analyzed in the document, they will have that, but we won’t -- I haven’t contemplated that we would send them any sort of letter that says here is what you would get under this, and I don’t think we did anything like that in the previous IFQs. It seems, to me, that we provided them -- Now, they could call and request to see their landings histories, if they didn’t save their logbooks or something like that.

CHAIRMAN GREENE: Mr. Boyd.

MR. BOYD: I’ve got a question about the referendum. If we approve this and it goes to the Secretary and we have a referendum, is this a generic referendum that applies to any type of process that we choose in Amendment 42, because we have not selected a method of distribution. We haven’t selected a program yet, yet we’re having a referendum.

DR. CRABTREE: We won’t conduct the referendum until you’ve chosen preferreds for all of the actions and it’s all been completely analyzed and we’re at the point where we have a draft environmental impact statement that has been cleared through the attorneys and is ready to go, and so you’re approving here the voting procedure, and we can go ahead with the proposed rule and get the comments and the voting procedure, but you’re going to have to choose all of your preferreds before we actually conduct the referendum.

Then if, after we go through the DEIS and all the rest of the comments, if you come in and decide you want to change some of your preferreds, then I believe we would have to conduct another referendum based on a new set of preferreds.

CHAIRMAN GREENE: Mr. Riechers.

MR. RIECHERS: Based on the next steps here and what Roy just said, and I don’t know that it matters, but we were led to believe that we had to take action on the referendum today, and what I am really hearing is we need to take action on the referendum at the same time we take action or we get everything else set in the other document, and so I don’t know that there is a need for final action today. I am not certain why we thought that at the last meeting, unless it’s to figure out which six people we don’t include in the mail-out, because that’s about what it appears to be here.

CHAIRMAN GREENE: To that point, Dr. Crabtree?

DR. CRABTREE: No, it’s to give us time to go through the
rulemaking and set the voting procedures, so that when you come in at the next meeting and choose your preferreds that we would be ready to conduct the referendum, rather than coming in at the next meeting and then choosing the voting procedures and having to delay the referendum while we go through all that process.

If we did it that way, then I think that delays the implementation of this off by another year, and so I think the goal was to try and have an implementation by 2018. In order to make that happen, we need to get the referendum. If we put this rule out and we have a thirty-day comment period and we’ve got to evaluate the comments and go through that, it will take us several months just to get through that procedure.

CHAIRMAN GREENE: Further discussion? Okay. I guess that wraps up that. Dr. Diagne, do you have anything else?

DR. DIAGNE: No, Mr. Chair, and thank you very much. I take it that then, after Full Council, we will take the lead and write that letter to NMFS for them to follow the procedure.

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: Just to come back to Robin’s question, let me ask Sue just to kind of go through the timeline of how all of this goes together, so everybody can see what we need to do to make it happen, with your indulgence.

MS. SUE GERHART: Okay. The reason that you will need this vote now is because it does take us some time for the rulemaking for the referendum to take place, and so we anticipate that the proposed rule would publish about a month from now, and so in mid-November, and then there would be a thirty-day comment period ending in mid-December.

Then we would get a final rule published by the beginning of February, before the next council meeting, or during the next council meeting I guess it would be, and then the council, at that point, would approve the public hearing draft/DEIS, with preferreds all chosen.

Then, after that meeting is over, we could mail out the ballots and do the referendum itself during March, the month of March, and so we would mail them out, and there would be a month’s time that people could reply with their votes. We would have the ballots due April 1.
That way, we would have the results of the referendum ready for the council at the April council meeting, which is in early April, and then the council can look at those referendum results and make their determination if they are ready to take final action on Amendment 42.

CHAIRMAN GREENE: Thank you. Any discussion or questions about the timeline?

MS. GERHART: I can continue that timeline, just to show how we get to 2018. Then it usually takes a little while for the council to submit the amendment. We try to do a very quick turnaround on this, and then we would have to do the proposed and final rule for the amendment and the rulemaking associated with the amendment itself, and so that would take us until the middle of August is when we would anticipate that being.

Now, we have to finish that early, because we have to have a time to opt out, if the council chooses to allow people to opt out. We would then need a time period during which people could notify us that they want to opt out of the program, and so we would want to give about a month or so for that to happen as well.

In the meantime, we would see the rule become effective, and then we need also time to calculate what the initial shares and allocation would be, and that takes a little while as well, because, at that point, we have to look at who owns what permit and what vessel at that date, and then that is the person who we would assign those shares and allocation to.

What we did with the commercial program is we began that process on October 1, and so we’re anticipating the same thing here, is an October 1 time to start figuring out who gets what and then have that ready for January 1 of 2018.

CHAIRMAN GREENE: Thank you. Discussion? I see no further discussion. Dr. Diagne, that takes care of all of the stuff for that, and I believe I’ve already asked you that. Okay. Unless there is any objection, we will move on to our next agenda item, which will be Preliminary 2016 Red Snapper For-Hire Landings Relative to the ACT. This will be Tab B, Number 8, and Mr. Diaz.

PRELIMINARY 2016 RED SNAPPER FOR-HIRE LANDINGS RELATIVE TO THE ACT
MR. DIAZ: Thank you, Mr. Chair. I would point out that it’s real important that you go to Tab B, Number 8 to follow along here. If you happen to have printed this document out ahead of time, anything you printed out before today is not accurate.

These are preliminary MRIP data numbers, and Wave 4 was just added to this document in the last twenty-four hours, and so, if you printed anything out ahead of time, it would not include the most up-to-date information for Wave 4.

I want to stress that they are preliminary numbers. Generally, after a wave, it takes about forty-five days to get numbers in. There is some stuff that goes on with the people that handle all the MRIP data, and these numbers do get adjusted after the preliminary numbers hit, and so they could change, and they could go up some. I will tell you that Wave 3 numbers changed by well over 100,000 pounds, once they were corrected.

Before we get started talking about the chart, I just kind of want to talk about why I wanted to talk about charter boat red snapper landings today. I believe that there is a need for us to examine the current 20 percent buffer that we have for the charter/for-hire in relation to red snapper.

When we set this 20 percent buffer, it was in 2014, and charter/for-hire and the private recreational were combined in one group. We were presented with some information that gave us different risks at different buffers of what it would take for a chance of going over the ACL at that time, and bear in mind that they were one group.

In 2014, when they were one group, that year, both groups combined, fished 29 percent below the ACL, and so the charter/for-hire in with the private recreational fished 29 percent below the ACL.

In 2015, which was the first year that sector separation went into place, in 2015, the private recreational was 5 percent below their ACL, but the charter/for-hire were 32 percent below their ACL and 15 percent below their ACT, and so that makes two years in a row that the charter/for-hire fished below the ACT, one year combined and one year not combined.

Here we are, we’re in 2016, and we’ve got some preliminary numbers to start looking at, and bear in mind that I just got these numbers this morning, and so I had to go through and try to look at them and see what they mean.
Through Wave 4, this year’s landings are running behind 2015 landings for the same period of time. What I did this morning is I tallied up, for 2015, Waves 1, 2, 3, and 4. When you tally that up, it comes to a little over 2.1 million pounds. I also tallied up Waves 1, 2, 3, and 4 for the federal for-hire red snapper for the charter boats. When you tally up Waves 1, 2, 3, and 4 for 2016, you come up with just a little over two-million pounds.

If you subtract 2016 from 2015, we’re about 112,104 pounds below where we were at for the same time period at the end of Wave 4, compared to last year. Now, bear in mind the ACT for 2016 is actually slightly higher than the ACT for 2015 was. Actually, the difference between the 2015 and the 2016 ACT is 62,773 pounds. Through Wave 4, we have caught a little less fish than we did compared to 2015, when we were below the ACT buffer, and we got a slightly higher ACT.

I don’t have a crystal ball to know what’s going to happen in Wave 5 and 6 that no fishing is open for these folks. It is closed, but, if you will notice, in Wave 1 and 2, fish were landed for the charter/for-hire sector, 53,000 pounds in January and February, and a little over 20,000 pounds in March and April, when the season was closed, and so some numbers may come in.

If we need an explanation on why there is landings in Wave 1 and Wave 2, Dr. Stephen is here, and she can maybe do an explanation on that. It’s been explained to me, but I don’t feel comfortable trying to explain it.

We could potentially have some more landings come in in September and October and November and December. We will have to wait and see. Right now, the percentage of ACT that we’ve landed to date is 83 percent of the ACT and 66 percent of the ACL, when we’re looking at the for-hire for 2016. I am going to stop for just a minute and see if anybody has got any questions.

CHAIRMAN GREENE: Thank you. Dr. Crabtree.

DR. CRABTREE: Just one thing I would point out is the 2015 numbers include Texas. The 2016 doesn’t include any landings for Texas, and so those are going to come in and will have to be added to it, and that will push the for-hire landings up some.

MR. DIAZ: Right, and that’s a good point, Dr. Crabtree. The ACT for 2016 is 2,433,773 pounds. Right now, the preliminary numbers that we have is 2,016,091 pounds, and so the difference
between those two is 417,000, a little over 417,000 pounds. We do not have Texas numbers yet.

I did check to see, and the total charter boat landings for Texas for 2015 were about 362,000 pounds, and so it’s going to be a little while before we know what Texas numbers come in, and that could be something that is substantially different for 2016 than we have in 2015.

CHAIRMAN GREENE: Dr. Stunz.

DR. STUNZ: Dr. Lucas had her hand up before me.

DR. LUCAS: But are you going to Dale’s point? Go ahead.

DR. STUNZ: No, but I was just going to the point of I would like some explanation on why those landings are in Wave 1 and 2 for the for-hire. If you don’t feel comfortable, if Dr. Stephen or whoever could explain that, maybe.

MR. DIAZ: I would feel better if Dr. Stephen could. It’s been explained to me, but I think it would be better if Dr. Stephen tried to explain that.

CHAIRMAN GREENE: Robin.

MR. RIECHERS: To Dale’s point and to Roy’s point, and we certainly don’t have the expansion of the estimates yet, but, if you just look at trips, both targeting snapper and those that we saw snapper in, in all trips, they’re both, from a January 1 through a May comparison, they’re down in both of those comparisons, and so, in answer to your question, I don’t know what that means when we expand those out by pressure at the various places that we see those people, but at least, just in total observations, they’re down.

CHAIRMAN GREENE: Thank you. Mr. Walker.

MR. WALKER: Robin, when do you project that you will have the numbers ready?

MR. RIECHERS: We run our year through November. It runs from November to April, and so, when we get to the point where we reach that point and have those data entered, then we turn them over as quickly as we can.

CHAIRMAN GREENE: Dr. Crabtree.
DR. CRABTREE: If that’s 200,000 or 300,000 pounds or so, then that puts us a little above last year and puts us at 94 or 95 percent of the ACT caught. The real thing we should be looking at here is we’ve gone over substantially on the private sector side, and so, if you’re going to talk about revisiting the buffer, I think you’re going to have to revisit the private sector buffer too, and I don’t think you can do anything that reduces the overall buffer.

I think, if you want to reduce the buffer on the for-hire, you would have to increase the buffer on the private sector, because, as you can see, we’re estimating 92 percent of the overall ACL having been caught, and that’s without Texas. Florida is reopening, and I believe Louisiana is reopening, and Texas is still open, and so there are more landings yet to come, and the real question is, are we going to end up going over the overall ACL, which, if we do, we’ll trigger a payback for next year, and the amount of the overage will have to be deducted off the quota for next year.

CHAIRMAN GREENE: Okay. Thank you. We had a request for -- Not to get away from that, but we did have a request for someone to talk about the charter/for-hire landings in January, February, March, and April. Dr. Stephen, if you’re ready.

DR. JESSICA STEPHEN: Can we have the question repeated? You can’t hear back there really well.

CHAIRMAN GREENE: Several committee members have expressed interest in why the federal for-hire or charter/for-hire industry has landings for Wave 1 and Wave 2 of about 73,000 pounds.

DR. STEPHEN: Some things to keep in mind with the SRH survey is there’s also a state vessel in there that is not a federal vessel. What we do is, when we have any landings from that survey, we put them into the for-hire, whether they were considered legally landed or not, and it’s only including landings. The difference between 2015 and 2016 is, of course, the headboat pilot program could legally land, and that’s why you see those increased ones in 2015 and 2014.

CHAIRMAN GREENE: Dr. Lucas.

DR. LUCAS: Dr. Stephen, maybe I am confused, because the note at the end of this says charter landings outside the federal season are included against the private angling component, and is what you just said that --
DR. STEPHEN: The headboat landings are included against the for-hire. The charter get included against the private angling, assuming that most of the charter are non-federally-permitted vessels.

CHAIRMAN GREENE: Dr. Dana.

DR. DANA: Maybe I didn’t hear it, but, in the 2016, the first two waves, why would there be numbers for the federal for-hire?

DR. STEPHEN: Those came from the Headboat Survey Program, and those were landings reported to that program, and so we count those against the for-hire. Now, whether they were allowed to land that or not, it’s landings we get reported that we put in there.

There is also a state vessel that participates in that survey, and I’m not sure what state that vessel is associated with, and, if their state was open, those would have been legal landings going to that state vessel.

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: I expect, at the next meeting, we can go through a much more detailed look at all of this and break it down some more, but we just got a lot of these landings now, and some are still preliminary and we don’t have all of them, and so I think that’s a better time to get into the intricacies of what is driving the numbers, if you want to do that.

CHAIRMAN GREENE: Okay. Thank you. We certainly have some people interested around the table. Mr. Gregory.

EXECUTIVE DIRECTOR GREGORY: Dr. Crabtree, why could not the overall buffer, the combined buffer, be revisited?

DR. CRABTREE: Well, it can be revisited, but, if we end up going over this year, I think you will have a hard time making the argument that we can reduce the overall buffer, and we’ve got 8 percent left between what’s been caught and the ACL, and we’ve still got folks fishing.

The big unknowns we had this year are, one, Congress extended state waters out to nine miles off of Alabama, Mississippi, and Louisiana. Then we did have states open up their season after the federal season was already announced and put in place, and so we can see what happens here, but it’s pretty obvious that,
even if we don’t go over, we’re going to be very close to catching 100 percent of it, and I think that makes it a difficult case to argue that the overall buffer can be reduced.

CHAIRMAN GREENE: Mr. Banks.

MR. BANKS: My only question is, is there any idea as to how the private anglers got so far over the projection? Any idea where those were coming from?

DR. CRABTREE: Projections inherently have a lot of uncertainties in it, but, when Congress extended state waters out to nine miles, we really had no reliable way to predict how much difference that would make, and so we clearly underestimated, particularly off of Alabama, the extent that that would happen, and you’re all aware that we contact all of the states and we ask you what your seasons are going to be, and some states changed their season right after we announced the federal season, and we have no way of factoring that in either. That’s just part of the inherent uncertainties in this and part of the reason why we need a buffer.

Now, looking at the data, you could potentially argue that the buffer on the for-hire guys is too big and the buffer on the private guys is too small, and, if you guys want to look at that and look at making some adjustments to that, I think you probably could, but I think it’s going to be a difficult case that the overall buffer is too large.

Now, I don’t know what Congress will do or what will happen with state-water jurisdictions next year. We will have to wait and see, but that will have an impact on how all of this plays out as well.

CHAIRMAN GREENE: Thank you. Mr. Diaz.

MR. DIAZ: I started this conversation before I even had a look at Wave 3 data, and my primary reason for trying to start this conversation is I would like to us to try to get these buffers as accurate and fair as we can.

I would like for us to revisit this at the next meeting, Mr. Chair, if you could put it back on the agenda. Part of me wants to try to move something now, but I think these numbers are preliminary. There is several things that’s going to happen by the time we have our next meeting, even though the numbers will still be preliminary at that point. We don’t get final numbers until about April, but, at that point, we should a have a lot
better idea of where we sit, and we will have a good handle on
exactly where we’re going, and so thank you for indulging me.

CHAIRMAN GREENE: Thank you, Mr. Diaz. Ms. Bosarge.

MS. BOSARGE: Dr. Crabtree, I just saw these numbers for the
first time too, and I’m just wondering, since they are
preliminary, and I’m looking at that 111 percent, and I didn’t
realize that’s where we were, how much can that change up or
down?

I mean, is it possible that the private anglers are really 20
percent lower than that? In other words, it wouldn’t be 20
percent, but they’re at 90 percent or something, and so we’re
not continuing to fish over and above the ACL? Could it change?
I am hoping that there’s that much wiggle room that we’re not
doing something that is --

DR. CRABTREE: I don’t really want to speculate on that. All I
can tell you is there is still fishing yet to come, and there is
still landings that are unaccounted for. How the landings might
change when they’re revised, I wouldn’t want to speculate on it.

CHAIRMAN GREENE: Okay. Mr. Banks.

MR. BANKS: Just a quick point. You can almost guarantee that
there will be another 75,000 or so pounds added from Louisiana.

CHAIRMAN GREENE: Thank you, sir. Okay. Any further
discussion? Madam Chair Bosarge.

MS. BOSARGE: Thank you, and I appreciate that update from
Louisiana, and we do all have to work together, because it is
one big stock of fish, and so I hope that we will continue to
talk about this as a group and realize that we do have to try
and, where we can, get on the same page, because it doesn’t do
the fishermen any good if we fish too hard on this stock and
they have to draw out the rebuilding of that fishery to get it
back to a healthy population, to where they can enjoy it again,
and so I just want to keep that in mind, and let’s all try and
work towards that goal, and I have no control over what happens
in other realms, but I just hope we will all at least have that
mindset as we talk about those things in your own domains and
make your decisions.

CHAIRMAN GREENE: Okay. I don’t see any further discussion, but
I have one question for Dr. Crabtree and some of the individuals
on that side of the table. My understanding of a payback is
that, if we are at 111 percent of the ACL and we go over it that we will subtract 11 percent from next year? Is that correct?

DR. CRABTREE: In this case, if the private component is over by 300,000 pounds, then that would be deducted off of the private component ACT and ACL the next year, and their season would be reduced by that amount.

CHAIRMAN GREENE: Okay. That’s what I understood, and I was just curious.

DR. CRABTREE: Yes, and, I mean, if you look at this with a couple of hundred thousand fish, that’s something to be concerned about, but, compared to the overall uncertainties that come out of how many days states are going to allow, that’s a much larger uncertainty in the whole thing, and so, in terms of determining what the private sector season will be next year, the biggest determining factor will be what are the states going to do.

CHAIRMAN GREENE: With the uncertainty in not getting final numbers until next April and not knowing how far over we are, how would you handle that? Would we go into the April meeting and you would say we are this many pounds over and we are reducing the overall quota by this amount and set the seasons based on what the state seasons are going to be or are assumed they’re going to be? I hate to bash anyone or imply that, but I am just trying to figure out, in my head, how this is going to go down. In April, you come in and these are the updated, corrected landings and this is our intent of how we move forward?

DR. CRABTREE: At some point, we’ll have to make the best determination we can on the landings that we have, as to whether we’re over or not, and we’ll make that adjustment, if any is required, to the quotas for next year. Then we’ll go through a process, again, of asking the states, what are your seasons going to be, and then we’ll do a projection, as we’ve done in the past, and put out a season notice, but exactly when that occurs, I couldn’t tell you, but my guess is we will notify you what the season is something along the same timeline as we have for the past couple of years.

CHAIRMAN GREENE: Thank you very much. Mr. Diaz.

MR. DIAZ: Dr. Crabtree, I am going to -- What you just said is not quite how I thought it was, and maybe I just misunderstood you. Tell me if I’m wrong here, but there will only be a
payback if the total ACL is exceeded, and that includes the private recreational and the charter/for-hire. If both of those combined, the ACL for the entire recreational sector, goes over, there will be a payback.

DR. CRABTREE: Yes, and so, if we end up catching 99 percent, there won’t be a payback next year.

CHAIRMAN GREENE: What a way to kickoff the lunch hour. I am not nearly as hungry as I was. Anybody else have anything they would like to add? Madam Chair, we are up to our lunch break here. I don’t really see anything that we can do in the next fifteen minutes or so, and how would you like for us to proceed?

MS. BOSARGE: I think we’re pretty close to our regularly-scheduled lunch break. It was scheduled for 11:45 to 1:15, and so we will go forth with that schedule. We will recess for lunch, and we will see you back here at 1:15.

(Whereupon, the meeting recessed for lunch on October 18, 2016.)

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October 18, 2016

TUESDAY AFTERNOON SESSION

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The Reef Fish Management Committee of the Gulf of Mexico Fishery Management Council reconvened at the IP Casino and Hotel, Biloxi, Mississippi, Tuesday afternoon, October 18, 2016, and was called to order by Chairman Johnny Greene.

CHAIRMAN GREENE: We are back on schedule, and we are picking up with Draft Amendment 46, Gray Triggerfish Rebuilding Plan. We have a couple of sub-items under there. The first one is Dr. Simmons, and this will be Tab B, Number 9(a).

DR. SIMMONS: Thank you. I didn’t know, Mr. Chairman, if you wanted Dr. Powers to review the comments on the decision tools yet. They are in your briefing book, but we weren’t planning to go into a lot of detail on that, but the SSC did review them and have some comments on it.

CHAIRMAN GREENE: Absolutely, if that’s what the staff thinks is the best way to proceed and Dr. Powers is ready. We can certainly do that.
DRAFT AMENDMENT 46 - GRAY TRIGGERFISH REBUILDING PLAN
SSC COMMENTS ON COMMERCIAL AND RECREATIONAL DECISION TOOLS

DR. POWERS: I am not sure if I had a PowerPoint for this, but this was reviewed by the SSC, and, basically, the decision tool for gray triggerfish, the tools, is a spreadsheet mechanism to try to evaluate what the effects of certain regulations, in particular season closures and bag limits and things like that, and the focus, I think, was more on season closures.

The SSC basically reviewed this, and this was the motion that was passed. We recommended that it would be useful, but there is, as always, some howevers. If you go to the next slide, again, this is a little bit of the background, and one of the difficulties in these sorts of things is that you’re trying to predict human behavior, basically what happens to people when fishing has stopped. Do they stop fishing and go home? Do they do something else that includes fishing and so on?

What was done in the past was that this wasn’t modeled very effectively, and, as noted in the document, the underestimate of what the catches would be was fairly significant, 20 to 30 percent, and so they made some adjustments here, in terms of trying to accommodate that, by looking at the ratios of catches in one wave of the MRFSS/MRIP data versus the following waves and using that ratio as an adjustment. By doing this, and you did it separately for headboats and charter boats and private boats, that was accommodated in the methodology.

Of course, this sort of -- Any sort of projection like this, what you’re trying to do is say, well, the only data we have that is kind of indicative of what people might do in the near term is what has happened over the recent past, and that’s essentially what is being used in this sort of method, but there are things that happen to the stock itself that are really not accommodated by this method, and that is changes in sizes of fish being targeted and changes in recruitment and growth of the individuals in the population and so on.

Essentially, what we’re kind of reminding people here is that this decision tool, I think, is very useful, but don’t plan on using the exact same methodologies year after year after year, because, basically, you’ve got to tie it to the most recent past, and that’s essentially the conclusion. Thank you.

CHAIRMAN GREENE: Thank you. Is there discussion or questions about the SSC? Okay. I don’t see anything for you. Thank you,
Dr. Powers. Okay, Dr. Simmons.

**REVIEW OF DRAFT AMENDMENT**

**DR. SIMMONS:** Thank you, Mr. Chairman. I would like to walk through the document, and that’s Tab B, Number 9(a). Right now, we have Sections 1 through 3 drafted, and I will walk through each of the actions and get some feedback from the committee. I have some specific things as we go through the document, but I would like to start in the background on page 1.

We were requested to update the landings information as far back as we could go, and that was to 1986. We’ve included that in the document, and we’ve added a couple of paragraphs to explain the sources and the changes in the recreational landings from MRFSS to MRIP calibration, and so I wanted to make a note of that.

I would just remind everybody that the reason we’re working on this document is the most recent stock assessment for gray triggerfish found that we were not making adequate progress towards rebuilding. The stock is still overfished, and the council has to prepare a plan to rebuild the stock as quickly as possible, but not to exceed ten years, but this plan has to be implemented by November of 2017, and so we’re planning to bring a public hearing draft to the council in January for your review, and so keep that in mind as we’re walking through.

If there’s no questions on the background information that was added, we can go to the purpose and need, and that’s on page 7. We haven’t made any changes to this since you last reviewed it in August. We will go on to Action 1, if there is no questions or comments, and that is on page 11.

This starts the management alternatives, and Action 1 would establish a rebuilding time period. Alternative 1 is the no-action alternative. It would maintain the current five-year rebuilding time period that began in 2012 and would end in 2017. Alternative 2 would be the most conservative alternative you have, and it would close the fishery, starting in 2017, to rebuild the stock in six years or less, whereas Alternatives 3, 4, and 5 would use the SSC’s recommended rebuilding time period for gray triggerfish, based on the eight years, which is Alternative 3, or by the end of 2024, by nine years, or by the end of 2025, and Alternative 5 is by ten years, or the end of 2026. Would you like me to go to the Reef Fish AP comments, or I can stop there and see if there is questions and then go to the comments regarding Action 1.
CHAIRMAN GREENE: I don’t see anybody raising their hand, and so
let’s go ahead and go through the AP comments now, please.

DR. SIMMONS: Okay. We reviewed the document, and all AP
members expressed -- I am on page 5 of Tab B, Number 13, that
big report. It’s page 5. We walked through the document. I
walked through the document with the AP, the rebuilding plan,
and we discussed the timelines, but all AP members expressed
concern with the results of the stock assessment, stating that
gray triggerfish were caught on every reef site each member had
fished from St. Petersburg, Florida to Galveston, Texas.

One member stated they had caught several gray triggerfish in
sixty feet of water. Some were undersized. However, they were
also catching legal-sized fish. Overall, the AP felt the stock
had recovered and a new stock assessment was needed before
making any management changes. Staff informed them that that
wasn’t possible, based on the stock assessment schedule, and the
council has to move forward with a rebuilding plan at this time.
We told them, and I think it’s in 2018, we currently have a
stock assessment scheduled for gray triggerfish.

Based on what AP members were observing on the water, they felt
that a ten-year rebuilding plan for gray triggerfish was
warranted, and they passed a motion. By a vote of thirteen to
zero with one abstention, the AP recommends, in Action 1, that
the council select Alternative 5 as the preferred. I will stop
there and see if there are some questions.

CHAIRMAN GREENE: Okay. Thank you. Dr. Crabtree.

DR. CRABTREE: They said ten years was warranted based on what
they’re seeing in the water, and what is that they’re seeing in
the water? I am not connecting the two.

DR. SIMMONS: That the stock had recovered. They are seeing
triggerfish, and they are catching triggerfish of legal size in
the Gulf of Mexico from St. Petersburg, Florida to Galveston,
Texas.

DR. CRABTREE: But how does that lead you to conclude that we
need to take the maximum amount of time to rebuild? Why
wouldn’t that lead one to think that we can rebuild even faster?

DR. SIMMONS: I think the thinking here was that this
alternative, if you go to Action 2, matches up with the catch
levels, which could be the greatest under the ten-year
rebuilding time, and the stock could handle that ten-year rebuilding time and allow greater catch levels. I think that was the feeling, and maybe Mr. Fisher is still on the webinar and he can add to that. He had to leave? I’m sorry.

DR. CRABTREE: That’s fine. Thanks.

CHAIRMAN GREENE: Okay. Anybody else want to -- Was there anything else, Dr. Simmons? Okay. Anybody want to weigh in on gray triggerfish? I want to, but I am going to hold off. Mr. Matens.

MR. MATENS: Some of you guys that are professionals may have to help me here. In Alternative 1, we can stay the course and we get rebuilt in whatever time it is. In Alternative 2, which is the most conservative, it takes longer, and am I missing something in the numbers? With zero fishing mortality, it’s going to take longer than the present plan.

CHAIRMAN GREENE: Dr. Simmons.

DR. SIMMONS: Basically, we’re not on track, and we wouldn’t be rebuilding this stock. Our current rebuilding plan ends in 2017, and, based on the stock assessment, and Mara can help me with this, it was found that we’re not meeting -- The stock assessment told us that we weren’t making adequate progress towards rebuilding, and so basically we have to do something different. We have to revise the plan. My understanding is that is not a valid alternative.

MR. MATENS: I understand then that Alternative 1 is a loser. If we go to Alternative 2, with zero fishing mortality, not, of course, considering dead discards, we are going to recover the stock in six years. I just don’t think that’s -- If that’s what we have to do, and it’s still going to take six years, I am uncomfortable about how we can extrapolate other projects to eight years, nine years, or ten years, and am I off here?

CHAIRMAN GREENE: Thank you, Mr. Matens. I saw some other hands, but I guess you’ve got everybody stumped, Mr. Matens. Okay. We have had some questions about establishing a rebuilding timeline. We have a deadline that we have to have something in place by November of 2017.

I think it’s best that we move on ahead and try to come up with something a little definitive, as far as which direction as a committee/council that we want to move on this to be able to hit our November 2017 deadline of getting this in. Dr. Crabtree.
DR. CRABTREE: Kind of to Camp’s question, the projections are set up making an assumption that I forget how many years, but after, I think, four years or so, the recruitments go back up, and that’s why it can’t rebuild until you get the recruitments to go back up, and then it rebuilds very quickly. Now, whether that will really happen or not is anyone’s guess, and, if the recruitments don’t go back up, then it won’t rebuild. I don’t think it rebuilds under any scenario.

MR. MATENS: To that point, Roy, I ask this to you professionals. The fact that this thing is a nest builder, is that creating any uncertainty in your projections?

DR. CRABTREE: I can’t answer that. I don’t know. There is always a lot of uncertainty in knowing what recruitment is going to do. There has been a long, declining trend in recruitment, and, to the best of my knowledge, no one can explain why that could happen, and I don’t know if Joe can add anything to that or not, but that, I think, is what makes these projections kind of unique.

MR. MATENS: The net is we have a lot of uncertainty.

CHAIRMAN GREENE: Thank you. As committee chair, I am certainly not going to make a motion, but, at Full Council, I am, and I will just tell you that right now I am kind of thinking nine years is where I’m going to be come Thursday, and so, for your consideration and complete disclosure, just to let you know that’s what is probably coming down the pipe. If nobody else has anything, Dr. Simmons.

DR. SIMMONS: Thank you, Mr. Chair. I was just trying to answer Mr. Matens’s question. I think, in the stock assessment, recruitment has always been a concern. It’s always been an issue in informing the model, because they have such an unusual life history, gray triggerfish do.

The males have these huge territories, and they build nests in the sand. They bring the females in and they spawn, and then the females guard the nests with a dominant male swimming around, and then the eggs hatch and the larvae go up into the water column, is what we know, or we think we know, from studies.

Once the larvae are up in the water column, they spend a long time up in the water column. It’s estimated between four to seven months, and they are closely associated with sargassum.
Then they drop down, in the fall, to benthic structure, and they’re closely associated with structure.

I think that time period that they’re up in the plankton, before they drop down and recruit, is not being captured very well in our fishery-independent data collection methods. We have the larval index, but remember that stopped in 2007 in the last assessment, and so the council wrote a letter and requested the Science Center update those indices and make sure they’re included in the next assessment, hoping that would help better inform recruitment.

I think there’s a few things like that, because they’re so unusual, that don’t fit the box that we have for many other species, as far as capturing that type of information that is causing potentially some of the gaps in recruitment, and so that may be part of the problem with us trying to inform recruitment for this species.

CHAIRMAN GREENE: Mr. Walker.

MR. WALKER: I am just going to add that I agree with a lot of what the AP recommended, or maybe nine years, like Johnny is leaning towards, but I would say, since 2006, I have noticed the most triggerfish on the water this last year in a long time, a lot of bigger triggerfish too, and I know a lot of people are keeping twelve fish. I heard one guy the other day had a hundred and something pounds, and he just kept the twelve biggest fish as he fished along.

The abundance is up. From Pensacola to Biloxi, there is a lot of triggerfish, and I would just like to keep that in mind right now. About the recruitment, I couldn’t tell you, but I can tell you about the abundance of triggerfish. There is plenty of them there, and I think Johnny has witnessed this as well.

CHAIRMAN GREENE: Mr. Diaz.

MR. DIAZ: To try to spark a little bit more discussion, I am going to make a motion for a preferred. Are you ready for that at this time, Mr. Chairman?

CHAIRMAN GREENE: Absolutely.

MR. DIAZ: I will make a motion that we make Alternative 5 the preferred alternative in Action 1.

CHAIRMAN GREENE: We have a motion, and it’s been seconded, for
Alternative 5, which would establish a rebuilding time period of ten years. It’s been seconded. Is there any discussion as to Alternative 5, Dale, as to why you’re making that one?

MR. DIAZ: I just think that the ten-year timeframe is reasonable. We’re going to have another stock assessment coming in a couple of years, and, just everything I see in the document, I think, to me, that just seems like the right way for us to go at this point in time.


MS. LEVY: I just think you’re going to articulate how that’s the shortest time possible, taking into account the needs of the fishing community, meaning the Tmin is six years and then you have a ten-year maximum, and you’re choosing the maximum. There needs to be some sort of articulation about why choosing the maximum is appropriate here.

The way that this document is structured is a little bit different, because we have separated the rebuilding time period from the catch levels, and it’s done like that because there is the possibility of choosing a rebuilding timeframe that’s long enough to allow you to keep the status quo catch levels, right, because the six-year rebuilding timeframe and the eight-year rebuilding timeframe would require, obviously, six years of drastic no catch level, and eight years would require a cut in the catch level.

Nine and ten years allow you to keep the status quo catch level, and they have higher catch levels associated with those timeframes, but we’ve talked a lot about the fact that it’s going to be very difficult to justify increasing the catch levels when you have a stock that is not currently making adequate progress towards rebuilding.

The way this is structured is it allows you to pick a timeframe that potentially allows you to maybe keep the status quo catch levels and come up with a rationale for why that’s appropriate, the shortest time possible and needs of the fishing community discussion, but, in order to pick a ten-year time period, I think you’re going to need to have more discussion about how that is the shortest time possible.

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: Looking at this, I think, if you look at the next
action, the status quo ABC is 305,000 pounds, about. If you went to eight years, it would require you to cut even deeper than that, and that would have economic impacts on people, and I can see why we might want to do that, but, going to ten, and I agree with Mara.

I don’t think we’re going to be able to raise the catch levels, and so you’re taking extra time, but what I’m looking at indicates, with the status quo catch levels, we can actually recover in nine years, and so it’s hard for me to argue that we need to take longer, because we’re not going to be able to raise those catch levels anyway.

I would like to offer, and I think we have a motion on the board, but I’m going to offer a substitute motion that we choose, for Action 1, the preferred alternative to be Alternative 4, which is the nine-year rebuilding plan.

CHAIRMAN GREENE: Thank you, Dr. Crabtree. We have a substitute motion on the floor to make Alternative 4 the preferred alternative. Is there a second for this motion? It’s seconded by Dr. Frazer. Any further discussion pertinent to Alternative 4? Okay. We’ve done pretty good on this so far, and so I’m going to try again. Is there any opposition to the motion on the board to make Alternative 4 the preferred? Seeing no opposition, the motion carries. Okay. Is there further discussion? Okay, Dr. Simmons.

DR. SIMMONS: Okay. Thank you, Mr. Chair. Let’s go to Action 2 on page 13. As has already been discussed, this action is closely tied to Action 1, the rebuilding time period. Alternative 1 is the no action alternative, and we have the current commercial and recreational ACLs and ACTs listed. Alternative 2 would match Alternative 2 in Action 1, where you’re going to zero pounds until a new stock assessment has been completed, and then Alternative 3 uses the SSC recommendations of the mean ABC yield streams for 2017 through 2019 for each of the rebuilding times. Option a is the eight-year, Option b is the nine-year, and Option c is the ten-year. Then there are the recreational and commercial ACLs and ACTs.

The buffer between all the recreational ACLs and ACTs is the 8 percent buffer between the ACL and the ACT for the commercial sector and 20 percent buffer between the ACL and the ACT for the recreational sector, and that was based on using the council’s ACL/ACT control rule for landings from 2012 through 2015.
I wanted to note here, and I think we’ve discussed this a little bit already, that we’re currently managing the fishery based on the quotas, the ACTs, and I wanted to point out that if you select the nine-year rebuilding plan, which you have, in committee, that any alternative, and this is on page 15, except Alternative 3, Option c could be selected in this action.

If an eight-year rebuilding time period is selected, which you did not to date, then you are just limited to Alternative 2 and Alternative 3a. As has been stated, under the nine-year rebuilding plan, you can select status quo catch levels. Hopefully I didn’t confuse everyone, and I will stop there.

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: Given where we are with this right now and that we have a notification that we’re not making adequate progress in rebuilding, it seems to me the best we can do is to maintain the status quo catch levels, and so I would make a motion that we select Alternative 1 as our preferred in Action 2.

CHAIRMAN GREENE: Okay. We have a motion coming on the board. Is there a second for this motion? It’s seconded by Dr. Frazer. Thank you. Is there discussion? Dr. Crabtree.

DR. CRABTREE: I just don’t see how we can do any better than that until we get a new information or a new assessment, something to give us some justification. I hope what we’re hearing, that the stock’s abundance is increasing and there are good things happening, will show up and that we’ll be able to raise these catch levels, but, until we have that, I just think this is the best we can do for the fishery.

CHAIRMAN GREENE: Okay. Thank you. Any further comments? Seeing no further comments, we have a motion on the board. I believe it is correct, as it’s written. Is there any further discussion? Seeing none, is there any opposition to the motion on the floor? Seeing no opposition, the motion carries. Dr. Simmons.

DR. SIMMONS: Thank you, Mr. Chairman. I will just state, for the record, that the AP’s recommendation for this action was Alternative 3, Option c, as the preferred. Let’s go to Action 3, recreational management measures.

CHAIRMAN GREENE: Hold on one moment, please. Ms. Bosarge.

MS. BOSARGE: Just a question. That’s a projection that we had,
and we’re going to stay with it, but is that for the whole nine years, that it will stay at that quota for the nine years?

DR. CRABTREE: I sure hope not, but I think it’s until we get a new stock assessment or some sort of analysis to give us a basis for changing.

CHAIRMAN GREENE: Thank you. Mr. Diaz.

MR. DIAZ: I know this is not directly related to this document, but, Dr. Crabtree, did you get a chance to look at the MRIP projections on what was caught with gray triggerfish in this current year?

DR. CRABTREE: No, I haven’t, but Jack could inquire and we can find out.

MR. DIAZ: Okay. I don’t believe -- I haven’t looked at them, but somebody had told me that we went substantially over, and if we could at least discuss that while we’re talking about triggerfish today, I would appreciate it.

CHAIRMAN GREENE: Okay. Thank you. Dr. Simmons.

DR. SIMMONS: Thank you. We will go to page 16, recreational management measures. We currently have three actions regarding the recreational management measures, a fixed closed season, modifying the fixed closed season, modifying the recreational bag limit, and modifying the recreational minimum size limit.

Alternative 1 under modify the recreational fixed closed season is no action, do not modify the recreational fixed closed season of June 1 through July 31 for gray triggerfish. Then you can see Alternatives 3 through 5 would change that fixed closed season, and these are the alternatives you currently have for this amendment.

Action 3.2 would modify the recreational bag limit. We are currently at two gray triggerfish per angler per day within the twenty reef fish aggregate, and so the only alternative is to go to one fish under this action.

Then Action 3.3 would modify the recreational minimum size limit. Alternative 1 is the no-action alternative, do not modify the recreational minimum size limit from fourteen inches fork length. Alternative 2 would increase it to fifteen inches, and Alternative 3 would increase it to sixteen inches fork length.
CHAIRMAN GREENE: Okay. What was the AP’s decision on this?

DR. SIMMONS: That is on page 6, and so they voted -- Twelve to zero with two abstentions, they recommended, in Action 3.1, that the council select Alternative 4 as the preferred alternative for the fixed closed season. That is January through the end of February and from June 1 through July 31.

Then they didn’t recommend any change on the bag limit, unless it looked like they were going to have a closure right after the fixed closed season, and they were basing it on that ten-year rebuilding time and the increased allowable catches, and so they were thinking that that fixed closed season would meet the quotas.

They thought that if it was not enough, if that fixed closed season was not enough to reduce the recreational harvest, some members stated that reducing the bag limit would be preferable to an additional closed season later in the year.

Then we discussed the minimum size limit. Fourteen inches, everyone felt that was a big triggerfish and greater than the size of reproductive maturity and, therefore increasing the minimum size limit was not recommended at this time. That should say that in the report. There’s a typo. By a vote of thirteen to zero and one abstention, the AP recommends, in Action 3.3. that the council select Alternative 1 as the preferred, no action, for the minimum size limit. I will stop there.

CHAIRMAN GREENE: Thank you. Are there discussions about closed seasons, bag limits, or size limits, et cetera, on triggerfish? Anybody wish to move forward on this? Mr. Boyd.

MR. BOYD: Just a question, Carrie. Was there a specific reason given for a January 1 through either February or January 31 closure? Was there something special about that month or those two months?

DR. SIMMONS: We didn’t talk about that in a whole lot of detail. I just assumed the weather is rough and there is probably not a whole lot of effort then, but, based on the recent 2015 landings, we did have quite a few landings in 2015 during those months.

You have a couple of members of the AP that are in the audience, and so I don’t know if they can help me out with that, but we
didn’t discuss those specifics, but it’s just that this was
projected to meet the ten-year rebuilding plan and those catch
levels that were in Action 3, but now the council has selected
status quo, or the committee has selected status quo, and so
we’ll have to do more, I think, when we get to the tables, than
just this fixed closed season, in order to stay within the catch
levels.

MR. BOYD: Thank you.

CHAIRMAN GREENE: I will try to elaborate on that. The catch
levels did go up some in January and February in the last couple
of years. Outside of that, I think it’s just basically
desperation and trying to find some way to achieve the goal, and
we’ve got to close it here and close it there and do whatever,
and that’s the sense that I get from all fishermen across the
board, recreational or charter or whatever. With that, I kind
of understand where they’re coming from on it, and so I am not
going to sway your opinion on this one way or the other, but, if
you all would like to have any discussion, I will certainly be
glad to entertain that now. Mr. Walker.

MR. WALKER: I would just like to add that I had a comment. I
had a recreational fisherman express to me that he would like to
be able to catch triggerfish when his children get out of school
in the summertime, and so that was just one thought of one
fisherman likes to carry his family out in the summertime. Of
course, there is charter and headboats involved too, and so I
just wanted to add that in there.

CHAIRMAN GREENE: Okay. Is there further discussion? Okay. At
Full Council, I will probably be looking at the January and
February and June and July closures and probably leave the rest
of it as is.

I am pretty well torn between two fish and one fish, and,
granted, fourteen inches is a big triggerfish, but it won’t be
for long, because, at the rate they’re growing right now, it
won’t be uncommon to see some really big ones before long.
That’s just my opinion, and I do not wish to sway you either
way, but, come Thursday, that’s my direction. Dr. Crabtree.

DR. CRABTREE: Just coming back to Dale’s question about the
landings, you have them in Tab A-10 in the briefing book, and
you are right. There was a substantial overrun on the
recreational side over the ACL.

CHAIRMAN GREENE: Okay, and so I’m going to go ahead and ask the
obvious question. How will that be handled?

DR. CRABTREE: There is a payback next year, and, if you look
at Table A-10, the ACL is two-hundred-and-one-thousand-and-some-
odd pounds, and we caught 422,000. If you payback that, that’s
essentially nothing left.

CHAIRMAN GREENE: Will that payback be exclusive to one year or
will it carry over into the following?

DR. CRABTREE: I think, the way the paybacks are set up, it’s a
one-shot deal, provided that we don’t repeat it next year.

CHAIRMAN GREENE: Ms. Guyas.

MS. GUYAS: Just to follow up, I assume that you guys would
announce, sometime before January, that there is no 2017 season,
and is that right?

DR. CRABTREE: That would seem to be what we’ll have to do. I
don’t know if we have a timeline set to do that, Sue, yet or
not, but --

CHAIRMAN GREENE: So we go over the quota and there’s no season,
and that’s in federal waters, but what happens in state waters?
If they decide to keep seasons open, does that go into the
following year? I mean, because, if all the states keep their
state waters open and we’ve already hit our quota, we’ve already
gone over, and it’s shut down and the states continue to fish,
which they may or may not, but, if they did, then we’re
basically never going to reopen in federal waters. Am I going
down the wrong path here?

DR. CRABTREE: If the ACL gets low enough and if the states keep
state waters open, it becomes a problem, and it could be
difficult to get out from under that until we get a new
assessment or something.

CHAIRMAN GREENE: Okay. Thank you. Sorry I injected my
questions before I asked the committee, but, if anybody else
wants to weigh in, please do so now. I couldn’t help but take
the bait on that one. Okay. How do you wish to proceed from
here? Ms. Bosarge.

MS. BOSARGE: I just had a question, and maybe this is for
Bonnie, but, obviously, I guess, there could possibly be some
landings, recreationally, in state waters. If we have no season
this year that’s coming up, how will that impact the stock
assessment, if you’re going to essentially have no landings data and you’re trying to figure recruitment and you only, I guess, are going to have fishery-independent. Are we going to have an issue? Is this going to be an even bigger conundrum with the stock assessment or no?

**DR. BONNIE PONWITH:** I would have to go back and take a look and see if we have any indices that are dependent on fishery-dependent data, to be able to answer that. I can check with the analysts and find that out.

**CHAIRMAN GREENE:** Okay. Thank you. I am certainly interested in that. Dr. Powers, would you care to weigh in on this conundrum that we are in that Ms. Bosarge asked Dr. Ponwith? Would you care to weigh in or no? Okay. I don’t see anybody else raising their hand. Dr. Simmons.

**DR. SIMMONS:** Thank you, Mr. Chair. One thing is you’ve given us some guidance on the catch levels and the rebuilding time, but I wanted to get some feedback, and we haven’t spent a whole lot of time talking about effort shifting, and I don’t think I did a very good job explaining it to the Reef Fish AP, and so I apologize to them, but I brought backup for the council meeting, in case I don’t do a good job of explaining it to you guys at this meeting what that means and talk about it a little bit, if you want to consider that. I think Dr. Powers talked about this a little bit, and the SSC reviewed it.

In the decision tools for the recreational component, you can select different percentages, and they are called scalars in there, from zero to 100 percent by private, charter, and headboat for percentages of effort shifting that you can consider with your other management measures in the model.

To kind of give you an example of how that impacts the projected landings, if you want to look at Tables 2.3.5 and 2.3.6 in the document, and that’s on page 27 and 28, it gives you an idea about, based on what you select for effort shifting -- Let’s take a look at 2.3.5.

Across the top, I have zero percent effort shifting in the first part of this table. I’ve got the closed season alternatives across the top and then the minimum size limits in the columns. Then I have 50 percent effort shifting and 100 percent effort shifting.

Then, based on that, we have the projected landings that are estimated from the decision tool, and then the beautiful colors
we’ve got to play with here is whether or not it meets the various catch targets alternatives. Alternative 3a is the green. It’s projected to be 142,410, or less than Alternative 1, which is the committee’s preferred alternative right now, the ACT of 217,100. It tells you which of those alternatives and minimum size limits, with the two-fish bag limit, are projected to meet that catch target. Then it looks at it for zero percent, 50 percent effort shifting, and 100 percent effort shifting.

I have repeated that table, or we have repeated that table, on the next page, on page 28, where it has all the same parameters, except it goes down to the one-fish bag limit.

To try to explain a little bit about the effort shifting, and I have Dr. Larkin who I think is on the webinar as well, but it’s my understanding is what the model is, when the council sets up a fixed closed season, like the June/July fixed closed season we currently have during the spawning season, the effort that would have occurred in that sixty-some days during that fixed closed season is shifted to other times the season is open, and so January to May, based on those daily catch rates that he has predicted in his model, and so it’s shifting the time, the daily catches that would have occurred in those sixty days during the fixed closed season, to the open season.

Then if you decided to use an effort shift scenario of 10 percent for twenty days of closed fishing, basically it’s two extra days are distributed with those daily catch rates to the open season. I guess the question we have, from a staff perspective, is do we want to look at using an effort shift scalar, and, if so, what range would you like to see, other than what we currently have in the document? We chose zero, 50, and 100 percent, and we did it across the board for all components. I will stop there and see if there are some questions, and you can provide some feedback to us.

CHAIRMAN GREENE: Thank you, Dr. Simmons. Any discussion about effort shifting? Seeing none, if we decide not to tackle this effort shifting thing, then I guess it goes on the shoulders of someone else, and how would they calculate it?

Would they use historical effort shifts or are they looking for some new information from us about what we think it should be, because I still don’t know that I really truly understand it, to be completely honest with you, but that’s just me being a boat captain, I guess, but, if we don’t do anything with it, then it’s going to go back to National Marine Fisheries, and then
they will have to assume effort shifting, which I guess they do all the time, and am I correct, Dr. Simmons?

**DR. SIMMONS:** Yes, I think they would do that, and then they would use the projections and, say we have a fixed closed season and say if the catch levels are higher, then we may have an earlier closed season if they project the catch target is going to be met.

I guess the most recent information that we have, on triggerfish anyway, is the last decision tool that we used for Amendment 37. I think the landings were about 21 percent off, or something like that, the predicted landings that were used in that model from the actual 2013 catches, as an example, and I believe that information was given to the SSC, and they discussed it a little bit, but we didn’t spend extensive time on it.

It’s very difficult to predict these kinds of things. It’s behavioral, and so I think we’ve only done this, I believe -- Steven, correct me if I’m wrong, but did we do this for gag, a gag amendment, and we have just started to consider this type of scenario in the recreational sector.

**MR. ATRAN:** No, not that I recall.

**CHAIRMAN GREENE:** Okay. Thank you. Anybody else care to comment or make any discussion points about this? I really don’t know how to -- If it was up to me, I don’t know what I would do with this particular item, and so I will leave it up to the committee, and it doesn’t look like they have any direction as well, and so, with that, I will hand it back over to you, Dr. Simmons, and we will carry on.

**DR. SIMMONS:** Okay. Thank you. Did you want to get the Law Enforcement recommendations on the commercial and recreational management measures as well?

**CHAIRMAN GREENE:** Absolutely.

**DR. LASSETER:** Okay. I will speak to that. For Action 3, again, addressing the recreational management measures, the Law Enforcement Committee did not consider it an issue for them, the bag limit or the minimum size limit, but they did speak to the closed seasons, and they expressed a preference not to open and close fishing seasons more than once a year, and they expressed a further preference that the federal fishing season be consistent with the state regulations.
By consensus, the committee recommends, in Action 3.1, either Alternative 2 or 3, and they would prefer the alternative that would establish seasons consistent with state regulations, and then I can speak to the commercial regulation recommendations when get to that action.

CHAIRMAN GREENE: Okay. Thank you. Any discussion about the Law Enforcement AP and their findings? Okay. I am not seeing anyone. Dr. Simmons.

DR. SIMMONS: Thank you, Mr. Chairman. We will get on to our last action. It’s on page 29, Action 4, modify the commercial trip limit. Currently, we have alternatives that allow the council to reduce or increase the trip limit. Of course, increasing the trip limit when they’re in a rebuilding plan, when we haven’t made adequate progress, we have to carefully consider that. The council has to carefully consider that.

Since the twelve-fish trip limit was implemented in 2013 through Amendment 37, the commercial landings have been below, in 2014 and 2015, the catch target, the ACT of the 60,900 whole weight, and it was 31 percent below in 2014 and 23 percent below in 2015.

Based on that, we will go into the alternatives, and that’s why you see this is both a decrease and an increase in alternatives here, and so Alternative 1 is the no-action alternative, maintain the current trip limit of twelve gray triggerfish per trip. That’s equivalent to about fifty pounds whole weight of triggerfish.

Alternative 2 would decrease the trip limit for gray triggerfish to forty-five pounds whole weight, equivalent to approximately ten fish per trip, and Alternative 3 would increase the trip limit for gray triggerfish to sixty pounds whole weight, equivalent to about fourteen fish per trip, and Alternative 4 would increase the trip limit for gray triggerfish to seventy-five pounds whole weight, equivalent to eighteen fish per trip. The average weight of triggerfish landed in the commercial sector currently is 4.28 pounds whole weight. Would you like the AP recommendations on this action, too?

CHAIRMAN GREENE: Yes.

DR. SIMMONS: Okay. These are the end, on page 6, and they spent considerable time talking about the trip limits, either in pounds or numbers of fish, and basically they had concerns that if went to a poundage of fish, and they were just one to two
pounds over that trip limit, that they could get a hefty fine,
and so they were in favor of keeping the trip limits originally,
I think how they’re proposed in Amendment 37, which is by
numbers, and they passed the following motion.

With a vote of twelve to two with one abstention, the AP
recommends, in Action 4, to modify the commercial trip limit to
sixteen fish per trip and support the Law Enforcement AP
recommendation, and they didn’t have the new Law Enforcement AP
recommendation, which Ava will give to you in a minute, but they
were referring to what we had in the document, in Amendment 37,
when we had changed it from pounds to numbers. I will stop
there.

CHAIRMAN GREENE: Okay. Thank you. Is there discussion? Will
you go ahead and give the enforcement and then we’ll look at all
of it from there, please, Dr. Lasseter?

DR. LASSETER: Okay. Thank you, Mr. Chairman. For this action,
the committee noted that when a trip limit weight is low, such
as those under these alternatives, or any weight that would be
less than a hundred pounds or so, it’s much easier for law
enforcement to count a number of fish than it is to assess a
weight of such a low amount.

In contrast, if the trip limit was to be 500 pounds or more, in
this example they gave, for them, it would then be simpler to
enforce the trip limits by weight rather than number of fish.
Therefore, given the alternatives in this action, the committee
recommended that the commercial trip limit be set as a number of
fish rather than by weight. That completes the Law Enforcement
Report.

CHAIRMAN GREENE: Okay. Thank you. We have the AP weigh in on
this, and we’ve got an action here in front of us. Any
discussion on the commercial? Mr. Swindell.

MR. SWINDELL: I see, in Action 4, that we have in here that
Alternative 4 is eighteen fish per trip, and you have that the
AP had sixteen fish per trip. I mean, that’s what is printed,
and so I’m just trying to find out which one is right.

CHAIRMAN GREENE: I think the AP did come out with sixteen, and
I certainly don’t want to speculate. Dr. Simmons, do you have
anything you can add about why the AP came up with sixteen, as
opposed to eighteen?

DR. SIMMONS: That’s a typo, I believe, in Alternative 3. It
should say sixteen, because fourteen times the 4.28 is almost sixty pounds. I apologize, but that should say sixteen.

CHAIRMAN GREENE: Okay. Thank you. Mr. Walker.

MR. WALKER: I guess the AP likes a number of fish and enforcement likes a number of fish. Then I guess it doesn’t really support my seventy-five pounds that I wanted, and I certainly would like it to be enforced, and I wouldn’t want one fish to cause someone to have a violation, and so you know, somewhere in the sixteen to eighteen, and I think seventy-five pounds divided by eighteen was right around 4.28 or somewhere like that. It was 17.52, I think. Somewhere in the sixteen to eighteen fish, and, if the AP is happy with sixteen, I would agree with that.

CHAIRMAN GREENE: Thank you. Ms. Guyas.

MS. GUYAS: I would tend to agree, I think, with both of the AP’s recommendations to do numbers of fish instead of pounds. Would you be looking for a motion to restructure this action to all be in numbers rather than pounds and numbers? Does that make sense? Okay. I will make a punt at that, I guess. I move that, in Action 4, the commercial trip limits in the alternatives be expressed in numbers of fish.

CHAIRMAN GREENE: We have a motion on the board. Is there a second for this motion? It’s seconded by Mr. Diaz. Is there further discussion? Okay. Thinking back to this, the reason that we -- We were at numbers, and we got into this poundage thing because there were people concerned about high-grading, and that’s where this came from.

As David mentioned earlier, someone had a specific number of fish that was over a hundred pounds, and so the high-grading is a concern, and I don’t know what we can do about that. I certainly don’t want to have someone go a couple of pounds over and get a ticket. I think that the way that we put this in here, sixty pounds, which is equivalent to approximately fourteen fish, kind of gets at the notion of this is about how many pounds you should have and this is about how many fish you should have.

I don’t think it was going to give anybody a leg to stand on to say, well, you went over because you went over sixty pounds, because, in the regulation, it clearly says which is approximately so on and so forth. That’s just so people know that’s where that came from. That’s why we went down that path,
and I just wanted to make sure that people remembered that. We have a motion on the floor, and it has been seconded. Is there any discussion? Mr. Diaz.

MR. DIAZ: I just want to state, Mr. Chairman, that Mr. Walker had convinced me that the pounds was the right way to go. I did second this motion, and I’m going to support the motion, because both the APs are wanting to go with the number of fish, but I do think the high-grading was a very good point, Mr. Walker, and it just looks like the APs want to go in a different direction, and I understand their logic too, and so I just wanted to explain how I flipped on this thing, but I do think that Mr. Walker made a very good point. Thank you.

CHAIRMAN GREENE: Mr. Walker.

MR. WALKER: I just would think maybe National Marine Fisheries Service could send out a bulletin just reminding people that high-grading is illegal, and it’s a problem that we need to deal with, and it would be nice to have a little reminder sent out.

CHAIRMAN GREENE: Thank you, Mr. Walker. Ms. Guyas.

MS. GUYAS: I agree with both David and Dale’s comments, but I think, in the end, we’re going to have to pick one to put on the regulations, and it seems like numbers would be more straightforward for everybody, and so --

CHAIRMAN GREENE: Mr. Boyd.

MR. BOYD: I’ve just got a question for you, Johnny. When we were talking about establishing rebuilding time periods, we talked about the current catch limits and regulations, and didn’t we have a comment about the fact that we may not want to change the way we’re catching these fish and the limits, because then it would extend the rebuilding period? We had that conversation earlier, but that’s what we’re doing now.

CHAIRMAN GREENE: I think I recall what you’re talking about, and I think it was Dr. Crabtree that had mentioned that, but I don’t know that it applied to the commercial side, because they’ve been so far under the quota in the last several years. I think that may be the difference and the contrast that we were speaking of earlier. It was in the recreational side, where we were really moving forward.

With this being commercial, and they’ve been under quota the last three or four or five years, however long it’s been, and I
don’t know that one has to do with the other, but I certainly
don’t want to speak for Dr. Crabtree or anyone else, but that
was my interpretation of what was said.

MR. BOYD: Thank you.

CHAIRMAN GREENE: Okay. We have a motion on the floor. It was
seconded, and we’ve had discussion. Is there any opposition?
Seeing no opposition, the motion carries. We have decided that
we’re going to do this in number of fish, and does anyone want
to figure out what number of fish that is? Dr. Simmons.

DR. SIMMONS: I just wanted to clarify. I did misspeak, I
guess, about the sixteen fish, using the 4.28 pounds, I guess.
If you did want to include that alternative, now that we’re in
numbers of fish, that the AP recommended, that would be helpful,
and I apologize for the confusion earlier.

CHAIRMAN GREENE: Okay. Thank you. I guess we would need to
make a motion to add another alternative to look at sixteen, to
accommodate one of the AP’s wishes. Mr. Walker.

MR. WALKER: I move to make that motion.

CHAIRMAN GREENE: We have a motion to add an alternative to
increase the commercial trip limit to sixteen fish. Okay. It
was seconded by Mr. Swindell. Any further discussion? Okay.
We have a motion on the board. It is correct, and it has been
seconded. With no further discussion, is any opposition?
Seeing no opposition, the motion carries. Dr. Simmons.

DR. SIMMONS: Thank you. I think the only other thing on this
document that we would like you to do is think about public
hearing locations, so we can start working on those after the
January council meeting, when we bring you a public hearing
draft, and, just to remind you, for Amendment 37, we held public
hearings in Naples, and no one spoke about triggerfish there.
In St. Pete, we had forty-five that attended. In Destin, we had
eleven that attended. In Gulf Shores, we had two that attended.
In Kenner, we had zero attendance. D’Iberville was zero,
Galveston was zero, and Corpus had twelve students from Texas
A&M University that showed up, but no testimony about
triggerfish. Thank you.

CHAIRMAN GREENE: Okay. We need to do something about sending
this out and choosing scoping locations, or I guess there is the
potential for a webinar or something else, and so, Dr. Ponwith,
did you wish to speak?
DR. PONWITH: I don’t want to derail that part of that conversation, but I do have a follow-up response to Ms. Bosarge’s question regarding the closure. Is that a good time for that, or did you want to wait until you were done with --

CHAIRMAN GREENE: Let’s go ahead and decide what we’re going to do on public hearing locations or webinars or something along those lines. Based on the participation that was outlined, it kind of has me a little baffled, but does anybody else find that intriguing and wish to do something different, or would the state representatives like to pick their locations at this time? How would you like to proceed? We’ve got to do something, guys. We’ve got to do a webinar or hearing locations. We’ve got to do something to stay on track here, and so, Mr. Blankenship.

MR. BLANKENSHIP: I feel you will get considerably more input on this than you got on Amendment 37 from Alabama, and so I would suggest that we have the public hearing in Spanish Fort, at our Five Rivers Facility. That’s kind of in the middle.

CHAIRMAN GREENE: Thank you. Everyone else is in concurrence with that, I assume. Ms. Guyas.

MS. GUYAS: I think you will have participation at this one, and in-person would be good. We’ve been hearing a lot about triggerfish for quite some time. I think we’re about to hear a lot more, and so, for Florida, I would say Destin and the St. Petersburg area.

CHAIRMAN GREENE: Thank you. Mr. Banks.

MR. BANKS: I would recommend a webinar in Louisiana. We don’t have a tremendous amount of interest, I don’t think.

CHAIRMAN GREENE: Thank you. Dr. Lucas.

DR. LUCAS: I am willing to go the same route as Patrick, since we didn’t have turnout the last time. I do think we could possibly publicize it a little bit more, but a webinar would be fine.

CHAIRMAN GREENE: Okay. Thank you. Mr. Robinson.

MR. ROBINSON: I will go ahead and say Galveston and Corpus again. I think we’ll get more participation this time.

CHAIRMAN GREENE: Okay. Thank you. Then I guess we can also --
The constituents in Mississippi can always travel to another location, and so, if we’re good with that, we have picked our locations. Dr. Simmons, that completes what you need?

DR. SIMMONS: Yes, and thank you very much, Mr. Chairman.

CHAIRMAN GREENE: Okay. Now I will turn back to Dr. Ponwith, who wanted to reply to a question earlier.

DR. PONWITH: Thank you, Mr. Chairman. The feedback that I got from our analysts is that fishery-dependent data, those landings data, are important in the stock assessment, as one of the indices, but, because they also have a good, strong fishery-independent index, that is not an insurmountable issue, and so the short answer is it has an impact, but it’s something that we can manage the stock assessment around.

CHAIRMAN GREENE: Okay. Ms. Bosarge, I think that was directed at a question you had. Did you have a follow-up, or are you --

MS. BOSARGE: No, but I was just trying to be proactive and think about down the line, because this was a stock assessment where, yes, it was given a blessing, but it wasn’t the strongest blessing in the world, and so I just wanted to make sure that we’re taking whatever strides we need to on the frontend.

If there’s anything we can do on the council side -- I can’t see an EFP fitting into this at this point, but I was just trying to think outside the box and see if there was anything that we needed to do to have the data that we need a couple of years from now, so that we don’t have a hole and cause even greater uncertainties in something that we already had a little bit of a hiccup with.

CHAIRMAN GREENE: Okay. Thank you. I believe that concludes everything that we had for gray triggerfish, and we’re actually a little bit ahead of schedule, and so I feel pretty good about that, considering that I did such a poor job at the last meeting of keeping us in there. We’ve got two hours slated for Amendment 41, and we’re about thirty minutes ahead. Do you wish to take a break now? Let’s take a break now, and so we will reconvene in about fifteen minutes.

(Whereupon, a brief recess was taken.)

CHAIRMAN GREENE: We are going to get started. We have a quorum of council members in the room. We are going to pick up on Draft Amendment 41, Red Snapper Management for the Federally-
Permitted Charter Vessels, and we’re going to start off with a review of the draft amendment and then the Ad Hoc Red Snapper Charter AP comments as well. Dr. Lasseter, if you’re ready.

**DRAFT AMENDMENT 41 - RED SNAPPER MANAGEMENT FOR FEDERALLY-PERMITTED CHARTER VESSELS**

**DR. LASSETER:** Thank you, Mr. Chairman. Okay. Yes, exactly. We’re going to review both the document and go through the AP’s comments, and Dr. Freeman and I are going to kind of play tag-team. I am going to focus on the amendment, and he will provide the AP’s recommendations. I am actually going to let him begin with the section that precedes when the AP addressed the amendment.

**DR. MATT FREEMAN:** Thank you, Ava. The AP convened for a day-and-a-half in Kenner last month, and the first section of the report addresses Dr. Stunz’s proposal of a harvest tag program where tags would be allocated to recreational participants.

This first section provides some of the pros and cons that the AP members came up with. The cons are part of that bulleted list at the bottom of the first page. One of them, offhand, is that individuals could purchase these harvest tags with the intent to not use them, which would then be a negative for the charter industry.

Following the discussion, again, of the pros and cons, the AP passed the following motion, which is on the second page, to recommend that the council, regarding distribution of tags to anglers, that this AP does not recommend any further action or movement on this issue, and the motion carried ten to three. Let me pause there to see if there’s any questions or discussion about that motion.

**CHAIRMAN GREENE:** Okay. Thank you. Is there discussion? Okay. Not seeing any discussion, continue ahead, please.

**DR. LASSETER:** Okay. Then we’ll go ahead and move into the amendment. We are going to review the alternatives for each action, and then Matt will provide the AP recommendations, and then we’ll come back for further discussion.

Action 1 begins on page 17 of your document, and Action 1 addresses the type of allocation-based management program. These alternatives have been revised to reflect the motion at your last meeting, and so we currently have the Alternative 1, no action. Alternative 2 would establish a fishing quota
program that uses both shares and annual allocation, with sub-options being Option 2a, an IFQ program, or Option 2b, a permit fishing quota program.

Alternative 3 would establish a harvest tag program, and this would not use shares. It would use annual allocation only, and the annual allocation, while tags would be distributed each year, the amount distributed to each vessel would be recalculated, Option 3a, every three years, or Option 3b, every five years, and so I am going to turn it back over to Dr. Freeman to get some recommendations from the AP.

DR. FREEMAN: Thank you, Ava. Again, the staff provided an overview and status update on Amendment 41 to the AP. For Action 1, first, the AP members discussed the council’s removal of the permit fishing allocation, or PFA, program at the last council meeting.

Following that, the members discussed whether they want harvest tags to continue to be considered by the council, and, again, this was following their previous discussion of the proposal by Dr. Stunz. They went through some of the pros and cons of this type of program and proceeded with the motion that the council move Action 1, Alternative 3, to Considered but Rejected. Again, Alternative 3 was establishing the harvest tag program, and that motion carried seven to six. I will pause there to see if there is any questions or discussion.

CHAIRMAN GREENE: Thank you. Any questions or discussion? I am not seeing any. Continue ahead.

DR. LASSETER: Okay. Thank you, Mr. Chairman. I also want to call attention to the structure of the document now. With the alternatives in Action 1 being narrowed down to two types, to two alternatives, granted with sub-options, we have consolidated the amendment, the remaining actions.

Rather than there being a Section A and then B and C and D, there is now just one set of actions that run through the document, and so I wanted to provide the opportunity -- Was there any discussion on the programs, the alternatives, provided under Action 1 before I move on to Action 2?

CHAIRMAN GREENE: Thank you. Is there discussion or questions or comments? Okay. I don’t see any, and we can continue.

DR. LASSETER: Okay. Perfect. Then we’ll move on to Action 2, which begins on page 30 of your document. A little recap about
this action. This action began, or you requested the addition
of it, to provide a voluntary program, to allow some charter
operators to opt out if they did not want to participate in the
program.

Then the council refined what this opt-out really meant. Did it
just mean that the charter operators would need to take actions
themselves to join, or would they be required to take the action
to remove themselves? Based on NMFS’s preference and the
feasibility for working the program, we clarified it so that it
would require the operators to opt out of the program.

This idea though of program participation overlaps with some
other discussion that has occurred from the AP in terms of who
would participate or what would be the requirements to
participate, and so we’re terming that program qualifiers, and
so I’m going to turn this over to Matt to talk about the AP’s
recommendations for this action, and we have also lumped
together these program qualifiers there as well.

DR. FREEMAN: Thank you. Again, as Ava mentioned, Action 2
addresses program participation. AP members noted the
unlikelihood of a charter operator taking the action to opt out
of receiving quota that in essence would be worth something.
Following that line of thought and the discussion that ensued,
they made a motion to recommend to the council that in Action 2
to make Alternative 1 the preferred alternative, and that motion
carried eleven to two.

Following that motion, the discussion turned, as Ava pointed
out, to possible qualifiers to participate in the program, and
the thought process there was that the qualifiers would
eliminate inactive permits from the distribution of quota, as
holders of inactive permits would not be likely to meet these
qualifiers. As a side note, some of the qualifiers that were
brought forward may already be in place, may already be
required, or already be under consideration by the council.

The first motion they made was to recommend to the council was,
to be in a federally-permitted program, you would need to have a
federal permit, applicable state and charter fishing license,
electronic logbook or other data collection system approved by
NMFS, and an income qualifier, and that motion carried eight to
four.

The second motion was, as a program qualifier, require that
vessels must meet all safety requirements and passenger
requirements for their passenger capacity COI, and that motion
carried ten to two, and the last motion they made, in terms of qualifiers, was that, in the development of a PFQ management system, that the AP recommends that the council take into consideration the use of mandatory ELB reporting of red snapper landings in the charter/for-hire federally-permitted sector as one of the requirements to qualify in the initial allocation of shares, and that motion carried unanimously.

As far as the last motion, I do want to note that this was not about using ELB reporting to determine initial allocations, but simply whether one would qualify to participate in that program, and so, again, I will pause there to see if there’s any questions or discussion.

CHAIRMAN GREENE: Okay. Thank you. Is there discussion? Dr. Crabtree.

DR. CRABTREE: Matt, did they understand that implementing and getting the electronic reporting in the charter boat fishery -- I mean, we’re talking at least a couple of years down the road. Then, to actually get the results from that that you could use for something, it would -- We’re essentially talking pushing this amendment out, I think, for several years to do that. Did they understand that?

DR. LASSETER: I can speak to that, and I will actually also point out that we do have the AP Chairman here in the audience, who could also speak further for the AP if I’m not getting this correct. Yes, they did recognize that this was down the road. They were trying to come up with these types of qualifiers to separate this active and inactive permits.

They recognized that, if the ELBs did go in place, they definitely did not want to use those landings to distribute the allocation, because they would expect there to be effort shifting, but they were just trying to come up with something. In the event that this did not move forward quickly, the ELBs might even be in place, if the council decided to go forward with the ELBs. This motion kind of provided support from them that perhaps that could be used to then assist in identifying these latent permits in this Amendment 41. I hope I captured that correctly, and I am kind of looking in the audience for the Chairman, if that answers your question, Dr. Crabtree.

DR. CRABTREE: Yes, thank you.

CHAIRMAN GREENE: Okay. Thank you. Is there further discussion? Dr. Dana.
DR. DANA: I was at the AP meeting, and while the AP very much appreciates and supports electronic logbooks, they did emphasize, and two of the motions of the three do point it out, but they say, as a qualifier, electronic logbook or other data collection system approved by NMFS, and so perhaps that is not electronic, in the early years before the electronic logbook is developed, and then the third of those three motions, when it brings up that the council take into consideration the use of mandatory ELB reporting, and so, again, it’s not as strong as saying that there be electronic logbook reporting.

CHAIRMAN GREENE: Okay. Thank you. Are there further comments? Okay. I don’t see any. Go ahead, Dr. Lasseter.

DR. LASSETER: Thank you, Mr. Chairman. Moving right along, Action 3 begins on page 32 of your document, and this action addresses apportioning the charter quota amongst the charter vessels, and we have modified and updated the alternatives to reflect some that you had removed at the previous council meeting, and so Alternative 1, of course, is always our no-action alternative.

The Alternative 2 now is to distribute the charter quota based on tiers of passenger capacity, and then there is two options providing how those tiers would be defined. Alternative 3 proposes to use the average historical landings of charter vessels in each region, and there are two options there provided for the years to use, the second of which reflects the same distribution method that was used in Amendment 40.

Alternative 4 now provides four options that weight each of the three metrics differently: distributing quota based on equal distribution, distributing based on passenger capacity, and, finally, by historical landings by region. Then you can see the Options 4a through 4d there.

Alternative 5 would distribute the charter quota by auction, and Alternative 6 is similar to Alternative 4, but it mixes the same metrics used in Alternative 4 plus the auction, and then there is options provided there. If the council moves forward with Alternative 6, you would select one of 6a to 6c and one of 6d to 6g, and so those are the updated alternatives that were presented to the AP, and so I’m going to turn it back over to Dr. Freeman to review the AP’s recommendations.

DR. FREEMAN: Thank you, Ava. Again, Action 3 addresses the distribution of quota among charter vessels. The first part of
the discussion, the AP focused on the use of auctions, looking, again, at pros and cons. One of the negatives that the AP addressed was that use of an auction could cause fleet reduction, due to the financial position of some operators at the time of an auction. One AP member though, as a pro, supported the use of an auction as a way to recover resource rent from the fishery.

Following that discussion, the AP passed the following motion, that Alternative 5 and Alternative 6 that contains the provision for an auction of allocation in the charter/for-hire sector be moved to Considered but Rejected, and that motion carried twelve to one.

Following that motion, the AP then looked at using tiers of passenger capacity to distribute quota. They noted that a vessel with a passenger capacity of seven could receive twice as much quota as a vessel that may carry only one fewer passenger, and AP members noted that that seemed unfair to them. Following that discussion, they passed the motion that Action 3, Alternative 2, be considered but rejected, and that motion carried eleven to zero with one abstention.

Continuing their discussion of passenger capacity, staff noted that the council intends to use the permit’s passenger capacity for a share-based program and the lower of the permit or vessel COI capacity for an allocation-only program.

The AP, again, looked at some of the pros and cons of different uses for passenger capacity and passed a motion that, in the initial allocation of shares in a PFQ system, that the distribution using passenger capacity will be by the permit capacity or the U.S. Coast Guard charter vessel capacity, whichever is less, and that motion carried eight to three with two abstentions.

Following that motion, the AP discussed whether passenger capacity in Alternative 4 should be based on a tiered system or on individual vessel capacity. The AP, following this discussion, was uncertain about making a recommendation until they were able to see calculations from NMFS for both options, and so they proceeded with the following motion, to request that NMFS add information on passenger capacity by individual vessel to the decision tool, for the purpose of Alternative 4, to compare it with passenger capacity by tiers, and that motion carried unanimously.

The AP then discussed an idea for an additional metric looking
at the differences in biomass and effort between the eastern and western Gulf regions, and they passed a motion that, in addition to passenger capacity and regional landing history, to ask the council to use the western Gulf/eastern Gulf biomass and the western Gulf/eastern Gulf effort to help apportion the charter quota, and that motion carried ten to three.

Following that, they passed an additional motion to add an additional option to Action 3, Alternative 4e, with passenger capacity of 25 percent and historical landings by region of 75 percent, and that motion carried twelve to one. Lastly, they passed a motion that, in the decision tool that NMFS provided, for Action 3, Alternative 3, to use the allocation for the for-hire industry as a whole and not sub-allocate it between headboats and charter vessels, and that motion carried eleven to zero with one abstention. I will pause there for any questions or discussion.

CHAIRMAN GREENE: Thank you. Is there discussion? Dr. Stunz.

DR. STUNZ: I’ve got a question for you guys about the decision tool. Early on, I was at I think it was the Data Collection Committee, and I think it was Andy Strelcheck that presented this spreadsheet that had various scenarios of what your allocation may or may not look like, and I know it was very preliminary, because obviously this whole thing is still evolving, but is this the same decision tool?

I know, Sue, I think maybe someone had mentioned that you presented or someone presented it, and the reason I’m asking is I think that would be a very important tool for us to see, because it helps us run some scenarios on what these allocations might look like, and so I was trying to get some information on where we are with that decision tool, if in fact that’s even the one that we’re talking about here.

CHAIRMAN GREENE: Ms. Gerhart.

MS. GERHART: It’s a very similar one. It’s the same sort of thing, but it’s modified so that it has the alternatives that are currently in Amendment 41 in there to be analyzed and the data for these particular vessels, and that was shown at the AP meeting.

There have been a few modifications. Dr. Stephen is actually the one who has developed that, and she has made some of the modifications requested from the AP, but there are other modifications that will just take too long and we couldn’t have
them done by this meeting, but she does have that with her, and
that’s available to take a look at. It’s not quite ready to
give out to the public at this point, because it hasn’t been
through QA/QC, but it’s something that we can show, if you would
like.

**DR. STUNZ:** To that point, Mr. Chairman, I don’t know that it
would be worth our time at this point to go through it in
detail, but I think it might be nice just for a short -- I don’t
know if we want to do that now or at Full Council or at some
point during this meeting, just to see what’s upcoming, and so
you’re saying that it would be ready for our January meeting or
something like that, but it would be nice to see what’s the
general focus of it, to remind everyone.

**MS. GERHART:** Dr. Stephen, I think, is bringing that back to the
computer to put that up there, and so it does -- It is
interactive, so that you can change some of the options and
such, the percentages, for example, in Alternative 4 and things
like that.

**DR. STUNZ:** Chairman Greene, I don’t want to halt your
efficiency that you’ve been going through at this meeting so
far, and so we don’t have to do this now. That’s up to you,
but, at some point when it is appropriate, I would like for us
to spend a few minutes just to review what this is about and
what we might see in January, when you think it’s appropriate.

**CHAIRMAN GREENE:** Absolutely. It looks like it’s up there.
However, I see Dr. Lasseter waving her hand, and so I’m going to
go to her first.

**DR. LASSETER:** Actually, right before we get into this, I had
one issue that I wanted to address as far as the alternatives in
the action concerning passenger capacity, and this will lead
into what Jessica is about to show.

At the last meeting, the council removed alternatives that would
have distributed purely based on equal distribution and purely
based on passenger capacity. In that version of the document,
what is now Alternative 4, each one of those metrics was
followed by the alternative number. At the time, the equal
distribution said Alternative 2. Passenger capacity said
Alternative 3, and the historical landings by region said
Alternative 4, and so, of course, since you removed those
alternatives, we also removed that language from that
alternative.
What we are not entirely clear on is the passenger capacity under Alternative 4. Is it the council’s intent that this should reflect the previous Alternative 3 that would have been passenger capacity per vessel, or does this passenger capacity reflect Alternative 3 that uses the tiers, and so if we could get some clarification on that.

In the decision tool that Jessica is going to show, she has used the tiers at this point, and so, before we got into that, I just wanted to get some discussion or clarification from the committee.

CHAIRMAN GREENE: Thank you. Does anyone wish to weigh in? Mr. Riechers.

MR. RIECHERS: I can’t say as I recall the exact conversations about that in the past, but I kind of believe it was the actual passenger capacity and not a tiered approach, when we were talking about it before.

CHAIRMAN GREENE: Okay. Thank you. I don’t recall. I have been trying to sit here and think, but I don’t recall. I was thinking it was the tiers, but Mr. Riechers may very well be right, but it’s no problem to me. Dr. Lasseter, what you’re asking is which way we want to go for her to make the presentation, based on passenger capacity or tiers? Am I understanding correctly, or you need that for the document?

DR. LASSETER: The decision tool had the tiers worked into it, and so that’s why I wanted to bring this up right before she got into it, because I was going to raise this issue whether or not we saw the decision tool, and so she is presenting this with tiers. If that is the way you intended, then the decision tool would go forward with it that way.

If the intention was that it should have reflected passenger capacity by vessel, then that would provide her guidance with how to revise the decision tool, and I believe it was Mr. Boyd that had provided discussion at the last meeting about removing the words of the alternatives, within that alternative, and replacing it with passenger capacity, but, otherwise, staff was not really clear which of the types of passenger capacity should be used in this alternative.

CHAIRMAN GREENE: Thank you. Ms. Gerhart, did you have a comment? Okay. All right. If we’re going to go down the tiered thing, I do want to point out one item that the AP talked about. It is noted in there that the AP made a discussion about
a boat that carries seven gets a substantial amount of fish more
than a boat that carries six, and there is a definitive reason
as to why six or less is chosen for that, and it has to do with
the United States Coast Guard certificate of inspection.

That is a very strenuous certificate to obtain. It starts at
the construction of a vessel, and it follows it all the way
through completion, with the annual haul-out and the annual
safety inspections, five-year inspections, and it is very
expensive. There is a big difference in the size of the
vessels, a lot of times, and the cost of the vessels.

When they say, well, a boat that carries seven gets a whole
bunch more than a boat that carries six and that doesn’t seem
fair, well, you’re right that it doesn’t, because it is
extremely expensive, and it is a lot of work in between to
maintain those.

Being that we’re going to look at this based on tiers, just
understand that that’s why six is different from seven. When
you get into hauling passengers under a COI, there is some
stipulations of forty-nine passengers or less, and that’s why
you see it go to forty-nine. Then the twenty-five was simply
half of forty-nine, and so that’s kind of how that stuff was
derived, to the best of my knowledge. As you move forward, I
just wanted to point that out to you, and so, if we would like
to move on with this, I don’t see what -- Mr. Riechers.

MR. RIECHERS: Ava, certainly, and I don’t know that it was
intentional or not, but certainly the way it’s defined in the
fourth paragraph, the last sentence, it speaks to my
recollection, and so basically that’s saying a passenger
capacity based on COI, Alternatives 4 through 6, and so it
directs us at that, as opposed to the tiered approach.

DR. LASSETER: Yes, that was my recollection as well, and so I
believe I was the one that probably added those words, and it
was just as a group. When we all got together to talk together,
we realized that there could have been a misunderstanding, but
what I’m hearing so far from people is that the intent was
distribution by passenger capacity by vessel, and is that
correct?

CHAIRMAN GREENE: Yes.

MR. RIECHERS: It’s an alternative, and so do you have both
alternatives built in here?
CHAIRMAN GREENE: Yes, I agree with Mr. Riechers, and the reason I made the comments based on the tiers is because that’s how Dr. Stephen has this presentation before you set up, and I just wanted to draw out the differences between that. Dr. Lasseter and Dr. Freeman, does that cover your concerns with this before I go to Dr. Stephen?

DR. LASSETER: Yes, absolutely, and thank you.

CHAIRMAN GREENE: Dr. Stephen, please continue.

DR. STEPHEN: What we did is we took a decision tool that we had for Amendment 40 and we manipulated it to suit the purposes of 41, and so things have been changed from what you might have seen previously in 40. I have it really fine-scale now, but I will blow it up as we get to things, but I just wanted to give the overall view of it.

The top half of the portion is some of the areas where we define the inputs to what the decision tool decides in the long run. In step one, we define what the ACL will be for the for-hire sector. In this model, we are using 2016 as a value, just to give you a feel for everything that’s going on.

In step two, we can specify the difference. The portion of the for-hire landings get attributed to just the charter boats, and this is separating out the charter boats from the for-hire, and there is a drop-down of values that we can choose, and these values come over here, and these are based on the different choices that were in Amendment 42, which had kind of decided the different alternatives for choices of splitting the headboat from the charter boat.

Keep in mind this does not have your newest one, where you said to exclude 2014 and 2015, but those can be worked into a future iteration of this. What we also did is included, at the very bottom, the one from Amendment 40, which was basically the 50/50 from 1986 to 2013 and then from 2006 to 2013, excluding 2010, and so that’s how 40 decided the amount to the for-hire, and we figured that was a worthwhile one to explore as well.

All of the ones here, shown in this table at this point, are available in the drop-down, and let’s just start with the one from Amendment 40, for ease of use going through it.

When that is selected, it changes the for-hire portion of the ACL, and you can see, for the charter boats, what their portion of the ACL would be, and then there’s an area where you can
specify a buffer for it, and we set up just some buffers in 5 percent increments. You can type in any one larger.

We set up different 5 percent increments, and I’m going to just, for the sake of purpose, choose the 20 percent that is currently the buffer for red snapper, and what that gives you down here in this final one is you can see what the for-hire ACT would be for the charter fleet. Now, once all of those decisions are made, we can page down below and start looking at some of the different options that are considered in the alternatives in Amendment 41.

The first one is if we just distributed everything equally, and I want to point out that, in this, we do separate the idea of all charter vessels and then we have talked about at some point some of the charter vessels are not home ported within the Gulf. That’s not their official listing, and so what we did is exclude those and show what that would look like. At some point, we will probably need to clarify what we’re going to do with the ones that aren’t home ported in the Gulf and how we want to handle that. There is visual graphics that go to it.

What you see is, in the amount of pounds per vessel, if you split everything equally, and I am just going to concentrate on the all of charter vessels and ignore the home ported only in the Gulf section. There is about 1,254 pounds per vessel for the year.

The next option that they looked at, and I will just note that some of my alternatives were based on an older document, and so it might not match what your current document is, and, again, we’ll update that as we go through.

This was looking at distributing the allocation by the two different passenger capacities that were the tiered capacities, and so we had the six and seven as one set of tiers, and this is where the six-packs and less would get around 1,000 pounds per year, while the seven-passenger and plus group would get around 2,100 pounds per year. It is, in essence, double of what it was, the way the tiered unit works.

There was also a tier where we were looking at three different tiers, breaking out the six-packs and the group that was slightly larger, the seven to twenty-four passengers, and then those that were much greater, the twenty-five and plus passenger capacities. There, you see it roughly comes out to 1,000, 2,000, and 3,000, respectively, for each of those different tiers per year.
One of the other ones we talked about was looking at just region in and of itself. Now, in this case, we kept Mississippi by itself. We had talked at the last meeting about combining it, and we can work those into future decision tools, but we were just trying to get a quick, rough-draft idea of what’s going on.

This breaks out, and you will see how many vessels are in each different region and what the whole weight would be, and what I picked here are there were two different time periods in the amendment of how to take the breakout for each of these regions. There is a time period of 2003 to 2013 or the split of 2003 to 2013 and 1986 through 2013, and so those are the two different methodologies you see throughout there, and there are definitely differences as you go through the different ones.

The next set of options worked out this idea of doing the different percentages by, in this model, the tiered, equal, and region, and so the above three things we’ve talked about, and we play with the percentages. In each one of these, I can put in any different percentage for each one, plus just look at what it looks like equally among everything.

Once you fill that in, you get a bunch of information below, and so the results from this have to be broken out by each of the time periods for the regional, as well as your two different tier levels, and so we have a lot of different results and those that are all charter vessels versus only those home ported in the Gulf. What I want to do here is maybe switch to the graphics, so you can get some idea of some of the differences.

What we can do is start to incorporate some of these graphics, if people want to see them in more detail, as an appendix to the amendment as we’re moving forward, as well as having the decision tool later handy with all the modifications. Is there any scenario that anyone would like to see in particular? If not, that’s all I have.

Some things I do want to point out is I will be including in this at least passenger capacity by the individual level, and so we’ll have this kind of extending down more with the different options to it, so you guys can compare and contrast the tiers to the individual passenger capacity, and there are a few other recommendations we’re going to try and incorporate from the AP.

CHAIRMAN GREENE: Okay. Thank you, Dr. Stephen. Any further questions or comments? When did you say this would be available?
DR. STEPHEN: We are still looking at the preliminary, and I want to do the modifications from the AP, and so we will have it available for you by the next council meeting.

CHAIRMAN GREENE: Okay. Thank you very much. That was very useful. Any other questions or comments? Mr. Diaz.

MR. DIAZ: I want to back up just a minute, and this question is for Dr. Freeman or Dr. Lasseter. The last thing that Dr. Freeman read was this motion that says that in the decision tool for Action 3, Alternative 3, use the allocation for the for-hire industry as a whole and not sub-allocated between headboats and charter boats, but the report really doesn’t say much about the discussion that went on at the meeting, and can you all elaborate a little bit about what they were thinking and what led to that? I mean, it’s the first time I have heard something like this, and I am just kind of curious what the discussion was like.

DR. LASSETER: I will take a stab at that, and I may invite our AP Chairman to provide further clarification. How I understood the discussion is they wanted to see how the allocation would look if all for-hire vessels, charter and headboat vessels, were to be allocated under the same way through Amendment 41, and so they weren’t recommending it as an alternative to the document, but they were recommending it to the decision tool, so that they could play with and see how it would look for the entire fleet, and I’m going to look over and see if our Chairman has anything further that he would like to add.

MR. JIM GREEN: I’m Captain Jim Green, Chairman of the 41 AP. When we went into that, there was -- There has definitely been -- Between 41 and 42, there is definitely some inconsistencies. They do have a grip on who substantially participates, and we don’t.

They have multispecies and we don’t, and there was different timeframes and stuff, and we really wanted to explore what the for-hire sector as a whole would do, and we were doing that under the premise that it wasn’t going to be a tiered system, and we were kind of moving in the direction of using passenger capacity as that, instead of using a tiered system.

Some of the AP members wanted to try to incorporate that all together and get a -- This was the first time that we have ever had a decision tool to where we could play with it, and that also coincided with some of the things that we wanted to add
In Austin, I believe is when the council made the recommendations for those certain percentages that were added into it, and they were good, because we got to kind of fluctuate them around and play with them, but, to really fine-tune it and to really tell somebody like, hey, this is what you’re projected to get, by using passenger capacity and a couple of other values in that, we would really be able to fine-tune it down and see how that would work for us. It was really to put as much into that tool as we could and play around with things, so we could really see what it would bring for our industry as a whole. Thank you.

MR. DIAZ: Thank you, Captain Green.

CHAIRMAN GREENE: Okay. Dr. Dana.

DR. DANA: Thank you, Chairman Greene, and thank you, Captain Green. If we were looking at the charter boat, the for-hire charters, and then the headboats combined, and when we split it, 37 percent is the headboats, correct, based on their headboat surveys from the past, and that would apply -- There is seventy or seventy-one headboats that would be getting just under 40 percent of the total for-hire charter allocation, and then the other 2,000 for-hire charters would be getting the roughly 60 percent, and so you guys want to --

MR. GREEN: We wanted to combine them, because some of the disparity is, when Amendment 40 happened, the whole for-hire sector took a reduction in their historical catch to achieve something, to try something new. Since then, as these amendments go forward and we’re all kind of busy trying to figure out -- It is. It’s a very arduous, huge undertaking is what we’re trying to do.

It kind of seemed that, because the headboats had landings, they took 100 percent of what they historically caught, and the charter boats were left with what, after the reduction for a larger amount of entities, had a reduction in allocation compared to -- Headboats with a smaller number of entities, they were getting what they historically reported.

Another way that is is kind of all incorporated is that we’re -- When it comes down to it, we’re talking about who is going to get what, and the charter boats were not given the privilege, and I say that with due respect, but they weren’t given the privilege to account for what they caught like headboats were
given the opportunity to.

They’re wanting to add this in, to incorporate it, to see what it looks like, because we have discrepancies on how the for-hire industry as a whole was treated. Some got the chance to put that in and some didn’t, and now, when we come down to allocations and distribution and how this is all going to play out, we’re looking at one group that is -- Because they were given that opportunity, they’re going to get 100 percent of the allocation they have historically caught, where 1,200 other federally-permitted vessels are not going to be even close to being able to realize that, and so that was another part of the discussion that helped lead to that motion wanting to bring it all together.

CHAIRMAN GREENE: Okay. Thank you, Captain Green. Is there further discussion? I don’t see any further discussion. Dr. Lasseter.

DR. LASSETER: Thank you, Mr. Chairman. There were a couple more issues that staff has on this Action 3 that we would request some clarification on. Actually, the first is more of an observation that I just wanted to call your attention to, and it concerns the passenger capacity.

Prior to your August meeting, the document discussed the issue of the two types of passenger capacity since the permit moratorium went into place, that you have that baseline permit capacity and then you have whatever the vessel that permit is attached to. If it has a COI, it’s the COI’s passenger capacity. If it doesn’t have a COI, of course, it’s limited to six.

The document just discussed the issue of how many vessels are more or less of either one, and it addressed that there are implications for using one or the other to distribute based on passenger capacity, depending on which program you selected.

At your last meeting, you discussed this further, the type of program and which passenger capacity should be used, and you passed a motion recommending that for a share-based program that you use the permit passenger capacity. For an allocation-only-based program, you use the lower of the permit or the vessel COI passenger capacity, and so that has now been incorporated into the document.

I did just want to point out that one of the motions that Dr. Freeman reviewed from the AP, the AP discussed that quite at
length, and their motion to that was that, even for a share-based program, to distribute based on the permit capacity or the Coast Guard’s charter vessel capacity, whichever is less, and so I just wanted to highlight that, that they recommended the lower for either type of program, a share-based or an allocation-only program. I wanted to point that out. If there is no discussion on that, I have one further issue of clarification for staff, still on this Action 3.

Also at the last meeting, there was discussion, and I believe it was in committee and full council, on combining Mississippi and Alabama into one region. You did pass a motion directing us to do that, but with further discussion that we should retain the tables, the information in the amendment, to provide Mississippi and Alabama separate, so that you could look at them separately.

When staff came back and tried to work on this, we were not entirely sure if we should be maintaining them completely separate and also providing values together, one, and, also, we were looking for some clarification as to why Mississippi and Alabama would be joined together and not Mississippi and Louisiana.

If we were to develop this into say a sub-action to go along with this Action 3 to define regions, that would be part of a reasonable range of alternatives. If you’re going to combine Mississippi with one neighboring state, we should at least analyze and consider it with the other, and so I’m wondering if I could turn it out to the committee and request some clarification as to what drove this decision. Thank you.

CHAIRMAN GREENE: Thank you. Is there discussion? Dr. Lucas.

DR. LUCAS: I think the originally thing we settled on at the last meeting was Mississippi and Alabama separate and then Mississippi and Alabama together. We did have discussion about also combining Mississippi with Louisiana at that point in time, and there was discussion on the record, but we had discussions with Alabama and with several of the people at the podium about a combination with Alabama, and that’s why we -- I think that’s some of the reasoning why we chose Alabama. It wasn’t to not also choose Louisiana. I am perfectly fine if you also want to analyze it combined with Louisiana, but they should also all be analyzed separately as well.

CHAIRMAN GREENE: Ms. Levy.

MS. LEVY: I think one of the questions that staff was having,
or issues and questions they had, was, if they’re going to analyze them separately but also together, then at some point there needs to be a decision point of what is the council going to choose, and so is the council looking for some sort of sub-action or action with alternatives that says do you want them separate or do you want Mississippi with Louisiana or do you want Mississippi with Alabama? If you just wanted to put Mississippi with a particular state, they were looking for more of the rationale for why it would be Louisiana and Alabama versus over Louisiana and Mississippi.

I think it was either it was do you want a decision point that you have to make with discussion and then you articulate why you’re choosing a preferred, or did you decide that you want to put Mississippi with a particular state and then can you articulate why with that particular state and not another state.

**DR. LUCAS:** I think we were just requesting the analysis. I wasn’t necessarily going ahead and saying to yes, combine these and they’re now permanently combined. They were looking for the analysis, because of the whole discussion on geography, which I am not sold on geography anyway.

It’s simply on the fact that I may have people with a Mississippi address and their boat is not even in Mississippi. It’s in Alabama or it’s in Louisiana, but it’s going to be counted in Mississippi. They are going to be listed in Mississippi when we go to do the allocation or the permits or whatever, however it ends up.

I think the point was the low historical landings in Mississippi over time and looking at that, and so it was just looking to analyze it with another state. It was the analysis and not necessarily -- We hadn’t made a decision.

**MS. LEVY:** I think staff can work with that. I mean, in my mind, the easiest way to articulate that then is to have some sort of sub-action or something that actually has the different combinations that you would consider so that you can see the analysis. That might be the most straightforward way for you to actually look at an analysis and decide what you want to do.

**CHAIRMAN GREENE:** Well, some of that was my idea, because, when I looked at the historical landings from Mississippi, they just seemed extremely low, and the number of boats that we have and turnover of boats we have, we could have easily incorporated those thirty permits into Alabama and it really wouldn’t have made any difference whatsoever, and I certainly was not trying
to pick favorites or anything.

I was just trying to look at a way to realistically make it fair in a state that I just really didn’t believe the historical numbers were even close, and so that was the intent with that, but, if you need more guidance, I will certainly try to elaborate some more. Can you work with that, Dr. Lasseter or Dr. Freeman? Mara, does that satisfy everything for now, or do you need some more information from us?

DR. LASSETER: I am hoping so, yes. I’m looking back at the original motion, and so, yes, that was not clear to us that it was asking for analysis. It just said to combine the regions of Alabama and Mississippi in Table 1.1.1 for the purpose of quota distribution based on geographic regions.

I think what I would like to propose is that we do create a sub-action. Therefore, we could provide you with the analysis and you could look at it. We will have alternatives for them to be separate and to be together, and that might be the way to approach this.

CHAIRMAN GREENE: Okay. Are you looking for a motion from us to do that?

DR. LASSETER: If I have consensus to --

CHAIRMAN GREENE: We passed a motion at the last meeting, and you were uncertain of what to do with it, and so we've given you some information here, but is that enough information for you to further develop the sub-action, or do you need something else?

DR. LASSETER: I believe, since I have stated that we are going to create a sub-action, that, with consensus, we are going to go ahead and bring that to you for your next meeting, yes.

CHAIRMAN GREENE: Is there any committee member that sees it differently or has any issues with that? I don’t see anybody that has a problem with it, and so I think it’s understood what we’re after and what you’re going to do. Is there anything else, Dr. Lasseter?

DR. LASSETER: For me, for Action 3, no. Is there any further discussion on Action 3 before we move into the rest of the document?

CHAIRMAN GREENE: Anybody have any discussion? Okay, Dr. Lasseter.
DR. LASSETER: Okay. Action 3 was the end of the previous Section A. The remainder of the document, the actions would apply to any of the programs that you could select in Action 1. If one of the alternatives could not be selected, if the action would not apply, there will be a note or some text that speaks to that, but we have basically combined those sections into a single section.

Actions 4 and 5, we’ll kind of talk about together. Action 4 addresses the transferability of shares, and Action 5 addresses the maintenance of shares, who gets to keep shares, and so, of course, since these both address shares, these would only be applicable for a share-based program and not an allocation-only based program, and we will start with the alternatives in Action 4, the ability to transfer the shares.

Alternative 1, no action, would be not to allow shares to be transferable. Alternative 2 proposes to require an account holder must have an associated charter/headboat permit for reef fish and an endorsement, if it is selected in Action 2, in order to receive transferred shares, and this is a requirement in Magnuson that these shares, these permits, can only be transferred to U.S. citizens or permanent resident aliens. Alternative 3 would allow shares to be transferred to anyone who would qualify under Magnuson, being a U.S. citizen or legal resident alien.

Let me move on to Action 5 and just the alternatives, and then we will turn it over for the AP comments. Action 5, there is no action for maintenance of shares, such that shares could be held by any U.S. citizen or permanent resident alien or Alternative 2, similar to the Alternative 2 in the last action, would be to require that charter/headboat permit for reef fish and the endorsement, if established, to maintain, to be able to retain shares. Again, shares can only be held by U.S. citizens or legal resident aliens.

If a participant transfers their permit endorsement or the permit endorsement expires, and therefore they don’t qualify for the beginning part of this alternative, the owner must divest of their shares.

Currently, this document does not include an action that addresses divestment of shares, but, as this document would be developed, that would eventually be an action that would be added on, and so I’m going to turn this over to Dr. Freeman to provide the AP comments for Actions 4 and 5.
DR. FREEMAN: As Dr. Lasseter mentioned, Action 4 addresses the transferability of shares, and Action 5 addresses the maintenance of shares. As currently written, these actions would apply to an IFQ program.

Several AP members expressed support for shares remaining with a permit, but felt that shares needed to be transferable among permits so that other permit holders who needed additional shares could have the opportunity to obtain them. Following that discussion, they passed two motions.

The first was to expand Action 4 to include transferability of PFQ shares between permits, and that motion carried six to four with three abstentions. An additional motion was to expand Action 5 to include maintenance of PFQ shares between permits, and that motion carried ten to zero with two abstentions. I will pause there to see if there is any questions.

CHAIRMAN GREENE: Thank you, Dr. Freeman. Any questions or comments?

DR. FREEMAN: Following that, regarding the maintenance of shares, the AP discussed the need to ensure that only operators actively providing access to the resource for the public would be able to retain shares. Following that, they passed a motion that the council explore a use-it-or-lose-it requirement to maintain shares over a to-be-determined time period with an appeals process. That motion carried twelve to zero with one abstention.

Part of the maintenance of shares and that discussion, the AP recognized that redistribution of divested shares would need to be examined, and so they passed the following motion to explore establishment of a process of redistribution of divested shares by the agency with three options. The first was equal distribution across permits. Two was proportional distribution to the permits according to the initial allocation formula, and a third was additional formulas that staff would recommend, and that motion carried twelve to zero with one abstention.

CHAIRMAN GREENE: Thank you. Is there discussion? Seeing none, continue on, please.

DR. LASSETER: Okay. We have really, the last few meetings, spent almost all of the time in discussion on the Actions 1 through 3. We have not really discussed much this Action 4 through the end of the document. In merging these Sections B,
C, and D together, various issues have come up that we’re still
working out to resolve possible alternatives.

The way they were set up and the way that staff has understood
an IFQ versus the PFQ, that is why Action 4 was set up as
applying only to an IFQ program and not a PFQ program. As you
work through all these different actions, what you select in one
action and another action could result in a very similar type of
program.

When we brought you the recommendations from the AP at a
previous meeting, where they were recommending this permit
fishing allocation program, staff saw that as nearly identical
to a harvest tag program, that they would essentially operate in
the same way, and that they would use annual allocation only,
and, yet, there was a distinction definitely for the Charter AP
between these.

In this action, I think this kind of calls attention to a very
similar feature, in that the distinction for staff between an
IFQ and a PFQ program is that IFQ shares could potentially be
transferable. They are assigned to an individual, and they may
or may not be required to hold a permit.

In a PFQ program, if the shares are allowed to be transferred
away from the permit, staff is not entirely sure how that would
be different from an IFQ, and so I kind of wanted to call
attention to that, that it seems that you could select different
alternatives in different places and end up with essentially a
very similar type of program. I wanted to highlight that with
the shares in Actions 4 and 5. If there is no further
discussion, we will go on through the remaining actions in the
amendment.

Action 6 begins on page 40, and it addresses the transferability
of annual allocation, and so, of course, this action would apply
to any of the programs that would be selected, and so our
Alternative 1 is always our no action. Here, we would not allow
the transferred allocation among participants. Alternative 2
states that an account must have a charter/headboat permit for
reef fish and an endorsement, again if established in that
Action 2, in order to receive transferred allocation. Annual
allocation can only be transferred to United States citizens or
permanent resident aliens.

Alternative 3, there would be no restrictions on the transfer of
allocation or harvest tags, if harvest tags are going to be
separate from the distribution of the annual allocation. This
annual allocation, again, could only be transferred to U.S. citizens and permanent resident aliens.

Finally, Alternative 4, the annual allocation could be transferred, but only by surrendering it to a NMFS allocation bank, from which other program participants could obtain the allocation by, and we’ve provided two options here, either lottery or auction. If there aren’t any questions, I will move on to Action 7, which begins on page 42.

Action 7 addresses share caps, and this is a requirement of the Magnuson-Stevens program under a LAPP. Alternative 1 would not be a feasible alternative, as no action, because it would not set a share cap. It’s do not cap the amount of shares that one participant can hold.

Alternative 2 is no participant may hold shares equaling more than the maximum amount of shares issued during initial apportionment for a participant, as defined in however the distribution is selected in Action 3. This is how the share cap was established in the commercial IFQ programs. It was based on the person that received the largest amount of shares. They essentially the cap, and were thus constrained and could not obtain additional shares.

Alternative 3 remains open. No participant shall hold shares which comprise more than some percentage of the total charter vessel quota, and so we could look for feedback as to how the council would like to be addressed, or, eventually, staff will work up some alternatives for discussion, but basically the concept there is to put some amount as a cap for that alternative.

I want to clarify how I just described the requirement for share caps. It’s that the Magnuson-Stevens Act requires that LAPPs include provisions to prevent privilege holders from acquiring an excessive share of the total limited access privileges in the program, and so we interpreted that as a share cap. If there is no comments or discussion on Action 7 --

CHAIRMAN GREENE: Hold on one moment, please. Mr. Boyd.

MR. BOYD: Ava, I’ve got a question on that. Was there any discussion at the AP level that you heard or has staff had discussion about a person having, and I will use an example of a shell corporation or a shell partnership under another name, acquiring additional quota and thereby avoiding the ca?
DR. LASSETER: I’m sorry, but could you repeat that one more time? I didn’t quite catch the --

MR. BOYD: Did the AP or has staff had any discussion about any creative ways, if you want to call it that, to get around the share cap by creating a shell corporation or creating another name partnership or selling them to your dog?

DR. LASSETER: Okay. I think I understand. I think what you’re speaking to is the idea of related accounts and that under, for example, the commercial IFQ programs, because there is not the requirement that a shareholder also possess a commercial reef fish permit, that means that that allows public participation. It allows accounts to be held by anybody, anybody that’s a resident alien or U.S. citizen.

The share cap is also set based on an entity, and an entity is defined as a person. Yes, if a couple, a married couple, they are two separate entities. Technically, they could each possess shares that could total up to the share cap.

Now, if, and this is the AP’s preference, their recommendation, is to require that a shareholder -- They are preferring the PFQ program, I believe, but to require a shareholder to be associated with a permit. Because there is a finite number of permits under the moratorium, that would not be as possible. That would not be possible, and I’m going to just look at NMFS and make sure that I’m correct. Mara may be correcting me.

CHAIRMAN GREENE: Ms. Levy.

MS. LEVY: Well, not to correct you, but when people form corporations and hold their shares or permits or whatever in a corporation, NMFS is tracking the underlying ownership in that corporation, and so, if the corporation has four shareholders, they have to disclose that information, and then each of those are assigned a quarter of whatever that share is for the cap.

They’re tracking it by individual, and, if you have five corporations, then each one of those you’re going to own a percentage of the shares given to that corporation, and you as an individual cannot exceed the cap. Does that make sense?

CHAIRMAN GREENE: Thank you. Any further discussion? All right. Dr. Lasseter.

DR. LASSETER: Thank you, Mr. Chairman. Then we can move on to Action 8, and so just how in Action 7 there was the cap on
shares, here it’s proposing a cap on usage or a cap on allocation, how much of the allocation could be used, and there are sub-actions provided here for applying to IFQs and PFQs, the allocation resulting from that, or the Action 2.8.2 would be specific to the harvest tag program.

These actions are still under development, because we have just combined them in this version, and so, in 2.8.1, which begins on page 45, it addresses IFQs and PFQs. Alternative 1, no action, would not establish a limit on usage of allocation.

Alternative 2 would limit the allocation usage to some percent, to be defined, above the allocation equal to the share cap. This cap could be set either by the vessel, and so according to the permit, or per account, and so each unique permit holder. Alternative 3 would limit the allocation usage to the allocation equal to the share cap, equivalent to the share cap, and the same options are provided there, either per vessel or per account.

Similarly, for harvest tags, Action 2.8.2, on page 47, again, our Alternative 1 would not set a cap on the amount of harvest tags that a participant could hold. Alternative 2 is no participant may hold more harvest tags than represented by some to be defined proportion of the total charter vessel quota at any point in time. Alternative 3 is going to differ in that part. No participant may hold and/or use more than some proportion of the total charter vessel quota cumulatively throughout a calendar year, and so the distinction there is Alternative 2 is any point in time and Alternative 3 is cumulatively throughout a calendar year, and we still need to develop what the proportions should be.

Alternative 4 is no participant may hold harvest tags equaling more than the maximum number of tags issued to any one participant during the quota apportionment, and so, again, this is similar to the idea of share caps under the IFQ program of setting it at the maximum amount that is initially distributed, but, of course, the harvest tags, we’re talking about annual allocation only here, and there are not shares. This is not a share-based program. Are there any questions or discussion?

Okay.

I just will point out then that we’ve had this final section in the versions which include brief discussions of a lot of the other issues that would need to be potentially actions in the document. In Amendment 42, for example, you have, I believe, fifteen actions or so, and we would need to develop additional
actions for this program as it develops, and so that’s really an
overview of the actions. If there is no further discussion
right now on the amendment, we do have a few additional
recommendations from the Charter AP. Shall we go ahead and have
Dr. Freeman present those?

CHAIRMAN GREENE: Thank you. Is there discussion? Dr. Freeman.

DR. FREEMAN: Thank you. Following the discussion of shares,
the AP began to discuss Amendment 41 in relation to Amendment
42. One of the concerns that was raised was the potential for
headboat operators to opt out of Amendment 42 and be classified
as a charter vessel under Amendment 41 to receive allocation.

Following discussion around that, the AP passed a motion that
the council prohibit, as they develop future amendments, vessels
that participated in the headboat fishery or receive shares
under Amendment 42 from participating in the charter/for-hire
sector under Amendment 41 by having a permit from each program
on the same vessel. That motion carried eleven to zero with one
abstention.

Following that motion, the AP discussed the time series to use
for allocating the for-hire component’s quota between
participants of Amendments 41 and 42, and they made a motion
that Action 5, Alternative 5, of Amendment 42 be the preferred
alternative, the same allocation used in Amendment 40, and that
motion carried twelve to zero with one abstention. That
concludes the report.

CHAIRMAN GREENE: Thank you. Is there discussion? Okay. That
concludes your report, Dr. Lasseter?

DR. LASSETER: Okay. I will just add a little bit. I believe
you received the AP’s recommendations yesterday on the Generic
Charter Reporting Amendment. At the very, very end of the
meeting, as it was beginning to break up, there was a consensus
statement by the AP that they requested to meet again following
the October council meeting at its earliest convenience, and
then we did adjourn.

I did want to request if there is any more feedback on what we
should do next, how staff should advance this document. What I
have now is to add a new sub-action addressing this issue with
Mississippi and Alabama being combined into a region. I believe
we’re going to have some work done on the decision tool, and the
AP did provide eighteen motions, recommendations through
motions, on the amendment.
Is there any further guidance you could provide us, anything additional you would like us to work on or add or remove for any of these actions and alternatives?

CHAIRMAN GREENE: Thank you. Is there committee discussion? I don’t see any. Dr. Lasseter, do you have anything else?

DR. LASSETER: No, and I guess we’re done with Amendment 41. Thank you.

CHAIRMAN GREENE: Dr. Dana.

DR. DANA: It may not even be a relevant question, but if -- Looking at, and I can’t even remember the action, but if in 41 the total allocation for the for-hire charters and the headboats is considered when they’re -- If we put them together in one group, how then can 42 move ahead? Wouldn’t 41 and 42, the amendments, have to work in concert with each other if we were to consider the allocation as one? Does that even make sense to anyone?

CHAIRMAN GREENE: Mr. Riechers.

MR. RIECHERS: Pam, I certainly can’t speak to the deliberations that they had, but I think, at least as I understood the suggestion, was you would be rolling in the partyboats or the headboats into this as an alternative, and so, therefore, the thing that makes it different for them would be the passenger capacity, and so that’s what I thought they were suggesting that we do. I may have that completely wrong, but --

DR. DANA: I think in Action 3, Alternative 3, and I don’t have it right in front of me, but I think that was the one, Action 3, Alternative 3, with the decision tool, and it was to look at the allocation and not sub-allocations, but have an allocation for the headboat and the charter/for-hire, rather than automatically giving 37 percent to the seventy-one vessels in the headboat and then the 62 percent to the 1,200 remaining.

Now, if that did go forward on Action 3, Alternative 3, if you looked at the entire allocation and put the two sub-sectors together, does that affect Amendment 42 from moving quicker, because we would be giving out allocations or --

CHAIRMAN GREENE: Mr. Riechers.

MR. RIECHERS: I can only give you my opinion on that. Based on
what you just just said though, then I think you would be subsuming 42 into 41, but not really using those past catch share histories, but using their passenger capacity to differentiate them in this group, is what I have heard, based on this conversation and what I heard when they said they wanted to at least look at that.

CHAIRMAN GREENE: Thank you. Dr. Lasseter.

DR. LASSETER: Yes, and I concur with Mr. Riechers that they weren’t requesting it into the amendment. They wanted to look at it. It would be a council decision whether or not to do anything as far as the amendments, but they did just want to look at it mathematically, and my sense was to kind of compare how much of the quota -- How much quota would they be getting if they were all together versus the approximate percentage that we’re hearing that might go off of red snapper in 42, which I also don’t believe that there is a preferred alternative on that. I think that there’s a range of alternatives in Amendment 42, but I’m not sure that anything has been selected yet.

CHAIRMAN GREENE: Okay. Thank you. Is there further discussion? Seeing no further discussion, I guess that will complete our work on Amendment 41 this afternoon. We are about an hour-and-fifteen minutes ahead of schedule, and so we’re going to take about a fifteen-minute break. When we come back, we’re going to pick up Draft Amendment 36A and finish it today, hopefully, as well.

(Whereupon, a brief recess was taken.)

CHAIRMAN GREENE: We are going to go ahead and pick up, and so if you will carry conversations outside. Here we are, and we’re going to get going with Amendment 36. Dr. Lasseter, if you’re ready, please go ahead.

DRAFT AMENDMENT 36A - MODIFICATIONS TO COMMERCIAL IFQ PROGRAMS

REVIEW OF DRAFT AMENDMENT

DR. LASSETER: Thank you, Mr. Chairman. Amendment 36A is modifications to the commercial IFQ programs, Tab B, Number 11. We are going to review the actions in the amendment. At the last meeting, you added a new action, which will be Action 4, and so we will present that to you.

The Reef Fish AP has commented and has provided recommendations on the actions, and the Law Enforcement Committee also has reviewed and commented, and so we will introduce the
alternatives of each action and then provide the AP and Law Enforcement recommendations and then allow for discussion.

Action 1 begins on page 14 of the document, and Action 1 addresses the commercial-permitted reef fish vessel hail-in requirement, and the alternatives are proposing to expand the requirement. Currently, Alternative 1 is that the owner or operator of a vessel that is going to land IFQ species is responsible for providing a notification to NMFS at least three hours, but no more than twenty-four hours, in advance of landing to be in compliance with the regulations.

Currently, this only applies to reef fish vessels landing IFQ species. Alternative 2 and 3 propose to expand this to other species that were going to be landed besides IFQ species. Both alternatives apply only to vessels with a reef fish permit, but many vessels with a reef fish permit also have a permit for another fishery, or perhaps they catch state-managed species.

Alternative 2 proposes to require these vessels with a commercial reef fish permit, for the owner or operator who is going to land any other reef fish, any commercially-caught reef fish, to hail-in. It’s not just IFQ species, but it’s any of the species that are included in the Reef Fish Management Unit. The same timeframe would be required for the notification, and the landing notification would include the date, time, location of landing, and vessel identification number.

Alternative 3 expands it further, such that any of these reef-fish-permitted vessels landing any commercially-caught federally-managed species from the Gulf must provide the hail-in requirement, and with the same elements of the hail-in.

Before we turn to the recommendations, I wanted to point out some of the data that we have addressing each of these alternatives, so you can see the number of additional vessels or trips to which this would apply. If we look at Table 2.1.1, and this was provided in the last version of the document, and so you’ve seen this table before. It’s on the top of page 17.

In 2015, there were a total of 868 reef fish permits. In that year, 533 of those permitted vessels made some reef fish landings, including IFQ species, but it could be additional other reef fish species landings as well. 335 of those permits, no landings were made on 335 permits in the year 2015.

The bottom part of the table looks at permits that are associated with IFQ accounts, and there are 763 of these permits
associated with an active IFQ account. In the year 2015, 485 vessels made IFQ landings, and so, if we compare the two, 485 vessels, permitted vessels, in 2015 would fall under the Alternative 1 right now that is currently -- Those vessels are already required to hail-in, because they’re about to land IFQ species.

For the year in 2015, it would have been a total of 533 vessels that would have been required to hail-in, because they made landings that did not have IFQ species, but they made landings with other reef fish species, and so this speaks to the number of vessels.

If we look to the bottom of that page, page 17, Table 2.1.2, this provides the number of trips, and so we’re at the trip level and not the vessel level. This is the number of trips taken, comparing whether they harvested IFQ species or any reef fish, and you have the years 2007 to 2015, and so you can see, in the first column, the number of trips with any reef fish and the number of trips with IFQ species out of those.

Then the third column shows you that basically we’re looking at 88 to 90 percent, on average, roughly, of all trips that are landing any reef fish species are landing IFQ species, and so the majority of active commercial reef fish vessels are already hailing-in, because the majority are landing IFQ species.

The last two columns provide the number of trips without any IFQ species by year and then averaging it out by month, just to kind of give law enforcement an idea of the additional number of trips that would potentially be hailing in under Alternative 2.

Alternative 3 would apply, again, to just these reef-fish-permitted vessels, but landing any commercially-caught fish, even if it’s not reef fish, and so Table 2.1.3 on page 18 shows you, for vessels that have that reef fish permit, other permits that are also held on that same vessel. Now, these are not mutually exclusive, and so a vessel with a reef fish permit may have a king mackerel permit and also one of these other permits or two or three of these other permits. You can have multiple permits.

Then, if we look at the following page, page 19, let’s look at the bottom table, Table 2.1.5. This is the number of trips taken that harvested Gulf commercial species or only reef fish species, and so this is providing the additional vessels, the additional number of trips, between Alternative 2 and 3.
If you expand it beyond just reef fish landings, to be any commercially-caught vessel by these vessels with a reef fish permit, for the two years provided, you are looking, in 2014, at an additional 280 trips. In 2015, it’s 269 additional trips, for a monthly average of about twenty-two trips a month.

Let’s take a look at the alternatives, again. Alternative 1, again, is our status quo. Only vessels landing IFQ species must hail-in. Alternative 2 would be those reef fish vessels landing any reef fish species in the management unit, and Alternative 3 is expanding it to any commercially-caught federally-managed species. I am going to turn it over to Dr. Simmons to provide us the Reef Fish AP recommendations.

CHAIRMAN GREENE: Dr. Simmons.

DR. SIMMONS: Thank you, Mr. Chair. On the Reef Fish AP Report, I am on page 3 of the report. AP members supported the requirement for all reef-fish-permitted vessels to hail-in. They thought, based on the current preferred alternatives that are in the for-hire reporting amendment, that the council seems to be moving towards a mandatory hail-in requirement for for-hire vessels, and, thus, the same rule should apply to the commercial vessels as well. By a vote of thirteen to zero with two abstentions, the AP recommends, in Action 1, that Alternative 3 be its preferred alternative.

CHAIRMAN GREENE: Okay. Thank you. Is there discussion? Just remind me on this document. Do we need to pick preferreds and move forward? Is that correct?

DR. LASSETER: Actually, at this time, I was going to discuss the timeline, once we go through the actions, but I believe we have discussed -- At the last meeting, we were planning to bring a public hearing draft to you in January. At that time, we will have additional analysis, at which time you could select preferreds.

At this meeting also, if appropriate, if you would like to go and select public hearing locations, we could begin planning for that as well. At this time, we’re just providing you the information and comments from the Reef Fish AP. I’m going to provide the Law Enforcement comments now, and, if there’s any discussion, if you have any revision to the alternatives, additions or subtractions or comments, we would appreciate those.

**MS. GUYAS:** I have a question about Alternative 3 in this table that has all the different federal permits out there across the Gulf and South Atlantic and all over the place, and so is this saying that -- Like, for example, the South Atlantic black sea bass endorsement is on this list. Is this saying that if you have a black sea bass endorsement and you’re bringing in black sea bass, which is not federally-managed in the Gulf, that they’re still reporting that under Alternative 3 or they’re having to hail-in?

**DR. LASSETER:** Actually, the Alternative 3 will -- We will extend the underlining a little further, but it does speak to federally-managed species from the Gulf, and so it would be only applying to species, to fisheries, that are caught within just your jurisdiction.

**MS. GUYAS:** But what if it’s a federally-managed species, but it’s not a Gulf federally-managed species? Do you see what I am saying?

**DR. LASSETER:** Yes, and that’s why the alternative says federally-managed species from the Gulf.

**CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr. Lasseter.

**DR. LASSETER:** Thank you, Mr. Chairman. The Law Enforcement Committee has previously reviewed this action, and they did not support the hail-in requirement, and they still expressed some concerns, and so I wanted to share with you some of these concerns.

It seems that, for law enforcement to observe landings, if an officer wants to go and patrol a particular area, they enter -- They request the hail-in notifications. That officer receives them as emails, as separate emails for each one of these hail-in notifications and, across all of the state law enforcement officers that were there, they all found the abundance of emails was very difficult to weed through and to identify hail-ins that are in the area that they’re currently in and are thus able to patrol and go observe landings.

They initially provided a recommendation. They requested that NMFS narrow the size of these regions for which officers receive hail-in notifications, so that officers receive fewer emails and can more easily identify the landings that will occur in the area they are patrolling.
Alternately, the committee suggested that all notifications go to a database that they may search rather than receiving an abundance of emails, and this was a theme through much of the discussion of this document, was, while they appreciated additional information, it, at times, is overwhelming and it’s difficult for them to identify the relevant information.

We did provide -- Both NOAA OLE and myself explained that expanding this hail-in requirement would provide them with more information, but not necessarily information that they needed to act on, and so this was another concern that the committee expressed, was would they be -- If the hail-in requirement was expanded to be more trips, would the officers also be expected to increase the number of landings that they go and observe?

They were informed by NOAA OLE that this was just information that would be available to them, so if they did have some information that there were some trips or vessels that they needed to investigate that this information would be available for them for those vessels that may not be landing IFQ species, which this did come from an original law enforcement concern.

Through that discussion, the committee did then support the idea of, okay, expand the hail-in requirement, but just please don’t bombard us with emails. By consensus, the committee recommended, in Action 1, Alternative 2 or Alternative 3. They didn’t see that there was much difference between the alternatives in the additional number of trips per month, and so they did note the small difference in the number of trips.

They did have an additional recommendation that perhaps this requirement be initially expanded to just all reef fish landings, Alternative 2, and, if that goes well, later expand it to include the landings of any federally-managed species, as under Alternative 3.

Out of concern with receiving this additional information, the committee did inquire if additional funds could be made available to them so that they could also increase the number of vessel landings that they were able to observe. I will pause there for a moment and see if there is any discussion or questions on Action 1.

CHAIRMAN GREENE: Is there discussion? Lieutenant Commander Danaher.

LCDR DANAHER: Thank you, Mr. Chair. Just something to mention
here with regards to the law enforcement aspect is the Coast Guard, when it comes to landings, is kind of out of the picture. We really don’t have any authority to start doing inspections at the dock for landings, and so your pool of law enforcement officers that can perform these roles shrinks pretty substantially, and that’s not my decision. That’s just the way the Service operates.

The only thing I can really do at the dock is inspect the TED, and then the marine safety guys can come down and do the safety inspections, but I just wanted to make that point clear with regards to some of the overwhelming hail-in inspections that they’re receiving.

CHAIRMAN GREENE: Thank you. Mr. Walker.

MR. WALKER: I was just going to add that the industry supports this action. Alternative 3 is what I’m hearing from the AP, and the industry as well. There’s a lot of people that come in at night unloading fish, and I just think it would be a good tool. If someone was suspect, it could be a valuable tool that would help enforcement.

If they’re bombarded with emails, I’m sure there’s a way, like a database that they were talking about. There may be someone suspect out there that something could come up and try to catch somebody that’s doing something wrong, and I think it just closes the loopholes, and the industry believes that as well.

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: Just with respect to the committee suggesting that the notifications of stuff goes into a database, it’s my understanding that it does go into a database and there is a database, but people have preferred emails, and so I think we could do that.

Generally, what I have heard from our people is more support for Alternative 2, to expand this to all reef fish, and see how that goes and work through that, and then we could come back in and look at expanding it further, but I think there is some concern with overloading things.

CHAIRMAN GREENE: Thank you. Is there further discussion by the committee? Mr. Swindell.

MR. SWINDELL: With that, from listening to the enforcement report that was given earlier, the database is necessary, but
shouldn’t it be regional of some sort? You don’t want the agent to have to go through a whole Gulf-wide database to find something that fits his area where he is at. It needs, to me, to be some sort of regional database that he can go to, and I don’t know how to get that done, but I am just suggesting it.

The other thing was, as I remember, they wanted to know definitely a time before landing that they said that they need to inspect before the boat hits the dock, because, otherwise, they’re not counting on the fact that the boat won’t hit the dock and some of the fish taken off and going elsewhere, and, if you want to really inspect the vessel, you need to get it before it hits the dock, I believe, and that’s possible, or, as it’s coming in, they could watch it and do it.

There has been a lot of concern expressed, at times, from different fishermen that they don’t want to have to be waiting at the dock for the agent to come inspect, and I have thought all along that you can’t do that. To me, they make the announcement, and if there is nobody there when they are offloading, so what? The agent had the opportunity to inspect them before they hit the dock. Thank you.


MS. GUYAS: It seems to me, no matter which alternative we choose here, if we’re going to move forward with one of these that we need to deal with the landings locations too, because, if you do this and you don’t update the landings locations, then we haven’t really gained anything, and the officers can’t necessarily get to where these people are landing to make inspections, and so I don’t know, if we add something into this action or that’s a separate action or if it’s just discussion, but it seems like it needs to be addressed somehow.

CHAIRMAN GREENE: Dr. Lasseter, is the landings locations going to be handled in another action, or can it be simply added here?

DR. LASSETER: That is definitely something that is addressed in the document, but it has not been decided, and so that is something for the council to discuss. If you want it to be a decision point, in terms of an action, we could add it that way. Otherwise, what we have from law enforcement is that it would need to be at approved landing locations in order for it to be functional and practical.

There are some obstacles in the actual drop-down menus or whatever that I believe the people that work on the software are
aware of and are addressing, but let me turn this over to NMFS to make sure that I am speaking correctly and that this is how they envision doing it, or if this should be a decision point.

CHAIRMAN GREENE: Thank you.

MS. GERHART: Jessica will come here and talk about that from the IFQ standpoint, but we have talked a little about this with our local law enforcement guys and gotten their input on this idea as well.

DR. STEPHEN: Just a little clarification of how everything works. All the preapproved landing sites are put into the IFQ website, and that is currently how officers get emails to them. They can choose to opt in or out to getting the emails, and emails are set up by specific region, set up by the law enforcement group, and so we can work with them, if they think their regions are too large, to start narrowing it down. Typically, it’s the same region as that officer has the ability to enforce, and so we keep it to their enforcement region they’re assigned to.

With respect to the preapproved landing locations, we are working with the VMS vendors to modify the way the VMS system works, and so the commercial guys are probably well aware that you ask for a preapproved location and it gets approved and it doesn’t show up in your VMS list. What it does is it shows up on the IFQ website or the call service, and we have a lot of trouble getting the VMS vendors, because we have to have individual contracts with each vendor in order to update that.

What we’re working with is to switch that to a numeric system, and so a numeric system for every vendor. Instead of a drop-down list or whatever different method each vendor uses, you will type in a five or six-digit number, however many we get up to of landing locations, and that would automatically then be updated. It will hit our database and say, yes, it’s valid on the list, and you will be considered good.

With that methodology, we can incorporate adding a bunch more landing locations that would need to be preapproved for this to that system without having that impact on VMS that it isn’t available to them at that point in time.

CHAIRMAN GREENE: Okay. To make sure I understand, to land a fish now, you have to have a preapproved landing location. If we increase it to include all reef fish, then that requirement for a preapproved landing location is still relevant, correct?
DR. STEPHEN: Yes, and, our local agents at NMFS, we talked to them about it, and they said that if you don’t have it preapproved that they don’t know whether they can actually publicly access it, and so the rules for the preapproved location is that it has to be publicly accessible by land and by sea, no chains and no dogs, and it has to be in an area that they consider safe to go to. All of those conditions would need to apply.

CHAIRMAN GREENE: If we expand the current situation that we have now, which is specific to IFQ programs, and we expand it to all reef fish, the requirement that you have to have a preapproved landing location is already in effect, and it will continue on, or do we need to have another action because we are increasing the number of participants?

DR. STEPHEN: The way I see it is, within this action, and I don’t know if we page to where the alternative was listed, but it said that what would be required in that hail-in requirement, and it listed a landing location.

If we say it’s preapproved in there, we have a methodology for everyone to submit theirs, and we probably have to do a little bit of public awareness to get enough people to submit it in advance of implementation, because we don’t want the fact that it’s not approved to delay their landings, and get law enforcement to do it, and they have, I believe, forty-five days after it’s submitted in order to approve or disapprove a location. I think, if we just make sure in the language here that we say it’s a preapproved location and we can detail in the regulations where they would go to submit that.

CHAIRMAN GREENE: I think I understand it that we’re not going to need another action to include new landing locations, because it’s already been taken care of, and so I think that clarifies where I was hung up on it. Dr. Simmons.

DR. SIMMONS: Thank you, Mr. Chairman. I think Martin Fisher is on the webinar again, and he wanted to add something about this action, if that’s okay.

CHAIRMAN GREENE: Absolutely. Please go ahead, Martin.

MR. FISHER: Thank you, sir. One thing that I think the council needs to consider is that, currently, the IFQ program provides a 3 percent cost recovery fee, in part to pay for enforcement of the program, and these new vessels that aren’t landing IFQ fish
would not be paying that premium or that cost recovery fee, and so it’s going to put a burden, financially, on the system that already exists, and I just wanted to point that out.

CHAIRMAN GREENE: Okay. Thank you, sir. Are there further comments? Mr. Boyd.

MR. BOYD: I want to go back a second, Johnny, to what you were asking. We had discussion at the LEAP meeting last week, and my understanding was that people who are landing, commercial who are landing, non-IFQ species can land in their backyard, if they want to, if they have a dock back there, and the law enforcement representatives just said, please, don’t make us have to try to find somebody’s backyard, and we’re not going to go do that. We would like to have those people have to land at an approved landing site, and so I’m not sure if you got the right answer to your question a while ago, if I understood the question that they were asking and what they were requiring, or what they would like to require.

CHAIRMAN GREENE: Okay. Thank you. My thing is that, if we’re going to have approved landing locations and we’re going to increase the number of vessels that are landing, are they going to apply for new landing locations, et cetera? I just want to make sure, because, if this needs to be a new action and we need to insert it here, we can do so.

I was thinking that it may already be required, but it may not be, because it’s not an IFQ, and so I’m trying to spit it out. I really am, but maybe I’m not doing a good way of conveying it, but, Dr. Stephen, did you want to --

DR. STEPHEN: Let me try and clarify this a little bit. They would need to ask for a location they want to land at to be preapproved. I don’t think it necessarily needs to be an action, and I will defer to the other IPT members and leads on that, but they would still have to apply for -- It would have to be approved before they could land at it, and so I would assume there is going to be an uptick at that point in time, like when grouper/tilefish came on. We had a bunch more that had to be approved, and then we’ll slow down to the amount we have kind of per month, per region, currently.

CHAIRMAN GREENE: Ms. Bosarge.

MS. BOSARGE: Okay. I think I understand. Essentially, the way that it will be written is that you will have to land at a preapproved landing spot. Then the natural progression from
that will be landing, there is going to be some new preapproved landing spots that are going to go through your system to apply and be checked out and be blessed, and so there will be a wider universe, a broader universe, of preapproved landing sites at that point.

DR. STEPHEN: That’s correct. In the IFQ website portion, where you apply for a landing site, you do not have to be an account holder to do it. Anyone can go there and ask for one.

CHAIRMAN GREENE: Thank you. Ms. Guyas.

MS. GUYAS: I think we’re all kind of saying the same thing. I was just going to say, Ava, do you need direction or a motion to I guess modify the wording in the alternatives to reflect that this would be landing at a preapproved site or you have the gist of it?

DR. LASSETER: I have the gist, but I think a motion would be useful, just to make sure it’s perfectly clear that that is your recommendation.

CHAIRMAN GREENE: Thank you. Ms. Guyas, go ahead.

MS. GUYAS: I will make a motion in Action 1 to modify the alternatives to reflect that landing shall occur at a preapproved site.

CHAIRMAN GREENE: Okay. Thank you. We have a motion on the board. Is there a second for this motion? It’s seconded by Mr. Walker. I think the motion is correct, and I think it does what we want it to do. It’s getting late in the day, and I want to make sure we don’t have to go back and do this later. Is there any further discussion about this? Mr. Swindell.

MR. SWINDELL: What does it take to get to be a preapproved site?

CHAIRMAN GREENE: I don’t know, but I am sure that somebody, like Dr. Stephen, can tell us.

DR. STEPHEN: It’s pretty easy. There is probably some more specifics, but, generically, it has to be publicly accessible, and so the officer has to be able to get to it. Now, there are some houses that they have approved, because there are no chains or no dogs or hazard to the officer or any impediment of them getting to it at any point in time.
Those are their main criteria, and the officers have the discretion to preapprove or to not approve the location. There is more information under IFQ in the frequently asked questions about the preapproved locations.

**MR. SWINDELL:** So the preapproval comes from the enforcement agency?

**DR. STEPHEN:** Correct, and the NMFS agents also have that worked out with the joint enforcement agents, and so it’s a joint task of whoever is in the region to approved.

**CHAIRMAN GREENE:** Thank you. Is there further discussion? We have a motion on the floor. **Is there any opposition to the motion?** Seeing no opposition, the motion carries. Dr. Lasseter.

**DR. LASSETER:** Thank you, Mr. Chairman. If there is no further discussion, we can move on to Action 2, which begins on page 21. Action 2 addresses the inactivated IFQ shareholder accounts, and this action has two sub-actions. The first one addresses which shares to return to NMFS and when, and the second sub-action addresses the method of redistributing those shares, how they would be redistributed, and so we’ll start with Action 2.1, returning inactivated IFQ shares to NMFS.

Alternative 1, taking no action, would allow those shares in accounts that have never been activated to remain there unused, and, over time, other commercial fishermen have identified and located the individuals holding these accounts that have never been activated and have acquired some of those shares, and so the amount of shares held in these accounts has continued to decrease, and it’s likely that that would continue to do so at some point.

Alternative 2 addresses the shares from the red snapper IFQ program, and, again, in accounts that have never been activated in the current system. This alternative would have those shares in the red snapper IFQ program returned to NMFS on, Option 2a, on the effective date of the final rule implementing this amendment, or, Option 2b, one year following the effective date of the final rule implementing this amendment.

Alternative 3 is similar, and it just applies to the grouper/tilefish IFQ program, with the same options. Those shares in the inactivated accounts would be returned at the time this amendment is implemented or, Option b, allowing one year
following the date of implementation.

A little more context there is, again, the red snapper program began in 2007. The grouper/tilefish began in 2010, and so there is a three-year difference there, and I will add that there is a note there that you could select both Alternatives 2 and 3 as preferred and then just select different options as preferred for each. I think I will turn it over to Dr. Simmons now and we’ll hear from the AP’s comments.

**DR. SIMMONS:** Thank you. This is on the top of page 4. The AP supported the action to return the shares in the inactivated accounts to NMFS, but they noted the red snapper program has been in place a lot longer than the grouper/tilefish IFQ program, and so they were in support of providing the additional time for the shareholders of those inactivated accounts in the grouper/tilefish program to divest of their shares.

They passed the following motion. By a vote of twelve to zero with three abstentions, the AP recommends, in Action 2.1, Alternative 2, Option 2a, and Alternative 3, Option 3b, as its preferred alternatives. Alternative 2 is for the red snapper IFQ program and 2a is on the effective date of the final rule implementing this amendment. Then, for the grouper/tilefish program, Alternative 3, those accounts that had never been activated in the current system, return the shares to NMFS one year following the effective date of the final rule implementing this amendment. Thank you.

**CHAIRMAN GREENE:** Thank you. Is there committee discussion? Dr. Crabtree.

**DR. CRABTREE:** Carrie, is the idea of making it one year following the effective date somehow the hope that people will realize they have an account that’s inactive and they will activate it and do something. Is that the thought process?

**DR. SIMMONS:** I believe so, and, also, the fact that the red snapper program has been in existence longer than the grouper tilefish program, I believe.

**DR. CRABTREE:** I got that, but, you know, grouper/tilefish was 2010, right, and so that’s -- By the time this actually happens, it will be seven years. It seems, to me, that neither one of these is a new program, and my -- I hate to see us do it one way in one instance and a different way in the other.

That always leads to problem and questions and confusion, and I
suspect that, if these guys haven’t activated the account by now, they’re probably not going to activate them, and so I guess my preference would be to handle them both the same and have it, in both cases, that it happens on the effective date of the final rule. I just don’t see much gain from delaying it for a year and doing it differently in the two programs.

CHAIRMAN GREENE: Thank you. Is there further discussion? Seeing none, Dr. Lasseter.

DR. LASSETER: Thank you, Mr. Chairman. Let’s just take a look at the top of page 23. The Table 2.2.1 provides the number of accounts and the amount of shares in these inactivated accounts, and the final column is that equivalent pounds for the 2016 quota.

We have updated this equivalent pounds, the amount of shares and the equivalent pounds, as of September 26, and then I did just get an email with updates from as of October 13, and so the main difference is the amount of red snapper shares in inactivated accounts has decreased. As of October 13, the equivalent pounds for 2016 is 18,358 pounds, and so the amount of quota held in these accounts is continuing to decrease, even while we are working on this amendment. I just wanted to call attention to that table for you.

CHAIRMAN GREENE: Mr. Riechers.

MR. RIECHERS: I just want to make sure that I heard that right. The inactivated accounts, even though Dr. Crabtree is suggesting that, if they haven’t gotten them by now, they wouldn’t get them, you have been -- People have been tuning in and now trying to deal with their inactivated accounts.

CHAIRMAN GREENE: Dr. Lasseter.

DR. LASSETER: From what I understand from the fishermen, it’s actually commercial fishermen locating these people with the inactivated accounts, rather than the people with the inactivated accounts taking the initiative to do something about it.

MR. RIECHERS: Sure, and I guess my point is that, at least from my thoughts on this, it doesn’t matter how they’re being notified, whether they’re doing it or whether someone is finding them, but it just may speak to the notion of -- I agree with Roy in that, whatever we do, let’s handle them the same way, but it may speak to the notion of giving them a year from the time.
Either way, I am not too hung up on that, but that’s just -- I do agree that let’s do it the same way when we get to that point.

CHAIRMAN GREENE: Dr. Crabtree, did you have something?

DR. CRABTREE: No, but just that what I’ve heard too is that it is commercial fishermen who are looking for the owners of the inactivated accounts and essentially buying them out, and I don’t have any objection if you want to give them another year after the effective date of the rule. That’s fine, and I agree with Robin though that I would like to see us do it all the same.

As that happens, that means there is fewer and fewer pounds of fish we’re going to be distributing to folks, which kind of leads me to be inclined towards Alternative 2, to just divide it up equally and be done with it.

CHAIRMAN GREENE: Thank you. It must be a full moon. Dr. Crabtree and Mr. Riechers are agreeing. I was just trying to lighten the mood a little bit.

DR. CRABTREE: It is worrisome.

CHAIRMAN GREENE: Anyway, I’m just making sure you all are awake. Dr. Lasseter.

DR. LASSETER: Thank you, Mr. Chairman. Actually, Dr. Crabtree jumped ahead of me there. Action 2.2 addresses this method of redistributing shares from inactivated accounts, and he just pointed out that Alternative 2 would redistribute the shares from each share category equally among all shareholders of that share category.

To take a step back to the Alternative 1, the no action would not redistribute the shares that were returned to NMFS. Alternative 3 would redistribute the shares from each share category according to the proportion of shares held by shareholders of that share category at the time the shares are redistributed by NMFS. This alternative is similar to how, when allocation is distributed each year, it’s distributed according to the proportion of shares held by each shareholder.

Alternative 4 proposes to redistribute red snapper shares among grouper/tilefish shareholders in proportion to their shareholdings and, inversely, redistribute the grouper/tilefish shares among red snapper shareholders, in proportion to their...
shareholdings.

Finally, Alternative 5, you tweaked at the last meeting, and it is to redistribute the shares from each share category to the allocation-only account holders that have a commercial reef fish permit and made landings in 2016 for that share category, but are not related to other accounts with shares.

I will point out that we don’t have Law Enforcement Committee recommendations. They did not feel that this applied to them for Actions 2 or 3, but we do have Reef Fish AP comments, and so I’m going to turn it over to Dr. Simmons.

**DR. SIMMONS:** Thank you, Mr. Chairman. I think the AP made several motions regarding this action, and they noted this was a small amount of quota for each share category. They had some support for the use of quota banks, but, following a failed motion, a substitute motion passed recommending to redistribute the shares to the allocation-only account holders, and that was by a vote of nine to four and two abstentions. The AP recommends, in Action 2.2, that Alternative 3 be its preferred alternative.

**CHAIRMAN GREENE:** Dr. Crabtree.

**DR. CRABTREE:** I know, when we started talking about Alternative 4, the biggest concern was trying to address some of the red snapper discards occurring in the grouper fishery, and it almost seems to me now that there’s not enough quota to be redistributed to accomplish any of that. Is there any analysis anywhere, Ava, that indicates that would be a productive thing to look at?

**DR. LASSETER:** We have not quantified these alternatives. You can look at the number of accounts in each of these. We are talking about a total of 13,610 pounds across all the grouper/tilefish share categories, and, as of October 13, we’re looking at less than 19,000 pounds of red snapper, and so I’m not sure if just the scale of that maybe speaks to your question.

**DR. CRABTREE:** Yes, and so I think this was Roy Williams and my idea, and I think, at this point, it probably isn’t very productive, and so I guess I would make a motion that we move Action 2.2, Alternative 4, to Considered but Rejected.

**CHAIRMAN GREENE:** We have a motion to go on the board to move Alternative 4 to Considered but Rejected. While she’s getting
that on the board, do we have a second for this motion? It’s seconded by Mr. Riechers. Further discussion? Mr. Swindell.

MR. SWINDELL: I really don’t understand the reason to eliminate this. What are we trying to do by not redistributing the shares? To me, if we don’t -- We have set up a program here, and you have already gone through let’s say an OY situation of coming up with the number of shares to have out there for utilization of the fishery resource that’s available. To me, you ought to keep trying to do that without just holding the shares. To me, Alternative 1 shouldn’t even be in there, because that lowers your effort through Magnuson to get OY utilization of the resource.

You’re going to do the same thing in Alternative 4 if you eliminate it. You’re going to do the same thing. You have other things you can use, but I think you need to find some way to redistribute the shares.

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: I agree with you, Ed, that we want to redistribute the shares, but it’s just a matter of who gets the redistributed shares, and, in Alternative 4, the red snapper shares that are inactive would all go to grouper/tilefish holders and vice versa, and I just don’t think that’s, based on what I am seeing, the way we want to do it. I think we probably want to redistribute the red snapper shares to the red snapper holders and the grouper to the grouper guys.

MR. SWINDELL: I apologize for not fully reading the item, but I agree with you.

CHAIRMAN GREENE: Thank you. Is there further discussion? We have a motion on the floor. It’s been seconded. Is there any opposition to the motion on the floor before you? Seeing no opposition, the motion carries. Dr. Lasseter.

DR. LASSETER: Thank you, Mr. Chairman. If there is nothing further on Action 2, we will move into Action 3, which begins on page 27. Action 3 addresses retaining annual allocation before a quota reduction, and our Alternative 1, always our no-action alternative, would continue to distribute 100 percent of the red snapper and grouper/tilefish annual allocation to IFQ shareholders on January 1 of each year.

Alternative 2 would provide the Regional Administrator the authority to withhold the amount of red snapper or
grouper/tilefish annual allocation before distribution at the beginning of a year in which a commercial quota reduction is expected to occur.

Withheld red snapper or grouper/tilefish annual allocation will be distributed to shareholders if the effective date of the final rule implementing the quota reduction has not occurred by, and there is two options, either June 1 or August 1. Again, we don’t have any Law Enforcement comments, but I am going to turn this over to Dr. Simmons to provide the Reef Fish AP comments.

**DR. SIMMONS:** Thank you, Mr. Chair. The AP was not in favor of a midyear quota reduction. They stated there are problems with managing quota changes midyear, as the market is affected, and especially if changes occur later in the year. By a vote of thirteen to zero with two abstentions, the AP recommends, in Action 3, that Alternative 1 be its preferred alternative, and that’s the no-action alternative. Thank you.

**CHAIRMAN GREENE:** Dr. Crabtree.

**DR. CRABTREE:** Well, I mean, I understand where they’re coming from, but it’s not a midyear quota reduction. The quota reduction would occur at the beginning of the year, but it just avoids the problem of having to delay a needed reduction for a whole year, and I think it would be difficult to reduce the recreational side if we couldn’t reduce the commercial side. Then if we get into an overfishing or some kind of problem situation, where we know we need to reduce the catches, it just prevents us from getting that done, and so I still think this is something we need to do.

**CHAIRMAN GREENE:** Thank you. Is there further committee discussion? Mr. Matens.

**MR. MATENS:** Roy, I see where you’re coming from, and I probably agree with you, but I’m curious. Does the industry think there’s a difference, or do you think there’s a difference, between June 1 and August 1?

**CHAIRMAN GREENE:** Dr. Crabtree.

**DR. CRABTREE:** I will defer to David, but I know they want to -- If the quota reduction turns out not to be necessary, I know they would want to get the extra fish and have time to catch them and sell them and get a good price for it, and so I am sure they would prefer June 1, and I am fine, I think, with June 1.
CHAIRMAN GREENE: Mr. Walker.

MR. WALKER: Yes, and that’s the understanding from industry, everyone I’ve talked with. If you’ve got to go with Alternative 2, we need Option a. We need time for business plans and to plan our businesses. If they can get the recreational sector open, I’m sure they could get -- Like Roy said, they could probably get it to us by June 1. If we’re going to go with Alternative 2, it would certainly need to be Option a, would be preferred.

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: Just to point out that we have encountered this situation on a couple of occasions, and we had to go through an entire framework amendment, and that entails a lot of staff time and council time and everything else, and so it seems, to me, that we would want to avoid doing that.

CHAIRMAN GREENE: Thank you. Further discussion? Mr. Riechers.

MR. RIECHERS: So it’s a difference between five and seven months and some seasonality associated with fisheries here, and so one of the things maybe, as we get to review it the next time, could we at least get a frequency distribution of catch by month? It doesn’t have to be included in the document, but just have that available? I know we can find it in other documents, but that would be helpful as we look at those times.

CHAIRMAN GREENE: Thank you. Is there further discussion? Mr. Banks.

MR. BANKS: I agree with what Robin was getting at, and I was going to ask a question of David. Do you anticipate, if this situation occurred, that you would be sitting there with nothing to do for several months before June rolled around?

CHAIRMAN GREENE: Mr. Walker.

MR. WALKER: Everyone’s business plan, I guess, would be different, depending on how you fish. Some people fish hard during Lent, earlier in the year, and then people just make plans on what quota they’re going to have, and so some people fish hard in the summertime, when the restaurants and the tourism is heavy, and so it’s just -- I guess it basically depends on the individual business.

CHAIRMAN GREENE: Ms. Bosarge.
MS. BOSARGE: I guess I look at this action kind of from the flip side perspective, just because of one of the scoping meetings that we had in Mississippi, and I don’t look at it so much from the withholding perspective as I do from the pushing the quota out perspective.

Say we end up in a situation where some quota has been withheld and we chose Option b as our preferred alternative and everything passed and that’s what’s on the books. Well, there is a possibility that, if I’m reading this right, that NMFS could push some amount of quota out to somewhere around August 1.

Well, at least where I’m from, when you get into October or November or December, it’s usually blowing pretty well, and so you’re looking at some amount of quota that these guys are going, okay, I’ve got August and September really of decent weather to go try and land that quota, and so now they’ve got two months to try and land it, and that’s where they get into a little bit of a pickle. That’s the perspective I was looking at it from.

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: Bear in mind that I think it would be very rare that the quota would be pushed out at that date. The way this would work is it would mean the council had already approved an action that was going to change the quota somehow, only it couldn’t be implemented before January 1. Unless NMFS disapproved the council action, the quota wouldn’t be pushed out. The reduction would go into place, but we’re just holding it back so when the reduction goes into place that we can put the reduction in place.

The last time this happened was with Amendment 28. This council voted to reallocate some fish, and then we had to do a framework to hold some of it back, or everything would have gotten pushed off for another year.

It could also happen if we had a stock assessment that showed we needed to reduce the quota, and so, unless NMFS essentially disapproves the council action, the quota is not going to be pushed out, and you can look back at the record. We don’t disapprove very many council actions, and so, in the vast majority of cases, it isn’t going to be an issue, because the quota is not going to be pushed out. It would be the exception to have that happen, rather than the rule.
CHAIRMAN GREENE: Thank you. Mr. Walker.

MR. WALKER: I was just going to add, kind of Patrick, that the later in the year we get these fish, we run into things like Thanksgiving. A lot of times, the fish dealers cut us off before Thanksgiving gets here, because people are wanting hams and turkeys.

After Thanksgiving, they’re sick of them, and they want some fish, and the same thing goes with Christmas. From about December 17 or 18, they cut us off, and then you have to get right back out after Christmas. The later in the year we wait, the more issues we run into.

CHAIRMAN GREENE: Any further discussion? Mr. Walker, it seems to me that you have the opportunity to get some fish in June or wait until the following January, June or August or January of the following year, and am I misunderstanding something here? It seems like we’re trying to withhold some fish to reduce the quota at the beginning of the year when we need to -- It’s a declining yield, and we need to withhold some fish.

DR. CRABTREE: When we had the declining yields built in, that wouldn’t affect this, because that would happen in time. It’s when something happens, you either make a decision with respect to allocation or you get new information that indicates that you need to lower the quotas, but we’re not able to get the action in place before we release all of the IFQ shares in June.

This allows us to go ahead and process your action and put it in place, but hold back those extra fish so that it goes in place. Then, when it goes in place, those fish are never going to be released, because you have released the commercial quota, and those fish aren’t going out. It’s only if NMFS decides the action the council took violates some National Standard or something and disapproved it that then those fish would go back out at that point.

That’s why I say, in the vast majority of cases, those fish are never going back out. Without this, you would either have to do a whole framework action to do that or you would have to delay the change to the allocation or the TAC reduction for an entire year and do it then, and that may be something you don’t want to do, or it may be something that creates a whole host of other types of problems, and this just gives you the flexibility to avoid that situation without having to go through a bureaucratic exercise.
CHAIRMAN GREENE: I think that’s exactly correct, because it seems like you either get them in June or you wait until the following year, and that’s what I was trying to get at earlier. Thank you for putting it to where I can understand it. Does anybody else have any further discussion? Mr. Walker.

MR. WALKER: I think what industry was saying was if you’re going to -- Don’t withhold the fish and take them out the next year. That’s what their hope was, to not take them out during the middle of the year. If you’re anticipating it, you’re not for certain, but they were saying, the next calendar year, take those out, because they wanted to make their business plans at the beginning of the year, but, if you’re going to do it this way, Alternative 2, Option a was what they preferred.

DR. CRABTREE: The council, if you took an action, you would still have the discretion to say, but we don’t change the quota until the next year. You could do that. This doesn’t preclude you of the ability to do this, but, if you thought it was best to go ahead and do it, this helps you avoid having to go through a whole framework action in order to make that happen.

CHAIRMAN GREENE: Okay. Any further discussion? Okay, Dr. Lasseter.

DR. LASSETER: Thank you, Mr. Chairman. Moving on from Action 3, our final action is Action 4, which begins on page 28, and this addresses a dealer notification requirement for beginning to offload IFQ species.

This action, you discussed and requested at the last meeting, in August, and so Alternative 1 is always our no action, do not require IFQ dealers to provide notification to NMFS specifying when a vessel will offload IFQ species. Currently, dealers do not provide any such notification.

Alternative 2 would require IFQ dealers to notify NMFS when a vessel will offload IFQ species. The notification must be made at least one hour, and no more than twenty-four hours, before offloading begins. Alternative 3 is very similar, but it changes the one hour to three hours, and so it’s to require IFQ dealers to notify NMFS when a vessel will offload IFQ species. The notification must be made at least three hours, and no more than twenty-four hours, before offloading begins. Then, within the notification, there would be the time that you would expect to notify. I will turn this over first to the Reef Fish AP comments.
DR. SIMMONS: The AP spent a lot of time talking about this action, and there was a lot of discussion about, from law enforcement, of was this a regional or a Gulf-wide concern, as to why this action was needed with law enforcement. Basically, other members responded that this has been a problem among small, mobile operations, rather than large fish houses.

They also discussed the fact that they were concerned that this is putting a lot of burden on the dealers, and they thought any potential violations from inaccurate or incomplete notifications in that regard could be an issue. Then they discussed that maybe this burden should be on vessel operators. They went back and talked about that, but a motion to make this action or recommend that this action be changed to the vessel operators failed.

Then they made a subsequent motion that, by a vote of nine to zero with six abstentions, the AP recommends, in Action 4, that the preferred alternative be Alternative 2.

They did say that they still had some concerns with the details of the notification requirement, because it remains largely unknown, and what’s meant by that is the logistics that would be defined by NMFS, such as the ability to resubmit notification due to delay in offload and what would be that window, those hours, for offloading. They thought there were still some outstanding questions regarding this action. Thank you.

CHAIRMAN GREENE: Thank you. Is there committee discussion? Mr. Blankenship.

MR. BLANKENSHIP: Did the Law Enforcement Committee have any comment on this one?

DR. LASSETER: Why, yes, they did, and thank you. The Law Enforcement Committee did review this action, and they felt that it would be very difficult for both the dealers and the vessel operators. They noted that, one, they are very familiar with a lot of the commercial fishermen in their area and the dealers, and they said that it’s often at a fish house that there could be multiple vessels waiting to offload, and it wouldn’t be possible for the dealer to know when each vessel is finished and therefore the next vessel would be able to begin.

That potentially could require a lot of resubmissions of the notifications, and, of course, this leads back to the law enforcement concern theme of additional email notifications.
That was not desired for them.

Further, they also felt that this may not fix the problem that they felt was identified. They felt that it could easily be circumvented, that those who are intending to engage in illegal activity would be able to find a way around and would still offload when nobody is there, and so they weren’t sure that this would really address the problem. By consensus, the committee recommended taking no action on Action 4. That concludes the Law Enforcement comments.

CHAIRMAN GREENE: Thank you. Is there committee discussion?

Dr. Crabtree.

DR. CRABTREE: I have heard that there are a lot of problems with doing this one, which I can’t fully explain them all. Jessica probably could shed some more light on it if you’re interested, but I think this was a well-intentioned idea, but I am just a little worried that law enforcement doesn’t really seem to want us to do this, and so I wonder if we ought to talk about whether we want to leave this in the document or not at this point. I know this was something that David supported, and I don’t know, David, if you guys have had any rethinking of this, based on the law enforcement comments, or not.

CHAIRMAN GREENE: Mr. Walker.

MR. WALKER: I think the AP had discussion, and the industry seems to think there’s a problem. Maybe everybody doesn’t want to bombard the 800 number for law enforcement problems, and this was another way to do it or something, but they wanted this one-hour window. I think someone was saying, well, what are you going to do when you get there at eight o’clock or whatever, and that’s why they went to one hour, was to give -- If you call your fish dealer at seven o’clock or eight o’clock, he’s not going to get there until nine, and it was just trying to close that window.

Yes, there is ways around it. I remember, in the derby days, people could unload 2,000 pounds of fish in thirty minutes and have them off the boat in the box and turn loose from the dock and head back offshore, and so there is ways around it, but the industry just thought this was an opportunity to close maybe some loopholes of some things that are going on, but, if that’s what law enforcement -- I guess we’ll have to listen to some more testimony on that.

CHAIRMAN GREENE: Mr. Riechers.
MR. RIECHERS: I am inclined to agree with Roy on this one as well, but, if I’m reading this correctly, they can contact you at twenty-four or up to one hour before, and so, based on their choice, they can still be at the same contact time that we had before from the -- You’re not really doing anything here other than making another person report a wider window of time. They can choose to tell you an hour before, but they don’t have to.

CHAIRMAN GREENE: Dr. Lasseter.

DR. LASSETER: This action speaks to when the dealer must provide the notification. Within that time period, but this is not a council decision point, the dealer would need to provide a more narrow range of time when that would occur. It’s just that the decision point here is that the dealer has between either one and twenty-four or three and twenty-four hours to say, hey, at this time, the offloading will begin, but the actual determination of how long that window could be within the notification will be determined by NMFS.

CHAIRMAN GREENE: Mr. Walker.

MR. WALKER: If you come in at seven o’clock at night and you give your landing notification, that doesn’t necessarily mean you have to have a time period to unload your fish. If no one knows when you’re going to unload, they’re not going to know. A fish dealer is not going to call them, and you’re not going to call them. That’s just a loophole they were trying to close. I mean, if Roy and the enforcement agents think it’s an issue, then I would like to hear some more testimony from industry of whether they support this or they have a change of opinion after law enforcement’s comments.

CHAIRMAN GREENE: Thank you. Is there further committee discussion? Okay. I don’t see anything further. Dr. Lasseter.

DR. LASSETER: That’s actually the last action in the document, and there is a short discussion on the timeline, if we want to pick that up in the morning and select public hearing locations, but what is your preference, Mr. Chairman?

CHAIRMAN GREENE: Mr. Boyd.

MR. BOYD: Thank you, Mr. Chairman. I’ve got a question for Mara. Mara, you and I talked at the last meeting about changes in the IFQ program that triggered or required a referendum, and do the IFQ program modifications in this amendment trigger a
referendum?

**MS. LEVY:** No, and we already discussed that before you started working on it, because, if it did, you would have had to have the referendum before you started to prepare it. This was included in the big list of things that you were contemplating for Amendment 36, and we went through those and none of them were going to require a referendum, other than the auction provisions, which you took out, and then you divided Amendment 36 into A and B, and so this is still within what you were considering when you were talking about Amendment 36 as a whole.

**MS. BOSARGE:** All right. If that wraps up our conversation on that, I think we have done all the damage we can do for one day, and we will pick back up in the morning and we will touch base on the timeline and locations. We will see you back here tomorrow morning at eight o’clock sharp. We are adjourned for the day.

(Whereupon, the meeting recessed on October 18, 2016.)

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October 19, 2016

**WEDNESDAY MORNING SESSION**

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The Reef Fish Management Committee of the Gulf of Mexico Fishery Management Council reconvened at the IP Casino and Hotel, Biloxi, Mississippi, Wednesday morning, October 19, 2016, and was called to order by Chairman Johnny Greene.

**CHAIRMAN GREENE:** Thank you. Yesterday afternoon, we did not get all the way through Amendment 36. We only have one item remaining. However, we are going to skip ahead in the agenda, and we will come back to Amendment 36 at this point. Never mind. Ava is giving me thumbs-up that she’s ready, and so we’re in good shape. We will pick up where we left off yesterday, and if you will remind us where we are, what tab number and all that good stuff, Dr. Lasseter, whenever you’re ready.

**DR. LASSETER:** Okay. Perfect. Thank you, Mr. Chairman. We’re just going to wrap up the Tab, Number 11 is the document. This is Amendment 36A, the modifications to the commercial IFQ programs. We did complete the review of the document. The only remaining item on your scope of work was to address the timeline.
We have been working on the premise that we would be bringing you a public hearing draft at the January meeting, and we were wondering if you would like to go ahead and select public hearing locations at this time. Is developing a public hearing draft at this time still your intent? I just wanted to bring that up for discussion.

CHAIRMAN GREENE: Is there committee discussion? Does anyone want to weigh in or have any objections to proceeding on down the path for scoping locations? Dr. Simmons.

DR. SIMMONS: Doug and I talked about this this morning, and we’re a little bit concerned, basically, about the number of public hearings we’re going to be doing, potentially, after the January council meeting.

With this particular document, I think we could potentially do a directed mail-out, like we did for the federal for-hire amendment, and then have a webinar after that, or maybe just go to a few locations in addition to doing that, because we have potentially public hearings for gray triggerfish, Amendment 46, Shrimp 17B, coral scoping, and now 36A.

The other option is we could go ahead and do all the in-person meetings, but potentially maybe after the April council meeting. We could work with the Chair and Vice Chair after that more on timing, but I thought it was important to talk about that and think about that right now. Thank you.

CHAIRMAN GREENE: Thank you. Does anyone want to weigh in on that this morning on what your thoughts are? Ms. Guyas.

MS. GUYAS: I think I’m good with the mail-out idea. I think a lot of these changes are fairly straightforward, and I would like to think that they’re not super controversial, but I’m open to other ideas, too.

CHAIRMAN GREENE: I tend to agree. Does anybody else have any concerns? Then I will assume that that will be the direction that we will go, will be a direct mailing and followed by a webinar. Is there anywhere that an in-person meeting might be more beneficial, if we were to have one somewhere, or not, or is everyone just fine with a directed mailing and a webinar? I am seeing some heads shaking, and I’m assuming that means webinar or a directed mailing type of deal for Amendment 36A. Dr. Simmons, that sounds like a plan for us. Ms. Bosarge.
MS. BOSARGE: Carrie and I had a conversation too that if you do feel like you need an in-person location and we have decided to go with the webinar, Kelly and I talked about we could always have someone at the DMR with the PowerPoint presentation or something like that that is there during the webinar, in case you want to have a place for them to come, and so that’s an option as well.

CHAIRMAN GREENE: That sounds like a good idea as well. Okay. Anything else? Dr. Lasseter, does that complete everything?

DR. LASSETER: It does, Mr. Chairman, and thank you.

CHAIRMAN GREENE: Okay. You’re good on your direction for 36A and you don’t need anything else from the council?

DR. LASSETER: Not hearing further discussion, I am assuming that we’re going to carry on with developing a public hearing draft for the January meeting.

CHAIRMAN GREENE: If staff is satisfied with it, then so am I. That will conclude Draft Amendment 36A, and we will move to the Standing and Reef Fish SSC Summary and Dr. Powers.

STANDING AND REEF FISH SSC SUMMARY
DISCUSSION ON LIMIT AND TARGET REFERENCE POINTS AND MSY PROXIES FOR REEF FISH

DR. POWERS: Good morning. There are a couple of items that we discussed at the SSC meeting, and they’re both in the same PowerPoint, and so we may want to pause in between the two things.

The first one was the discussion on limit and target reference points, and particularly MSY proxies, and the second is some discussion about the review of the ABC control rule alternatives. Largely, these items are more in the scientific realm, but there are some important aspects that the council should be not only aware of, but contribute to as time goes on.

In terms of our discussion of target and limit reference points, there were several things that came up, what’s the difference between them, how do you account for risk and uncertainty, and probably the most important part is how do you choose maximum sustainable yield, MSY, proxies, and then one of the suggestions was perhaps ad hoc working group amongst the SSC.
This just is a reminder, and I’m sure you’ve seen this many, many times, but, basically, when we talk about MSY proxies, we are talking about that top horizontal line of where do you define the overfishing limit, and then, secondarily, which relates to the uncertainty, is where do you find the ABC relative to that, and so the second horizontal line.

Essentially, what we’re trying to do, in a control rule or determining the overfishing level, is defining a probability distribution, and so what is the catch at MFMT, which is the same thing as the overfishing limit, and then, therefore, the peak there would be our best estimate, and how much buffer you want to do as it relates to the probability, and these sorts of probability distributions have been used quite a bit.

One of the things about MSY proxies is there tends to be kind of a one-size-fits-all sort of framework in which they have been discussed thus far, and one of the things that has come up is that basically these proxies that we use, and they are typically based on spawning potential ratios, SPR, and so, if you’re at 30 percent SPR or 40 percent SPR, that is essentially a measure that will be used, typically used, as a proxy, but whether it’s 20 percent, 30 percent, or 40 percent really depends a lot on the life history, and so I think what the SSC is suggesting is we need to move to a little more detailed look, amongst the reef fish, about what are the different life histories and can we classify certain MSY proxies between those ranges of SPRs.

There has been discussion of setting up a working group to deal with this, and I don’t think anybody is looking at major workshops or anything like that, but more of an ad hoc group that would work outside of the formal SSC and the report to the formal SSC, but even that, a lot of that we wanted to wait until after the data review, the review workshop for the data-poor species, which is November 1, two weeks from now, in Miami, and so we’re going to wait to see kind of what are some of the aspects of that come out.

There is also issue, and this relates to that P*, or that buffer, and that is what sorts of risk policies does the council want? The council has specified a basic risk policy, in terms of P*, and that’s used to convert from the OFL to the ABC, but there are a lot of aspects that go into that, and so I think the SSC wants to explore or develop mechanisms to kind of inform the council about what alternative they have in making those sorts of decisions.

Essentially, that gets to the point of the difference between
limits and targets, and remember that limits are basically these overfishing limits, the maximum sustainable yield, which is defined by biological sort of characteristics, and then targets, which will encompass the uncertainty, but also encompass whatever objectives the council has in developing their FMP. That is, I think, one of the issues that we in the SSC want to start dealing with.

One of the suggestions that was brought up, and I believe will be actually implemented, is there are a number of sociologists and economists that are on the SSC, and they were very interested in trying to explore, so that you could make this explanation, of what the consequences are, in terms of risks associated with the definition of the targets and the ABC and so on. Then reporting to the SSC, which, again, would then report to the council itself.

Basically, what we’re talking about here is some actions that the SSC has taken, or is in the process of taking, to address some of these issues, but we haven’t really formalized a specific strategy. We wanted to wait a little bit, until we get some more information from the data-poor workshop and so on. That is the issue of limits and control rules, and I can go. If there’s no questions, I can go on to the next section as well.

CHAIRMAN GREENE: Does anybody have any questions? I don’t see any, Dr. Powers. Please continue.

REVIEW OF ABC CONTROL RULE ALTERNATIVES

DR. POWERS: The other issue is the review of the ABC control rule alternatives, and one of the issues with the ABC control rules is that probability distribution. Typically, scientifically, it’s hard to develop a nice probability distribution that’s specific to each individual stock and each individual time, and so there are some ways to approximate this, but what has happened, in the case of the reef fish, is that probability distribution is kind of narrow, and so, therefore, the buffer is fairly narrow, and it doesn’t really change much from one stock to another, and that really sort of flies in the face of what we know about one set of stocks and what we know about the other.

If you remember in the control rules, there were different tiers, based on what we thought we knew about the stocks, and so I think we need to clear up some of those tiers and that sort of thing.
One of the possible solutions that was developed by people working with the Pacific Council was, instead of trying to estimate that probability distribution for each individual assessment, but rather based on generic things about life history, you could get an approximation of it, but, again, that sort of tradeoff, I think, has to be evaluated. Basically, what we're trying to do is how do you define that probability distribution.

Again, what we're talking about is making a better distinction between Tier 1 and Tier 2, what we would consider data-rich and data-poor, in terms of the fishing mortality rate that is being used as a proxy for MSY, and therefore the peak of that probability distribution, and so I think it's going to take some discussion within the scientific community and some work there.

The other aspect of a control rule is this is sort of a generic control rule. Basically, the horizontal access is the biomass, or another way to say that is the spawning stock biomass. It's how much reproductive potential is out there, whereas the vertical axis is the fishing mortality rate, and you are basically saying, with the control rule -- On the right-hand side there, that line is horizontal, and you're saying, when the stock is in that sort of range, it's above MSST, and, therefore, you can keep the fishing mortality rate at some level, and that level should be picked at a point that would keep you from overfishing.

If a stock ends up being overfished, then you would want to reduce that fishing mortality rate so that it would recover more quickly, and that sort of decline on there has been discussed for a long time, in terms of developing these control rules, but I think we need, within the scientific community, to evaluate how that particularly happens.

One of the ways to do that, and I know within the National Marine Fisheries Service there has been an emphasis on trying to develop what they call management strategy evaluations, which are, in essence, saying -- It's doing lots of simulation work that says, if we develop a simple rule for managing, what happens to the stock when we implement it?

In some cases, it might go over, and, in some cases, it might go under, but, over the long run, what is the expectation, and I think this is -- Within the scientific community, this is an important topic that's being developed, and I know, within the National Marine Fisheries Service, there is efforts in all the centers and on a national level to try to develop this within
1 the community. I think that’s it for the control rule
2 alternatives.
3
4 CHAIRMAN GREENE: Thank you. Any questions for Dr. Powers?
5 Chis.
6
7 MR. BLANKENSHIP: Have you looked at some of the assessments
8 that have been done to see if you change the ABC control rule to
9 something like what the Pacific Council uses or some other
10 method, how it would change the recommendations of the SSC, for
11 particularly like triggerfish?
12
13 DR. POWERS: If you’re on that horizontal line, it’s basically
14 going to be the same, except for the issues of uncertainty and
15 that sort of thing, and so, in terms of a limit, that is going
16 to be the same. The issues, from the perspective of the
17 council, are, one, how do you deal with the uncertainty so that
18 you keep from going to that limit, but you maintain at some
19 target level, and then the other aspect is, if things go bad and
20 a stock is overfished, then what’s the best response for
21 recovering the stock?
22
23 MR. BLANKENSHIP: So you all haven’t -- Like with triggerfish,
24 that was deemed to be overfished and that is still being
25 overfished --
26
27 DR. POWERS: Well, I won’t speak to the specifics of
28 triggerfish, but it’s exactly that sort of issue, is, given the
29 uncertainty, is there some sort of simple rule that gives you a
30 pretty good likelihood of achieving what you are trying to
31 achieve, and that is essentially what the MSE is trying to do.
32
33 CHAIRMAN GREENE: Okay. Thank you. Are there further
34 questions? I have one. Has the MSE been used at all in any
35 fishery by any council?
36
37 DR. POWERS: Internationally, yes. In South Africa and
38 Australia, and I’ve been involved in some of those, and then
39 also nationally for I think -- Let Bonnie respond.
40
41 CHAIRMAN GREENE: Dr. Ponwith.
42
43 DR. PONWITH: Thank you, Mr. Chairman. Yes, when we conducted
44 our programmatic review of the stock assessment process in each
45 of the Fisheries Science Centers a couple of years ago, one of
46 the recommendations coming out of that nationally was there was
47 a strong recognition of the need for the ability to take this
48 simulation approach for problem solving and probing, and so, to

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that, end, nationally, they set aside the resources for each of
the Science Centers to hire a person to lead management strategy
evaluation planning and execution for the Science Centers.

This is tool we’re using now, and it’s a tool that we see a
growing need for. The recruitment announcement for that
position has closed, and I believe we are in the process of
setting up interviews for that hiring, and, probably by the next
council meeting, I will be able to tell you who that is that’s
going to be leading those efforts for us.

CHAIRMAN GREENE: Thank you. Any further discussion? Dr.
Ponwith, would the council be the body that would say we want to
look at an MSE for gray triggerfish, or does that come from your
shop or from the SSC? How does that work?

DR. PONWITH: What I picture is understanding what the council’s
science needs are to do your job, and so, if you have a question
you need an answer to, posing that question to the SSC and the
Center gives us the ability then to evaluate what is the most
robust analytical approach to answering that question. Then we
would go through that process, which is kind of a science
process, and then deliver the response to you, and so we’re
always interested in knowing what your view is on what your
highest priority science or research needs are.

CHAIRMAN GREENE: Thank you. Is there further committee
discussion? Okay. Thank you, Dr. Powers.

OTHER BUSINESS

DR. POWERS: There is one other item that I should bring up, and
I guess it would be under what you would call Other Business,
and that is we had a discussion about underharvest and how to
handle that, that sort of thing, and so I have about three
slides.

Essentially, the SSC was presented with the same sort of
documents that have been presented to you as a council, in terms
of questions about how to deal with carryover of quota
underharvest, and these have some scientific implications, and
we wanted to discuss those, which we did, but, ultimately, what
you pick is going to be a council decision.

Basically, with an underharvest, what you’re doing is saying, if
we have an underharvest, we want to payback those people that
paid the price for that underharvest, to allow them some extra
catch in the ensuing years, and so you want to develop a rule to
do that, and is it a one-to-one sort of issue? That really gets
into some of the objectives of what the council wants.

For example, if it’s a recovering fish stock, then, by paying
back underharvest one-for-one, you’re, in essence, delaying, to
some extent, the recovery aspect, and so it’s always going to be
sort of a -- That sort of tradeoff that the council has to deal
with, but there are some technical issues, in terms of -- Given
the council objectives, there is some technical issues about
what the effect of an underharvest is and if you pay back one-
for-one, and those relate to things like recruitment variation
from one year to the next, and an underharvest one yet has one
set of effects, and an underharvest another year has a different
set of effects, because of the different year class strengths
and things like that.

Another aspect of it is that do you discount for the natural
mortality? In other words, the fish that survive this year,
some of them don’t survive. They die from natural mortality,
and so do you discount for that sort of thing? The size
distribution, if the underharvest is mostly related to a fishery
that has younger fish, do you have a payback that allows for the
older fish, and so there is many issues that relate to that.

To fully evaluate that, in essence, it would be another
assessment, but I know that is not what is wanted here. You
want a simple rule that will, quote, unquote, work most of the
time, and so what we are suggesting, in terms of the SSC, is to
look at those questions that were in the document that was
presented to us.

There are a series of questions about what it is the council
really wants to achieve out of this, and so it -- From a
scientific standpoint, we could do, over the long run anyway, we
could do lots of sophisticated analysis, in terms of simulation
about what this is, but I realize though that you’re looking for
really pretty simple rules that will work over the long term.

That first paragraph is probably more technical, but it’s some
of the issues related to the natural mortality rate and whether
it’s a young fish or an old fish, but it was brought up at the
council meeting that I had done this paper about eight years ago
that was looking at underages and overages, and the context of
it, at that time, was more my experience with ICCAT, where you
had different countries being over and under.

There are some subtleties there, in terms of the incentives that
you’re creating by underages and overages, and it’s somewhat
technical, and you may want to look at that, in terms of the consequences. Thank you.

CHAIRMAN GREENE: Thank you. Is there committee discussion? Okay. I am not seeing any, Dr. Powers. Thank you. That will wrap up that agenda item, and we will move next to the AP Summary, the items that were not discussed, and Dr. Simmons.

REEF FISH AP SUMMARY
VERMILION SNAPPER STOCK ASSESSMENT RESULTS

DR. SIMMONS: Thank you, Mr. Chairman, and I think Martin Fisher is on the phone as well this morning, and so we have three items that we haven’t covered yet from yesterday’s agenda, and so I will start with the Vermilion Snapper Stock Assessment Results and SSC Recommendations and then the Draft Options to Modify the Vermilion Snapper ACLs and MSY proxies.

Staff reviewed the SSC recommendation from the stock assessment, based on the two ABC yield streams. One was a constant catch and one was an average of the constant catch fishing mortality from 2017 to 2021, and so the council, in the future, will need to decide which one they want to base the ABCs and the ACLs on.

We briefed the AP on this in a presentation, and some of the discussion that occurred after that was AP members said they had observed the western Gulf appearing to be more productive for vermilion snapper than the eastern Gulf, and they were asking if there might be two separate stocks.

Basically, in the stock assessment, there had been some discussion of that, but, basically, there wasn’t enough information, I believe, to move forward with any other analysis in managing or assessing vermilion differently.

By a vote of fourteen to zero, and it was unanimous, the AP recommends taking no action on the ACL alternatives for vermilion snapper at this time, because they felt like they didn’t have enough information, and they asked NMFS, the agency or the Science Center, to evaluate if there are two vermilion snapper stocks in the Gulf, and they passed the following motion. By a vote of fourteen to zero, unanimous, the AP requests the Science Center to determine whether are two separate stocks between the eastern and western Gulf for vermilion snapper, and I will stop there, to see if there is any questions.

CHAIRMAN GREENE: Okay. Thank you. Any discussion? Mr. Diaz.
MR. DIAZ: I’ve just got a question. When is the council going to have the information before us where we can set the ACL and the ACT for vermilion? What is the timeline on that?

DR. SIMMONS: We were thinking about bringing our draft options, our white paper, to this council meeting, but the agenda was so full, and we were cramming everything else in, that I think it will probably be in January. We have an IPT put together, and I don’t think they’ve even met yet, and so I’m hoping that in January that you will have a draft to review.

CHAIRMAN GREENE: Thank you. Mr. Riechers.

MR. RIECHERS: I guess this is maybe a question to Bonnie, but do we know if we have any genetic analysis already on vermilion, or would this all have to be collected and then analyzed, or is it out there in certain frames of reference already? I just don’t know the answer to the question.

DR. PONWITH: Off the top of my head, I don’t know the answer. I would hate to call something out and misspeak, and so what I can do is check with the analysts and see what is out in the peer-reviewed literature. I know we haven’t been working on genetic makeup of that population, but I can check with them and find out.

CHAIRMAN GREENE: Thank you. Is there further discussion? Mr. Atran.

MR. ATRAN: There was a very brief discussion in the SEDAR assessment document on that. It didn’t say anything about any genetic analysis, but it did indicate that there was some evidence of differences in stock structure between the western and eastern population. The problem is not having enough data to be able to determine that for certain, particularly there is very little catch data from the recreational fishery to make that sort of determination. There is more from the commercial, but the assessment said maybe there is two stocks, but they simply don’t have enough data to make that determination at this time.

CHAIRMAN GREENE: Thank you. Mr. Walker.

MR. WALKER: I was just going to add that I hear this all the time, about two separate stocks, and you know, where is the line? I have fished at the mouth of the Mississippi River, and fish can go one way or the other. They don’t stop at the river.
I am just kind of interested in that fact, because there’s a lot of fishing right around between the South Pass and Southwest Pass, and I don’t think the river is stopping them from moving east or west.

CHAIRMAN GREENE: Okay. Thank you. Is there further discussion? I am not seeing any further discussion, and we will continue on.

DISCUSSION ON CARRYOVER OF UNDERHARVESTED RED SNAPPER ACL TO THE FOLLOWING SEASON

DR. SIMMONS: The next item the AP discussed was the carryover of underharvested red snapper to the following season. This is on page 11, and basically staff explained those barriers that Dr. Powers just went through that the SSC had brought up, as far as implementing such a carryover program and these preliminary landings and basically having to do an update assessment to accomplish this.

The AP passed several different motions with respect to this issue, and the one that they agreed upon, and this is on the top of page 12, is, by a vote of seven to four and four in abstention, the AP recommends the council aim to address any hurdles pertaining to data precision and timeliness regarding the presentation they had on the carryover of uncaught red snapper. I will stop there.

CHAIRMAN GREENE: Thank you. Is there discussion? Dr. Crabtree.

DR. CRABTREE: I guess I am -- Carrie, what are our next steps? I know the SSC had some questions about it, but I still think it’s a doable idea. Are we in a place where we’re putting together an amendment to allow for this? I guess tell us where we are and what next.

DR. SIMMONS: Can I ask Ryan to weigh in on this, because I didn’t participate in the IPT call. I know there’s been some discussions on this, regarding the questions that were asked at the last council meeting, but you heard several of the issues that the SSC had with this type of carryover process, and so I would like Ryan to weigh in on it, and maybe Dr. Powers has some suggestions on how we can move this forward.

MR. RYAN RINDONE: Thank you. You heard Dr. Powers talk a little bit about what the SSC thought that they would need to be able to do a sort of carryover, and, in order to get the amount
of information necessary, it’s just about tantamount to an update assessment, and that’s not to say that something like that can’t be done, but it does come at a cost, because the Science Center would have to dedicate time and resources in order to handle that kind of activity, and so something else would have to give to make room in the assessment schedule.

On the other side of it, there is timing issues, in that the total Gulf landings for red snapper don’t conclude until December 31, and those data haven’t going to be available, and historically haven’t been available, until about the end of April, and so you would have to wait until about then before you had the final numbers in place to actually make a call on what was landed in the previous year and know what could be carried over.

Then, beyond that, you have the fact that, if the ABC is adjusted, that any carryover would apply across the board, and then it would be apportioned based on the allocations for the commercial sector and the private and charter/for-hire components of the recreational sector.

Even if one component of the three had more of a carryover than the other, they’re all going to benefit equally, because it’s the sum of them, and, if you wanted to apportion things by component, then that’s an allocation issue, and so not only would there have to be a temporary rule issued to cover a temporary ABC increase, if that was approved by the SSC, but also a temporary allocation change, to make things component-specific, like you guys indicated that you wanted at the last meeting.

There are a lot of hurdles that are in the way, but I think the biggest one is probably the timing one, in that the landings data just simply aren’t available soon enough to act on this and get this in place in time for the opening on June 1.

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: Well, I understand that there are lots of questions and concerns here, and I am somewhat concerned that we’re making this much more complicated and difficult. I do not believe that this requires anything remotely close to an update assessment to do this.

I’ve had discussions with the Science Center, Clay Porch and Shannon Cass-Calay, and they think this is doable, and so I don’t want to give this up, and I think all of these allocation
issues and all the things that Ryan brought up are just things we would have to deal with. It’s going to take a plan amendment to put a process in place to make this happen and make sure it’s automated, to the extent we can, and nothing has to go out for notice or comment or any of those kinds of things.

I would like to set this up so it doesn’t even come before the council. It’s just here is the end of the year and here is the landings and this is how much was under and this is the formula and boom, this is how we do it.

I think all of that can be dealt with. I think the allocating who gets what can all be dealt with, and we are not going to have anything to carry over, it’s pretty apparent, this year, and so I think we have some time to work on this, but I still think this is something that is worth looking and worth dealing with, and I am convinced that it can be done, and so I think I would like to see staff continuing to work with our folks on it. I would like to see them pull Clay and Shannon in for a discussion about it and then try to go back to the SSC and hash through some of these at their next meeting.

CHAIRMAN GREENE: Thank you. Dr. Stunz.

DR. STUNZ: Dr. Crabtree made two of my points. I too don’t see this as that difficult, and I was going to suggest as well that I think this could be set up as an automatic procedure that just gives Roy the ability to do this, if there is this overage. I think this is just an opportune that we don’t really want to pass up. We could do a lot of good things with these fish, things like these long-standing tournaments we have, for example, that you could give maybe -- I don’t know how we could distribute it, but there is a lot of things that we can talk about.

As far as all the other assessments and things, I understand accounting for that mortality and things. I can’t imagine that it’s going to be that high. In a way, I guess you could argue that, other than that these fish have been around for a year, we’ve already accounted for some of that mortality in the past assessments, in a way, and so I think we just would be passing up an opportunity not to consider this a little further and move on it.

CHAIRMAN GREENE: Thank you. Is there further discussion? Mr. Diaz.

MR. DIAZ: I agree with everything that’s been said so far. It
just occurs to me though, after reading this, and even hearing
Dr. Crabtree speak, with the method he’s laying out, when we
first brought this up, it seemed like it might be something
simple and straightforward that we could do relatively quickly.

Even with the path that Dr. Crabtree laid out, I think it’s
going to be fairly involved, fairly time consuming, and it
probably could take us a long time to go through it. I do
support it, and I think it’s a good idea. We ought to try to
make it happen, but it’s going to take us quite some time.
Thank you.

CHAIRMAN GREENE: Dr. Crabtree.

DR. CRABTREE: Well, I mean, it will take a plan amendment, and
we’re essentially talking about -- Joe touched on this, but
we’re talking about setting up a control rule, a sort of
framework, that this is how we do it. There is this much
overage, and this is how much gets carried over. This is how it
gets allocated, and this is who gets it. Here is how we’re
going to do the notice and here is the way it all is going to
happen, and so it is going to take some time, but I think it’s
very doable, but it will require a plan amendment.

CHAIRMAN GREENE: Okay. Thank you. Is there further
discussion? Dr. Stunz.

DR. STUNZ: Are we at a point where we need a motion to move
this forward, or are we still discussing it at this point?

CHAIRMAN GREENE: Dr. Crabtree was asking, and I am not certain
which way we need to go, and so I’m going to defer to staff.
What would be the appropriate manner, if we wanted to move
forward with this? Is it just to request a white paper? Dr.
Simmons, can you help?

DR. SIMMONS: Thank you, Mr. Chairman. We have this on our
action schedule, and we understand now that the council wants us
to continue working on this, even though there’s been all these
issues that have been brought up, and so we will work on
bringing something for the January council meeting.

CHAIRMAN GREENE: Great. Thank you. Is there further
discussion? Ms. Bosarge.

MS. BOSARGE: I went to that SSC meeting, and I agree with the
comments around the table that the SSC essentially said, yes,
this is not impossible, and there are a lot of factors that
would really go into this, but they tried to scale that back and come up with a somewhat simple formula that could possibly be used to go forward with a program like that.

The one take-away that I had from their conversation was, because there are a lot of variables that we are not going to take into account, that we're not going to go back through a stock assessment process and get a real good handle and a grip on that calculation, we should probably err on the side of caution. In other words, with that formula, the formula that was thrown out was one minus the natural mortality, and that’s what you would use for your carry forward.

In other words, let’s not go so far as to take into account growth and reproduction from this fish that live that extra year before we kill them, but err a little bit on the side of caution, and I am not saying how to write the amendment, but I think that’s something that we need to keep in mind as we go forward with it, that we can do it, but we just need to be careful about it.

CHAIRMAN GREENE: Thank you. Dr. Crabtree.

DR. CRABTREE: I think, if you look at this, the fact that we delayed catching these fish for a year means the stock is going to recover more quickly than it otherwise would have, even if you carry over all of the fish to the next year, and so I think there is something inherently conservative about the fact that you had the underage to begin with.

Now, I’m fine for looking at natural mortality and all of that, but I think just the fact that you delayed catching the fish in and of itself increases the recovery rate of the stock. I mean, think about it. We may have a small overrun this year, but we’ve had big underruns for the last couple of years, and so, on balance, we’re ahead of the game.

CHAIRMAN GREENE: Thank you. Is there further discussion? I am not seeing any. Dr. Simmons.

RECREATIONAL AND COMMERCIAL ALLOCATION EXCHANGE

DR. SIMMONS: Thank you, Mr. Chairman. There was one other item under the AP Report for the Reef Fish Committee, and it was under Other Business. It’s the recreational and commercial allocation exchange discussion.

This was requested by Chairman Fisher. He presented a white
paper on this to the AP regarding this exchange, and he just
suggested for stocks such as king mackerel and red grouper,
where the stock assessments were robust, but the quotas are not
being caught, that one sector could share. If one sector was
close to exceeding, where the other sector wasn’t, there could
be a sharing or a portion of the foregone yield that could be
utilized or exchanged for that sector that was in need of the
fish.

There was quite a bit of interest in this with the AP, but we
were pretty much out of time. It was at the end of the meeting,
and there were no motions made regarding this, and I don’t know
if Martin is on the webinar and if he wanted to say anything
else, but this concludes the reef fish portion of the AP report.
I will be going through -- When we get to the Coral/Habitat
Committee, they did have some recommendations regarding those
areas, and then that would complete this report. Thank you.

CHAIRMAN GREENE: Thank you. Is there committee discussion?

MR. FISHER: I am here, Chairman Greene, if anybody has any
questions.

CHAIRMAN GREENE: Okay. Just a second, Mr. Fisher. Mr. Boyd.

MR. BOYD: Thank you, Mr. Chairman. Under the Other Business,
the Recreational and Commercial Allocation Exchange, we have
been calling this allocation sharing at some point. Allocation
sharing, allocation shift, intersector trading, these are all
getting at the same point, which is what’s the highest and best
use of the stocks and how can we meet the National Standards.

I think it’s time that we start to consider how we want to do
that in an amendment and not just talk about it individually by
fish stock, and so I think that we ought to have some discussion
at this point about how to talk about allocation shifting and
intersector trading or whatever else you want to call it. Thank
you.

CHAIRMAN GREENE: Thank you. Is there further discussion? I am
not seeing any further discussion on that.

MR. BOYD: I guess nobody wants to discuss that, Johnny.

CHAIRMAN GREENE: No, I am not seeing anybody jumping up and
down ready to discuss it. Martin, do you have anything else for
the AP?
MR. FISHER: No, I really don’t, Chairman Greene, and thank you very much,

CHAIRMAN GREENE: Thank you for your patience and being available for the webinar over the last couple of days. We appreciate it. Okay. I did not have anything else indicated under Other Business, but Mr. Swindell has his hand up.

OTHER BUSINESS

MR. SWINDELL: There was one other thing I think that wasn’t covered in the AP report, and that was that the members felt that the red grouper stock assessment was not correct and that the quotas were being increased too much, and I thought that was very interesting coming from the advisory panel that’s full of people that are there harvesting these fish, and they just want us to be certain that we take a good look, I think, at that stock assessment. Thank you.

CHAIRMAN GREENE: Okay. That’s an interesting comment. Does anybody want to discuss the red grouper stock assessment or anything else? Out of curiosity, does anyone know when the next red grouper stock assessment or update or anything would come down the pipe, Mr. Atran or anybody, Mr. Gregory?

EXECUTIVE DIRECTOR GREGORY: Ryan, when is red grouper on our SEDAR schedule? I don’t have it in front of me.


CHAIRMAN GREENE: 2019. I do find it interesting, but most fishermen will come to you if they feel there’s something not right and tell you, as I’m sure all of you have seen and heard in the past, but when they come to you and tell you that something is too high, that’s certainly very interesting. I did not have anything else on Other Business. Is there any other business to come before the Reef Fish Committee? Seeing no further business, this concludes Reef Fish early, for a change.

(Whereupon, the meeting adjourned on October 19, 2016.)