

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 REEF FISH MANAGEMENT COMMITTEE

4
5 Beau Rivage Resort Biloxi, Mississippi

6
7 October 3, 2017

8
9 **VOTING MEMBERS**

- 10 Johnny Greene.....Alabama
- 11 Kevin Anson.....Alabama
- 12 Patrick Banks.....Louisiana
- 13 Leann Bosarge.....Mississippi
- 14 Doug Boyd.....Texas
- 15 Dale Diaz.....Mississippi
- 16 Tom Frazer.....Florida
- 17 Martha Guyas (designee for Nick Wiley).....Florida
- 18 Campo Matens.....Louisiana
- 19 Paul Mickle (designee for Jamie Miller).....Mississippi
- 20 Robin Riechers.....Texas
- 21 John Sanchez.....Florida
- 22 Andy Strelcheck (designee for Roy Crabtree)NMFS
- 23 Greg Stunz.....Texas
- 24 Ed Swindell.....Louisiana

25
26 **NON-VOTING MEMBERS**

- 27 Dave Donaldson.....GSMFC
- 28 Phil Dyskow.....Florida
- 29 LCDR Stacy McNeer.....USCG
- 30 Bob Shipp.....Alabama

31
32 **STAFF**

- 33 Steven Atran.....Senior Fishery Biologist
- 34 Assane Diagne.....Economist
- 35 Matt Freeman.....Economist
- 36 John Froeschke.....Fishery Biologist-Statistician
- 37 Douglas Gregory.....Executive Director
- 38 Morgan Kilgour.....Fishery Biologist
- 39 Ava Lasseter.....Anthropologist
- 40 Mary Levy.....NOAA General Counsel
- 41 Emily Muehlstein.....Public Information Officer
- 42 Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- 43 Bernadine Roy.....Office Manager
- 44 Charlotte Schiaffo.....Administrative & Human Resources Assistant
- 45 Carrie Simmons.....Deputy Director

46
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2 Pam Anderson.....Panama City Beach, FL
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6 Randy Boggs.....Orange Beach, AL
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- - -

48
49

TABLE OF CONTENTS

1
2
3 Table of Contents.....3
4
5 Table of Motions.....4
6
7 Adoption of Agenda and Approval of Minutes.....6
8
9 Action Guide and Next Steps.....6
10
11 Final Action - Framework Action - Greater Amberjack Fishing Year
12 and Recreational Closed Seasons.....9
13 Summary of Public Hearing and Written Comments.....9
14 Review of Document.....11
15 Codified Text.....29
16
17 Amendment 41 - Allocation-Based Management for Federally-
18 Permitted Charter Vessels.....30
19 Presentation - Overview of Tab B, Numbers 5a, 5b, and 5c....30
20 Ad Hoc Red Snapper Charter/For-Hire AP Comments.....
21 Draft Amendment 41.....38
22 Referendum Eligibility Requirements.....72
23
24 Amendment 42 - Reef Fish Management for Headboat Survey Vessels..74
25 Presentation - Overview of Tab B, Number 6a, 6b, and 6c....74
26 Referendum Eligibility Requirements.....88
27 Draft Amendment 42.....90
28
29 Drafts - State Management of Recreational Red Snapper.....121
30 State Management Program Document.....121
31 Discussion of Individual State Amendments.....126
32
33 NMFS Response Regarding Referendum Requirements for Auctions.....145
34
35 Discussion of Joint SAFMC/GMFMC Management of Yellowtail Snapper.147
36
37 Discussion - For-Hire Reef Fish Permit Transfers.....152
38
39 Grouper-Tilefish IFQ Five-Year Program Review Surveys.....158
40
41 Other Business.....158
42
43 Adjournment.....158

- - -

TABLE OF MOTIONS

PAGE 38: Motion in Action 1 to move Alternative 3 to Considered but Rejected. [The motion carried on page 39.](#)

PAGE 42: Motion in Action 3 to make Alternative 5 the preferred alternative. [The motion failed on page 44.](#)

PAGE 48: Motion in Action 5.1 to add to the amendment the AP's preferred Option 3d under Alternative 3 as Option 3c. [The motion carried on page 49.](#)

PAGE 58: Motion in Action 5.3 to make Alternative 3 the preferred alternative. [The motion carried on page 58.](#)

PAGE 58: Motion in Action 5.2 to add the AP recommended option replacing Option 3b currently in the amendment. [The motion carried on page 59.](#)

PAGE 59: Motion in Action 6 to make Alternative 1 the preferred alternative. [The motion carried on page 60.](#)

PAGE 60: Motion in Action 7 to make Alternative 2 the preferred alternative. [The motion carried on page 60.](#)

PAGE 61: Motion in Action 8 to make Alternative 2 the preferred alternative. [The motion carried on page 65.](#)

PAGE 69: Motion to move Action 10.2 (Harvest Tags) to Considered but Rejected. [The motion carried on page 69.](#)

PAGE 70: Motion to have staff identify within the document what actions and alternatives are preferred. [The motion failed on page 71.](#)

PAGE 71: Motion to have staff include actions for cost recovery and quota adjustments in Amendment 41. [The motion carried on page 71.](#)

PAGE 84: Motion in Action 13 to include different time periods for redistribution of withheld annual allocation to shareholders if the effective date of the final rule implementing the quota reduction has not occurred by: Option a, June 1, or Option b, August 1. [The motion carried on page 85.](#)

PAGE 92: Motion in Action 1 to make Alternative 2 the preferred alternative. [The motion carried on page 92.](#)

1
2 [PAGE 94](#): Motion in Action 3 to make Alternative 1, no action,
3 the preferred alternative. [The motion failed on page 96.](#)
4
5 [PAGE 97](#): Motion in Action 4 to make Alternative 2 the preferred
6 alternative. [The motion carried on page 97.](#)
7
8 [PAGE 99](#): Motion in Action 5 to make Alternative 5 the preferred
9 alternative. [The motion failed on page 100.](#)
10
11 [PAGE 100](#): Motion in Action 7.1 to make Alternative 4 the
12 preferred alternative. [The motion carried on page 102.](#)
13
14 [PAGE 103](#): Motion in Action 7.2 to make Alternative 2, Option 2a
15 the preferred alternative. [The motion carried on page 103.](#)
16
17 [PAGE 103](#): Motion in Action 8 to make Alternative 2 the
18 preferred alternative. [The motion carried on page 103.](#)
19
20 [PAGE 104](#): Motion in Action 9 to make Alternative 2 the
21 preferred alternative. [The motion carried on page 104.](#)
22
23 [PAGE 105](#): Motion in Action 10 to add an Alternative 4 that
24 annual allocation may be transferred by surrendering it to a
25 NMFS allocation bank from which other program participants may
26 obtain the allocation by: Option 4a, lottery, or Option 4b,
27 auction. [The motion carried on page 110.](#)
28
29 [PAGE 110](#): Motion in Action 11 to make Alternative 2 the
30 preferred alternative. [The motion carried on page 110.](#)
31
32 [PAGE 112](#): Motion in Action 14 to select Alternative 2, Option a
33 as the council's preferred alternative. [The motion failed on](#)
34 [page 117.](#)
35
36 [PAGE 118](#): Motion in Action 15 to make Alternative 4 the
37 preferred alternative. [The motion carried on page 118.](#)
38
39 [PAGE 130](#): Motion to add the full delegation alternative to the
40 Alabama, Louisiana, and Mississippi state plans. [The motion](#)
41 [carried on page 130.](#)

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43
44

1 The Reef Fish Management Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Beau Rivage Resort, Biloxi,
3 Mississippi, Tuesday morning, October 3, 2017, and was called to
4 order by Chairman Johnny Greene.

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

10 **CHAIRMAN JOHNNY GREENE:** Good morning. We will go ahead and get
11 started with the Adoption of the Agenda. Is there any
12 additions? Mr. Dyskow.

13
14 **MR. PHIL DYSKOW:** Thank you. Madam Chairman, I would like it
15 placed on the record that I have a concern for myself and the
16 other newly-appointed council members that, since we have not
17 yet been sworn in, we are not able to vote as part of this
18 committee process, and clearly we will be on this committee, and
19 so I believe that's a disadvantage that can and perhaps should
20 be addressed.

21
22 Clearly we do not have to wait until tomorrow to be sworn in.
23 We can open a full session, and we can be elected and then we
24 can go back to a committee session or whatever the rules would
25 dictate, but I do want it placed on the record that there are a
26 number of people that are not -- Dr. Shipp and myself, and I
27 believe at least one other, that aren't able to vote because we
28 have not yet been duly sworn in, and I do not believe that
29 that's a proper way to go forward. Thank you.

30
31 **MS. LEANN BOSARGE:** Thank you for that, and actually, believe it
32 or not, Mr. Dyskow, I had that discussion with several people,
33 with council staff and with the attorneys, to see if we might
34 not deviate from tradition, which is to swear you all in, or
35 swear the new members in, on Wednesday morning.

36
37 I said, you know, is there any way that we could swear them in
38 on Monday morning, because Reef Fish is a committee of the whole
39 at this time, and then they could participate in Reef Fish.
40 Obviously, reef fish is not the only set of species in the Gulf
41 of Mexico, but it typically is one that's important to most of
42 the council.

43
44 That seemed to be somewhat more difficult than what I thought it
45 would be. I thought it would be fairly simple, but it wasn't.
46 Even if after we -- If we swore you all in on Monday morning, so
47 that you could participate fully, I assumed you would
48 automatically be on the Reef Fish Committee. That is not the

1 case.

2
3 There would then have to be motions passed, and we would have to
4 formally assign you to the Reef Fish Committee, because we
5 actually assign specific people. It's not just generally a
6 committee of the whole, and, Mara, you can correct me if I say
7 any of this wrong, and so then my question was, well, then, if
8 I'm actually assigning our new members to committees, it seems a
9 little strange that I only assign them to one, and should I not
10 go ahead and just send them out the request for them to
11 prioritize their committees and we'll assign them to all the
12 committees that they want, and then that led to, well, if you're
13 going to do that, you're only doing that for two people and not
14 everyone on the council, and you're going to turn around at the
15 next meeting and do that for -- Anyway, it got deep pretty
16 quick, but, yes, I agree with your concern.

17
18 It was a concern that I had, especially considering that you're
19 coming in one meeting later than you would normally have come
20 in. I do welcome you to please participate fully, except for
21 the voting and making motions, and please speak out any time you
22 have something to add to the conversation during the Reef Fish
23 Committee. Yes, sir, Mr. Dyskow.

24
25 **MR. DYSKOW:** Thank you, Madam Chairman. I would like it further
26 placed in the record that this is, as you pointed out, the
27 second meeting where this has occurred, even though we were
28 appointed before the previous meeting, the one in San Antonio.
29 I was in the audience listening, but I was not able to
30 participate in that meeting, and now I'm not able to vote, nor
31 is Dr. Shipp, in this meeting, and that's two meetings.

32
33 A significant amount of time has passed, and I would have
34 thought that a resolution could have been brought forward by
35 staff to address this, and so I want that placed in the record
36 that there is a significant concern that, essentially, the new
37 members have missed two meetings, as far as a voting presence.
38 Thank you.

39
40 **EXECUTIVE DIRECTOR DOUG GREGORY:** We have worked to try to
41 streamline the process overall. Prior to last year, we normally
42 had our council meetings near the end of August, and so the
43 appointments are made in June, and August 11 is when the new
44 appointees actually start serving.

45
46 They would normally attend the August meeting and be in the same
47 situation you're in now, and then, at the August meeting, at the
48 end of the meeting, there would be an election of Chair. We

1 normally have the new Chair assign committees, and so we do a
2 committee assignment between August and October.

3
4 The committee assignments would not be made until the Full
5 Council, which means, in October, the new appointees still could
6 not serve on committees. They wouldn't be on committees until
7 January, and that's the way we used to do it. Last year, we
8 changed it to where we would convene the council at the very
9 beginning of the week, for the sole purpose of assigning
10 committees, and that would normally be in October.

11
12 We are going to do the same thing this year, but we're just a
13 meeting off, and so we have streamlined it to where the new
14 people are on the council, but not on the committees, for only
15 one meeting, instead of two meetings as it was previously, for
16 the previous forty years, and so, yes, it's much like appointing
17 AP members and SSC members. It's a more involved process than
18 it used to be, but we have streamlined it, to that extent.

19
20 The problem at the last meeting was August 11 was the Friday
21 after our council meeting, and so this is your first meeting,
22 and we're just one meeting behind because of the dates of the
23 council meeting, and we did not realize that two years ago when
24 we were setting up the council meeting dates for 2017.

25
26 Another thing that I would like to try to streamline, that I
27 haven't been able to do, is to have our summer meeting in July
28 instead of June, so that, in July, we do know who is coming on
29 and who is not coming on, back, but sorry for that, but we are
30 trying to streamline it, and so, at the next meeting, we will
31 convene the council first thing Monday morning and make
32 committee assignments, so that everybody can serve on the
33 committee at that meeting. Last year, that happened in October,
34 and this year it will happen in January.

35
36 **MS. MARA LEVY:** I just wanted to say that, while the voting on
37 committee -- I hear exactly what you're saying, in terms of
38 voting on the committee, but the committee is only making
39 recommendations to the council.

40
41 When the Full Council convenes and you're sworn in, you have the
42 opportunity to vote on every motion that's going to come up from
43 the committee, and I understand that it's not the most
44 efficient, because you can't vote in the committee and then
45 you're voting at the council, but there will be that opportunity
46 to vote as a council member on anything that the committee does
47 at this point.

48

1 **MS. BOSARGE:** Thank you very much, and so noted, sir. Chairman
2 Greene, I will turn it back over to you.

3
4 **CHAIRMAN GREENE:** Thank you. We will start off with the
5 Adoption of the Agenda. Is there any additions to the agenda?
6 Seeing no additions, is there any opposition to the agenda as
7 written? Seeing no opposition, we will adopt the agenda.

8
9 Approval of the Minutes, is there any additions or corrections
10 or deletions to the minutes? Seeing none, is there any
11 opposition to the approval of the minutes? Seeing no
12 opposition, we will approve the minutes as written.

13
14 Action Guide and Next Steps, Tab B, Number 3, is provided for
15 your reference, to kind of keep up on an item-by-item basis as
16 we move along. With that, we will move into our first action,
17 which will be the Framework Action for Greater Amberjack Fishing
18 Year and Recreational Closed Seasons. That will be Tab B-4(a),
19 (b), and (c), and we will start off with the Summary of the
20 Public Hearing Comments. Emily, if you're ready.

21
22 **FINAL ACTION - FRAMEWORK ACTION - GREATER AMBERJACK FISHING YEAR**
23 **AND RECREATIONAL CLOSED SEASONS**
24 **SUMMARY OF PUBLIC HEARING AND WRITTEN COMMENTS**

25
26 **MS. EMILY MUEHLSTEIN:** Thank you. We collected written comments
27 on this amendment, and we actually only received about twenty
28 written comments that were submitted through our online comment
29 form and via email, despite the fact that we did have some
30 really strong social media response to this issue, and so what I
31 have done here is just summarized the written comments as
32 normal.

33
34 However, I would suggest that maybe you do take a look at the
35 Facebook thread that was centered around this issue, because it
36 was long. I think there was a couple hundred comments there,
37 and it's sort of difficult, I think, to get people to take the
38 jump from social media to the actual written comment record
39 sometimes, and so I just wanted to make that note before I gave
40 you guys the summary.

41
42 Of those twenty written comments that we did receive through our
43 online comment form and via email, there was a single comment
44 that discussed Action 1, which looks at modifying the fishing
45 year for greater amberjack, and it was support for Alternative
46 2, which would indeed modify the fishing year so that it would
47 be open on August 1 through July 31 of the following year.

1 Of the comments that we received, the ones that were specific to
2 Action 2, which considers modifying the recreational fixed
3 closed season for greater amberjack, we heard support for
4 Alternative 2, which would modify the recreational fixed closed
5 season to be January 1 through March 31 and then again May 1
6 through July 31, and so that equates to an open season for the
7 month of April and then again at the beginning of August.

8
9 We heard that Texas doesn't really have a season right now,
10 because the quota closure is in place before the fishing is good
11 on that side of the Gulf. We heard that the season should be
12 split and open in April and May and then again in September
13 through November. We heard that the season should be open April
14 and May and then again August through October with a one-fish
15 bag limit or with a one fish for every two angler bag limit.

16
17 In fact, we did hear a lot of suggestions to this effect, that
18 maybe we need to combine a reduction in bag limit in order to
19 extend the season. Kind of the idea that I got when I read
20 these comments, and I would suggest that you guys go ahead and
21 do that as well and see if you have the same feeling, was that a
22 lot of folks were putting more emphasis on a desire to have a
23 longer season rather than a larger bag limit.

24
25 We heard that an August through December season is unacceptable
26 for anglers that are east of the Mississippi River. We heard
27 that the season should be moved later in the year, when more
28 anglers have access to the resource, and we did hear that we
29 should not close the season in January and February, because it
30 keeps the charter industry alive in those months.

31
32 We heard a number of other comments that were amberjack-
33 specific, but not specific to this framework, and I will go
34 through those very quickly. We heard that, rather than close
35 the season, the bag limit should be dropped to one fish per
36 vessel with a year-round season, because amberjack are a very
37 large trophy fish.

38
39 We heard that a one-fish bag limit with a weekend-only year-
40 round season would be the best option, and we heard that anglers
41 should be allowed one amberjack per boat with a thirty-eight-
42 inch minimum size limit. We heard that the council should
43 consider a one fish per two angler bag limit, to ensure a longer
44 season. We heard that, under a one fish per two angler bag
45 limit, a March through May and August through November season
46 would be acceptable.

47
48 We heard that we couldn't have overharvest of our quota in the

1 first three months of this year, and we also heard that
2 amberjack are abundant off the states of Florida, Mississippi,
3 Texas, and Louisiana. We heard that amberjack have very low
4 release mortality, and we also heard support for a one to two-
5 year moratorium on amberjack fishing entirely until the stock
6 rebuilds.

7
8 We also heard a number of other comments, which I will not read
9 aloud right now, but, if you refer to that comment summary in
10 your briefing book, you can see some of the other comments that
11 were not specific to amberjack at all. Thank you.

12
13 **CHAIRMAN GREENE:** Thank you. With that, we will move on into
14 the review of the document, which will be Tab B, Number 4, and
15 Dr. Froeschke. Mr. Boyd, did you have a comment?

16
17 **MR. DOUG BOYD:** I just had a question for Emily. Emily, you
18 said that there were a lot of comments on social media, and can
19 you kind of summarize what those topics were that had to do with
20 greater amberjack, if there were that many?

21
22 **MS. MUEHLSTEIN:** Oh, goodness. I can. In addition to sort of
23 some of the things that we just heard in the comments -- I mean,
24 some of them did absolutely reflect what I just went over that
25 were in the record, but a lot of the social media ones were just
26 mostly expressing dissatisfaction with the stock assessment, the
27 process, and the fact that it is reflecting that the stock is
28 overfished, despite the fact that a lot of anglers, I think,
29 feel like the amberjack is more abundant than it has been, which
30 it probably should be, because we've been rebuilding for a long,
31 long time.

32
33 Not a lot of them were comments that were specific to the
34 amendment itself, but more centered around the anglers' general
35 feelings about the amberjack fishery and sort of the quandary
36 that we find ourselves in with the continued rebuilding process.

37
38 **CHAIRMAN GREENE:** Thank you. Any other comments for Emily? My
39 apologies for skipping ahead there, Doug. Thank you for raising
40 your hand and asking the question. Dr. Froeschke, I guess we'll
41 move on to the review of the document, Tab B, Number 4(b). Dr.
42 Froeschke.

43
44 **REVIEW OF DOCUMENT**

45
46 **DR. JOHN FROESCHKE:** Good morning. Just a brief introduction.
47 This document discusses changes to the fishing year definition
48 and the recreational fishing closed season. This is Framework

1 Action 2 of a likely three-action set, and so we recently did
2 the framework action changing the ABCs, ACLs, and ACTs, in
3 response to reductions required by the result of a stock
4 assessment update.

5
6 Also, during that time, there was an action in that document
7 that discussed changes to the recreational season, in response
8 to the historically short season that occurred this year and
9 trending that way in previous years, and also just changes in
10 some of the rationale for the original season.

11
12 You all discussed that at the last meeting and realized that it
13 probably should be discussed some more, and you took action to
14 change the season, the closed season, from January through June,
15 with the intent that it would be revisited in a subsequent
16 framework action, which is what we have before you.

17
18 At the last council meeting, there was also a discussion that,
19 particularly in the reef fish fishery, each year on January 1,
20 many species open for harvest, and there may be fewer species
21 available for harvest, because of quota closures, later in the
22 year, and so one suggestion was to modify the definition of
23 fishing year for one species in the Reef Fish FMP, and so we
24 have some alternatives in here.

25
26 The two actions in the document, Action 1 is considering changes
27 to the fishing year, and then Action 2 is revisiting this fixed
28 closed season, and so I will kind of give you the highlights of
29 this fishing year and then we can talk about that. Keep in mind
30 that the two actions do sort of go together, and we have some
31 graphics to describe that.

32
33 Things to keep in mind relative to Action 1 are, regardless of
34 the alternative that's selected, the total estimated harvest
35 that was used in the decision tool and things is exactly the
36 same, the same number of fish, but it's changing the definition,
37 and so that doesn't change.

38
39 Also, there are quota increases each year from 2018, 2019 and
40 2020, based on the recommendations and the alternatives selected
41 in the previous framework action. By the time that this thing
42 likely would implemented and things, it's probably going to be
43 more of the 2019. Those are sort of my disclaimer facts. As I
44 stated, now, the current fishing year is January 1 through
45 December 31. It's the calendar year. This is described in the
46 original Reef Fish FMP.

47
48 Alternative 2 would modify the fishing year from August 1

1 through July 31, which would be overlapping calendar years, and
2 there are two options. One would just affect the recreational
3 sector. Option b would encompass both the recreational and
4 commercial sector, and so two things to think about.

5
6 If you selected Option a, you would have different time periods
7 in which you were estimating the annual harvest for a single
8 species, and so, in stock assessments and things, there would
9 have to be some understanding of how to address that. Option b
10 would alleviate that, although it would sort of bring the
11 commercial sector into that, and that may be more of
12 recreational issue, and so there is that.

13
14 The other thing relative to Alternative 2 is, on the
15 recreational surveys through MRIP, they are estimated in two-
16 month waves, and this would split a wave. It would require the
17 splitting of a wave. I am certain that that probably could be
18 addressed. The likely outcomes though is, one, it would be more
19 work, and it may require some additional changes to how the data
20 estimated. Two, it's likely that, if you split the wave, you're
21 going to have your estimate probably based on fewer samples, and
22 so there may be less precision associated with the estimate.

23
24 Alternative 3 is essentially the same options, but it would just
25 move that definition back one month, such that you wouldn't be
26 splitting the wave. The fishing year would start between what
27 is now considered Wave 4 and Wave 5, and so it would alleviate
28 that problem, and then the two options would address the
29 sectors, and so I will stop there if you have any questions or
30 comments.

31
32 **CHAIRMAN GREENE:** All right. Thank you. Are there questions or
33 comments? I have one. Dr. Froeschke, I think you heard you say
34 that you didn't think this would be possible before the 2019
35 season, and is that what you said?

36
37 **DR. FROESCHKE:** Well, I suspect this could be implemented, but,
38 in terms of -- I guess I was thinking more in terms of the
39 recreational closed seasons and things, because those sort of
40 are interacted, and, when we get to that section, you will see
41 that some of the alternatives would probably be over the 2018
42 ACT, but likely under the 2019 and 2020 ACT, and so some of the
43 access problems may be alleviated by increasing the quota alone
44 and wouldn't necessarily have to encompass other management
45 changes, if you were satisfied with one of those seasons.
46 They're all sort of intertwined, and so that's the perspective.

47
48 **CHAIRMAN GREENE:** Thank you. I understand what you're saying

1 now, but I just wanted to make sure that it was still on track
2 to be able to have this in place for the 2018 season. At least
3 that was the discussion that we went down last time. Ms. Guyas.

4
5 **MS. MARTHA GUYAS:** If we did this and we moved forward with a
6 decision in Action 2 to change the season, how would that work
7 for the final rule? I assume we would still move forward with
8 the season changes this year, but this would be on hold until
9 2019? I am confused. Like different, I guess, effective dates?

10
11 **DR. FROESCHKE:** I am assuming, the way it's -- We brought this
12 for final action, and so, if the council selects final action,
13 we would get it transmitted, and we would have the change -- I
14 am assuming the changes to the recreational season would be
15 implemented to take effect this year, especially -- Mara would
16 have to comment if they selected like a spring, like an April
17 and then later one, whether that would be in place by April or
18 not. I couldn't comment on that, but I think that was the
19 intent of us trying to get this thing done as fast as we could,
20 and that's why we pushed some of the other actions off until a
21 third document.

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

24
25 **MR. ROBIN RIECHERS:** I want to go back over that, and maybe Andy
26 or someone from NMFS can help here. Roy was here, and he
27 explained that the South Atlantic had done this recently in a
28 couple of issues. It almost seemed like an interesting
29 situation, where they basically counted for four months and
30 wiped those fish off the books and then started counting again.
31 I don't quite understand how that worked, but it was an
32 interesting explanation that he gave to how they did that.

33
34 I will turn to them and see if they can explain that again,
35 because what we need to understand is whether we're delaying any
36 harvest until the time of this new season, and that was not the
37 explanation that was given, and that's what I would have thought
38 would have occurred, but I think there was a different
39 explanation given.

40
41 **CHAIRMAN GREENE:** Mr. Strelcheck.

42
43 **MR. ANDY STRELCHECK:** Right, and so the way we've done it in the
44 South Atlantic is they were on a calendar year fishing year and
45 would fish from January 1 to whenever the new fishing year start
46 date was changed to, and so, in this instance, if you selected
47 September 1, then the 2018 amberjack season would be January 1
48 to August 31 and then a new amberjack season would begin

1 September 1 through August 31 of the next year. Landings would
2 be counted that way. It would be kind of a partial season. It
3 would be a truncated year, in order to get on a fishing year
4 that starts on a different day other than January 1.

5
6 One other thing, while I have the mic. Keep in mind, the last
7 council meeting, you approved an action to have a closure from
8 January 1 through I believe June 30, and so we're working to
9 implement that, so that any changes you made in this amendment
10 could take effect in FY18, whether it's changes to the seasonal
11 closures or to the fishing year start date.

12
13 **CHAIRMAN GREENE:** Thank you. Thank you for that question,
14 Robin. That was the way that I had understood it as well. Mr.
15 Diaz.

16
17 **MR. DALE DIAZ:** I have a question and a comment. The question
18 is about the commercial fishermen. Would there be any
19 disadvantage, Dr. Froeschke, to the commercial fishermen if we
20 were to move them at the same time that we moved the
21 recreational? Would they have any losses as a result of that
22 that you have identified?

23
24 **DR. FROESCHKE:** They wouldn't have any loss, in terms of the
25 total poundage that they are allowed to harvest. The difference
26 would be, if they reached their quota before yearend and so they
27 had a yearend quota closure -- Right now, that would occur in
28 the fall. If this happened, that would likely happen in the
29 early spring, somewhere January through March, and so, depending
30 on their business practices and things, if the uncertainty in
31 when the closure may happen is better in the fall or if it's
32 okay in the spring, and so I guess that would be -- It's just
33 depending on how that has happened. In the past several years,
34 we have closed early.

35
36 **MR. DIAZ:** I had a comment, also. You had talked about
37 splitting a wave, and I believe, if we go down this path, we
38 should pick the time period that is the best time period for
39 fishermen, and I don't think we should worry about splitting a
40 wave, but, having said that, if you do split a wave, right now
41 we're in October, and we don't have Wave 3 preliminary data yet
42 in October.

43
44 If you split a wave, you've got to realize that, on the schedule
45 we're on right now, you might not have preliminary data until
46 well into the next year, and it's tough to manage a fishery when
47 your data is coming in as slow as we're getting it, and so
48 that's my only concern with splitting a wave, but, having said

1 that, like I said originally, I think we should do what's best
2 for the resource and the fishermen. Thank you, sir.

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

5
6 **MS. GUYAS:** I share the concern about splitting a wave, for the
7 reason that Dale outlined. My question is about the commercial
8 fishing year, if we change that. I assume, somewhere in this
9 document, there is a breakdown of commercial landings by month.
10 I see we have the recreational by wave, but I can't -- I haven't
11 seen the commercial yet.

12
13 **DR. FROESCHKE:** I don't believe that that information is in this
14 document. We could certainly get it for you and provide it at
15 Full Council.

16
17 **MS. GUYAS:** Okay. It might be helpful, just so that we can
18 maybe see what impacts there might be by moving the fishing year
19 around for them.

20
21 **CHAIRMAN GREENE:** Thank you. Are there further comments? Okay,
22 Dr. Froeschke.

23
24 **DR. FROESCHKE:** Just one thought, or two thoughts. One, if we
25 do want to go final action, we will need to select a preferred,
26 I guess either now or in Full Council. Two, remember that we're
27 going to look at the season, the recreational season, in Action
28 2, and so, regardless of what definition of a fishing year, you
29 could still select whatever combination of months that you felt
30 were most appropriate. It may just change the accounting for at
31 least a single year, until it got rolling on the additional
32 fishing year, and so, depending on how you wanted to do that,
33 just keep that in mind.

34
35 **CHAIRMAN GREENE:** Ms. Bosarge.

36
37 **MS. BOSARGE:** John, refresh my memory. In the document that we
38 took final action on at the last meeting, was there anything in
39 that document that addressed changing the fishing season for the
40 commercial fishery?

41
42 **DR. FROESCHKE:** No, there was nothing in there that -- No, there
43 wasn't.

44
45 **MS. BOSARGE:** I guess my only concern there is we had a lot of
46 discussion at the last meeting about the recreational sector and
47 trying to make some changes here and bringing this document for
48 final action so quickly, because we pretty much implemented what

1 we determined to be an interim measure in that last document at
2 our last meeting, and we're going to address it with a new
3 document, final action, at this meeting, but I don't think we
4 really ran the flag up the pole to the commercial fishermen that
5 we might that quickly also make some changes to their fishing
6 season.

7
8 Now, I am hoping maybe we have some fishermen in the audience
9 today and tomorrow that might can give us some feedback on that,
10 but I do have a little concern that that might be coming at them
11 fairly quickly and they may not realize it and give us the
12 feedback that we need. It may not be a problem for them, and I
13 don't know.

14
15 **DR. FROESCHKE:** At the last council meeting, we talked about, in
16 the third document, that we would revisit the trip limits, and
17 so the commercial season, as you're aware, is a three-month
18 closed season that is associated with the spawning season of
19 amberjack.

20
21 I think the rationale at the time was that, if we took another
22 look at the trip limits, that it wouldn't require any closure in
23 addition to that three-month time, in which case changing the
24 fishing year shouldn't affect them, because they would still be
25 open the other nine months, regardless of how the fishing year
26 was associated, and so there's the fishing season and then our
27 definition of the fishing year, and it's easy to kind of get
28 tangled around those.

29
30 **CHAIRMAN GREENE:** Thank you. Mr. Sanchez.

31
32 **MR. JOHN SANCHEZ:** Thank you, Mr. Chairman. Given, I guess,
33 where we're at with this document and some of the public comment
34 we've heard, and we're probably going to hear quite a bit of
35 tomorrow, I would say we kind of go through the document like
36 we're doing and let's defer picking preferreds until the new
37 council members are sworn in and until we get the benefit of the
38 public comment, because there is a lot of bag limit stuff here
39 that I think would address stretching the seasons and might be a
40 -- Even though it's not in here, but I really want to hear from
41 the public on that. That might be a better way to get to the
42 place they want to get to, rather than just moving seasons
43 around where somebody may get affected dramatically.

44
45 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
46 Ponwith.

47
48 **DR. BONNIE PONWITH:** Thank you, Mr. Chair. Just a note on the

1 splitting of a wave. So, it absolutely makes perfect sense to
2 try and gauge the start of a fishing year to be as beneficial to
3 the people that are fishing as possible. The hazards of
4 splitting a wave, of course, is you have, for half of that wave,
5 no directed fishing, and, for half of the wave, you have
6 directed fishing.

7
8 What that does is influences the precision of the estimates for
9 that time period, and so there are tradeoffs, and I just wanted
10 to make sure that people understood what those tradeoffs are.
11 The tradeoff for really optimizing the season for the people
12 that fish would be the precision of the estimates.

13
14 **CHAIRMAN GREENE:** Thank you. Ms. Levy.

15
16 **MS. LEVY:** I just wanted to point out that, in the effects
17 analysis, there are a couple of figures that show average
18 commercial monthly landings for both older years and more recent
19 years, and so that may help you, if you want to look at the --
20 That is page 49 and 50, and I think it's PDF page 59 and 60,
21 around there.

22
23 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
24 Diaz.

25
26 **MR. DIAZ:** I am not sure that I agree with Mr. Sanchez, and I
27 respectfully disagree with Mr. Sanchez. I share his same
28 concerns about wanting to get public comment, but I don't know
29 if we're going to get as much public comment without picking a
30 preferred or not.

31
32 I did not want to be the one to make a motion on this. I was
33 hoping that some other folks would do that, but I'm not sure
34 that I share Mr. Sanchez's comments that that's the way for us
35 to get the most public comments, because, right now, we're not
36 taking any action that affects commercial fishing with no
37 preferreds picked. If we have a preferred picked, I would
38 think, if we were going to go that route -- I mean, I don't know
39 where we'll end up with this, but I respectfully disagree with
40 Mr. Sanchez on that.

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

43
44 **MS. LEVY:** Thank you. Just a suggestion, and obviously you
45 don't have to follow it, but it seems like -- I know why this
46 action is first, because you're looking at modifying the fishing
47 year, but it seems like, if you look at the seasonal closures
48 and they accomplish what you want to accomplish without actually

1 shifting the fishing year for one or both of them, then it might
2 be the easier path to take, or simpler.

3
4 If doing the seasonal closures doesn't do what you want to do
5 with respect to the recreational fishing during those periods of
6 the year, then you might want to go back to consider switching
7 the fishing year.

8
9 **CHAIRMAN GREENE:** Thank you. Are there further comments? Okay.
10 Seeing none, Dr. Froeschke.

11
12 **DR. FROESCHKE:** Action 2 is on page 7 of the Word document, or
13 the document. This is modify the recreational fixed closed
14 season for greater amberjack, and so, if you recall, what's
15 currently in place is the June/July closure. At the last
16 council meeting, you took action to change that from January 1
17 through June 30, which is in the process of implementation, with
18 the idea that it would prevent opening of the fishery on January
19 1 of this year, until we get whatever else you want to do
20 implemented.

21
22 There are four other alternatives in the document. All of them
23 are what I would call split seasons, which generally have a
24 short spring season and a longer fall season. The wording of
25 the alternatives describes the closed season, and then, in
26 parentheses, it also has the open season, and that, I think, is
27 a little easier to talk about, and so I will just kind of go
28 through those.

29
30 Then I have some charts in the back of the document that we can
31 look at that describe the projected catch of each of the
32 alternatives relative to the ACL or ACTs in the subsequent
33 years, and so you can kind of see what you get for the various
34 alternatives relative to the management targets.

35
36 Alternative 2 would be open in April and then from August 1
37 through December 31. Keep in mind that all of these can be for
38 any of the actions or no action in Action 1, and so any of the
39 definitions of the fishing year.

40
41 Alternative 3 would be open in May and then again August through
42 December, and Alternative 4 would be open April and then
43 September through December. Then Alternative 5 would be the May
44 through September through December, and so either open in April
45 or May and then either open from August or September through the
46 end of the year, end of the calendar year.

47
48 Our best understanding of the science is that March and April is

1 kind of the peak of the spawning season. For various reasons,
2 it may not be ideal to be harvesting during that period,
3 although there is certainly a desire, from the fishery
4 standpoint, to have a spring season, and so the open May options
5 are trying to balance that, and that's kind of what we came up
6 with.

7
8 What I would like to do, if there are no questions, is go to the
9 charts on page 14, if we could pull that up, but, if you have a
10 question, just please interrupt. There are six charts, if you
11 have the document in front of you, and I will start on the top
12 left and just try to describe what's in each panel.

13
14 The top-left is the current Alternative 1 with the June/July
15 closure. The way the charts work, the black line is the
16 estimated landings that would occur based on the decision tool
17 that SERO has put together, and those estimated landings are the
18 same for each of the fishing year definitions that we talk
19 about, and so there is several graphs, but, for this
20 alternative, the gray-shaded box is the closed season for each
21 alternative, and then the horizontal lines of purple and teal
22 and red are the ACTs for each year, and so the summation of that
23 is the total estimated landings, and so, in short, if it exceeds
24 the management targets, then it would likely require a closure
25 before the year-end. If it's under, then it's estimated that
26 that fixed season in place alone would be enough to achieve the
27 desired harvest reductions.

28
29 On the panel on the top-right is the season that you took action
30 at the last meeting, and so you can see there's a big gray box
31 from January through June, and that would be the closed season,
32 and then the black line is the accumulated catch through the
33 year, and that would be estimated to exceed the 2018 ACT, and so
34 it would likely require a closure before the year end, and
35 that's how it would work. For 2019, likely, that season would
36 probably be at or just under the ACT, based on the estimates and
37 the decision tool.

38
39 If you can scroll down to the next two, on the left is
40 Alternative 2, and, again, this is the alternative that would be
41 open in April and then August through the end of the year, and
42 so you can see the catch is flat-lined in the areas where the
43 boxes are shaded gray, because it assumes no harvest. These,
44 again, would be -- This alternative would exceed the 2018 ACT
45 value. It would be right at, I think, or just above the 2019
46 and well under the 2020 ACT.

47
48 The top panel on the right would be Alternative 3, and this is

1 open May instead of April, and then August through the end of
2 the year. It's the same idea, and in general, the estimated
3 harvest between Alternative 2 and Alternative 3 is quite
4 similar.

5
6 If you scroll down one more panel, again, this would be the open
7 month of April, and I'm talking about Alternative 4 in the top
8 left. Then it's open September through the end of the year.
9 This alternative would keep the estimated harvest well under the
10 ACT for all the years that we dealt with in the last framework
11 action, and it's the same with Number 5. That's May through
12 September, and so these are what I would consider the most
13 restrictive, in terms of allowable harvest. It would certainly
14 meet the reductions, and perhaps there is some middle ground
15 that gets pretty close to what you're trying to do.

16
17 I won't go through them, and we can discuss it, but the other
18 documents, on the subsequent pages, are the same graphics, but
19 they just walk through the different iterations of the fishing
20 year that we have talked about, and so these ones start the
21 fishing year in January, but the other ones do in August and
22 September, but the estimated total harvest for each alternative
23 in this action is exactly the same.

24
25 **CHAIRMAN GREENE:** Thank you. Is there discussion? Ms. Guyas.

26
27 **MS. GUYAS:** Just a question. I assume that, for your 2018
28 calculation here, that you have not accounted for what looks
29 like the overage that we have that would be paid back next year,
30 right?

31
32 **DR. FROESCHKE:** Yes, that's correct.

33
34 **MS. GUYAS:** So, in reality, we're looking at a shorter season
35 than what's on these tables for next year.

36
37 **DR. FROESCHKE:** Yes, and maybe NMFS can give us a little
38 information about what they think that's going to look like.

39
40 **MS. SUSAN GERHART:** I'm sorry. Could you repeat the question?

41
42 **MS. GUYAS:** If you look at landings from this year, or at least
43 what's on the ACL monitoring website, we're at 130 percent of
44 the quota for this year, and so that 30 percent would be paid
45 back next year, and so I just wanted to, I guess, make the point
46 that the season projections that we're seeing here for 2018 are
47 probably a little more generous than we'll be in reality.

48

1 **MS. GERHART:** You did, in the previous framework, reset the ACL,
2 and, once that goes into place -- I believe, and I don't want to
3 say this for sure, but I believe that, because we're setting a
4 new ACL, I am not sure how the payback works with that, but
5 you're correct that this is probably more generous than it would
6 be.

7
8 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
9 Boyd.

10
11 **MR. BOYD:** I've just got a question for John. John, refresh my
12 memory, but what is the spawning season that we think that
13 greater amberjack has? Is it April or May or February or March
14 or --

15
16 **DR. FROESCHKE:** It's a protracted spawning season, like from
17 probably February through June. The peak spawning that we
18 typically talk about is March and April in the Gulf.

19
20 **MR. BOYD:** March and April? Okay. Thank you.

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

23
24 **MR. RIECHERS:** I think this change of season discussion plays in
25 here quite a bit, because, if we change the season, with the
26 overage adjustment, basically the backend of whatever season you
27 choose now is going to be truncated quite a bit in context to
28 this first year, and so, just as we move through the document
29 and look at those, we need to think about that.

30
31 The graphs portray that pretty well. There is only two
32 alternatives that I am seeing here, Alternatives 4 and 6, that
33 stay below the ACTs, but it's going to be a dramatic shift as to
34 whether you close on the frontend or the backend, depending on
35 how we would change those seasons, and so I think, given what we
36 stated last time with our closure going to June 30, with some
37 assurances to folks that we were trying to truly come back and
38 look at a spring season, we just need to keep that in mind.

39
40 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
41 Mickle.

42
43 **DR. PAUL MICKLE:** Thank you, Mr. Chair. Just to add more
44 uncertainty, remember what we did a couple of years ago, and we
45 went up on the minimum. The catch variability is so high on
46 this species that we hit it real quick, and we were trying to
47 keep it open longer, and we actually ended up closing it
48 earlier, and so please understand that the variability in catch,

1 especially in the spring season, because of weather and the
2 business models of the charter, and the private as well coming
3 in. Weather is very dependent in the springtime in the eastern
4 Gulf, as it is in the western Gulf, and the catch seasons are
5 different eastern and western. The variability is extremely
6 high, and discards are not accounted for in these figures, and
7 we know the discards do count in other ways, when we shut things
8 down. Thank you.

9
10 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
11 Well, with no further discussion, I am going to weigh-in a
12 little bit here, from a personal standpoint. You know, I fought
13 at the table for a long time to keep the size limit at thirty
14 inches. I pushed pretty hard for a June and July closure,
15 because, at that time, I think that's what we thought the
16 spawning was.

17
18 We have got a -- From a business standpoint, man, give me April
19 or May. I could book every one of those days, no problem. From
20 a personal standpoint of having to go home and go to bed at
21 night, we've got to do something pretty big here.

22
23 It's time to do something on a grand scale to get this fishery
24 back, especially the fact that we're at 130 percent now. The
25 point that Mr. Riechers made is certainly a valid point, and so,
26 as you're thinking about this, just bear in mind that we need to
27 do something, because nothing we've done has made that stock
28 move. It has just been a flat line, and we're going to have to
29 do something, and so bear that in mind as we move forward with
30 this document. All right. Any further comments? Andy.

31
32 **MR. STRELCHECK:** I wanted to get back to something to Mara said,
33 and, if you look at the tables on page 11 and 12 and 12 and 13,
34 Alternatives 4 and 5, which would create the longest fishing
35 seasons, as well as have a spring and fall opening, it doesn't
36 matter when you start the fishing season, at least based on
37 these projections.

38
39 The question then becomes, if the projections are wrong, which
40 they will be, and there is uncertainty in the data, if you
41 change the fishing year, is the goal of trying to have a spring
42 season greater than a goal of having a fall season, in the event
43 that landings run higher and we would have to close one or the
44 other? That, to me, would be your tradeoff decision for when
45 you start the fishing year, and it's something that you should
46 consider, obviously, in your decisions.

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

1
2 **MR. KEVIN ANSON:** Just to follow up on what Andy said, something
3 we might also want to consider is that, for the last couple of
4 years, maybe three, for much of the Gulf, there has not been a
5 season during the time of year that's most conducive to them,
6 and so there might be some pent-up demand, in that regard, and
7 so, if we switch to this fall season as the opening, there might
8 be a little bit more, even more, landings, because people will
9 have the need to go and try to catch them, and so that's just
10 something that I thought about, at least, and it's something to
11 consider.

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

15
16 **MR. RIECHERS:** This is a question for you, Johnny. You talked
17 about having the season open in April, and certainly we can --
18 We can pose questions so that others can also weigh-in, as we go
19 through public testimony, but is that because it's been
20 traditionally at that time, or, if you had it in May and we
21 preserved the spawning stock and we basically opened May 1 and
22 closed May 30, do you think you would still book those trips up,
23 but it's just that it's going to cause a shift in people's --
24 When they choose to take those, and I realize that some of that
25 may be built around spring break, and so there may be a fixed
26 time there that that's built around, but I would certainly like
27 to hear, both around the table and in testimony, on that notion.

28
29 **CHAIRMAN GREENE:** I think the trips are going to be booked
30 whether they're in the spring or in the fall. There's certain
31 people that that's their fish, and that's what they want to
32 target. I mean, the problem with the -- The good thing about
33 the spring is typically the water is cooler. If you're going to
34 throw a fish back, typically they live better. If you throw
35 them back in the fall, when the water gets up to eighty-five or
36 eighty-six or eighty-seven or eighty-eight or eighty-nine
37 degrees, as it was in some areas this year, they don't do quite
38 as well. Mr. Riechers.

39
40 **MR. RIECHERS:** I wasn't trying to compare spring to fall, but I
41 was trying to compare the shift in spring, Johnny, when we're
42 really thinking about a tradeoff between basically an April
43 opening versus a May opening.

44
45 It looks like you're going to get one month if we do this split
46 season, but it's just a question of which month, or some period
47 of days, and we're just splitting it on a beginning of the month
48 opening here. We can go to the fifteenth of a month. That's

1 our choice, but that's what I'm trying to get at.

2
3 **CHAIRMAN GREENE:** Well, you got me, Mr. Riechers. I was trying
4 to avoid your question, and so I won't lie to you. I will tell
5 you the truth. Honestly, I would just as soon close both of
6 them, and there's a lot of people in the back of the room that
7 are going to be very upset with that, but my opinion is I would
8 just as soon leave them both closed and just start it later in
9 the year and let the fish spawn one more time.

10
11 That's just my personal belief. The charter industry, I think
12 they're going to sell the trips. Some of them have -- There are
13 certain parts of the Gulf that they can book trips in April, and
14 there are certain parts of the Gulf that they book trips in May,
15 and there are other areas in the Gulf that can book them later
16 in the year, and so it's kind of a little bit of a back-and-
17 forth thing and trying to find a compromise, which is something
18 that we've all kind of been in the spirit of compromise here
19 later, and that's a great thing, in trying to figure out what do
20 we do and when do they spawn.

21
22 At one time, we had a lot of information about a June/July
23 spawn, and now we're hearing that maybe it's March/April. Well,
24 it's just kind of hard to overlook the month of May in that, and
25 that's what really bothers me with that, but you're right, Mr.
26 Riechers, that I was totally avoiding your question, and I will
27 just throw it out there, and I'm sure it will be a rough
28 afternoon for me, but that's okay. Ms. Guyas.

29
30 **MS. GUYAS:** To help, I guess, answer that question, based on
31 what I've been hearing, there's certainly folks in the Panhandle
32 of Florida, and it's not everybody, but they depend on, I would
33 say, probably the earlier part of the spring.

34
35 I would assume that they would favor April, but, of course, they
36 will chime in and tell us later in the week, for a harvest year,
37 because they're more of a spring-break fishery for them, and
38 there's not a ton of stuff open anymore during the spring, and
39 so they need something, and so that something has been
40 amberjack, recently, but certainly we'll hear that from folks
41 this week, and I'm looking forward to that, because this is a
42 tough one, I think.

43
44 **CHAIRMAN GREENE:** I agree. This is going to be a very tough one
45 for a lot of folks. Anyway, is there further discussion? Okay.
46 Dr. Froeschke, is that everything?

47
48 **DR. FROESCHKE:** Yes, and the only other thing is regarding this

1 third framework action. Maybe at Full Council we could discuss
2 the vessel bag limits and perhaps if there are any other things
3 -- Right now, we had talked about vessel bag limits and changes
4 in the commercial trip limits.

5
6 If we accomplish what you wanted to, in terms of the season,
7 perhaps the vessel bag limits we wouldn't need to do at this
8 time, or, if there were other management measures you wanted us
9 to consider in that third one, that would be the time to let us
10 know.

11
12 **CHAIRMAN GREENE:** Mr. Dyskow.

13
14 **MR. DYSKOW:** Thank you. I don't know who to address this
15 question to from Gulf Council staff, but there has been some
16 historical discrepancy in the timing of the spawning season. We
17 now believe it's earlier than we did previously, and how
18 confident are we in the science that we know what happens in
19 April, because, if April is the preferred season that particular
20 charterboats and headboats want to fish, and the only barrier
21 appears to be the spawning cycle, how confident are we in that
22 science?

23
24 **DR. FROESCHKE:** I will give it a go. A couple of things to
25 think about. The March/April, we're fairly confident that
26 that's the peak. This is widely-distributed species, and so
27 there are differences.

28
29 For example, if you look all the way from the South Atlantic,
30 and this species extends through Mexico, it wouldn't be uncommon
31 to think that, at different parts of their range, they may have
32 peak spawning activities at different parts of the year, and, in
33 fact, between the South Atlantic and the Gulf, we do describe
34 those seasons, and March/April is sort of the Gulf -- Again,
35 this is longer periods.

36
37 In the Keys, they may be slightly different and things, and so
38 that's what we tend to -- Looking at the Gulf as a whole, that's
39 what we think that it is, and we're fairly confident that that's
40 the range, but, in different parts of their range, it may
41 extend, and there could be some variability among years, based
42 on water conditions or other things, and so they likely are
43 spawning well outside of that and on both sides, at least in
44 some years.

45
46 **CHAIRMAN GREENE:** Mr. Dyskow.

47
48 **MR. DYSKOW:** I'm sorry, and I don't mean to beat this to death,

1 but, if we're making this decision based on science, I would
2 like to see a higher level of confidence that the science is
3 correct and that we're making the right decision, because there
4 is economic factors involved here, too.

5
6 It appears like April is the month that people want to fish, and
7 we're going to probably go down a path, if we choose a split
8 season, on erring on the side of May, but the science is unclear
9 to me still. I respect what you said, but I don't hear the
10 level of confidence that I would like to hear specific to the
11 Gulf.

12
13 **DR. FROESCHKE:** In terms of the Gulf, the March/April -- The
14 science is clear, at least in my view. I said there may be some
15 variability, but it's not that we think it's March/April and
16 then later it's going to be that, no, it's November and
17 December. It's not that.

18
19 It's just that it's a wide-ranging species, and so, depending on
20 where you look and in what years you look at, there could be
21 some variability, but, generally, over a long-term average, over
22 a Gulf-wide distribution, I think the science is fairly clear
23 that March/April is what we think the peak is.

24
25 **CHAIRMAN GREENE:** Is there further discussion? Okay. Seeing no
26 further discussion, Dr. Froeschke, is there anything that we
27 need to do with this document?

28
29 **DR. FROESCHKE:** No, and just, at Full Council, we'll need to
30 select preferreds and review the codified text, if you want to
31 take final action.

32
33 **CHAIRMAN GREENE:** Madam Chair Bosarge.

34
35 **MS. BOSARGE:** I just want to go back to my earlier comment, and
36 can we have some further discussion and maybe just give the
37 public a sense of if we're thinking about making any changes to
38 the commercial fishery? I want to do whatever we need to do to
39 stimulate feedback at public comment, because I just didn't
40 realize that was going to be in this document for final action
41 for this one meeting, and so I want to make sure that we get the
42 feedback we need and don't end up having unintended
43 consequences.

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

46
47 **MS. GUYAS:** I don't know if this is a John question or an Andy
48 question, but can you all talk about the tradeoffs of doing it

1 for recreational only versus recreational and commercial? I
2 assume that it makes it more challenging, in terms of tracking
3 quotas, if you're juggling two different fishing years across
4 those fisheries, but --

5
6 **DR. FROESCHKE:** I think they could probably comment better on
7 the quota tracking. I guess where I see the problem is when
8 you're doing the stock assessments and trying to put in annual
9 landings and make projections, based on different calendar
10 years.

11
12 **MR. STRELCHECK:** Mackerel is the only fishery that I can think
13 of where we've had different fishing years. I think, based on
14 what John just said, probably the biggest challenge would be
15 dealing with it from a statistical standpoint and handling it
16 with stock assessments, but, from an economics standpoint,
17 certainly if there is reasons to split the fishing years for
18 commercial and recreational, then we could look at it.

19
20 **CHAIRMAN GREENE:** This has been done quite often in the South
21 Atlantic, was the impression that I had gotten from Dr. Crabtree
22 when he was here last time. I would assume that their fisheries
23 probably don't line up with when data splits. I'm sure that
24 there's some of their fisheries that may open as well, and so I
25 don't think that this -- While it may be new to the Gulf, I
26 don't think this is new to any of the councils, and so it's one
27 of those things.

28
29 I think it's new to us, but it's just an outside-of-the-box idea
30 that I had and threw at you at Full Council last time, and I
31 really didn't have any preconceived notion going into it that I
32 was even going to do that. It kind of dawned on me when we were
33 sitting there thinking about some way to do that, and so that's
34 where it came from. With that, is there any final comments or
35 questions or concerns? Ms. Guyas.

36
37 **MS. GUYAS:** Just one thing. I am looking at the graphs that
38 Mara pointed out on PDF pages 58 and 59 that showed the
39 commercial landings monthly, and it does look like there's a lot
40 of commercial landings in March, February/March, and then early
41 summer. If we change to an August or September fishing year,
42 there potentially could be closings during what seems to be a
43 peak time of fishing, and so I assume that would have some
44 impacts, and hopefully we'll hear about them in public
45 testimony.

46
47 **CHAIRMAN GREENE:** I understand. Andy.

48

1 **MR. STRELCHECK:** I just wanted to urge caution in interpreting
2 these graphs, because keep in mind that we've had a lot of quota
3 closures as well at the end of the year, and so, just because
4 you don't see landings, it doesn't mean that they wouldn't be
5 harvesting fish at that time.

6
7 One other comment that I wanted to make, and I know John
8 referenced it with fractional bag limits, and it was mentioned
9 by Emily in her comments, but NMFS has been working on an
10 analysis. It's not quite ready. I don't know if there is
11 interest in that. Certainly we would be interested from a
12 public testimony standpoint.

13
14 It's not something that's in this amendment. It would
15 potentially have to be considered in another framework action if
16 you took final action on this amendment, but, if you want that
17 information -- I don't have it ready now, but potentially I
18 could have it ready for Full Council, if it's of interest.

19
20 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
21 Sanchez.

22
23 **MR. SANCHEZ:** Yes, I would be interested in seeing whatever
24 analysis that you could put together.

25
26 **CODIFIED TEXT**

27
28 **CHAIRMAN GREENE:** Okay. Any further discussion? Staff, you
29 guys are good on amberjack? All right. We have next on the
30 agenda the codified text, but I guess we will pick that up at
31 Full Council, unless the committee wants to review that now.
32 Obviously, there may be some changes. We don't have any
33 preferreds going into public testimony and essentially into Full
34 Council, and so I think we're just going to move past that, and
35 we will move on to the next scheduled agenda item.

36
37 Before we jump into Amendment 41, we're going to take a fifteen-
38 minute break and let everybody kind of do what they've got to do
39 for fifteen minutes. We're going to get started at 9:45, and so
40 please be back in your seats.

41
42 (Whereupon, a brief recess was taken.)

43
44 **CHAIRMAN GREENE:** We are going to go ahead and get started.
45 We're going to pick up where we left off, which is Amendment 41,
46 Allocation-Based Management for Federally-Permitted Charter
47 Vessels. I am going to kick it over to Dr. Freeman at this
48 point. They have got everything under control, and so, with

1 that, Dr. Freeman.

2
3 **AMENDMENT 41 - ALLOCATION-BASED MANAGEMENT FOR FEDERALLY-**
4 **PERMITTED CHARTER VESSELS**
5 **PRESENTATION - OVERVIEW OF TAB B, NUMBERS 5(a), 5(b), AND 5(d)**
6

7 **DR. MATTHEW FREEMAN:** Thank you. I will give staff just a
8 moment to open the presentation. We will be moving slightly out
9 of order for the items in Amendment 41, and so I will be
10 starting with the presentation, which is Tab B, Number 5(e), and
11 that's going to provide sort of an overarching view of Item a,
12 which is the AP Comments, Item b, Draft Amendment 41, and Item
13 d, which is the Referendum Eligibility Requirements.

14
15 As I go through this presentation, the first portion will focus
16 on Amendment 41, and I will be identifying any preferred
17 alternatives that the council has selected as well as preferreds
18 that the AP selected, and the AP met on September 19.

19
20 If the council remembers, Action 1 focuses on the type of
21 allocation-based management program, and the council had
22 previously selected as their preferred Alternative 2, Option 2b,
23 which was a permit fishing quota program, and the AP has also
24 selected that as their preferred. The AP also made a motion to
25 move Alternative 3, which considers harvest tag programs, to
26 Considered but Rejected.

27
28 Action 2 focuses on the species to include in the charter/for-
29 hire management program, and, previously, the council had
30 selected as their preferred Alternative 2, Options 2a, 2b, and
31 2c, and the AP also made a motion to select that as their
32 preferred as well.

33
34 Action 3 has several alternatives looking at the allocation of
35 ACL to the charter vessels and looking at a variety of years,
36 and so I will focus specifically at this point in on Alternative
37 5, which uses the time series of the preferred alternative from
38 Amendment 40, and that was selected by the AP as their
39 preferred. Again, once I finish the presentation, if the
40 council would like for me to go back through any of the specific
41 alternatives further, I would be more than happy to do so.

42
43 Action 4 examines distributing the charter quota to charter
44 vessels. The AP had made a motion to move Alternative 2, which
45 would distribute that based on tiers of passenger capacity, to
46 Considered but Rejected.

47
48 In addition, under Alternative 3, Option 3a, which examined

1 historical landings, the AP also made a motion to move that to
2 Considered but Rejected. The rationale, I will comment briefly
3 on that. It was that the AP was moving more towards using a mix
4 method for the distribution.

5
6 On that note, the AP selected as their preferred Alternative 4,
7 which, again, uses a mix method, and, in particular, selected
8 Option 4d, which weighted equal distribution 25 percent,
9 passenger capacity 25 percent, and landings by region as 50
10 percent. Finally, with Alternative 5, distributing the charter
11 quota by auction, the AP again moved that that alternative be
12 Considered but Rejected.

13
14 Lastly, Alternative 6, which distributes a portion of the quota
15 by auction, with the remainder based, again, on equal
16 distribution, passenger capacity, and historical landings, and
17 the AP as well moved that to Considered but Rejected, and,
18 again, the rationale for that was that they were not in favor of
19 using an auction system.

20
21 Action 5 has three sub-actions looking at the adaptive catch
22 share management, and so a reminder that the three sub-actions
23 determine the timeframe of the adaptive management cycle, and,
24 secondly, the method by which the shares will be reclaimed, and,
25 lastly, the method for redistribution of those reclaimed shares.

26
27 Again, Action 5.1 looks at the cycle. Alternative 2 suggests
28 using a set cycle. Alternative 3, which the council selected as
29 their preferred, would use a progressive range, and the council
30 had previously selected Option 3a, with one year incrementing by
31 one year until it reached a three-year cycle.

32
33 The AP made a motion as their preferred that Cycle 1, Cycle 2,
34 and Cycle 3 each last one year, and Cycle 4 lasts for two years.
35 Then Cycle 5 and on be a period of three years, the rationale
36 there being that that would provide four cycles before a program
37 review went into place.

38
39 Action 5.2 looks at reclamation of shares. Alternative 2 is
40 reclaiming a set percentage of shares from all shareholder
41 accounts. Alternative 3 suggests it reclaiming a progressively
42 decreasing amount of shares from all shareholder accounts, and
43 the AP selected as their preferred Option 3b, which was
44 previously undefined percentages, and so they proposed Cycle 1
45 consisting of 50 percent reclamation, Cycle 2 with 40 percent,
46 Cycle 3 also at 40 percent, and Cycles 4 and on being 25
47 percent.

48

1 Action 5.3 looks at the redistribution of those reclaimed
2 shares. Alternative 2 suggests redistributing those reclaimed
3 shares by share category equally among all participants that
4 harvested species in that share category. Alternative 3 looks
5 at redistributing those reclaimed shares proportionally among
6 all participants based on a participant's landings for species
7 in a given share category. Alternative 3 was what the AP had
8 selected as their preferred.

9
10 Action 6 examines transferability of shares, and, in this case,
11 the AP had selected as their preferred that transfer of shares
12 would not be allowed. Action 7 examines maintenance of shares,
13 and, in this case, the AP selected as their preferred
14 Alternative 2, which would require a charter/headboat permit for
15 reef fish to maintain those shares.

16
17 Action 8 looks at the transferability of annual allocation.
18 Alternative 2, again, says that an account must have a
19 charter/headboat permit for reef fish to receive transferred
20 allocation, and this is what the AP had selected as their
21 preferred. Alternative 3 would say that there are no
22 restrictions on the transfer of allocation. However, they can
23 only be transferred to U.S. citizens or permanent residents.

24
25 Alternative 4 said that annual allocation can be transferred by
26 surrendering it to a NMFS allocation bank from which other
27 participants may obtain the allocation, either by lottery or
28 auction.

29
30 Action 9 looked at share caps, and Alternative 2 said that no
31 participant could hold shares for a given species equaling more
32 than the maximum amount of shares issued for that species during
33 initial apportionment for a participant, as defined in Action 4.

34
35 Alternative 3 said that no participant should hold shares for a
36 given species which comprise more than X percent of the total
37 charter vessel quota for that species. Alternative 3 was what
38 the AP selected as preferred. The AP did not have a percentage
39 to recommend to the council at this time, in this case, and they
40 asked that staff provide additional data at a future AP meeting
41 so that they would be better informed to decide a number.

42
43 Action 10.1 looks at a cap on usage of allocation for IFQs and
44 PFQs, and Alternative 2 would limit allocation usage to X
45 percent above the allocation equal to the share cap for each
46 species, and the AP selected Alternative 2 as their preferred,
47 and they selected Option 2a, which was per vessel or per permit,
48 and they suggested setting that allocation usage to 25 percent

1 above the allocation.

2
3 Action 10.2, which is a cap on usage of allocation for harvest
4 tags, the AP moved that Action 10.2 as a whole be moved to
5 Considered but Rejected, and, again, this was to reflect their
6 previous discussion that they were not interested in considering
7 a harvest tag program.

8
9 The next item will be a brief overview of the referendum
10 eligibility requirements for Amendment 41, and, if the council
11 members remember, at the last council meeting, we simply had one
12 option, which in this case is Option 1. Option 2 has since been
13 developed, based on a motion from that August council meeting.

14
15 Option 1 said that each permit held on the day that the
16 referendum rulemaking becomes effective would provide the permit
17 holder with one vote in the referendum, and that was what the AP
18 had selected as their preferred at their September meeting.

19
20 Option 2, which has since been developed, would say that each
21 unique permit holder with a permit on the day that the
22 referendum rulemaking becomes effective would be provided with
23 only one vote in the referendum, regardless of how many permits
24 that permit holder has.

25
26 For reference, this table is included as well in the document,
27 but just to point out that there would be 116 fewer votes cast
28 under Option 2 than under Option 1, due to that limitation of,
29 in essence, one permit holder and one vote.

30
31 There were a few additional motions made by the AP. The AP
32 recommended that the council not pursue state management of the
33 federally-permitted charter/for-hire industry. The AP also
34 recommended that, when the council considers further management
35 of the charter/for-hire industry, that it is done under the
36 confines of the Magnuson-Stevens Act. Lastly, they recommended
37 to the council the AP's support of Amendment 30B.

38
39 That concludes this presentation. Before I open it up to
40 questions and further discussion of both the amendment and the
41 eligibility requirements, I would like to defer over to Ms. Levy
42 to briefly discuss some items related to the referendum
43 eligibility that came up at the last council meeting.

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

46
47 **MS. LEVY:** Thank you. I think, at the last meeting, there was
48 some discussion about when it was appropriate for the council to

1 request that NMFS initiate the referendum, and, previously, when
2 we were talking about this and the timeline, we had looked at
3 what was done with grouper-tilefish in Amendment 29 and kind of
4 followed that process along, in terms of timing and when that
5 request was appropriate.

6
7 I failed to recognize at that time that, since Amendment 29 was
8 implemented and done, NMFS actually published regulations that
9 directly address the timing requirements and how the New England
10 and the Gulf of Mexico Fishery Management Council are supposed
11 to go through this referendum initiation process and all that
12 sort of stuff.

13
14 I think Shep brought that up at the last meeting, that those
15 regulations basically say that, before requesting the
16 referendum, that the council has had to have had public hearings
17 on the amendment and has to have considered public comments on
18 the proposed program and must have selected preferred
19 alternatives on the proposed program.

20
21 Now, I think, given all the meetings we've had with this and
22 public comment, I think the first two are arguably met. The
23 issue is picking preferreds in both 41 and 42 before you
24 actually submit the request to initiate the referendum.

25
26 The document itself doesn't have to be totally complete, because
27 there is another provision in here that talks about the
28 rulemaking, and it says that NMFS publish a proposed rule and
29 then they look at publishing a final rule when the council has
30 determined that the document is complete.

31
32 At some point, you would have a totally complete document that
33 you were ready to submit if the referendum passed, and, at that
34 point, NMFS could go ahead with the final rulemaking, but they
35 would have already published the proposed rule, et cetera, and
36 so I think, before you submit the request to initiate the
37 referendum, there needs to be preferred alternatives in these
38 documents. They need to jibe up.

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

41
42 **DR. FREEMAN:** Thank you. To add one more item before we, again,
43 open it up to discussion, I would like to add as well that,
44 under Tab 5(d), which is the referendum eligibility
45 requirements, and I believe it was Ms. Guyas that had initiated
46 the motion at the last council meeting, but we have further
47 developed Chapter 5, which is the next steps, and so more
48 thoroughly outlining the sequence of steps for Amendment 41 and

1 its referendum as well as supplied a sample cover letter and
2 ballot in the appendices. At this point, if the council members
3 have any questions about any of the actions or options, please
4 let me know.

5
6 **CHAIRMAN GREENE:** Thank you. Mr. Dyskow.

7
8 **MR. DYSKOW:** Thank you. I don't know who best to address this
9 question to, but I'm a new council member, and so I don't have a
10 lot of the background issues on this subject. Presumably
11 something was perceived to be broken, and 41 is intended to be
12 the fix for that. Can you give me some background on that, why
13 41 is on the table today, please? Thank you.

14
15 **DR. FREEMAN:** Certainly. Amendment 41, the work on it began
16 prior to me starting here, and so let me see if we have a staff
17 member that would be better equipped to address that.

18
19 **DR. ASSANE DIAGNE:** Thank you, Dr. Freeman. Some of the reasons
20 why both Amendments 41 and 42 actually, because those two, I
21 guess, go together in many respects, and they talk about the
22 for-hire sector, if you would.

23
24 These resulted from an attempt to try to design management
25 approaches that would best reflect the need of the industry.
26 After public comments and discussions, the council did direct us
27 to look into allocation-based management programs, which both 41
28 and 42 explore, and so, in short, as the purpose and need in
29 both of these documents would indicate, these amendments look at
30 providing a flexible approach that would reflect the need of the
31 industry and essentially let these two sub-components fish with
32 more flexibility to plan out their business and so forth, and so
33 I will just offer that for now.

34
35 **CHAIRMAN GREENE:** Thank you. Mr. Swindell.

36
37 **MR. ED SWINDELL:** Is there any particular reason why in Action 6
38 the AP said do not allow the transfer of shares? Do you
39 remember any of the discussion to that item?

40
41 **DR. FREEMAN:** Certainly. If staff doesn't mind, if they could
42 open up Tab B, Number 5(a), and I can refer to that
43 specifically. As well, while staff is opening that, I forgot to
44 point out as well that we do have, in the audience, our Vice
45 Chair of the AP, Mr. Tom Steber, and so he is also here to
46 answer any questions, too.

47
48 The question was, with Action 6, why the AP moved to make

1 Alternative 1 the preferred alternative, and so the reason for
2 that was that Action 6 applied only to an IFQ program, which was
3 not the AP's preferred alternative in Action 1.

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

6
7 **MR. SWINDELL:** So what would happen in an IFQ program should a
8 person die? What would then happen to the shares if they can't
9 be transferred to another family member, perhaps?

10
11 **DR. FREEMAN:** Can SERO answer that? Thank you.

12
13 **CHAIRMAN GREENE:** Andy.

14
15 **MR. STRELCHECK:** Based on the current design of the commercial
16 IFQ program, it would be contingent on the will and the state
17 and what is specified as part of the will and the state, and so
18 we have transferred, upon death, IFQ shares to beneficiaries,
19 after someone has passed away. It doesn't have to be that way.
20 It certainly could be designed differently, based on how the
21 council wants to establish it.

22
23 **CHAIRMAN GREENE:** Mr. Swindell, are you good? Mr. Banks.

24
25 **MR. PATRICK BANKS:** Was there any discussion at the AP about
26 redistribution of shares in the case where there is a hardship,
27 for instance, that somebody has been sick for a year or two
28 years, battling a terrible disease, and wants to come back into
29 the industry and, all of sudden, they've lost part of their --
30 Was there any discussion about a hardship provision?

31
32 **DR. FREEMAN:** In part, to answer that, if staff could -- I am
33 sorry to ask staff to keep switching back and forth, but to
34 refer back to the presentation, Tab 5(e). Sort of a twofold
35 answer to that. The first is, when they looked at their
36 preferred for the reclamation of shares, the AP members did try
37 to keep that in mind, because, initially, the discussion was
38 with a much higher percentage. If I remember correctly, the AP
39 initially suggested that Cycle 1 be 80 percent. Then, as
40 further discussion took place, that came up with regards to
41 hardships and how that could potentially impact someone in that
42 case.

43
44 Secondly, if my understanding is correct, related to SERO's side
45 of this, there would be, potentially, some sort of appeals
46 process in place if there is a hardship, and, if someone wants
47 to correct me on that, I am open to that, but I believe that was
48 what I understood from Dr. Stephen.

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

3
4 **MS. LEVY:** Thank you. We don't really have hardship provisions
5 for any of our other things. I mean, it's not that you can't
6 consider it, but I think, if you put some sort of hardship
7 exception in there, there has got to be some guidelines as to
8 what it is and how NMFS is supposed to address it. There are a
9 lot of open questions when you say, "hardship exception", and so
10 I would think that the council would want to give a lot of
11 guidance about what the Regional Administrator is supposed to be
12 considering and what the consequences are, and it just opens up
13 a lot of, I guess, uncertainty.

14
15 **CHAIRMAN GREENE:** Mr. Banks.

16
17 **MR. BANKS:** I agree with you, Ms. Levy. We run a hardship
18 situation in one of our permits in the State of Louisiana, and
19 we have an entire appeals board that has to meet every few
20 months to go through all of these hardships, and it is extremely
21 difficult. However, I will say that it's been extremely helpful
22 for a lot of families, because a lot of folks want to be in the
23 industry.

24
25 They were in the industry historically, and we had one gentleman
26 who was helping his wife through a terrible, terrible illness,
27 and they were not able to fish, and she was able to get over the
28 illness, thankfully, but he was not able to renew his permit,
29 because he wasn't even in the state to renew it, and, in a
30 situation like that, it just seems like -- It's hard to believe
31 that a person would lose 50 percent of their ability to make a
32 living under a scenario like that, and so I recognize your
33 concern. I hold the same concerns, and we've gone through those
34 in this permitting situation in Louisiana, but it just seems
35 like we've got to find some kind of fair way to address it.
36 Thanks.

37
38 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Ms.
39 Levy.

40
41 **MS. LEVY:** One way to potentially address that is to have a
42 lower threshold for some of these cycles and it not be,
43 necessarily, 50 percent, and so I think there are different
44 options you have to try to look at that, too.

45
46 **CHAIRMAN GREENE:** Mr. Riechers.

47
48 **MR. RIECHERS:** Has anyone taken a look at and tried to project

1 the amount of effort that's going to occur with latent permits
2 as they come into this, if it were to go forward, because
3 certainly we know that we have some level of latent permits out
4 there, and it's hard for us to know, since we haven't been on a
5 reporting system where everyone must report, but has anyone
6 taken a look at that and tried to project that out?

7
8 **DR. FREEMAN:** Again, if I remember correctly, I believe that may
9 be an item that Dr. Stephen is working on, but I don't want to
10 say for certain, but I can certainly make a note to check with
11 her.

12
13 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
14 discussion? With that, Dr. Freeman, I guess we're going to go
15 through the document now, and so that would be Tab B, Number
16 5(b).

17
18 **DRAFT AMENDMENT 41**

19
20 **DR. FREEMAN:** At this point, I will move through the actions
21 that were previously in that presentation, and, as I get to each
22 action, if the committee would like to make any motions or have
23 any specific questions related to them, again, I am more than
24 happy to answer those.

25
26 Again, Action 1 does examine the type of allocation-based
27 management program, and so, if the committee has any questions
28 or motions at this point, please let me know. If not, we will
29 move forward to Action 2.

30
31 **CHAIRMAN GREENE:** Andy.

32
33 **MR. STRELCHECK:** It doesn't seem like there's been much interest
34 in a harvest tag program since this amendment began development.
35 Is there interest by the committee in removing that as an action
36 and moving it to Considered but Rejected?

37
38 **CHAIRMAN GREENE:** Discussion? Mr. Sanchez.

39
40 **MR. SANCHEZ:** I don't recall any interest either. **In the**
41 **interest of alleviating, I guess, unnecessary work, I would make**
42 **a motion to move that to Considered but Rejected.**

43
44 **CHAIRMAN GREENE:** Okay. We have a motion in Action 1 to move
45 Alternative 3 to Considered but Rejected. It was seconded by
46 Mr. Anson. Is there discussion? Dr. Stunz.

47
48 **DR. GREG STUNZ:** We have had this discussion several times, and

1 I've been in favor of keeping this in there, just because of a
2 wide range of alternatives and options that we have, and I don't
3 know what the support is around the table for that, but I think,
4 at this point, I would prefer to see it left in there.
5

6 **CHAIRMAN GREENE:** Further discussion? Dr. Mickle.
7

8 **DR. MICKLE:** Just real quickly, we have heard from the AP and
9 the public about this, and the user group, and they are not in
10 favor of harvest tags, and so I just wanted to remind everybody
11 that this is not something that they want.
12

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

15 **MR. RIECHERS:** Mara, we get into this question sometimes about
16 the number of alternatives and whether we've got a range of
17 alternatives to meet certain requirements, and it seems like, in
18 this case, if we remove that, we haven't really spoken to any
19 other alternatives other than the one that's available there.
20 Not that I am necessarily in favor of harvest tags, but I'm just
21 asking you the question of whether we need that in there as part
22 of the notion of a range of alternatives.
23

24 **MS. LEVY:** I think, from a NEPA perspective, you have the PFQ
25 and IFQ and the no action. I don't think it's necessarily
26 required that you keep it there and can't move it to Considered
27 but Rejected, but, as a policy preference, the council can
28 decide on that.
29

30 **CHAIRMAN GREENE:** Mr. Riechers.
31

32 **MR. RIECHERS:** I just want to remind everyone that we have that
33 deference later on as well.
34

35 **CHAIRMAN GREENE:** Thank you. Is there further discussion? We
36 have a motion on the floor. It is on the board, and it appears
37 to be correct, and it's seconded. **Is there any opposition to
38 the motion on the floor before you? Seeing two in opposition,
39 the motion carries.** Dr. Freeman.
40

41 **DR. FREEMAN:** If we can move forward to Action 2, Action 2 looks
42 at the species for inclusion in the charter/for-hire management
43 program. The council had previously selected their preferred
44 alternative is Alternative 2, as well as Options 2a, 2b, and 2c.
45 The AP also selected those same options as their preferreds, and
46 so, before I move forward, are there any comments? Yes, Mr.
47 Boyd.
48

1 **MR. BOYD:** Would you do something for me? I don't know if
2 everybody else needs it, but, when you move to different
3 sections, would you give us the page number you're on, because
4 this is a large document, and it would be easier to go to a page
5 rather than scroll through. Thank you.

6
7 **DR. FREEMAN:** Certainly.

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

10
11 **MR. ANSON:** Dr. Freeman noted that the vote was in favor of
12 keeping the preferred species as they are currently listed in
13 the document, but it was a close vote. It was six to five, and
14 so there was some significant portion of the AP members that
15 thought that the preferred species should be expanded, I would
16 assume, and not reduced, and so, looking at the headboat,
17 Amendment 42, it has all five species, and I know there's a
18 little bit of a difference in geographic distribution of the
19 permit holders within those two groups.

20
21 It's roughly 36 percent of the permit holders are from Florida,
22 because those are considered more a Florida species, the gag and
23 the red grouper. It's 36 percent in the for-hire permits, and
24 then it's about 53 percent in the headboat permits. I will make
25 a motion that we make the preferred Alternative 2 in Action 2.
26 All of the species would be preferred, which would then include
27 gag and red grouper.

28
29 **CHAIRMAN GREENE:** We have a motion on the floor. We'll give
30 them a second to get it up on the board. It's to include all of
31 them. I believe that motion is correct as Kevin had outlined
32 his desire to be, and is there a second for this motion? Seeing
33 no second, the motion fails. That motion fails. Mr. Diaz.

34
35 **MR. DIAZ:** I think I know a little -- I am trying to figure out
36 Kevin's comment a little bit, but we're working through this
37 document, and we're trying to figure out how to divide these up
38 amongst the fishermen, and we've got this cyclical
39 redistribution, and I believe we pulled gag and red grouper out
40 because folks in the eastern Gulf felt like those are mostly
41 landed and caught in the eastern Gulf, and they didn't want to
42 have to go through the trouble of -- Maybe "trouble" is not the
43 right word, but, if we implemented this plan, they would be
44 having to lease fish from people that get them that don't catch
45 them, and then we've got this cyclical redistribution, where we
46 would go through and we would take them away, eventually, from
47 people that get them and don't catch them, and they would end up
48 where they're supposed to be, but it's a long process.

1
2 Anyway, help me with this, because I'm trying to think through
3 it, but I think gray triggerfish is almost the same thing. I
4 think it's mostly landed and caught in the northern Gulf, and
5 it's going to have this long process to get gray triggerfish to
6 the areas where they are most prevalent and most landed now, but
7 maybe I am wrong about that, and so, anyway, do you have any
8 comment about that?

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

11
12 **MR. ANSON:** I was hoping that my motion would be seconded,
13 because I have some discussion, but since you brought it up,
14 Dale, I will talk a little bit to that point. As you alluded,
15 there is this issue of fish kind of being more distributed or
16 more available to certain geographical areas of the Gulf versus
17 the other, and so, when you identify a species that would be
18 included in this management plan, for those areas that -- At
19 least in the initial couple of years, it would be difficult for
20 an area that has historically caught those fish to catch the
21 amount of fish that they historically would have caught.

22
23 There would be some extra pain, I guess, for lack of a better
24 term, for those businesses, for those charter boat permit
25 holders, to operate their business in the short term, seeing
26 that they would be kind of shorted the species, or that
27 particular species.

28
29 In light of, I guess, more fairness, particularly when you look
30 at red snapper -- Red snapper is more of a northern Gulf thing
31 that's available to charter boat captains, versus maybe south
32 Florida and such. When you go to that initial distribution of
33 fish, there is going to be an inequity there, and there will be
34 an inequity there for some time, until the cyclical
35 redistribution can kind of correct for that.

36
37 Again, looking at that issue and trying to get this fish more
38 equally distributed and have a chance, I guess -- Again, if it's
39 fair for one species and one group, it ought to be fair for the
40 rest, and then just trying to make it a little bit more similar
41 to what the headboat amendment shows, is that there is five, and
42 those five species are listed in that document as preferred.
43 Thank you.

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

46
47 **MS. GUYAS:** I think it's a little bit more than just the fact
48 that these shares would be spread across the Gulf. We have

1 heard, or at least I have heard, strongly from Florida captains,
2 particularly in central Florida, that they're not really sure
3 what problem would be fixed with the groupers here.

4
5 I mean, right now, they have a season that they like. Red
6 grouper is open year-round within that certain depth, and gag is
7 open when they want it to be open. They've got the bag limits
8 they want, and they have the management they want, and this
9 would seem to disrupt that significantly.

10
11 Both of those stocks, according to the assessments we have, are
12 in good shape, and so they're a little bit different in
13 amberjack and gray triggerfish, in that sense, and the people
14 that feel strongly about this -- There seems to be a number of
15 them, and I know that there's some in the northern Gulf in
16 Florida that maybe would like to have the leverage of gag and
17 red grouper, like Alabama folks would, but -- I can see the
18 concern with amberjack and gray triggerfish, in particular, with
19 this, because the quotas are quite small, and, once you spread
20 those out across the Gulf, people aren't going to get a lot, but
21 I don't know that that's a good reason to drag in two species
22 that seem to be already well-managed.

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

25
26 **MR. BOYD:** If I remember correctly, in Amendment 40, the only
27 allocation that was separated was red snapper. There was no
28 allocation separation between private recreational and for-hire
29 for any of these other species, and so it doesn't seem
30 appropriate that we would be assigning allocations within a
31 sector that we have no allocation amendment that we've gone
32 through. Thank you.

33
34 **CHAIRMAN GREENE:** Is there further discussion? Seeing no
35 further discussion, Dr. Freeman.

36
37 **DR. FREEMAN:** Thank you. If staff could bring the amendment
38 back up, the next one we'll look at is Action 3, which is on
39 page 42. Again, Action 3 looks at allocation of ACL to charter
40 vessels. In this case, as a reminder, the AP had selected as
41 their preferred Alternative 5, which uses the time series of the
42 preferred alternative from Amendment 40. That was the only
43 recommendation from the AP. There currently is not a preferred
44 from the council, and so, if there's any discussion, please let
45 me know.

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

48

1 **MR. SANCHEZ:** Thank you, Mr. Chairman. I would make a motion
2 that we adopt the advisory panel's preferred of Alternative 5
3 for Action 3 as the council's preferred.
4

5 **CHAIRMAN GREENE:** We have a motion going up on the board now.
6 In Action 3, to make Alternative 5 the preferred. Is there a
7 second for this? It's seconded by Dr. Frazer. Is there
8 discussion? Mr. Boyd.
9

10 **MR. BOYD:** Again, I would say the same thing that I did a minute
11 ago. We're picking a preferred that allocates triggerfish, gag,
12 red grouper, and amberjack, and we've had no allocation to the
13 charter/for-hire sector, and so I would ask Mara what is the
14 legal opinion about this? We're selecting options and
15 preferreds on things that have never been allocated.
16

17 **CHAIRMAN GREENE:** Ms. Levy.
18

19 **MS. LEVY:** Well, this is a plan amendment, and so you can shift
20 allocations in a plan amendment, and so, to me, that's what this
21 action is doing. You either decide you're going to do some
22 further allocations between these different groups or not, and,
23 if you don't, then obviously this whole concept has problems,
24 but there's nothing that says that you can't make an allocation
25 decision in this amendment. There's nothing that says that you
26 have to have a stand-alone allocation decision amendment.
27

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

30 **MR. BOYD:** Have we gone through the process of looking at all of
31 the allocation requirements, the socioeconomics of it and all
32 the National Standards? We went through a year or two process
33 to do that, and we're about to do it with the stroke of a pen,
34 basically.
35

36 **MS. LEVY:** No, and I think you have to support the decision.
37 The rationale has to be there, and you have to consider the
38 factors that you're supposed to consider in making an allocation
39 decision, fair and equitable and rebuilding and distribution and
40 all those other things, but I think it can be done in this
41 document. It doesn't have to be a stand-alone document, but in
42 no way am I saying that you don't have to do what's required or
43 consider the things that you need to consider in making the
44 allocation decision.
45

46 I would assume that this allocation decision would only apply to
47 the species that you pick to put in this program. I mean, if
48 that's correct, then I would want to make that pretty clear,

1 because then gag and red grouper -- They're in this table,
2 because there are options to put them in there, but, to me, it
3 wouldn't apply unless you specifically are saying we still want
4 to allocate, even though we haven't put them in this program.

5
6 **CHAIRMAN GREENE:** Mr. Boyd.

7
8 **MR. BOYD:** So do you think your legal opinion is that we have
9 gone through the process to do that and we've done all the
10 support documentation that we need to do to reallocate?

11
12 **CHAIRMAN GREENE:** Ms. Levy.

13
14 **MS. LEVY:** Well, I mean, I think we would need to -- I think you
15 would have to have some discussion about the rationale for
16 picking this alternative, and, in that discussion, hit those
17 points, and I would not say that, no, you have gone through the
18 whole process, because we're not at the point in which this is
19 final, right?

20
21 I mean, so I'm not going to make that opinion, but that doesn't
22 mean that you can't do it and that it can't all come together
23 and be final in this document. If you want to pick a preferred,
24 I would suggest talking about why it's the preferred and how
25 it's fair and equitable and things like that. Then we have to
26 build in the required rationale into the document and the
27 discussion and have the analysis in there.

28
29 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
30 Seeing no further discussion, we have a motion on the floor.
31 **All those in favor of the motion on the floor, please raise your**
32 **hand.**

33
34 **EXECUTIVE DIRECTOR GREGORY:** Three.

35
36 **CHAIRMAN GREENE:** All those opposed, like sign.

37
38 **EXECUTIVE DIRECTOR GREGORY:** Eight. **The motion fails three to**
39 **eight.**

40
41 **CHAIRMAN GREENE:** Mr. Anson.

42
43 **MR. ANSON:** I want to get a little bit more clarification on
44 what Mara just said then regarding the analysis. I mean,
45 picking up on what Doug had said, for the last attempt the
46 council made on reallocation, it was a stand-alone document,
47 essentially, and it was rather lengthy, and we had lots of
48 discussion.

1
2 I am just trying to get a sense of -- You say that this isn't
3 final, in your mind, and I guess it goes back to just because we
4 haven't picked preferreds and that, therefore, we can't send it
5 as final, because we don't have preferreds yet, or is your
6 statement relative to the document not being ready then to get
7 it more in shape and have more discussion that we had, similar
8 to the red snapper reallocation amendment, Amendment 28? I am
9 trying to get a better sense as to what your comment is leading
10 us to, or attempting to lead us to.

11
12 **MS. LEVY:** I don't think this document is -- That anybody
13 looking at it would think it's complete. Whether that precludes
14 you from picking a preferred, we've picked preferreds in options
15 papers before, and so we haven't been real strict about when
16 you're going to pick a preferred alternative, knowing that the
17 preferred can change up until the point that you actually
18 approve it for submission to the Secretary of Commerce, and that
19 would happen after a referendum, in this case.

20
21 We're not at all close to being final, and we did have Amendment
22 28, and there was one issue, a fair-and-equitable-type argument,
23 that we lost on. We had Amendment 40, which did an allocation,
24 and all the required things were found to be in that document,
25 and so I'm not suggesting that it's complete. I think it needs
26 more rationale and more work and more analysis, but I don't want
27 to make it seem like it can't be done here. I don't know why
28 you would need, legally, a stand-alone amendment to do it.

29
30 **CHAIRMAN GREENE:** Ms. Guyas.

31
32 **MS. GUYAS:** To go back to another thing that Mara mentioned
33 about this action and whether it would include species that
34 don't get chosen as a preferred, I think we need to clarify
35 that, now that I am looking at this document. It's not very
36 clear, and I don't know if a motion is appropriate or what, but
37 to say, basically, that the allocations that are set under this
38 action would only be for those species that are included in this
39 amendment or management plan or PFQ, whatever we end up doing
40 here, so we're not allocating fish that don't end up being in
41 this plan.

42
43 **CHAIRMAN GREENE:** Dr. Freeman.

44
45 **DR. FREEMAN:** Thank you for that comment, Ms. Guyas. Action 2,
46 if you remember, does address the species for inclusion, and so
47 I understand your comment, but I think it would be clarified by
48 that point, what species are included, and so the other ones are

1 listed simply for reference for the other options being
2 considered.

3
4 **CHAIRMAN GREENE:** Thank you. Mr. Sanchez, did you have your
5 hand up?
6

7 **MR. SANCHEZ:** Thank you, Mr. Chairman. I am just trying to, I
8 guess, further this document that we've been working on for
9 years by picking preferreds and having these lively discussions
10 that obviously we need to have, but it seems like we're going
11 through this process, and we've had the input of the APs for
12 both 41 and 42, and they met recently.
13

14 Both Chairs did a fantastic job of running through this document
15 and hashing out amongst themselves and vetting issues and
16 arriving at these preferreds, and we've also been hearing from
17 them during public testimony, written and otherwise, for years,
18 and I am just trying to follow this process of going through
19 this document and picking preferreds.
20

21 It does seem, to me, that, yesterday, during a completely
22 unrelated topic, coral, there was like a pressure to pick
23 preferreds, let's pick preferreds, let's pick preferreds, but
24 there seems to be a reluctance to do that here, and, again,
25 we're far from being done in this process.
26

27 We pick preferreds, and we still have to go to have public
28 hearings, probably, and we have a long process to do, and a
29 referendum to boot, and so I don't see a problem in going
30 through this and having these discussions and hopefully picking
31 some preferreds and furthering this at some point, so we're just
32 not talking about it every meeting, every meeting, every
33 meeting. That's where I'm coming from.
34

35 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
36 Freeman.
37

38 **DR. FREEMAN:** At this point, if there's no other questions
39 related to this action, we will move forward to Action 4, which
40 is found on page 49. Action 4, the council has not selected a
41 preferred for it yet. As a reminder, the AP did select a
42 preferred, which I will mention in just a moment, as well as
43 selected several alternatives to move to Considered but
44 Rejected.
45

46 In this case, the AP moved to Considered but Rejected
47 Alternative 2, which uses the tiers of passenger capacity, again
48 because it was simply using one metric. Alternative 3, Option

1 3a, for that same reason, and I will note that they did retain
2 Option 3b, because that was the time series used in Amendment
3 40, and so they didn't want to remove that just yet.

4
5 Alternative 5, as well as Alternative 6, the AP also moved to
6 Considered but Rejected, because those either used an auction in
7 whole or in part, and so that leaves Alternative 4, which would
8 distribute charter quota based on equal distribution, passenger
9 capacity, and historical landings by region, and the AP had
10 selected as their preferred Option 4d, and so I will open that
11 up to any discussion or questions.

12
13 **CHAIRMAN GREENE:** Thank you. Is there discussion? Seeing no
14 discussion -- Andy Strelcheck.

15
16 **MR. STRELCHECK:** The AP had recommended removing, obviously, a
17 number of alternatives. I would be curious to kind of just get
18 a little more detail on that. I think the challenge I'm having
19 with removing those alternatives is that Alternative 4 takes
20 into consideration passenger capacity as well as historical
21 landings, and so it seems like those, at least earlier
22 alternatives, are relative to Alternative 4 and inform
23 Alternative 4, but can you provide further information?

24
25 **DR. FREEMAN:** Certainly, and thank you for that question. The
26 AP was not opposed to using those metrics, but they just didn't
27 feel comfortable using that as a stand-alone metric, and so, in
28 this case, with Alternative 4, it used all three in conjunction
29 and weighted those.

30
31 **CHAIRMAN GREENE:** Is there further discussion? Okay, Dr.
32 Freeman.

33
34 **DR. FREEMAN:** Thank you. We will move forward into the adaptive
35 management, looking at Action 5.1, which is found on page 56.
36 In this case, the council had previously selected a preferred
37 alternative, in this case Alternative 3, with Option 3a being
38 the preferred. This would have Cycle 1 lasting one year and
39 Cycle 2 consisting of a two-year period, and Cycles 3 and moving
40 forward would be lasting three years each.

41
42 The AP, again, as a reminder, had selected as their preferred a
43 new option, in this case Option 3d, where Cycles 1 and 2 each
44 consisted of one year, as well as Cycle 3. Cycle 4 then
45 expanded to a two-year period, and Cycles 5 and forward each
46 lasted three years, and, again, the rationale there was that
47 would provide for four cycles of adaptive management prior to a
48 program review. Again, the council has selected a preferred in

1 this case, but, if there's any discussion or questions, please
2 let me know.

3

4 **CHAIRMAN GREENE:** Is there discussion? Andy Strelcheck.

5

6 **MR. STRELCHECK:** Since the Option 3d is not included in the
7 amendment, I will make a motion to add the AP's Preferred Option
8 3d to the amendment, but not as a preferred alternative, but
9 just adding it for analysis.

10

11 **CHAIRMAN GREENE:** Thank you. We have a motion to add an
12 alternative, and it was seconded. We'll take just a second to
13 get it up here on the board and make sure it's correct. We have
14 a motion on the floor. Mr. Strelcheck, is that correct as
15 written?

16

17 **MR. STRELCHECK:** Yes, and I guess, for clarification, Option 3c
18 is essentially vague, and this is a more specific action, and so
19 I would recommend essentially removing 3c and replacing it with
20 this more specific alternative.

21

22 **CHAIRMAN GREENE:** Okay. It was seconded by Mr. Sanchez. Is
23 there further discussion? Mr. Anson.

24

25 **MR. ANSON:** Just to make sure I'm clear, what Dr. Freeman had
26 said is that this option gives basically a chance to
27 redistribute four times, versus the other options of less than
28 four times, before the five-year review, correct?

29

30 **DR. FREEMAN:** That is correct.

31

32 **CHAIRMAN GREENE:** For clarification, staff is saying that, as
33 the motion is written -- You were suggesting adding it or
34 replacing it as the new Option 3c in the amendment, and is that
35 correct?

36

37 **MR. STRELCHECK:** That's correct.

38

39 **DR. FREEMAN:** Staff, could I address that? **At the very end,**
40 **where it says, "under Alternative 3", it would be "as Option**
41 **3c".**

42

43 **CHAIRMAN GREENE:** Thank you. Mr. Strelcheck, is that your
44 motion?

45

46 **MR. STRELCHECK:** Yes.

47

48 **CHAIRMAN GREENE:** Mr. Sanchez, are you comfortable with that?

1 All right. Is there further discussion? Is there any
2 opposition to the motion on the floor before you? A question
3 from Mr. Boyd.

4
5 **MR. BOYD:** Just a question. Is this cyclical redistribution the
6 same definition that we were talking about in various other
7 meetings that we call proportional redistribution? Are these
8 the same, or is this a different method?

9
10 **DR. FREEMAN:** The cyclical redistribution is an overarching
11 term. I apologize that I don't recall offhand it being referred
12 to as proportional redistribution. That may have referred to
13 one of the options under consideration for how they would be
14 redistributed to shareholders.

15
16 Currently, there is an alternative for proportional
17 redistribution as well as equal redistribution, but cyclical
18 redistribution is sort of an overarching term, which is now what
19 staff is referring to as adaptive management. It's simply a
20 program name as a whole, if that answers your question.

21
22 **CHAIRMAN GREENE:** Thank you. Is there further discussion? **Is**
23 **there any opposition to the motion on the floor before you?**
24 **Seeing no opposition, the motion carries.** Dr. Freeman.

25
26 **DR. FREEMAN:** Let staff have one moment, and then we will move
27 forward to Action 5.2 next, which is located on page 58. Again,
28 Action 5.2 examines reclamation of shares. The council has not
29 currently selected a preferred. The AP did select, as their
30 preferred, Alternative 3, which would reclaim a progressively
31 decreasing amount of shares of each share category, and Option
32 3b, which, in this case, puts in specific numbers into the
33 current option. In this case, looking at Cycle 1, it's looking
34 at reclaiming 50 percent. Cycle 2, as well as Cycle 3, are each
35 reclaiming 40 percent, and Cycles 4 and moving forward would
36 each reclaim 25 percent. I will leave it now for the council
37 for any discussion or questions.

38
39 **CHAIRMAN GREENE:** Mr. Banks.

40
41 **MR. BANKS:** You all know my concern about the hardship
42 situation, and Ms. Levy made a good suggestion about one thing
43 to consider would be a smaller percentage at the very beginning,
44 and I think that we should all consider that. Think about the
45 person who is under a hardship on that year one, and, all of a
46 sudden, he's lost 50 percent of his ability to make a living,
47 and I think that's pretty tough.

48

1 I would like to add an option for us to at least consider, and
2 that's Cycle 1 and 2 to only be 10 percent, and then we could go
3 to maybe a 40 percent in 3-plus. I would like to make that in
4 the form of a motion, if I can get a second.
5

6 **MR. SWINDELL:** I will second it.
7

8 **MR. BANKS:** Thank you.
9

10 **CHAIRMAN GREENE:** Thank you. We have a motion to go up on the
11 board. Mr. Banks, does the motion on the board reflect your
12 wishes?
13

14 **MR. BANKS:** Yes. Thank you.
15

16 **CHAIRMAN GREENE:** It was seconded by Mr. Swindell. Is there
17 discussion?
18

19 **DR. FREEMAN:** If you don't mind, could we clarify what the
20 future cycles would be, that percentage?
21

22 **MR. BANKS:** If it's okay with the seconder, I will add Cycle 3-
23 plus to be 40 percent.
24

25 **CHAIRMAN GREENE:** Okay. Mr. Banks, are you good with that? The
26 seconder, Mr. Swindell, you're fine with that? Okay. Is there
27 further discussion? Dr. Mickle.
28

29 **DR. MICKLE:** A comment and a question. Hardship, Ms. Levy
30 defined that that get sticky. We have to think about being
31 selfish, for my state. Katrina was a hardship, or was that a
32 hardship, because we still don't have our fleet back, and our
33 other Gulf states have gone through this this year, and so does
34 hardship qualify as multiple people over a long time, and so
35 does this apply to situations of that?
36

37 **CHAIRMAN GREENE:** Mr. Banks.
38

39 **MR. BANKS:** I think what I was trying to do, Dr. Mickle, is get
40 away from having to define that. Ms. Levy made some good points
41 about how sticky it is to define that, and we're finding the
42 same situation in our permit hardship through our appeals board.
43 It's very hard to make difficult choices about who qualifies for
44 a hardship and who doesn't.
45

46 Instead of trying to make that definition, as she suggested, we
47 just don't make it so drastic of a cut to a person who has no
48 landings in year one and year two, for whatever the reason would

1 be. Maybe it isn't a hardship. Maybe it's just because they
2 chose not to fish, but, if it is a hardship, at least they're
3 only losing a very small portion in those first couple of years.

4
5 **CHAIRMAN GREENE:** Ms. Gerhart.

6
7 **MS. GERHART:** At the AP meeting, there was a lot of discussion
8 about these percentages, and they did discuss hardship issues,
9 as well as other issues, and can I suggest that maybe we have
10 the AP Vice Chair, who is here, bring those issues up?

11
12 **CHAIRMAN GREENE:** Absolutely. For the record, this will be Tom
13 Steber. He was Vice Chair of the AP.

14
15 **MR. TOM STEBER:** Thank you. The question is the hardship
16 issues, and we discussed the hardship issues considerably. The
17 way this cyclical thing was set up though is what happens, and I
18 am going to use Alabama as an example.

19
20 Alabama and the Panhandle catch 82 percent of the snapper,
21 according to history. When we get through dividing the fish in
22 our plan, a boat in Alabama that averages 800 fish a year is
23 going to get 180 fish a year, and so having that higher number
24 early transfers some of those fish back to where they're
25 supposed to be.

26
27 We discussed hardships, in the case where you would have to come
28 back to somebody and say I've had this hardship. In case you
29 have a hurricane, which we've had hurricanes, and we've had the
30 oil spill in 2010, and you factor that into it. You have to
31 come back to the table and factor those major events into the
32 way you distribute the fish. Did I answer your question?

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

35
36 **MR. SANCHEZ:** I guess, in essence, what you're saying is, by
37 going slower, we might be creating a hardship for you when
38 you're trying to allocate back to those to get them to where
39 they should be in a quicker fashion.

40
41 **MR. STEBER:** That is correct.

42
43 **CHAIRMAN GREENE:** Mr. Banks.

44
45 **MR. BANKS:** Just a quick question on that, and just put yourself
46 in the position of something happening in your family, or you're
47 taking care of a family member or you get sick and you can't
48 fish one year. Then all of a sudden, you lose -- Before the

1 next year, you lose 50 percent of your portion or your quota or
2 whatever we end up calling it.

3
4 To me, that seems quite a bit unfair for having something that
5 you had no control over occur, and you talk about coming back
6 and factoring that in, but I'm not clear how we would factor
7 that in.

8
9 **MR. STEBER:** Randy's comment was that, with transferability, you
10 can move those fish and get them back the next year, but, the
11 way I understand how the cyclical issue works, you have 50
12 percent go back into the pot, and the whole pot gets
13 redistributed, and so it's not just you lose 50 percent, but
14 you're going to get -- You're not losing 50 percent. You're
15 going to probably lose 5 percent or 10 percent, and so it
16 doesn't affect you like you would think it does in one year.

17
18 **CHAIRMAN GREENE:** Okay. Are there further questions for Mr.
19 Steber? Okay. Thank you, Mr. Steber. All right. Is there
20 further discussion by the committee? Dr. Freeman.

21
22 **DR. FREEMAN:** Just to add to some of the council's discussion,
23 and to reiterate what Mr. Steber said, that was a very in-depth
24 conversation by the AP, and some of the consideration was that,
25 by having a slightly higher percentage initially, it would more
26 quickly address any of the initial distribution issues, keeping
27 in mind that a hardship, whether it's due to family illness or,
28 as mentioned, a hurricane, could occur at any point.

29
30 Part of the thought process there by the AP as well was
31 considering the length of cycles in the previous sub-action, and
32 so sort of attempting to weigh-out the different issues that
33 could arise. Just, again, to reiterate the AP did have a very
34 thorough conversation about that issue.

35
36 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
37 Diaz.

38
39 **MR DIAZ:** I agree with a lot of what Patrick said, and I do
40 think we've got to have some mechanism to deal with hardships,
41 but, for the other reasons that's been discussed, I think this
42 might be more problematic to the fleet as a whole, the big group
43 of people, but I agree with you 100 percent, Patrick, that we
44 have to have a mechanism for somebody that has an unforeseen
45 circumstance, and there has to be a set of criteria of what
46 those are and somebody to judge if they met the criteria, and we
47 probably just have to set that up.

48

1 I have dealt with hardship stuff before, and it's difficult to
2 deal with, and it's better if you've got good procedures and an
3 unbiased way to review those procedures, but they're difficult
4 issues to deal with. Thank you.

5

6 **CHAIRMAN GREENE:** Ms. Bosarge.

7

8 **MS. BOSARGE:** Dr. Freeman, can you take us through the example
9 that Mr. Steber and Mr. Boggs were just kind of laying out,
10 where I think we're feeling like they're going to lose 50
11 percent of their catch, but they, in reality, won't. I was just
12 trying to run through that in my mind, of how would it change,
13 and so you have a hardship, or even you don't have a hardship.
14 Just say somebody is not fishing their allocation.

15

16 I am trying to look at it so that I have real numbers in front
17 of me under that preferred that the AP chose, where they said it
18 would be, I think, 50 percent historical landings by region, 25
19 percent capacity, and 25 percent equal distribution, and wasn't
20 that the one they chose? Okay.

21

22 What changes when those fish get redistributed if he or she
23 didn't fish all of it and they go back into the pot. Is it
24 essentially the historical landings by region that ends up
25 changing when you recalculate it, because he didn't fish his in
26 that region, or how does that work?

27

28 **DR. FREEMAN:** That's a good question. Again, each of these sub-
29 actions under Action 5, they all work together, and so, here,
30 what Mr. Steber had referred to is that Action 5.2 discusses the
31 percentage that goes into, quote, unquote, the group pot, and
32 so, in this case, 50 percent would go from each shareholder's
33 account into this pot.

34

35 Then, moving forward into Action 5.3, which looks at the
36 redistribution of those reclaimed shares, and, in this case, I
37 will use Alternative 3 as an example, since that was the AP's
38 preferred. That 50 percent that each shareholder put into the
39 pot would be redistributed back amongst all participants
40 proportionally based off of what they landed.

41

42 If, perhaps, someone had a hardship where it doesn't necessarily
43 mean that they didn't fish for the entire year, but perhaps for
44 part of the year, then they would still have landings to show,
45 and so, as a result of the landings that they were able to make,
46 some of that percentage would then come back to them. If there
47 is any questions, I am happy to explain that a little bit
48 further.

1
2 **CHAIRMAN GREENE:** Mr. Diaz.

3
4 **MR. DIAZ:** This is probably a perception issue, and I heard Mr.
5 Steber say that -- I think he said like a large portion would
6 come back to them, but, in my mind, it would be a very small
7 portion that would probably come back to somebody that
8 underfished, and so, instead of getting back the majority of
9 those fish, I think you would get a very small amount of those
10 fish back, and which one is more close to reality? I am
11 probably wrong here, but --

12
13 **DR. FREEMAN:** Certainly, and that's a good question. Just to
14 further expand on that, it becomes a matter, in essence, in this
15 case, of how much of an impact that hardship had, and so, again,
16 depending on how many landings they were able to make, it
17 impacts how much they get back, and so, if it was a huge
18 hardship and they had no landings, then they aren't going to get
19 any of that 50 percent back, in this case. If they were able to
20 make half of their landings, then, in theory, they should get 25
21 percent back.

22
23 One of the other things, again, having to think about all of
24 these sub-actions as a whole, is that, with Action 5.1, where we
25 look at the length of the cycles, part of where that comes into
26 play is that, when the cycles are for a longer period, let's say
27 two years or three years, that provides a longer period for
28 anyone who is facing a hardship, in essence, to still make up
29 those landings, and so, in essence, they sort of recoup the
30 position that that hardship put them into. Hopefully that
31 answered your question.

32
33 **CHAIRMAN GREENE:** All right. Thank you. Is there further
34 discussion? Ms. Bosarge.

35
36 **MS. BOSARGE:** To me, the hardship is -- That issue is most felt
37 in cycles, like you said, where it's a very short cycle, the
38 one-year cycles, in other words, which I think, for most of our
39 options, are at the very beginning. To me, if we create some
40 path for an appeal somehow, or some sort of determination, it
41 would have an end date in sight. In other words, once you get
42 this program up and running, and you get into these three-year
43 cycles -- You've got three years.

44
45 Okay, you have a hurricane one year, and maybe that causes you
46 some problems for a few months, or less, but then, the next two
47 years, you're okay. The percentages are typically smaller that
48 are reclaimed in most of our alternatives for the later years.

1
2 This would be a temporary program that NMFS would have to run if
3 we went that route, rather than trying to do it with these
4 percentages, because I do see where there's an issue if you put
5 these percentages off until the later years of the cycle.

6
7 You kind of have unintended consequences on the frontend, trying
8 to get the fish where they have historically been, and so it may
9 be that we need to go down the route of creating some sort of
10 program, because I would hate to see a year like this year,
11 where Texas has a huge impact from a hurricane, Florida has a
12 huge impact from a hurricane, and we're in the early stages of
13 this program and we're shifting these fish all around. I think
14 there has to be something built in to have some flexibility for
15 that.

16
17 **CHAIRMAN GREENE:** Mr. Sanchez.

18
19 **MR. SANCHEZ:** I think a lot of the hypothetical concerns,
20 hardships, they can be addressed. I mean, as a practical
21 matter, if there's a family or a personal hardship, if you have
22 to care for somebody in your household or something, you're
23 going to find someone to run your boat. I mean, you're going to
24 go on.

25
26 Other issues can be addressed with transferability, too. If you
27 know something happened and you're going to be unable to fish, a
28 natural disaster or what have you, you're going to transfer out,
29 and then you're going to transfer back when you're up and
30 running, and so some of these things have been thought out and
31 vetted by these folks during these AP meetings and discussions
32 in the creation of this plan. While there is a multitude of
33 hardships that you can't foresee, I think they've done a good
34 job of addressing a lot of them, and we might be creating one
35 where there isn't one for them.

36
37 **CHAIRMAN GREENE:** Dr. Mickle.

38
39 **DR. MICKLE:** That's a good point, and I agree with that. I
40 really like the motion, but it's just that it's we're talking
41 about two different things here. We're talking about small-
42 scale and large-scale, and so the only problem I have with this
43 motion is that, when you lose a part of a fleet for more than
44 two or three years -- Getting a new boat takes a few years to
45 get, and so this is -- This doesn't fit that other level.

46
47 There is two situations that this motion is trying to address,
48 or this action, and that's the problem that I have with it, and

1 I think it's -- This has the ability to redistribute regionally
2 the allocation, and that's a dangerous thing.

3

4 **CHAIRMAN GREENE:** Okay. Thank you. Mr. Banks.

5

6 **MR. BANKS:** I think you guys understand my concern, and it
7 sounds like it's shared around the table, and maybe we just
8 don't know quite yet how to address it, and maybe this is not
9 the best way to address it, and so I guess let's think on it
10 some more. **I will withdraw my motion at this time.**

11

12 **CHAIRMAN GREENE:** Okay. Thank you. The motion has been
13 withdrawn. Is there further discussion? Mr. Boyd.

14

15 **MR. BOYD:** Just for clarification, in this section, under the
16 discussion of Alternatives 2 and 3, it says shares reclaimed
17 from every account at the end of the cycle, and does every
18 account mean every account in the program or every account that
19 has not had activity? What is the definition of "every
20 account"?

21

22 **DR. FREEMAN:** Certainly, and it would be every single account,
23 and part of the language for that is to reflect a previous issue
24 brought up by the council in that shares from latent permits
25 would be moved into this large pot to, again, be redistributed
26 to the folks who are actively fishing that particular species.

27

28 **MR. BOYD:** Okay, and so, if I understand that, if Johnny Greene
29 fishes, and he's actively fishing, some portion of his quota
30 would go into the redistribution, even though he fished his
31 entire quota, or his entire allocation.

32

33 **DR. FREEMAN:** Correct, and so, in this case, if he's been
34 actively fishing or not, everyone would have a percentage moved
35 into that pot. Then, again, in terms of what -- I'm sorry.
36 That is the part that gets reclaimed. The part that gets
37 redistributed is based off of the level of harvest or the level
38 of landings that he had for that given cycle.

39

40 **MR. BOYD:** Thank you.

41

42 **CHAIRMAN GREENE:** Mr. Strelcheck.

43

44 **MR. STRELCHECK:** I just wanted to make note that NOAA does have
45 an appeals process. We have used it for initial distribution of
46 allocation and shares for IFQ programs, and we're looking at
47 that process, to see if it would also apply for a cyclical
48 redistribution as well, to see if it could fit within that, and

1 we'll try to bring more information back at Full Council or
2 later during this committee meeting.

3

4 **CHAIRMAN GREENE:** Thank you. Mr. Anson.

5

6 **MR. ANSON:** Thank you, Mr. Chair. It's tied into this, but it's
7 a slightly different topic, but it addresses the latent permits.
8 Andy, this year, in the rule that set the season for red
9 snapper, there was the verbiage that stated that once a vessel
10 was designated a federally-permitted vessel, or it was assigned
11 a charter boat permit, that it retained that status throughout
12 the remainder of the calendar year, regardless of whether or not
13 the permit actually stayed with the vessel, and I think that
14 goes through 2018 as well.

15

16 Regardless of this amendment, is that what the agency is going
17 to go to, as far as recognizing what the status of a permitted
18 vessel is throughout the calendar year going forward?

19

20 **MR. STRELCHECK:** That statement and provision is consistent with
21 what was approved by the council for sector separation, and so
22 that's why we're acknowledging it as part of the season, and the
23 shifting back and forth between state and federal seasons would
24 be prohibited, or you would have to account for those landings
25 on the federal side, if you're federally permitted.

26

27 **MR. ANSON:** How are you communicating that provision to the
28 permit holders, because there are some folks that just have the
29 permit, and they assign it to a vessel, and that vessel,
30 oftentimes, goes out and fishes, and I don't know if the permit
31 holder understands that provision or the subtlety.

32

33 **MR. STRELCHECK:** I would have to check to see if it's on our
34 permit applications when we send out permits. Certainly we have
35 conveyed it through Fishery Bulletins and other means.

36

37 **CHAIRMAN GREENE:** Further discussion? Okay. Seeing no further
38 discussion, Dr. Freeman.

39

40 **DR. FREEMAN:** Thank you. We'll move forward to Action 5.3,
41 which is on page 60, looking at the redistribution of reclaimed
42 shares. Again, the council has not yet selected a preferred
43 alternative here. The AP selected, as their preferred,
44 Alternative 3, which says that those reclaimed shares would then
45 be redistributed by share category, and so, in essence, by
46 species, proportionally among all participants that harvested
47 species in that share category.

48

1 Again, the AP's rationale, in comparison to Alternative 2, where
2 the shares would be redistributed equally among all
3 participants, is that only individuals who are actually having
4 landings in that given cycle should, in essence, be receiving
5 redistributed shares. I will open that to any discussion.
6

7 **CHAIRMAN GREENE:** Is there discussion? Mr. Sanchez.
8

9 **MR. SANCHEZ:** Once again, I would make a motion that we adopt
10 the AP's Preferred Alternative 3 in Action 5.3 as the council's
11 preferred for Action 5.3.
12

13 **CHAIRMAN GREENE:** We have a motion to make Alternative 3 the
14 preferred. While they're getting that up on the board, is there
15 a second for this motion? It's seconded by Dr. Frazer. Is
16 there discussion? The motion is up on the board for your
17 review. Is there any discussion about the motion on the floor?
18 **Is there any opposition to the motion on the floor before you?**
19 **Seeing none, the motion carries.** Dr. Freeman.
20

21 **DR. FREEMAN:** Thank you. At this point, we'll move forward into
22 Action 6, which addresses transferability of shares, and that's
23 found on page 62. In the case of Action 6 -- We have a
24 question.
25

26 **MR. STRELCHECK:** Matt, sorry, but, going back to Action 5.2 -- I
27 stepped out of the room, and did we add the Option 3b, the AP-
28 preferred recommendation?
29

30 **DR. FREEMAN:** I'm sorry. Could you repeat that?
31

32 **MR. STRELCHECK:** In Action 5.2, Alternative 3, did we add Option
33 3b, the AP preferred? Currently, Option 3b was the AP-preferred
34 recommendation, but it's not in the amendment.
35

36 **DR. FREEMAN:** Correct.
37

38 **MR. STRELCHECK:** I would like to make a motion to include that
39 alternative in the amendment as Option 3b.
40

41 **DR. FREEMAN:** I was just going to say 3b has -- Do you want to
42 replace that? For staff, we're in Action 5.2, and so we are in
43 Alternative 3, and I will allow for some wordsmithing here, but
44 to adopt the AP-Preferred Option 3b into the amendment. You
45 will need to refer actually to the AP summary, because they had
46 a different Option 3b, where those percentages were actually
47 written in. It's for Alternative 3, Option 3b.
48

1 **CHAIRMAN GREENE:** Andy, is the motion on the board correct as
2 written?
3
4 **MR. STRELCHECK:** Yes, and so just to clarify that it would be
5 replacing the existing Option 3b in the amendment.
6
7 **CHAIRMAN GREENE:** Just to be absolutely sure, Andy, is this
8 correct as written?
9
10 **MR. STRELCHECK:** Correct.
11
12 **CHAIRMAN GREENE:** The seconder, John Sanchez, agrees. All
13 right. Is there further discussion about the motion? **Seeing no**
14 **further discussion, is there any opposition to the motion on the**
15 **floor before you? Seeing none, the motion carries.** Dr.
16 Freeman.
17
18 **DR. FREEMAN:** I will give staff one moment, and then we'll move
19 forward to Action 6. Again, Action 6 is found on page 62 of the
20 document. Action 6 addresses transferability of shares. The
21 council does not currently have a preferred alternative here.
22 The AP selected Alternative 1 as their preferred, which would
23 not allow for the transfer of shares.
24
25 The rationale for the AP in that choice is that Action 6 is
26 specifically addressing the transferability of shares in an IFQ
27 program, and the AP had previously selected a PFQ program as
28 their preferred, and so, again, it's sort of readdressing their
29 preferred away from an IFQ program and towards a PFQ program.
30
31 **CHAIRMAN GREENE:** Okay. Thank you. Is there discussion on
32 Action 6? Mr. Sanchez.
33
34 **MR. SANCHEZ:** Motion to select, in Action 6, Alternative 1 as
35 the council preferred.
36
37 **CHAIRMAN GREENE:** We have a motion in Action 6 to make
38 Alternative 1 the preferred. Is there a second for this motion?
39 It's seconded by Dr. Frazer. Is there discussion? Mr. Anson.
40
41 **MR. ANSON:** I am in favor of the motion, but I just was
42 wondering, administratively, if it would be better if we just
43 removed it to Considered but Rejected in the document. Would
44 that be appropriate or requested from staff?
45
46 **DR. FREEMAN:** At this point, since the council has not removed
47 the IFQ program from the document, we should leave it in place,
48 for the time being.

1
2 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
3 discussion? **Seeing no further discussion, is there any**
4 **opposition to the motion on the floor before you? Seeing none,**
5 **the motion carries.** Dr. Freeman.
6

7 **DR. FREEMAN:** I will move forward to Action 7, which is
8 maintenance of shares, and that will be found on page 64 of the
9 amendment. In this case, Action 7 contains two alternatives,
10 the first being that shares can be held by any U.S. citizen or
11 permanent resident. Alternative 2 expands upon that and says
12 that there is also a requirement for a charter/headboat permit
13 for reef fish to maintain shares. That was selected by the AP
14 as their preferred, again, with the understanding that, in order
15 to maintain shares, an individual should have a permit for reef
16 fish. I will open that to any discussion or questions.
17

18 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr. Sanchez.
19

20 **MR. SANCHEZ:** I will make a motion that in Action 7, the
21 maintenance of shares, the council select Alternative 2 as their
22 preferred alternative.
23

24 **CHAIRMAN GREENE:** We have a motion on the board. Is there a
25 second for this? It's seconded by Mr. Banks. Is there
26 discussion? **Seeing no discussion, is there any opposition?**
27 **Seeing no opposition, the motion carries.** Mr. Strelcheck.
28

29 **MR. STRELCHECK:** I was going to ask for clarification. I am
30 confused by the last sentence, and I'm hoping that staff can
31 clarify. If a person transfers their permit or endorsement, the
32 shares are tied to that. There is no need for them to divest at
33 that point, and so I'm wondering if we should remove the
34 transfer provision from the alternative.
35

36 **CHAIRMAN GREENE:** Ms. Levy.
37

38 **MS. LEVY:** Sorry I missed this before you all -- This action is
39 like Action 6. It doesn't apply if you have a PFQ program. It
40 only applies if you have an IFQ program, because, under the PFQ
41 program, the shares are tied to the permit no matter what.
42

43 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
44 Freeman.
45

46 **DR. FREEMAN:** Moving forward, we will next look at Action 8,
47 which is located on page 65. Action 8 addresses transferability
48 of annual allocation. The council has not yet selected a

1 preferred alternative. The AP preferred was for Alternative 2,
2 saying that an account must have a charter/headboat permit for
3 reef fish in order to receive transferred allocation, and,
4 again, the annual allocation can only be transferred to U.S.
5 citizens or permanent residents. I will open that to any
6 questions or discussion.

7
8 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr. Sanchez.

9
10 **MR. SANCHEZ:** Here we go again. **Action 8, transferability of**
11 **annual allocation, that the council select Alternative 2, the**
12 **AP's preferred, as the preferred council alternative.**

13
14 **CHAIRMAN GREENE:** We have a motion going up on the board to
15 select Alternative 2 as the preferred. Is there a second for
16 this? Seconded by Dr. Mickle. Further discussion? Mr. Boyd.

17
18 **MR. BOYD:** I need some clarification. I thought, in one of the
19 actions above, and I apologize that I can't remember which one
20 it is, we said that there is no transferability, and that was a
21 recommendation from the AP, and so now we're talking about
22 transferability again.

23
24 **DR. FREEMAN:** The previous action was addressing transferability
25 of shares, and this is addressing transferability of allocation,
26 and so there is a difference here.

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

29
30 **MR. BOYD:** I would make a substitute motion then. I move that
31 **Alternative 1 be the preferred.**

32
33 **CHAIRMAN GREENE:** We have a substitute motion that's going up on
34 the board. In Action 8, to make Alternative 1 the preferred,
35 which is our no action. Okay. I believe it is correct as
36 written. Is there a second for this motion? It's seconded by
37 Mr. Matens. Is there discussion? Dr. Freeman.

38
39 **DR. FREEMAN:** One item to consider, and, Ms. Gerhart, if I
40 misspeak, please correct me, but the AP was open to the idea of
41 transferring allocation, because, in addition to using the
42 adaptive management, tied into that, based off of landings, that
43 helps determine who those reclaimed shares are redistributed to,
44 and so if, for instance, you had someone active in the industry
45 that had allocation transferred to them from someone else, the
46 person who has allocation at that point and has those landings
47 tied to their account would be the one who is recognized as
48 having landings for anything redistributed, and so it could kind

1 of speed up any correction of that initial distribution as well
2 as assist any new entrants that could purchase allocation and
3 then again be recognized for any landings for a given cycle, and
4 so I just wanted to clarify that.

5

6 **CHAIRMAN GREENE:** Mr. Riechers.

7

8 **MR. RIECHERS:** I just want to point out that, in this notion,
9 and John was suggesting that some of this may be hypothetical,
10 but Paul brought up the issue, and certainly they have lived
11 through it, where their charter boat industry is just now
12 getting back up on its -- Or it has gotten back up on its feet,
13 after some storm-related issues that they went through.

14

15 John, in your case, if you transferred this allocation, and you
16 had to do so for a number of years, and then it is redistributed
17 based on that, basically it's a spiraling-down effect for those
18 people who moved that away from them, even though they were in a
19 hardship and trying to go ahead and make their -- Trying to make
20 a living or trying to keep their shares active or trying to do
21 something there, but, with this kind of notion, basically you're
22 going to be, in some ways, penalized for that. I mean, you're
23 also making a living, and I get that, but, in some respect, as
24 that's redistributed, it's almost a spiraling-down effect, if it
25 occurs over the cycle that you chose here.

26

27 Just, as we kind of talk about this with this cyclical
28 redistribution and so forth, and I will say, which I also
29 believe hasn't been out amongst the public very much in the
30 larger sector at this point, this discussion and this sort of
31 redistribution.

32

33 **CHAIRMAN GREENE:** Ms. Gerhart.

34

35 **MS. GERHART:** Just to kind of emphasize what Dr. Freeman said,
36 when we initially distribute, according to how it's decided, the
37 expectation is that the people who are actively fishing will get
38 less than what they really need, because of the latent permits
39 getting some too, and so that's the idea of the adaptive
40 management.

41

42 If someone wants to get back to what they need or grow their
43 business, the only way they could do that would be to get
44 transferred allocation to them, and so they would have to what
45 is often called lease that allocation from someone.

46

47 Then the next year, when we go through the next cycle, that
48 would be credited to the person who got the allocation, and so

1 they could get back to where they need to be by leasing
2 allocation from someone else.

3
4 In the meantime, that person who leased out the allocation might
5 be one of those latent permit holders that isn't using it
6 anyway, and so they would lose the credit for that, and they
7 wouldn't get that back in the next cycle, and so that's the
8 whole idea behind the adaptive management, is to move the
9 allocation and shares, and it's the shares that would go to each
10 person each year when we do the redistribution, so that, from
11 then on, they will continue to get the allocation associated
12 with those shares each year.

13
14 It allows the shifting of the shares to the people who are
15 actually using them. Without any transfer allowed, there would
16 be no ability to do that shifting around.

17
18 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
19 Andy.

20
21 **MR. STRELCHECK:** I am going to speak in opposition to the
22 motion, for many of the same reasons that Sue just mentioned.
23 We know that the initial allocation is not going to be perfect
24 and that there is going to be needs, both for people that don't
25 have enough as well as potentially those that are receiving more
26 than they likely will use, and so transfer of allocation gives
27 the ability to the industry and to individual charter vessel
28 owners to manage their own business operations and make
29 decisions for themselves, in terms of what their needs are and
30 how this allocation could be moved around, in order to best meet
31 the industry's goals and objectives. To me, it goes against,
32 really, the main purpose and need of what we're trying to
33 accomplish with the charter businesses, which is flexibility in
34 management.

35
36 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Ms.
37 Bosarge.

38
39 **MS. BOSARGE:** To me, there is almost a bigger issue, and so, if
40 you don't allow the transfer of allocation, essentially what
41 we're saying is you're not allowing leasing to occur, and, if
42 you have a fisherman that can't go fishing, then, essentially,
43 you are restricting the landings of fish that go out to the U.S.
44 consumer, and so it's very -- To the angling public consumer,
45 right? I think you're kind of putting a restriction there.
46 You are restricting access of those anglers that get to the fish
47 in that method, and I think that's kind of inefficient.

48

1 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
2 discussion? Mr. Boyd.
3
4 **MR. BOYD:** Based on the discussion, I would like to withdraw my
5 motion, if the seconder will agree, and then I have another
6 motion.
7
8 **CHAIRMAN GREENE:** Thank you. The seconder agrees. Mr. Boyd.
9
10 **MR. BOYD:** I would like to make a substitute motion to the one
11 that's on the board to make Alternative 4, Option b, the
12 preferred.
13
14 **CHAIRMAN GREENE:** We have a motion going up on the board, and
15 I'm sure she will get the text of it here in a second. Motion
16 in Action 8 to select Alternative 4, Option 4b, as the
17 preferred. Is there a second for this motion? Seconded by Mr.
18 Matens. Is there discussion? Dr. Mickle.
19
20 **DR. MICKLE:** Thank you, Mr. Chair. Just could we have a little
21 bit of information on why the AP chose Alternative 2 as their
22 justification? I am really torn, because these alternatives
23 restrict growth as well. You are restricting loss, sometimes,
24 but you're also restricting growth, when people are trying to
25 build, and so I would just like to hear about the AP's
26 justification on Alternative 2 being their chosen preferred.
27 Thank you.
28
29 **CHAIRMAN GREENE:** Dr. Freeman.
30
31 **DR. FREEMAN:** Certainly, and I will address it initially, and,
32 if Mr. Steber would like to add anything, I would like to
33 encourage him as well. The AP's initial thought for their
34 preferred with Alternative 2 is that the sole restriction, for
35 the most part here, is that an account simply has a permit, and
36 so their understanding is that, really, you should be a permit
37 holder if you're in the industry and having allocation. If Mr.
38 Steber has anything to add to that, but that was my main
39 understanding here.
40
41 **CHAIRMAN GREENE:** Mr. Steber is nodding that that is correct.
42 Mr. Anson.
43
44 **MR. ANSON:** I know it wasn't the preferred in the AP, but it is
45 interesting, and it's something that, at least for the
46 commercial industry, I've been somewhat supportive of including
47 in the scoping document, at least, at this point for discussion
48 purposes, and I have another thing that I also wanted to say

1 when I raised my hand earlier, but I will wait until this motion
2 is done.

3
4 **CHAIRMAN GREENE:** Okay. All right. Further discussion? **Seeing**
5 **no further discussion, all those in favor of the motion on the**
6 **floor before you, please raise your hand, I see four; all those**
7 **opposed, like sign, six opposed. The motion fails.**

8
9 That brings us back to the original motion. The original motion
10 is, in Action 8, to make Alternative 2 as the preferred. Any
11 discussion? **Seeing no discussion, all those in favor of making**
12 **Alternative 2 the preferred, please raise your hand, I see nine**
13 **in favor; all those opposed, like sign, four opposed. The**
14 **motion carries.** Dr. Freeman.

15
16 **DR. FREEMAN:** We will now move forward to Action 9, which
17 addresses share caps, and that's located on page 67 of the
18 amendment. Action 9 has three alternatives. Alternative 1
19 would not cap the amount of shares for a given species that one
20 participant could hold. Alternative 2 says that no participant
21 may hold shares for a given species equaling more than the
22 maximum amount of shares issued for that species during initial
23 apportionment for a participant, as defined in Action 4, and,
24 lastly, Alternative 3, which was the AP preferred, states that
25 no participant shall hold shares for a given species which
26 comprise more than X percent of the total charter vessel quota
27 for that species.

28
29 To address some of the AP's discussion here, in one item, I will
30 mention that I did have an error in the AP report that I just
31 noticed. One of the discussions I stated was in reference to
32 Alternative 1, which it should be in reference to Alternative 2,
33 and so I will make that correction.

34
35 With Alternative 2, that could hinder the cyclical
36 redistribution or adaptive management program, and so, to better
37 explain that, it's that if, during the initial apportionment, we
38 had -- Again, just as an example, if we had ten shareholders,
39 and, just for the sake of example, each of those shareholders
40 had 10 percent of the industry's shares. Then, moving forward
41 with cyclical redistribution, or adaptive management, everyone
42 is capped at 10 percent.

43
44 If someone historically had been landing much more, there would
45 be no way for them to increase that percentage. For that
46 reason, the AP selected Alternative 3 as their preferred.
47 However, they did not have a recommendation at this point for a
48 specific percentage, and they requested additional data from

1 council staff and from SERO. I will open that to any discussion
2 or questions.

3
4 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
5 discussion? Seeing no further discussion, Dr. Freeman. Ms.
6 Bosarge.

7
8 **MS. BOSARGE:** So, is staff going to develop Alternative 3 for us
9 and give us some percentages, since it looks like we're not
10 ready to pick a preferred without some percentages there?

11
12 **DR. FREEMAN:** Yes, that's the idea. At the same time, if there
13 are any initial percentages that the council would like to
14 specifically suggest that we look at, that would be helpful as
15 well.

16
17 **CHAIRMAN GREENE:** Mr. Sanchez.

18
19 **MR. SANCHEZ:** I would just like to, I guess, encourage the
20 public that, if they can come up with a percentage during public
21 testimony tomorrow, it might be very helpful.

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

25
26 **DR. FREEMAN:** Next, we will look at Action 10.1, which is a cap
27 on the usage of allocation for IFQs and PFQs, and that is
28 located on page 70. Alternative 1 would not establish a limit
29 on the usage of allocation.

30
31 Alternative 2 would limit allocation usage to X percent above
32 allocation equal to the share cap for each species, and that can
33 either be per vessel or per account, and Alternative 3 limits
34 allocation usage to the allocation equal to the share cap for
35 each species, again either per vessel or per account. In this
36 case, the AP selected as their preferred Alternative 2, with
37 Option 2a, and they suggested 25 percent. I will open that to
38 any discussion or questions.

39
40 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr. Sanchez.

41
42 **MR. SANCHEZ:** Thank you, Mr. Chairman. **Under Action 10, I would**
43 **make a motion that the council adopt the AP's preferred in**
44 **Action 10.1, PFQs, Alternative 2, Option 2a.**

45
46 **CHAIRMAN GREENE:** While she's getting that up on the board, is
47 there a second for this motion? It's seconded by Dr. Frazer.
48 Is there discussion? Ms. Levy.

1
2 **MS. LEVY:** Is the intent to also replace the X with 25 percent?
3 I guess my question would be why 25 percent? I know we have one
4 alternative that has a percentage, but it seems like there may
5 be other relevant percentages. I don't know. I don't know
6 anything about why 25 percent and what they talked about.

7
8 **MR. SANCHEZ:** Yes, it was to include the 25 percent. Again, we
9 have members of the AP here, and they had a fairly lengthy
10 discussion on that. If I may ask Captain Steber to approach the
11 podium and kind of explain how they arrived at that through
12 their discussion.

13
14 **MR. STEBER:** From memory, it's basically that you could increase
15 25 percent, which was a small percentage, and not have a large
16 percentage, where you might double or triple, which we would try
17 to control it a little bit.

18
19 **CHAIRMAN GREENE:** Dr. Freeman.

20
21 **DR. FREEMAN:** Just to add to Mr. Steber's comment, in comparison
22 to Alternative 3, Alternative 2 again allows for some of that
23 growth with the adaptive management program, and so Alternative
24 2 allows shareholders to use additional allocation to, again,
25 sort of increase their landings history in a given cycle, and,
26 from memory, the AP felt that 25 percent seemed like a
27 reasonable amount. It wasn't sort of too outrageous, but it
28 seemed like an appropriate amount, based off of what they were
29 envisioning might occur from the initial distribution.

30
31 **CHAIRMAN GREENE:** Thank you. Any further questions for Mr.
32 Steber? Okay. Thank you, Mr. Steber. Is there further
33 discussion by the committee? Mr. Swindell.

34
35 **MR. SWINDELL:** The 25 percent being 25 percent of what?

36
37 **DR. FREEMAN:** The usage is a certain percentage above the
38 allocation that would be equivalent to the share cap for the
39 species, and so, whatever allocation comes from that share cap,
40 then this would be X percent above that allocation. I will try
41 to explain it a little bit further. So, if a shareholder has a
42 share cap, then they're allowed to have additional allocation
43 for usage in a given cycle.

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

46
47 **MR. ANSON:** So is this -- It seems to me that share caps would
48 kind of be what you would want to set the target to, as far as a

1 maximum allowable per vessel or per permit, and this just --
2 Action 10 adds another maximum, and so why couldn't that be
3 accomplished with just one action?
4

5 **DR. FREEMAN:** Again, with the adaptive management, the
6 redistribution of shares is based off of landings, and so the
7 landings are tied to the allocation that the shareholder has,
8 and so this provides additional landings for that shareholder.
9 If I can expand further, just let me know.

10
11 **CHAIRMAN GREENE:** Andy.

12
13 **MR. STRELCHECK:** We don't have an allocation cap for red
14 snapper, just based on when the program was implemented and
15 Magnuson revisions. We do have one for grouper-tilefish, and it
16 has not been met. Part of that is based on just where the share
17 cap is set and that it's a fairly high share cap across all the
18 grouper-tilefish.

19
20 Kind of thinking this through, I think we might be premature in
21 making a decision here until we know more about where the share
22 cap is going to be set, and, to me, there is simplicity in
23 keeping the allocation cap equivalent to the pounds associated
24 with the share cap, and so that would be my recommendation, is
25 to wait to select a preferred until we have more alternatives
26 for the share cap.

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

29
30 **MS. GUYAS:** I think I agree. I think you do need to understand
31 where the share cap is first. I can also see how they might
32 need to be different for different species, if we go down this
33 road, but I don't even want to open that can of worms right now,
34 and so I will just walk away from that.

35
36 **CHAIRMAN GREENE:** Thank you. Mr. Sanchez.

37
38 **MR. SANCHEZ:** Based on the discussion, I will withdraw my motion
39 to pick that as a preferred and just leave well enough alone.

40
41 **CHAIRMAN GREENE:** Okay. The motion has been withdrawn. Is
42 there further discussion? Okay, Dr. Freeman.

43
44 **DR. FREEMAN:** Thank you. Moving forward, we'll now look at the
45 referendum -- I apologize. I got ahead of myself. We still
46 have Action 10.2, the cap on usage of allocation for harvest
47 tags. Again, there was not a council preferred at this time,
48 and the AP moved that the entirety of Action 10.2 be moved to

1 Considered but Rejected, again reflecting their earlier
2 preference for harvest tag programs being moved to Considered
3 but Rejected.

4
5 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr.
6 Strelcheck.

7
8 **MR. STRELCHECK:** Based on our decision earlier with Action 1 to
9 move harvest tags to Considered but Rejected, I would like to
10 move Action 10.2 also be moved to Considered but Rejected.

11
12 **CHAIRMAN GREENE:** Okay. The motion is, for 10.2, to move to
13 Considered but Rejected. It was seconded by Mr. Sanchez. Is
14 there discussion? We have a motion on the floor, and it's been
15 seconded, to move Action 10.2 to Considered but Rejected. Dr.
16 Mickle.

17
18 **DR. MICKLE:** Just quickly, tags are something that this user
19 group has voiced that they're not interested in, and, if there
20 is opposition to removing this, we'll hear about it by doing
21 this. Thank you.

22
23 **CHAIRMAN GREENE:** Thank you. Are there further comments?
24 **Seeing no further comments, is there any opposition to the**
25 **motion on the board before you? Seeing no opposition, the**
26 **motion carries.** Dr. Freeman.

27
28 **DR. FREEMAN:** Before we move into the referendum eligibility
29 requirements, if the council is interested, or the committee in
30 this case, I would ask for a motion for staff to identify the
31 AP's preferred recommendations into the draft amendment. If
32 there is any discussion, please let me know. Otherwise, I will
33 move into the referendum eligibility requirements.

34
35 **CHAIRMAN GREENE:** Mr. Anson.

36
37 **MR. ANSON:** Can you repeat that again, Dr. Freeman?

38
39 **DR. FREEMAN:** Certainly. Currently, in Draft Amendment 41, the
40 document itself, staff has not identified what the AP preferreds
41 were. We're not saying that that would be the council's
42 preferred, but we simply have not identified in that document
43 what the AP's preferreds were, and so I was simply asking if the
44 committee would like to make a motion that staff identify that
45 in the document.

46
47 **CHAIRMAN GREENE:** Ms. Bosarge.

48

1 **MS. BOSARGE:** So you're just talking about like sort of like
2 when we have a joint amendment with the South Atlantic and we
3 notate that this is the Gulf preferred and this is the South
4 Atlantic preferred and things like that, out to the side.

5

6 **DR. FREEMAN:** Yes, ma'am.

7

8 **MS. BOSARGE:** Okay.

9

10 **CHAIRMAN GREENE:** Mr. Banks is going to make that motion.

11

12 **MR. BANKS:** **Motion to have staff identify within the document**
13 **what actions and alternatives are preferred.**

14

15 **CHAIRMAN GREENE:** We have a motion on the floor. Is there a
16 second for the motion? It's seconded by Mr. Sanchez. Is there
17 discussion? Everybody knows what we're doing here? Mr.
18 Riechers.

19

20 **MR. RIECHERS:** I will just say this is out of the -- I mean,
21 we've done this sometimes in the past, just as we've gone
22 through the documents, and we have also done it over on a side
23 sheet of paper, which I think, in fact, most people find more
24 useful.

25

26 I would prefer that we go back to our original -- Again, when we
27 do joint amendments, there is going to be different APs, and
28 then there is SSC recommendations, and we'll get all of these
29 different recommendations. I don't care whether they're in
30 there or not.

31

32 They're not going to guide me one way or the other, but I think,
33 in the past, what we've done is put them over the side and
34 identified them on a separate sheet of paper, where we knew what
35 people did, and we were able to take that under consideration,
36 but we didn't try to lead the council or suggest to the public
37 that, because someone did it this way or that way, that we're
38 going to do it that way. It just seems that's an odd request
39 coming at this time.

40

41 **CHAIRMAN GREENE:** Dr. Freeman.

42

43 **DR. FREEMAN:** I just wanted clarification on the committee's
44 thoughts before we moved forward.

45

46 **CHAIRMAN GREENE:** Is there further discussion? We have a motion
47 on the floor, and it sounds like there is some opposition. **All**
48 **those in favor of the motion on the floor, please raise your**

1 hand.

2

3 **EXECUTIVE DIRECTOR GREGORY:** Five.

4

5 **CHAIRMAN GREENE:** All those opposed, like sign.

6

7 **EXECUTIVE DIRECTOR GREGORY:** Eight. The motion fails five to

8 eight.

9

10 **DR. FREEMAN:** Again, to address Mr. Riechers' comment, as a

11 reminder for everyone, the AP reports are included in an

12 appendix at the end of the amendment, and so they will be still

13 documented. At this point, we can look -- We have another

14 question.

15

16 **MR. STRELCHECK:** In reviewing 41 and 42, I noted that there's a

17 couple of actions in 42 that are not in 41, and I'm wondering if

18 we need to add actions for cost recovery as well as quota

19 adjustments. It seems like those would both be appropriate and

20 relevant for 41.

21

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

23

24 **MS. BOSARGE:** Andy, I agree with you, but I think, since we're

25 going to add some action items into a document, would you mind

26 making that in the form of a motion, please, sir?

27

28 **MR. STRELCHECK:** Request staff include actions for cost recovery

29 and quota adjustments in Amendment 41.

30

31 **CHAIRMAN GREENE:** Thank you. We have a motion on the floor. Is

32 there a second for this motion? It's seconded by Mr. Anson. Is

33 there discussion? **Seeing no discussion, is there any opposition**

34 **to the motion on the floor before you? Seeing no opposition,**

35 **the motion carries.** Dr. Freeman.

36

37 **DR. FREEMAN:** I will hesitate this time. Is there any more

38 discussion on Amendment 41 before we go to referendum

39 eligibility requirements?

40

41 **CHAIRMAN GREENE:** Dr. Shipp.

42

43 **DR. BOB SHIPP:** Just for the record, I object to having been

44 excluded from making motions or voting on the various actions,

45 just for the record.

46

47 **CHAIRMAN GREENE:** Okay. Thank you. Anything else on Amendment

48 41 before we go into referendum eligibility requirements? Okay,

1 Dr. Freeman.

2
3 **REFERENDUM ELIGIBILITY REQUIREMENTS**
4

5 **DR. FREEMAN:** Thank you. If I could get staff to open the
6 referendum eligibility requirements document. If we move to
7 page 7 of the document, there are two options for discussion.
8 It's going to be under Chapter 3, at the bottom of the document.

9
10 There are two options currently before the council. At the
11 previous council meeting, there was only Option 1, and the
12 council requested that we develop what is now Option 2. As a
13 reminder, under Option 1, it states that each permit held on the
14 day that the referendum rulemaking becomes effective would
15 provide the permit holder with one vote in the referendum. That
16 was what the AP selected as their preferred.

17
18 Under Option 2, it says that each unique permit holder with a
19 permit on the day that the referendum rulemaking becomes
20 effective would be provided with only one vote in the
21 referendum, regardless of how many permits the permit holder
22 has. Numerically, what that means is that there would be 116
23 fewer votes cast under Option 2 than under Option 1, because,
24 again, in essence, Option 2 says one permit holder and one vote.
25 I will pause there for discussion. If anyone would like, I can
26 address some of the comments or discussion that the AP had as
27 well.

28
29 **CHAIRMAN GREENE:** Thank you. Is there committee discussion?
30 Mr. Banks.

31
32 **MR. BANKS:** I don't know if there is an answer to this. We may
33 not know, but is there any sense for how many folks on the AP
34 hold more than one permit? Is there any way to know that?

35
36 **DR. FREEMAN:** I am not familiar with that. Mr. Steber, do you
37 have any -- He is shaking his head no, that he doesn't have any
38 insight on that at the moment.

39
40 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
41 Anson.

42
43 **MR. ANSON:** Dr. Freeman, can you provide any more, or Tom can
44 come up, but do have any more information that you could provide
45 that's not in the report relative to this, the AP report?

46
47 **DR. FREEMAN:** You're asking outside of the AP report do I have
48 any, or within the AP report?

1
2 **MR. ANSON:** Yes, and if there's anything that you could shed
3 some light on that's not in the AP report that would be related
4 to this particular issue.
5

6 **DR. FREEMAN:** Not at this time. Again, this is the first time
7 that the council is seeing this second option, and so it was
8 brand new, in essence, when it was presented to the AP as well,
9 and so any insight we have is included in that AP report.

10
11 **CHAIRMAN GREENE:** I will take a stab at it, Kevin. I think what
12 they're getting at is that there are some people who have
13 multiple permits, who may have six or seven permits, and they
14 don't want -- I guess one of these options would allow that
15 individual to vote that many times, I believe is where this kind
16 of came from and where it's going. I may be completely wrong,
17 and, if I am, I'm sure we will hear about it, but I believe that
18 is the intent of what we're looking at here. Is there further
19 discussion? Dr. Freeman.
20

21 **DR. FREEMAN:** If there is any discussion or any motions by the
22 committee, please let me know. Otherwise, at this point, I will
23 conclude my report.
24

25 **CHAIRMAN GREENE:** Last call for Amendment 41. Seeing none, we
26 are running behind schedule, obviously. We've had a good
27 conversation, and I certainly did not want to interrupt any of
28 that. That was a lot of good conversation around the table, and
29 we will certainly do our best to get back on schedule. With
30 that, I will turn it back over to Ms. Bosarge.
31

32 **MS. BOSARGE:** We're going to go ahead and break for lunch, and
33 we're scheduled to come back from lunch at 1:30, and we will go
34 ahead and hold true to that. Just before we leave, I have heard
35 Dr. Shipp's comments and Mr. Dyskow's comments, and please
36 understand that, as your Chair, you can always come and -- Any
37 issues that you may have that you feel need to be addressed,
38 please come to me before the meetings or whenever. We can talk
39 through it and see if there is some way to address the concerns
40 and make it better, because we certainly want that.
41

42 The other thing that I talked to one of the other council
43 members about earlier is usually I try and get a feel for
44 people's schedules for the last day of the meeting, and so, if
45 either of you, because maybe you're not used to me doing that,
46 if either of you have a flight out -- Surely Dr. Shipp probably
47 doesn't, because you're probably driving, but, Mr. Dyskow, if
48 you have a flight out, I try and look at our schedule and make

1 sure that we get the heavy lifts done before anybody's flight
2 may preclude them from being part of that discussion.

3
4 Hopefully your flight is late enough to accommodate the entire
5 meeting, but, if it's not, please come to me, because, to me,
6 the most important part is that we have everyone around the
7 table for any discussion that may be pertinent, that may be
8 highly controversial, or a heavy lift. To me, it's important to
9 have everybody here, and so please feel free to come and talk to
10 me. I really am pretty flexible and open-minded, and so come
11 back from lunch at 1:30. Thanks.

12
13 (Whereupon, the meeting recessed for lunch on October 3, 2017.)

14 - - -

15
16
17 October 3, 2017

18
19 WEDNESDAY AFTERNOON SESSION

20
21 - - -

22
23 The Reef Fish Management Committee of the Gulf of Mexico Fishery
24 Management Council reconvened at the Beau Rivage Resort, Biloxi,
25 Mississippi, Tuesday afternoon, October 3, 2017, and was called
26 to order by Chairman Johnny Greene.

27
28 **CHAIRMAN GREENE:** Leave it to me to inform you that we are,
29 obviously, behind schedule. We will make every attempt to catch
30 back up at any given point during the day, but we will go as
31 long as Madam Chair Bosarge will allow us to go to attempt to
32 complete the agenda as written. With that, we will move on into
33 Amendment 42, Reef Fish Management for Headboat, and Dr. Diagne.

34
35 **AMENDMENT 42 - REEF FISH MANAGEMENT FOR HEADBOAT SURVEY VESSELS**
36 **PRESENTATION - OVERVIEW OF TAB B, NUMBER 6(a), 6(b), and 6(c)**

37
38 **DR. DIAGNE:** Good afternoon, and thank you, Mr. Chair. What we
39 have in front of us here is Tab B, Number 6(d), and it's a
40 presentation that essentially lists the actions in Amendment 42
41 and highlights the preferreds that the AP selected.

42
43 Some of the preferreds were selected during a previous meeting,
44 but, in some instances, they did revise their preferred, and so
45 we have the current, if you would, preferred set of alternatives
46 that they have selected. At the tail-end of this, we will also
47 look at the referendum eligibility criteria, and, finally, some
48 other business items that they discussed.

1
2 In terms of Action 1, which deals with the type of management
3 program for essentially the headboat survey vessels, the AP
4 selected Alternative 2. In a sense, their preference is for the
5 establishment of an IFQ, an individual fishing quota, program.

6
7 When it comes to Action 2, meaning the range of species to be
8 included in this management program, the AP, as well, as this
9 council, has selected as their preferred alternative Alternative
10 3. Essentially, this alternative would include the five major
11 reef fish species, meaning red snapper, gray triggerfish,
12 greater amberjack, gag, and, finally, red grouper.

13
14 Action 3 looks at participation at the onset of the program, and
15 it offers an avenue, or an opportunity, if you would, for some
16 to opt out of this program at implementation. The AP
17 recommendation so far is that any vessel that meets the
18 requirement must participate in the program selected in Action
19 1, and, as you recall, their preferred alternative is an IFQ.
20 Essentially, the AP prefers to have all of the eligible headboat
21 vessels to participate in the program to be designed. There is
22 three alternatives.

23
24 The fourth action looks at the means that the council would use
25 if these amendments were to move forward, in the sense that we
26 have a single reef fish for-hire permit, and so there is a need
27 for a method, if you would, of separating or making a
28 distinction between those for-hire permit holders that would be
29 included in this amendment and those other reef fish for-hire
30 permit holders who would be then in the charter amendment.

31
32 The three alternatives considered here would -- We have the no
33 action alternative, and the other two alternatives would
34 establish an endorsement or split the permit. The AP's
35 preferred alternative is to establish an endorsement, and so,
36 essentially, all of the headboat survey vessels to be included
37 in this management program would then receive an endorsement to
38 their permit that would identify them as such.

39
40 In red, at the bottom of the slide, we have added some text,
41 which the AP recommended, to make clear that participating in
42 this program does not in any way limit their ability to fish for
43 other reef fish species and, for that matter, for other legally-
44 available species, and so that is the little text highlighted in
45 red at the bottom of the slide, and this is just to clarify the
46 intent, saying that the establishment of the endorsement would
47 not prevent vessels from fishing for other legally-available
48 species. This text is also added at the bottom of Alternative

1 3, for consistency, but, again, their preferred alternative
2 would be the endorsement.

3
4 The fifth action in Reef Fish Amendment 42 deals with the
5 allocation of annual catch limits to the headboat program, if
6 you would, the headboat survey program vessels, to be complete.
7 We have several alternatives here, and, for each one of the
8 alternatives, we provided a table that shows the percentages
9 that this program would be allocated. This is Alternative 2.

10
11 Alternative 3 would use a different set of years, with various
12 options, in terms of excluding, for example, 2010 or excluding
13 2014 and 2015, which, as you recall, were the years during which
14 the headboat EFP was in effect.

15
16 Alternative 4 is a different set of years and a set of options,
17 and the reason why Option a is highlighted in blue here is to
18 remind us that this used to be the preferred alternative
19 selected by the Headboat AP, but, during the last meeting, once
20 they were informed that the Charter AP, the day before, selected
21 a different preferred alternative, after discussions, the AP
22 decided to change its preferred alternative, so that the two
23 preferreds would be consistent.

24
25 Both for the Charter AP as well as for the Headboat AP, the
26 preferred alternative for allocation of ACL would be Alternative
27 5, and this essentially is the preferred alternative that was
28 selected in Amendment 40, and these are the percentages that
29 would be allocated to the headboat survey vessel programs, from
30 14.9 percent for red snapper to perhaps as low as 3.9 percent
31 for red grouper.

32
33 Because, in this amendment, we have an action that deals with
34 potentially allowing headboat vessels to opt out of the program,
35 there is a need for an alternative that will address,
36 essentially correct for, those vessels that would leave the
37 headboat program here, and so that is what Alternative 6 would
38 attempt to do, and it specifies that, for those vessels opting
39 out of this program, their allocation would be subtracted from
40 the larger allocation, so that it could be transferred to the
41 other program, which is where they will be managed.

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

44
45 **MR. RIECHERS:** Assane, this was something that came up at the
46 last meeting, regarding the history that we have on the
47 headboats, the Beaufort Headboat Survey, and there was some
48 period of time, as I am recalling, that it was suggested that we

1 couldn't go further back than X date, because the logbooks
2 didn't capture it or the data now didn't capture what the
3 logbooks captured, and could I just get a little more
4 explanation of that? I remember flagging that at the last
5 meeting, and that was somewhat new to me at the time. It may
6 have been discussed in past meetings, but I just had not heard
7 that before.

8
9 **DR. DIAGNE:** I will try to answer your question, and, if I miss
10 anything, I will ask Ms. Gerhart to add to it. As I recall,
11 previously, although the landings were recorded, but they were
12 not associated to the vessel names, and so it would be difficult
13 then to turn around and base an allocation on historical
14 landings, which is why, if you see for a lot of the discussions
15 and the options here, we based those on the very recent time
16 periods, let's say the most five years, something like 2011 to
17 2015, but that is separate from the allocation to the program
18 itself, because we always had the landings globally for the
19 entire headboat sector, but, when it comes to allocation at an
20 individual level, and you will see when we get there, that is
21 why we have 2011 to 2015, if I recall the years.

22
23 **MR. RIECHERS:** As a follow-up then, I just want to make sure I'm
24 understanding that the logbooks still aren't intact to go make
25 that linkage, number one. If that's true, I just need a
26 confirmation of that, if there is no way to retrieve and attach
27 those logbooks or that boat to a particular set of landings.

28
29 Then, two, I thought we had gone, at least when they were
30 developing the collaborative program, they had gone back
31 somewhat further than maybe we're now considering, and so I'm
32 just wondering how that was done, if that was the case. It may
33 not have been, but I am just trying to explore this history
34 here.

35
36 **DR. DIAGNE:** Part of this is that, the further back you go, the
37 more uncertainty you would bring into this. If you are trying
38 to capture as best as we can, if you would, the initial
39 apportionment, based on historical landings, the more recent the
40 time period selected, the more, I guess, confidence one would
41 have in having allocated based on the real landings history.
42 Maybe Ms. Gerhart would want to add something if I missed
43 something.

44
45 **MR. STRELCHECK:** I will just add that, I believe prior to 2004,
46 there is higher levels of non-reporting error and estimation
47 that is occurring with some of those headboat vessels, and so
48 that's why the more recent time period is being used, is that

1 there is much greater compliance with reporting from 2004
2 forward.

3
4 With the Headboat Collaborative, we just used a single year,
5 2011, as a snapshot of what they landed in essentially the years
6 immediately prior to the headboat program being tested.

7
8 **MR. RIECHERS:** That's -- I am fine now. I just wanted some of
9 that history, but it does sound to me like there may be some
10 time series before that that one could look at. There's greater
11 uncertainty and more non-reporting, but it's not that it may not
12 be there.

13
14 **MR. STRELCHECK:** Correct. There is essentially reported
15 estimates, and then there will be expanded estimates, if there
16 is some non-reporting going back in time.

17
18 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Ms.
19 Gerhart.

20
21 **MS. GERHART:** I have been getting chat from one of our headboat
22 survey people here while we're talking, and, although we do have
23 data that goes back to 2004, the percent of vessels not attached
24 with a unique vessel identifier that we can still connect to is
25 much greater, and so, yes, I think that's essentially what Andy
26 said, but it has to do with connecting it back to that unique
27 vessel. There are some, but not all of them, and, obviously, if
28 we can't get all of them, then it's not appropriate to use the
29 others that we can.

30
31 **CHAIRMAN GREENE:** Thank you. Dr. Diagne.

32
33 **DR. DIAGNE:** Thank you. On to Action 6, and this action looks
34 at the units of measure for quota distribution as well as for
35 the reporting of the catches. We have a no action alternative,
36 which is always our starting point, and that would be quota
37 distributed and reported in pounds.

38
39 Alternative 2 would distribute the quota and report the landings
40 in numbers of fish. The AP preferred alternative is, if you
41 would, a combination of the two previous alternatives, in the
42 sense that the quotas would be distributed in pounds, but the
43 reporting would be done in numbers of fish, which would be more
44 convenient with the way they fish. The AP's preferred
45 alternative would distribute the quotas in pounds, but the
46 reporting will be done in numbers of fish.

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

1
2 **MR. ANSON:** Assane, looking at the Headboat AP summary, that
3 action is -- There is no discussion or anything, and was that
4 previously discussed at a prior AP meeting? If it was, could
5 you describe some of that discussion, related to this action?
6
7 **DR. DIAGNE:** Yes, Mr. Anson. If you recall, the Headboat AP has
8 had the opportunity to meet, and I guess this was last year, and
9 select preferreds, and that AP summary is an appendix in the
10 Amendment 42, and, their discussion, the gist of it is the fact
11 that, given the way that they fish and the number of customers
12 that they have on the vessel, reporting by weight would be very
13 cumbersome, and so, essentially, they indicated that reporting
14 by fish would streamline the process.
15
16 **CHAIRMAN GREENE:** Mr. Boyd.
17
18 **MR. BOYD:** Thank you, Mr. Chairman. I understand the reason for
19 counting in numbers of fish, but my question would be who would
20 be establishing the equivalency to convert that back to pounds?
21
22 **DR. DIAGNE:** That's a great point, and, obviously, there are
23 differences in weight across the Gulf, as you move from one
24 point to another, and the discussion that we had is that,
25 essentially, average weights by regions will be determined, and
26 those would be used for the conversion that you are talking
27 about.
28
29 **MR. BOYD:** Who would do that?
30
31 **DR. DIAGNE:** The administration of the program, and, by that, I
32 mean NMFS, National Marine Fisheries Service.
33
34 **MR. BOYD:** Okay. Thank you.
35
36 **CHAIRMAN GREENE:** Ms. Gerhart.
37
38 **MS. GERHART:** I'm not sure if this was mentioned yet, but this
39 how the Headboat Collaborative worked. The quota was
40 distributed in pounds, because that's how the quota is set, but,
41 because they're landed in fish, that conversion was done, and
42 the weights were updated periodically to be up-to-date. How
43 often that would happen, we would still have to work that out,
44 but they would be updated for each region.
45
46 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
47 Diagne.
48

1 **DR. DIAGNE:** Thank you. The next action in this amendment would
2 be Action 2, which is split into two sub-actions. The first one
3 looks at the time period to be used for the initial
4 apportionment of shares. Here, in this action, some of the
5 points we just discussed, following Mr. Riechers' question, are
6 reflected in the fact that the time series used here are all,
7 essentially, 2011 and forward.

8
9 Alternative 2 would use just the most recent five years at the
10 time, meaning 2011 to 2015, and Alternative 3 would allow each
11 operator to omit the year with the lowest landings. Alternative
12 4 would let each operator pick the highest landings during the
13 most recent five years, and those would be aggregated, and the
14 percentage allocated to each one would be calculated based on
15 that. Alternative 4, using the highest landings during this
16 time series, is the AP preferred alternative.

17
18 The second part of Action 7, 7.2, deals with the distribution of
19 the shares themselves, the methods. We have several
20 alternatives here, and we tried to put it in a table, with an
21 arrow linking several of them.

22
23 Alternative 2 would distribute a percentage of initial shares
24 equally amongst the participants and the remaining percentage
25 proportionally. By proportionally, we mean based on each
26 operator's catch history. The AP's preferred alternative is
27 Alternative 2, but Option a of Alternative 2, and, by Option a,
28 or 2a, if you would, on the left table here, we have equal
29 distribution set at zero percent, meaning that the AP's
30 preferred alternative is to distribute everything based on catch
31 histories, and so 100 percent for the proportional distribution.

32
33 Alternative 3 would distribute a portion of the initial shares
34 through an auction system, and, during that auction, all
35 eligible participants would be allowed to place bids. The AP
36 discussed this at length in the previous meeting, and,
37 essentially, they recommended that this alternative be moved to
38 Considered but Rejected.

39
40 Then their preferred option, all alternatives considered, would
41 be then, under Alternative 3, Option 3a, meaning zero percent
42 distributed by auction, and, looking back at 2a, 100 percent
43 distributed based on the catch histories.

44
45 The next action, Action 8, deals with the transferability of IFQ
46 shares. We have a no action alternative, which would not allow
47 for the transfer of shares, and we have several other
48 alternatives, but the AP's preferred alternative is Alternative

1 2, which would require a valid reef fish for-hire permit with
2 the endorsement or the permit, whichever would be established
3 under Action 4, to receive shares via transfers. The last part
4 of this sentence here is a reminder that shares can only be
5 transferred to U.S. citizens or permanent resident aliens.
6

7 That bit of a phrase added in red is something that the AP
8 discussed at this meeting, and they just wanted to make
9 absolutely certain that, to receive the shares, one needed to
10 have a permit or an endorsement, and so the AP recommended --
11 It's essentially repeating that section there, meaning that
12 shares can only be transferred to U.S. citizens or permanent
13 resident aliens holding an LHV endorsement or permit, and, by
14 LHV, we mean landings history vessels, or these headboat vessels
15 that have catch history, as recorded by the Southeast Survey, by
16 the control date that was chosen, which I believe was December
17 31, 2015. Again, the AP's preferred alternative is this one.
18 Now, on to the requirements for maintaining one's shares.
19

20 **CHAIRMAN GREENE:** Hang on, Assane. Mr. Boyd.
21

22 **MR. BOYD:** A question, Assane. The verbiage in red, was that
23 added since the last time we've seen anything in these
24 alternatives, or was that in there before?
25

26 **DR. DIAGNE:** Yes, Mr. Boyd. What I indicated is that the
27 verbiage in red is something that the AP suggested to be added
28 to the alternative. It is essentially just to reinforce the
29 point that is already made in the beginning of the alternative,
30 because this alternative requires one to have a valid reef fish
31 permit with the endorsement or the permit, if we split the
32 permit, and so that is already said there, but the text in red
33 reinforces that when we remind everyone that only U.S. citizens
34 and permanent resident aliens can be recipients of shares, and
35 now they suggested adding this, to make sure that there is no
36 misunderstanding.
37

38 **CHAIRMAN GREENE:** Thank you, Dr. Diagne.
39

40 **DR. DIAGNE:** Thank you. Now on to what is needed for one to
41 maintain the shares. There are several alternatives here, and I
42 will go directly to the AP's preferred. Alternative 2 is,
43 essentially, to hold shares, this amendment would require a reef
44 fish for-hire permit with the endorsement or the permit,
45 whichever is established in Action 4, and that is the AP
46 preferred, and so, under this preferred alternative, it would
47 not be possible for one to receive their shares and then turn
48 around and essentially sell their permits, if you would, and

1 maintain those shares. One would have to maintain possession of
2 a valid permit with an endorsement or the other permit,
3 depending on which one is established in Action 4.

4
5 At the bottom of the slide here, we have a small reminder that,
6 under a PFQ, the shares are attached to the permit, and so
7 meaning, if the permit were to be transferred, everything will
8 go with it.

9
10 After discussing the transferability of the shares in a previous
11 action, Action 8, Action 10 looks at the transferability of
12 annual allocation, and, again, here, I will just mention the
13 preferred alternative selected by the AP, which is to require a
14 valid reef fish for-hire permit with the endorsement or the
15 permit, whichever is established, and, again, transfers would
16 only be allowed to U.S. citizens or permanent resident aliens.

17
18 The AP did recommend that we add that same text, to reinforce
19 the fact that one needs to have the endorsement or the permit,
20 and, on this slide, I guess I was a little bit ahead of myself,
21 jumping from 2 to 4, but the one at the bottom should be
22 Alternative 3.

23
24 Now on to share caps. We have the no action alternative, which
25 would not constrain the amount of shares a person can hold, and
26 we have the AP's preferred alternative, which reads as follows:
27 For each species category, no person shall hold more shares than
28 the maximum percentage issued to the recipient of the largest
29 share at the time of initial distribution of shares. That is
30 the AP's preferred alternative, and this is how the council has
31 routinely handled share caps in previous allocation-based
32 management programs.

33
34 Alternative 3 would compute the cap across all share categories,
35 and that would have, presumably, resulted in a much larger
36 number, and then, perhaps, someone could end up having excessive
37 control of a particular resource, if you would, for a particular
38 species.

39
40 Action 12 deals with allocation caps. The preferred alternative
41 selected by the AP would be that, at any point in time, a
42 person's total holdings, from all of the accounts that that
43 person is involved in, cannot be more than the maximum holdings
44 attributed to a person, as determined in Action 11, and so,
45 essentially, the poundage corresponding to the share cap for
46 each species would become the allocation cap for that particular
47 species. That is the AP's preferred alternative, and
48 Alternative 3 here mirrors the Alternative 3 in the share caps,

1 in the sense that it looks at the cap across all species
2 categories.

3
4 Action 13 would address an issue that the council faced in the
5 past, the not-too-distant past, in the sense that, after
6 allocations are distributed at the beginning of the year, one
7 cannot, obviously, turn around and reclaim them back, and so
8 sometimes there may be an anticipated reduction in quota that
9 the council knows of before the distribution of the shares, and
10 so this action essentially just grants the RA the authority to
11 retain the anticipated amount of the decrease during the
12 distribution of allocation for that species at the beginning of
13 the year. That is what Alternative 2 would do, and the AP
14 selected this as a preferred alternative.

15
16 **CHAIRMAN GREENE:** Mr. Anson.

17
18 **MR. ANSON:** Dr. Diagne, maybe you or maybe NMFS staff can answer
19 this question. Is there any requirement currently on the books,
20 if the RA were to do that, that says they have six months after
21 a reduction in the allocation at the beginning of a year -- Do
22 they have a certain time period for which they need to release
23 the rest of that or not?

24
25 **DR. DIAGNE:** I am not sure that I understand the question, but,
26 essentially, if there is an anticipated 10 percent reduction in
27 quota for a particular species, then, on January 1, while NMFS
28 is distributing the shares for that species or the annual
29 allocation, they will only release the 90 percent, so that, once
30 the ACL or the quotas are decreased, they will have enough to do
31 that, and, as you recall, and just one last point, the last time
32 as a council you needed to do this, you directed us, staff, to
33 craft a framework action to give the RA that authority, and it
34 was done subsequent.

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

37
38 **MR. ANSON:** I guess I was thinking more in terms of if it was
39 uncertain. I mean, there might be a variety of things, moving
40 parts, that come and hit at a particular time, and so it might
41 be an assessment that's due and final results won't be available
42 until the beginning of the year, or shortly thereafter, and plus
43 they went over, whatever the case may be, and I'm just trying to
44 just see if there is -- What is the stop-gap or what is the
45 process for that, going forward, or if it needs to be included
46 in here as a separate action as to identifying the time for
47 which NMFS needs to follow through and relinquish whatever
48 remaining pounds will be available.

1
2 **CHAIRMAN GREENE:** With that, I will go to Ms. Gerhart.
3
4 **MS. GERHART:** Amendment 36A had this for the commercial sector,
5 or the commercial IFQ programs, and there were -- I believe it
6 was set up as options for different month periods when, if we
7 hadn't done what we thought we were going to do by then, it
8 would be released, and I think that we could probably add those
9 in here, if you wanted to and made a motion to do so.
10
11 **CHAIRMAN GREENE:** Is there further discussion? Mr. Anson.
12
13 **MR. ANSON:** Well, I guess I will throw the motion out there
14 then, that we include different time periods for which the RA
15 should redistribute the remaining allocation in those years that
16 any of the initial allocation is withheld, as described in 36A,
17 or something along those lines.
18
19 **CHAIRMAN GREENE:** Ms. Levy.
20
21 **MS. LEVY:** If you were looking for wording, I could tell you
22 what it says in 36A in the -- It says that the withheld annual
23 allocation will be distributed to shareholders if the effective
24 date of the final rule implementing the quota reduction has not
25 occurred by -- Then there were two options of June 1 and August
26 1.
27
28 **MR. ANSON:** That would be fine, to specifically include those
29 two dates in the motion. Can you reread that, Mara?
30
31 **MS. LEVY:** You could say that withheld annual allocation will be
32 distributed to shareholders if the effective date of the final
33 rule implementing the quota reduction has not occurred by --
34 Option a was June 1, and Option b was August 1. You could put
35 whatever options you want in there, but that's just what was in
36 36A, is June 1 and August 1.
37
38 **MR. ANSON:** Mara, I think there is something missing after
39 "implementing the". I think it's missing "the rule". Can you
40 reread what was in the 36A?
41
42 **MS. LEVY:** Withheld annual allocation will be distributed to
43 shareholders if the effective date of the final rule
44 implementing the quota reduction has not occurred by --
45
46 **MR. ANSON:** Yes, and I think we might need the "by", and then
47 Option a is June 1, and then Option b is August 1.
48

1 **CHAIRMAN GREENE:** I think the motion is correct. Are you
2 confident with that, Kevin?

3

4 **MR. ANSON:** Yes.

5

6 **CHAIRMAN GREENE:** Is there a second for this motion? It's
7 seconded by Ms. Guyas. Is there discussion? Mr. Anson.

8

9 **MR. ANSON:** I guess, similar to what -- I know some of the
10 council members here at the table weren't around during those
11 conversations, but, similar to what had been done in 36A, this
12 is just to kind of make sure that the wheels are greased and
13 things progress, because there is a -- They potentially will
14 have their quota available only for the twelve months, and so
15 it's not that it can be rolled over, and so, if something
16 happens that's beyond their control, there shouldn't be anything
17 that should penalize them from having access to those remaining
18 pounds that are withheld.

19

20 **CHAIRMAN GREENE:** Thank you. Any further discussion? **Any**
21 **opposition to the motion on the floor before you? Seeing none,**
22 **the motion carries.** Dr. Diagne.

23

24 **DR. DIAGNE:** Thank you. I will just let her finish, and then
25 we'll go back to the presentation. We will modify the text of
26 alternatives accordingly, to reflect this. I think we still
27 have two more to go, at least, in terms of actions.

28

29 Action 14 looks at cost recovery fees. You have three
30 alternatives here. The preferred alternative selected by the AP
31 would be, essentially, that, for each participant, cost recovery
32 fees will be based on a standard price per pound, or per fish,
33 of a given species multiplied by the number of pounds, or fish,
34 depending on the metric used, harvested by the participant
35 during the specified time period.

36

37 For the standard price, we have two options here, but the AP's
38 preferred option would be Option a. Essentially, for the cost
39 recovery fees, it's to be based on the commercial ex-vessel
40 price, and you use that to multiply it by the number of pounds,
41 or, if it is converted, on a per-fish basis.

42

43 The last action included in Amendment 42 addresses new entrants,
44 and we have Alternative 1, no action, which would not allow
45 landing history vessel endorsements, or permits, to be issued to
46 new entrants. Alternative 2 would, at the beginning of each
47 calendar year, for vessels with a valid federal for-hire permit
48 that are not included in this program, to apply for and being

1 issued a landing history vessel endorsement or a reef fish
2 permit.

3
4 Alternative 3 would allow for that, but it would be done at any
5 time in the year, but with the provision that the newly-issued
6 endorsement or permit will not be effective until the beginning
7 of the following calendar year.

8
9 The note at the bottom reminds us that receiving an endorsement
10 or a permit, if we were to split the permits, would not grant
11 shares or allocation to the recipient. It will grant the
12 opportunity to become a participant, and that will be the
13 responsibility of the recipient to acquire then annual
14 allocation or shares, as the case may be.

15
16 The AP's preferred alternative is a little more specific, in the
17 sense that, following their discussion, they identified a
18 minimum capacity, if you would, a minimum number of passengers
19 on the vessel, to consider those vessels as potential new
20 entrants, and the threshold that they selected, after
21 discussion, is forty-nine passengers, and so, essentially, you
22 would grant the opportunity to those vessels that can carry
23 forty-nine and above passengers to receive an endorsement or a
24 permit, whichever would be established in Action 4, and that is
25 where that is discussed, and that would be the AP's preferred,
26 and, again, receiving this endorsement or permit would not grant
27 shares or annual allocation.

28
29 This concludes our discussion of the actions and alternatives
30 that were in Amendment 42, but, during this last meeting, the AP
31 discussed the possibility of, essentially, establishing a set-
32 aside of shares for the purpose of facilitating new entrants'
33 access to the fisheries.

34
35 The provisions and the ways which this set-aside would be
36 distributed, as well as its magnitude, those are yet to be
37 defined. The AP's recommendation to the council is simply for
38 the addition of such an action to the document, with options, of
39 course, and so forth that would consider the establishment of a
40 set-aside as well as consider various methods of distributions,
41 as well as who those recipients may be.

42
43 **CHAIRMAN GREENE:** Mr. Strelcheck.

44
45 **MR. STRELCHECK:** Assane, for the set-aside, is this envisioned
46 as a reoccurring set-aside from one year to the next or simply
47 from the start of the program that may have either not had the
48 catch history, based on the control date, or has limited amounts

1 of landings, and would they be considered new entrants at that
2 point, if they were recent to the program?

3
4 **DR. DIAGNE:** I think some of that has yet to be defined, and
5 that's one. Two, I think those who would receive a limited
6 amount of shares would not be considered new entrants. New
7 entrants would be someone that would come in and be issued a new
8 endorsement or permit and essentially having zero shares or
9 annual allocation in their account, but the set-aside would be a
10 set-aside of shares, meaning not of annual allocation, because
11 annual allocation would then be year-in-and-year-out, but, here,
12 one would be granted X percent, and that one would then have the
13 full benefit of the shares and the associated annual allocation.

14
15 **CHAIRMAN GREENE:** Mr. Anson.

16
17 **MR. ANSON:** Assane, have you or staff given much thought as to
18 where these set-aside pounds would come from going forward? I
19 could see a couple or two or three different avenues, but I'm
20 wondering if you've had a chance to think about that.

21
22 **DR. DIAGNE:** From the AP's discussion, I guess based on a
23 percentage to be determined, let's say 14.5 percent of the red
24 snapper ACL is to be allocated to this program, and then maybe 2
25 percent of that, or whatever percentage, would be redirected
26 towards this set-aside, and, again, the magnitude, as well as
27 the provisions under which this would happen, have yet to be
28 determined.

29
30 **CHAIRMAN GREENE:** Thank you. Any further discussion? Dr.
31 Frazer.

32
33 **DR. FRAZER:** Thank you, Mr. Chair. Along those lines, Assane,
34 if you go back to Action Item 9, at the bottom of that slide, it
35 says, with regard to the IFQ participants, if a participant
36 transfers their permit or the permit expires, the owner must
37 divest their shares, and the question I have is, if they're
38 divested, where do they go?

39
40 **DR. DIAGNE:** The second part of that is, if they are divested,
41 then the amount collected will be redistributed proportionally
42 to all of the participants, eligible participants, in this
43 program.

44
45 **CHAIRMAN GREENE:** Further discussion? Mr. Swindell.

46
47 **MR. SWINDELL:** Assane, in Action 14, Alternative 2, the AP
48 preferred is to have some way of paying for cost recovery fees.

1 What is cost? Has a cost been defined somewhere, as to what
2 cost are we talking about, and how is it defined?

3
4 **DR. DIAGNE:** I believe this is a requirement of the Magnuson
5 Act, that, when you have a limited access privilege program, one
6 has to recover the fees of the program administration, and there
7 is an upper limit, and one can recover up to 3 percent of the,
8 and I put this in quotes, ex-vessel values of the fish landed.
9 That has, I guess, a commercial inclination, and the challenge
10 here was for us to come up with a standard price, or a
11 reasonable metric, if you would, to approximate it on the other
12 side.

13
14 **CHAIRMAN GREENE:** Further discussion? Okay, Dr. Diagne.

15 16 **REFERENDUM ELIGIBILITY REQUIREMENTS**

17
18 **DR. DIAGNE:** The second part of the AP's discussions dealt with
19 the referendum eligibility requirement for this amendment, Reef
20 Fish Amendment 42. This is just a reminder of, I guess, our
21 legal requirements, in the sense that, as a council, you cannot
22 submit, and the Secretary may not approve, an IFQ program that
23 has not first been approved by a majority of those voting in a
24 referendum amongst the eligible permit holders.

25
26 Now, the question is who would be the eligible voters, and the
27 Act further specifies that, for multispecies permits in the Gulf
28 of Mexico, only those who have substantially fished the species
29 proposed for inclusion in the program would be eligible to vote
30 in such a referendum. Essentially, the eligibility criteria
31 that you discussed during your previous meeting would be to
32 identify those individuals that have substantially fished for
33 the species.

34
35 The eligibility criteria considered in this section here are
36 based on minimum average annual landings for all five species
37 that you selected as a preferred for inclusion in this program.
38 Further, the minimum annual average landings are expressed in
39 number of fish. The last point here is the landings for each
40 one of the potential participants would be based on landings
41 submitted to the Beaufort Survey between 2011 and 2015.

42
43 I will skip the preferred alternative and come back to it in a
44 minute, so that I can share with you the table which shows the
45 number of eligible voters as well as the percentage of the
46 landings they would represent and, relatively, the percentage of
47 the voting pool.

1 Your preferred alternative, which is Preferred Alternative 2,
2 which is also the AP's preferred alternative, would set a
3 threshold of 100 fish as an annual average for each one of the
4 years.

5
6 With that threshold, sixty-four eligible voters would vote, and
7 this would represent 90 percent of the voting pool, and these 90
8 percent would account for the quasi-totality of the landings, if
9 you would. 99.8 percent of the landings would be captured by
10 these sixty-four persons, and I will say it that way.

11
12 Now, essentially, the alternative itself, it reads that -- I
13 will skip the top part. The for-hire federal permit holders
14 whose vessels landed an annual average of at least 100 fish of
15 all species combined are considered as having substantially
16 fished, and so, essentially, to be eligible to vote, one would
17 have to land let's say 500 fish, between these five species,
18 between 2011 and 2015.

19
20 In terms of the options, we have two options here. One would
21 weigh the votes by each participant's catch history, but your
22 preferred alternative, as well as the AP's preferred, would be
23 to assign one vote to each eligible permit, regardless of the
24 recorded catch history. On this side here, your preferred
25 alternative, previously selected, is the same one as the one
26 that the AP selected during their last meeting.

27
28 The other thing we have to finish this section of the
29 presentation provides some detail in response to Ms. Guyas'
30 comments during the last meeting when it comes to the next
31 steps.

32
33 The steps are detailed in the document, in the referendum
34 eligibility requirement document, but, just as I highlight here,
35 the council approves the referendum eligibility criteria, which
36 you have already done, but subsequent steps, consistent with the
37 points that Ms. Levy made earlier, is the council approves the
38 public hearing and an EIS draft. Then additional public
39 hearings, if needed, and then choose all the preferred
40 alternatives in the amendment. Then the council determines that
41 the amendment is essentially complete, and, when those steps are
42 completed, the council can turn around and send a letter
43 requesting the initiation of the referendum.

44
45 After that, we have, between the proposed rule package and the
46 final rule, many steps that NMFS will take, but I didn't include
47 those in the slides. They are in the text of this section.

48

1 Finally, after the referendum is conducted, should the program
2 be approved, the council can then take final action on the
3 amendment and submit it to the Secretary. Once the council
4 transmits the final amendment, again NMFS has several steps to
5 take, between that and publishing a proposed rule and then a
6 final rule. When all of that is completed, then the program can
7 be implemented, based on your recommendation as a council.

8
9 I believe this is the last slide, when it comes to the
10 referendum eligibility requirements, but the AP did also
11 discuss, under Other Business, two items. The first one had to
12 do with their support for Amendment 30B. They did express
13 support for Amendment 30B.

14
15 The AP also discussed state management, and they recommended
16 that the council not pursue, at this time, state management of
17 federally-permitted headboat vessels. These were the two items
18 that they discussed under Other Business, and I believe that is
19 the last slide that I have in this presentation. Thank you.

20
21 **CHAIRMAN GREENE:** Thank you. Is there discussion? Okay. Dr.
22 Diagne.

23
24 **DR. DIAGNE:** Thank you. We summarized the AP recommendations,
25 and so let's now turn our attention to the document and to go
26 through the actions action-by-action, and, again, I will just, I
27 guess, repeat the AP's preferred and try to answer questions, if
28 there are any.

29
30 **CHAIRMAN GREENE:** Ms. Bosarge.

31
32 **DRAFT AMENDMENT 42**

33
34 **MS. BOSARGE:** If you don't want to go action-by-action through
35 the document, I know there was at least one where the AP changed
36 their preferred, and was that correct, or had some discussion on
37 that, and so, if there's any motions that want to be made to
38 change any preferreds or anything, or add anything to the
39 document, we need to do that at this point in time.

40
41 If you want to go -- If it's easier to quickly go through each
42 action item and see if there's any comments and move on, we can
43 do it that way, or, if you want to jump to one specific action
44 in the document, we can go that direction. If I don't hear any
45 feedback, we will just go quickly action-item-by-action-item.
46 Assane.

47
48 **DR. DIAGNE:** Thank you. Let's go and review the actions. Let

1 us start with Action 1, which, for those of you following this
2 on your computer, it would be on PDF page 11. Action 1 looks at
3 the type of management program to be implemented, and,
4 essentially, there is a choice between an IFQ and a PFQ, and the
5 AP's preferred is an IFQ program.

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

8
9 **MR. BANKS:** This doesn't have to do with the action, but I do
10 notice that we have "AP preferred" in the document here, and we
11 had -- There was a request before to put that in the last
12 document, and we voted that down, and so I now am real confused
13 as to why we have it in some and not others. Thanks.

14
15 **CHAIRMAN GREENE:** Mr. Gregory.

16
17 **EXECUTIVE DIRECTOR GREGORY:** Yes, and we've been doing it both
18 ways. It hasn't been consistent in the past. Historically, I
19 think we've always put them in the documents. Then, a few years
20 back, some council members have asked to do it differently, and
21 so I think, depending on who the Chair of the committee has
22 been, we've done it differently at times, and so there hasn't
23 been a consistent way of doing it.

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

26
27 **MS. BOSARGE:** Honestly, it helps me if it's in the document,
28 but, if the council doesn't want it in the document, you can ask
29 Assane to remove it. I mean, that's not a problem. It's your
30 preference of however you want it. To me, it's easier not to
31 have to flip back and forth between the amendment and some other
32 piece of paper that has it on there, but I am open. If you want
33 Assane to take it out, just pass a motion to tell him to take it
34 out. It's not a problem.

35
36 **DR. DIAGNE:** Yes, Madam Chair. As you mentioned, this is just
37 for your consideration, and I would note that you have seen this
38 amendment, I believe, four times, and, the last three times that
39 it came to you, the AP preferreds were indicated as standard
40 practice, just for your information.

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

43
44 **MR. BANKS:** I don't really have a preference one way or the
45 other. I made the motion in the last one because it was
46 requested by staff for us to do something, but it sounds like
47 the majority of the council don't want it in there, based on the
48 last vote, and so it seems like, to me, we probably shouldn't

1 have it anywhere in any of the documents, it sounds like, based
2 on the vote.

3
4 **DR. DIAGNE:** If, essentially, I hear a preference from the
5 council that you would rather have the amendment without it,
6 that is a fairly easy thing and straightforward to do, to take
7 them out, but I guess we will hear more about this. Now let's
8 move on to Action 2.

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

11
12 **MR. BOYD:** I will just state my preference, and I'm not going to
13 make a motion, but I would prefer they not be in there. I think
14 that we the council are the people who pick preferreds and not
15 the APs, and we certainly need to know what their preferred is
16 in an appendix or in an addendum, but I don't think they ought
17 to be in the document, but that's just my opinion. Thank you.

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

20
21 **MR. SANCHEZ:** I would like to make a motion that we as a council
22 pick, in 2.1, Action 1, Alternative 2 as the council preferred.

23
24 **CHAIRMAN GREENE:** We have a motion going up on the board. Is
25 there a second for this motion? Second by Dr. Mickle. Is there
26 discussion? **Seeing no discussion, is there any opposition to**
27 **the motion on the floor before you? Seeing two in opposition,**
28 **the motion carries.** Dr. Diagne.

29
30 **DR. DIAGNE:** Thank you. Let's go on to Action 2, which, in the
31 document, would be PDF page 15. I will just pause, and that
32 will give them an opportunity to finish this and go back to the
33 document.

34
35 **CHAIRMAN GREENE:** Mr. Strelcheck.

36
37 **MR. STRELCHECK:** Just a suggestion, to maintain consistency
38 between the two amendments. If you could structure Alternative
39 3 so that you could select each species as a preferred, since we
40 have differences, in terms of the species included for the
41 charter as preferred versus headboat right now, in the event the
42 council wants to change that in the future.

43
44 **DR. DIAGNE:** Yes, and to be able then to have five options, if
45 you would, and so then check each one of them as a preferred.

46
47 **MR. STRELCHECK:** Correct.

48

1 **DR. DIAGNE:** Okay. If, I guess, there is no opposition, we will
2 restructure this. It will be the same preferred, but it will
3 have, under Preferred Alternative 3, options from a to I guess
4 whatever comes at five.

5
6 **CHAIRMAN GREENE:** Well, in the spirit of consistency, Mr.
7 Strelcheck, if you would like to add an alternative, please make
8 a motion to do so.

9
10 **MR. STRELCHECK:** It's really not a new alternative, and that's
11 why I wasn't framing it as a motion. It's more just simply
12 restructuring it so that, if the council opts, in the future, to
13 remove gag or red grouper, to be consistent with charter, then
14 they could do so, based on the same framework.

15
16 **CHAIRMAN GREENE:** Okay. Thank you. I thought that's what you
17 were trying to do, but I just wanted to be absolutely clear.
18 Thank you for your explanation. Dr. Diagne.

19
20 **DR. DIAGNE:** Thank you. For this action, again, your preferred
21 alternative as a council is Alternative 3, and that would
22 essentially include the five major reef fish species of red
23 snapper, gray triggerfish, greater amberjack, gag, and, finally,
24 red grouper. The AP has also indicated its preference for the
25 same alternative, the inclusion of the five species. Now on to
26 Action 3.

27
28 **CHAIRMAN GREENE:** One moment, please. Mr. Boyd.

29
30 **MR. BOYD:** I would ask Mara the same question that I asked a
31 while ago in Amendment 41. Are we performing an allocation for
32 these various species, other than red snapper, and, if so, do
33 you think we have accomplished that in this document and
34 justified it?

35
36 **MS. LEVY:** I guess I have the same answer, that it's an
37 amendment and you can establish allocations. I mean, I think
38 they're going to have to be consistent between the documents,
39 because you're allocating the same species. As to whether it's
40 complete or not, I mean, I think there's still work to be done
41 on it, but I don't think that it needed to be complete today,
42 necessarily.

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

45
46 **CHAIRMAN GREENE:** Is there further discussion? Dr. Diagne.

47
48 **DR. DIAGNE:** Let us then discuss Action 3, which begins on page

1 18, PDF page 18. This action looks at the participation at the
2 onset of the program, and it would allow some eligible headboat
3 operators to opt out of this program. The AP's preferred
4 alternative, as it stands, is the no action alternative, which
5 essentially would include all of the eligible landing history
6 vessels, or headboats, if you would, in this program. That
7 would be the no action alternative, Alternative 1.

8
9 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr. Sanchez.

10
11 **MR. SANCHEZ:** I will make a motion that the council adopt, in
12 Action 2.3, Action 3, Alternative 1, no action, as the council
13 preferred.

14
15 **CHAIRMAN GREENE:** We have a motion on the floor that, in Action
16 3, to make Alternative 1 the preferred. The motion is on the
17 board. Is there a second for this motion? It's seconded by Dr.
18 Frazer. Discussion? Mr. Diaz.

19
20 **MR. DIAZ:** Right now, I'm going to speak against this motion.
21 We have some other alternatives here that would give a vessel
22 owner an opportunity to make a choice, and I just don't know why
23 we would mandate that on somebody if there is a viable
24 alternative that might be better for their business, and so I
25 speak against the motion.

26
27 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
28 Strelcheck.

29
30 **MR. STRELCHECK:** A couple of thoughts. We are mandated to do a
31 referendum, and so that's an opportunity, obviously, for the
32 industry to weigh-in on support for the program, and so, to me,
33 we're leaving it in the industry's hands, based on the voting
34 criteria, and most of them will be eligible to vote, and so it
35 speaks in favor of not having an opt-out at that point.

36
37 I think an opt-out, from a management standpoint, could also be
38 very administratively burdensome, and it's uncertain how many
39 vessels may be opting out and how many are going to opt out from
40 one year to the next. It complicates management, from a
41 different enforcement of regulations from one set of vessels
42 versus the other set of vessels, and so I speak in support of
43 the alternative.

44
45 **CHAIRMAN GREENE:** Is there further discussion? Mr. Anson.

46
47 **MR. ANSON:** Andy, tell me how that would be an enforcement
48 problem from one set of vessels to another set of vessels. It

1 would just have a reef fish permit, and it would either have
2 this LHV designation or not, if they opted out, and can you
3 describe that a little more?
4

5 **MR. STRELCHECK:** You're essentially creating a different set of
6 regulations that one set of vessels is operating under versus
7 another set of vessels, and so you have multiple management
8 programs, essentially, to accomplish the same objectives.
9

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

12 **MR. GUYAS:** Was that an issue during the headboat pilot?
13

14 **MR. STRELCHECK:** Was it an issue during the headboat pilot? No,
15 but it was also a small-scale pilot at that point.
16

17 **CHAIRMAN GREENE:** Mr. Boyd.
18

19 **MR. BOYD:** Andy, don't we have some vessels that would be
20 considered to be headboats by the Coast Guard who are going to
21 be in the recreational sector, because they're not in the
22 headboat survey, and they're going to be out. Does that
23 complicate it?
24

25 **MR. STRELCHECK:** If they're not in the headboat survey, then
26 they would be part of the for-hire charter sector.
27

28 **MR. BOYD:** That's correct, and if some of the headboats that are
29 like those boats, physically, are not in there, wouldn't that be
30 the same issue?
31

32 **MR. STRELCHECK:** I don't see that as any different than the
33 current situation, where they're not operating in the Southeast
34 Headboat Survey. My concern would be if you have a small number
35 of boats that opt out, and you're then managing five or ten
36 boats that opted out, out of a fleet of seventy under separate
37 management restrictions, and so at what point does it make sense
38 to manage the fleet separately with a small suite of vessels
39 that have decided to opt out and then the reoccurring potential
40 choice that they would have from one year to the next to opt in
41 or opt out of the program?
42

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

45 **MS. GUYAS:** I don't really have a dog in the fight for this
46 action, but I feel like we're going to be in this position
47 anyway, at least with like state versus federal headboats, and
48 charter boats, because there are some big ones, and law

1 enforcement doesn't know who is in the headboat survey and who
2 is not. The endorsement will be what they're checking for, and
3 so it's just some things to think about, I guess.

4

5 **CHAIRMAN GREENE:** Ms. Gerhart.

6

7 **MS. GERHART:** Just another consideration is we went through the
8 next steps of the referendum program beginning, and there would
9 be an extra step in there with an opt-out, because we would have
10 to have an opt-out period, where people could let us know that
11 they were opting out, and, the way the action is worded, it's
12 only an opt-out at the beginning of the program and not every
13 year or anything like that.

14

15 **CHAIRMAN GREENE:** Mr. Anson.

16

17 **MR. ANSON:** I am kind of with Dale on this. If it goes to
18 referendum, and there might be a few that vote not to go with
19 it, and, if we go with the motion that's on the board and they
20 don't have an option at that point, they're going to have to
21 either get another permit and go through that process, and so I
22 heard Andy, and I heard some of his concerns, but I'm just not
23 convinced that they're insurmountable and too difficult, but I
24 am not going to be in favor of the motion.

25

26 **CHAIRMAN GREENE:** Is there further discussion? **Seeing no**
27 **further discussion, and already hearing some opposition, by a**
28 **show of hands, all those in favor of the motion on the floor**
29 **before you, please signify by raising your hand.**

30

31 **EXECUTIVE DIRECTOR GREGORY:** Two.

32

33 **CHAIRMAN GREENE:** All those opposed, like sign.

34

35 **EXECUTIVE DIRECTOR GREGORY:** Ten. **The motion fails two to ten.**

36

37 **CHAIRMAN GREENE:** Is there further discussion? Ms. Gerhart.

38

39 **MS. GERHART:** What we say in the alternative is that any vessel
40 that opts out would be under whatever the federal management is
41 for non-participants. I think it's important to clarify that,
42 if Amendment 41 is put into place and that is the management for
43 for-hire vessels that aren't in 42, then those who opt out of 42
44 would be under 41 at that point and not kind of off by
45 themselves in a third option.

46

47 **CHAIRMAN GREENE:** Would they take their historical catch with
48 them into that sector?

1
2 **MS. GERHART:** Later on, there is an action where we talk about
3 that, and that's one of the alternatives.

4
5 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
6 Okay. Thank you. Dr. Diagne.

7
8 **DR. DIAGNE:** Thank you. Action 4 begins on page 19, PDF page
9 19, and this deals with the endorsement to the permit or a
10 different permit, whichever way the council may choose to go
11 here. Alternative 2 would establish an endorsement to the
12 permit, the current federal for-hire permit, and Alternative 3
13 would establish, essentially, a separate permit for landing
14 history vessels.

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

17
18 **MR. SANCHEZ:** Seeing that we haven't picked a preferred on this,
19 I would move that, we use, in 2.4, Action 4, Alternative 2 as
20 the council's preferred.

21
22 **CHAIRMAN GREENE:** We have a motion on the floor that, in Action
23 4, to make Alternative 2 the preferred. She's getting the rest
24 of it up on the board. Is there a second for this motion? It's
25 seconded by Dr. Frazer. Is there discussion? **Seeing no**
26 **discussion, is there any opposition to the motion on the floor**
27 **before you? Seeing none, the motion carries.** Dr. Diagne.

28
29 **DR. DIAGNE:** Thank you. Action 5 begins on page 20, and it
30 deals with the allocation of the annual catch limit to this
31 program, essentially, the program and the Amendment 42. We have
32 several alternatives, with several time series, but we'll just
33 go to the next page, if you would, under Alternative 5, which is
34 the Headboat AP's preferred, as well as the Charter AP's
35 preferred.

36
37 Here, essentially, it will be 50 percent based on the long time
38 series and another 50 based on 1986 to 2013, excluding 2010,
39 and, as you recall, this is the preferred alternative in
40 Amendment 40. The percentages allocated to this program for
41 each one of these species would be 14.5 percent for red snapper,
42 and that's the high over there, and then the lowest one would be
43 for red grouper, for which they would receive 3.9 percent.

44
45 Before I guess I stop for questions or potential discussions,
46 Alternative 6, I believe, is what Ms. Gerhart just mentioned,
47 because this provides for subtracting the allocation for those
48 vessels that may opt out and then have them, if you would, move

1 with their share of the ACL.

2
3 **CHAIRMAN GREENE:** Mr. Diaz.

4
5 **MR. DIAZ:** Dr. Diagne, just a point of clarification. It seems
6 like, under Alternative 5, when you've got it in parentheses
7 where it says, "preferred alternative from Amendment 40", that
8 really probably should say "for red snapper only", because I
9 don't think we took these other -- I know these other species
10 were not addressed there.

11
12 **DR. DIAGNE:** Yes, that is a good point. Of course, Amendment 40
13 dealt with a single species, and that was red snapper, but this
14 was just referring to the time series, but we will make sure the
15 next iteration of this document would actually remove that and
16 perhaps put it in the discussion, that this is the time series
17 that was selected in Amendment 40. Thank you.

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

20
21 **MR. SANCHEZ:** I have a question. Maybe I am getting a little
22 weary here or what have you, but it seemed to me that the
23 Headboat AP was more partial to Alternative 4, Option a, as a
24 preferred, yet I'm seeing references to 5, from I guess a prior
25 date, if you could clarify that for me.

26
27 **DR. DIAGNE:** Yes, and they had -- As you recall, the Headboat AP
28 has had the opportunity, in a previous meeting, to select
29 preferred alternatives. At that time, they did select
30 Alternative 4, and I believe it was Option a, and we can look,
31 but their meeting this time was one day, as you remember, after
32 the Charter AP meeting, and some of the Headboat AP members were
33 aware of the fact that the Charter AP selected Alternative 5 as
34 their preferred, and obviously, for this action, they have to
35 have the same preferred. We are allocating the same fish,
36 right? They, upon discussion, decided to change their preferred
37 and be consistent with the Charter AP.

38
39 **CHAIRMAN GREENE:** Mr. Riechers.

40
41 **MR. RIECHERS:** Certainly they may have taken that action,
42 Assane, but I think one of the things, as staff, that we should
43 counsel them at that point is that they certainly can have
44 different opinions about this, and that would be part of the
45 things we take under consideration, and so they don't have to
46 match up in how they're looking at these two issues.

47
48 **DR. DIAGNE:** I absolutely agree, Mr. Riechers, but, at the end

1 of the day, as a council, you will have to select the same
2 alternative in both documents to make this allocation going
3 forward, whichever alternative you pick.

4
5 **CHAIRMAN GREENE:** Is there further discussion? Mr. Sanchez.

6
7 **MR. SANCHEZ:** In the interest of moving forward and keeping
8 these things consistent, I would move that, under 2.5, Action 5,
9 we select Alternative 5 as the council preferred.

10
11 **CHAIRMAN GREENE:** We have a motion on the board that, in Action
12 5, to make Alternative 5 the preferred. Is there a second for
13 this motion? It's seconded by Dr. Frazer. Any discussion?
14 Seeing no discussion, is there any opposition? Is there
15 discussion?

16
17 **MR. DIAZ:** I just want to make sure that everybody is paying
18 attention to what we're doing here. We're voting on the
19 allocation, which we voted down in the other document, and so I
20 think, for the same reasons that we weren't comfortable moving
21 forward in 41, that's one reason that I'm not comfortable in
22 moving forward in 42 at this point, and so that's where I stand
23 on it.

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

26
27 **MS. LEVY:** Just a question. I know why this action is
28 structured like it is, because it came ahead of 41, meaning it's
29 only -- When you look at the alternative, you're looking at what
30 the percentage would be for the landings history vessels, but
31 it's not the same as 41, where it has all three parsed out, the
32 private, the charter, and like headboat.

33
34 I am not saying they need to be exactly the same, but maybe it
35 might be helpful, at least in this document somewhere, if it's
36 not already there, that you sort of cross-reference the action
37 in 41 and point people to the fact that that has more
38 information about the three components, for lack of a better
39 term, and how everything would shake out under any of these
40 alternatives.

41
42 **DR. DIAGNE:** Yes, we can make sure of that. For now, we did
43 cross-check to make sure that these columns absolutely match the
44 third column, if you would, or fourth, in Amendment 41, but,
45 yes, we, perhaps in the text, need to reference back to
46 Amendment 41.

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

1 Seeing no further discussion, is there any opposition to the
2 motion on the floor before you?

3
4 EXECUTIVE DIRECTOR GREGORY: Eight.

5
6 CHAIRMAN GREENE: All those in favor, like sign.

7
8 EXECUTIVE DIRECTOR GREGORY: In favor, four. The motion fails
9 four to eight.

10
11 CHAIRMAN GREENE: That's correct. Okay. I had called for
12 opposition first, and then we had some questions. In the spirit
13 of trying to be consistent, I asked for opposition, and that's
14 why it seemed a little backwards, but I didn't want to jump
15 around and go from opposition to a show of hands or a voice
16 vote. I was trying to be somewhat consistent, although it's
17 getting a little challenging at three o'clock in the afternoon,
18 and so my apologies for any confusion. If anybody has any
19 concerns that they voted incorrectly, please let me know now,
20 and we'll be glad to do it again. Seeing none, Dr. Diagne.

21
22 DR. DIAGNE: Action 6 starts on page 26. This deals with the
23 units of measures, and, as we just discussed, the AP's preferred
24 would be to have the quotas distributed in pounds, but to do the
25 reporting in numbers of fish, and that would be Alternative 3.
26 Alternative 2 would base everything on the number of fish, and
27 the no action alternative would rely on pounds for the
28 distribution as well as for the reporting.

29
30 CHAIRMAN GREENE: Thank you. Is there committee discussion?
31 Seeing none, Dr. Diagne.

32
33 DR. DIAGNE: For Action 7, which includes two sub-actions, 7.1
34 and 7.2, the first one starts on page 28, 7.1, and that is to
35 determine the time periods to be used for initial apportionment.
36 We have recent, if you would, time series, from 2011 onward,
37 meaning until 2015, and the preferred alternative selected by
38 the AP, or their selected preferred, is to base the distribution
39 on the highest landing for each one of the vessels during this
40 time series of 2011 to 2015, to allow each one of them to pick
41 their highest landings, their year of highest landings. That is
42 Alternative 4.

43
44 CHAIRMAN GREENE: Thank you. Is there committee discussion?
45 Mr. Sanchez.

46
47 MR. SANCHEZ: Thank you, Mr. Chair. I move that 2.7, Action 7,
48 that the council select Alternative 4 as the preferred

1 **alternative.**

2
3 **CHAIRMAN GREENE:** We have a motion going up on the board that,
4 in Action 7.1, to make Alternative 4 as the preferred. Is there
5 a second for this motion? It's seconded by Mr. Anson. Is there
6 further discussion? Mr. Riechers.

7
8 **MR. RIECHERS:** This is basically, as I'm understanding it,
9 Assane, this is an adjustment of how each individual -- How we
10 will end up selecting their shares, correct? Do we know what
11 the swing in percentage is from Alternative 2, 3, and 4? Do we
12 understand those differences that it causes? I realize it would
13 be just a gross difference of between Alternative 2 and 4, and
14 one could have as much as an X percentage shift, depending on
15 what they chose, but have we done those calculations amongst the
16 various vessels, to understand how that's shifting across
17 vessels?

18
19 **DR. DIAGNE:** At this point, no. For five species, given the
20 range of options that we have, we haven't, because we have not
21 even settled yet on the other side of this, but, before we move
22 forward with this amendment, as we develop a public hearing
23 draft, that is the analysis that we would then offer, those
24 comparisons that you are alluding to.

25
26 **MR. RIECHERS:** Well, if I may, certainly that's going to be
27 somewhat my hesitation, without knowing the difference that it
28 makes between those different individuals. I mean, that's what
29 you're basically making a judgment on here, is a share, an
30 amount, that someone is going to be getting, and we don't have
31 the analysis before us to even help us with that at this moment
32 in time.

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

35
36 **MR. SANCHEZ:** While I agree with that comment, that hasn't
37 prevented us before from picking a preferred, for the interest
38 of getting comment and gathering data in the interim, in a
39 subsequent meeting, so that we can possibly modify these
40 preferreds.

41
42 **CHAIRMAN GREENE:** All right. Is there further discussion? Mr.
43 Anson.

44
45 **MR. ANSON:** It's kind of related to the motion, but, in the
46 tables that are provided in the amendment, Assane, it says
47 "Source: SRHS database, MRIP, LA Creel, and Texas Headboat
48 Survey", and I thought it would just be coming from the one,

1 since all of them have been reporting their landings to the
2 Southeast Headboat Survey.

3
4 **DR. DIAGNE:** Yes, and this is from the fact that, if we look
5 across 41 and 42, for these to be consistent, we have the
6 private recreational share, the charter/for-hire, as well as the
7 headboat, and so, essentially, just for the sake of
8 completeness, because, if you were to look across all three of
9 those landings, then it would sum to 100 percent, if you would,
10 but it may be, I guess, a puzzle here to see just the headboat
11 landings without the benefit of the others, and so it may be
12 that we can add a note to make it more clear.

13
14 **MR. ANSON:** Thank you.

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

17
18 **MR. STRELCHECK:** With regard to Alternative 4, one thing I like
19 about it is there are vessels that will enter the headboat
20 program that are relatively recent, and I'm aware of, I'm sure,
21 a few that have entered in the 2011 to 2015 time period that
22 wouldn't have a full five years' worth of landings history.

23
24 Allowing them to just use the highest year of landings, as well
25 as everyone else, is to everyone's benefit that is currently
26 participating and has met the control date. The tradeoff,
27 obviously, is, for longer-participating vessels that have a
28 longer landings history, they may or may not benefit, based on
29 that particular strategy.

30
31 **CHAIRMAN GREENE:** Thank you. Is there further discussion? All
32 right. If memory serves me correctly, we have a motion on the
33 floor. Is there any further discussion? **Is there any**
34 **opposition to the motion on the floor before you? Seeing one in**
35 **opposition, the motion carries.** Is there further discussion?
36 Dr. Diagne.

37
38 **DR. DIAGNE:** Thank you. Action 7.2 begins on page 31, PDF page
39 31, and it deals with the method of distribution of these
40 shares, initial distribution of shares. We have several
41 alternatives that would combine equal distribution with
42 proportional distribution, based on catch histories, as well as
43 considering an auction system.

44
45 Again, the AP's preferred would be to distribute initial shares
46 based on landings histories, and so that would be Alternative 2,
47 Option 2a, 100 percent proportional, and nothing distributed
48 equally. Something else that the AP did discuss, as mentioned,

1 was to consider moving auctions to the Considered but Rejected
2 section of this document.

3
4 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr. Sanchez.

5
6 **MR. SANCHEZ:** In Action 7.2, distribution of initial shares, I
7 make a motion to select Alternative 2, Option a, or 2a, as it
8 may, as the council preferred.

9
10 **CHAIRMAN GREENE:** While they're getting the motion up on the
11 board, I think everybody is seeing what the trend is here, and
12 is there a second for this motion? It's seconded by Dr. Frazer.
13 Any discussion, while they're getting the motion on the board?
14 **Seeing none, is there any opposition to the motion on the floor**
15 **before you? Seeing one in opposition, the motion carries.** Dr.
16 Diagne.

17
18 **DR. DIAGNE:** On to Action 8, which begins on page 32. This
19 action deals with the transferability of shares, and in
20 parentheses there, "IFQ only", because, if we were to have a
21 PFQ, then the shares wouldn't be transferable by themselves. If
22 one sold their permit, the whole thing would move with it.

23
24 There are three alternatives here, and, just as a note, the AP's
25 preferred would be to require a valid reef fish for-hire permit
26 with a landing history vessel endorsement or a reef fish landing
27 history vessel permit, whichever we establish in Action 4, to
28 receive shares through transfer, and the shares can only be
29 transferred to U.S. citizens or permanent resident aliens.

30
31 Here, when we discussed this during the presentation, we did
32 highlight some text in red, which was recommended for addition
33 by the AP, just to reinforce the point that one needs to have
34 the endorsement or the permit, and the third alternative is more
35 generic, if you would. Any U.S. citizen or permanent resident
36 alien would be entitled to receiving shares through transfer.

37
38 **CHAIRMAN GREENE:** Thank you. Is there discussion on Action 8?
39 Mr. Sanchez.

40
41 **MR. SANCHEZ:** Thank you, Mr. Chair. I make a motion that, in
42 Action 8, 2.8, that the council select Alternative 2 as the
43 preferred alternative.

44
45 **CHAIRMAN GREENE:** While she's getting that on the board, in the
46 interest of time, is there a second for this motion? Second by
47 Dr. Frazer. Is there discussion? Seeing no discussion, the
48 motion is on the board before you. **Is there any opposition to**

1 the motion? Seeing no opposition, the motion carries. Dr.
2 Diagne.

3
4 **DR. DIAGNE:** Thank you.

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

7
8 **MS. BOSARGE:** That red text that the AP really wanted to have
9 added into that alternative to reiterate the point that you had
10 to have that endorsement or the permit, is the council okay with
11 that being added into that alternative? I don't see where that
12 changes anything in the meaning of the alternative whatsoever.
13 It's simply reiterating the point that's in the first sentence
14 of the alternative, but I want to make sure that the council is
15 okay with that. Doug is shaking his head no, that he's not okay
16 with that. You're not okay with it being there twice and being
17 very clear? Okay. Thank you.

18
19 **DR. DIAGNE:** Thank you. Thank you, Ms. Bosarge. Action 9
20 starts on page 33, what is needed for the maintenance of shares,
21 and there are three alternatives, and I would just highlight the
22 preferred alternative selected by the AP. The alternative reads
23 to require a reef fish -- I will just say for-hire permit with
24 the proper endorsement or permit, whichever we establish, to be
25 able to hold shares. Shares can only be held by U.S. citizens
26 or permanent resident aliens. Then it goes into explaining what
27 would happen under a PFQ program.

28
29 The Alternative 3 would require either a reef fish for-hire
30 permit, with or without an endorsement, or a reef fish landing
31 history vessel permit to hold shares.

32
33 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr. Sanchez.

34
35 **MR. SANCHEZ:** I make a motion that in 2.9, Action 9, the
36 maintenance of shares, the council select Alternative 2 as the
37 preferred alternative.

38
39 **CHAIRMAN GREENE:** We have a motion going up on the board that,
40 in Action 9, to make Alternative 2 the preferred. The motion is
41 on the board. Is there a second for this motion? It's seconded
42 by Dr. Frazer. Any discussion? **Seeing no discussion, is there**
43 **any opposition to the motion on the board? Seeing none, the**
44 **motion carries.** Mr. Strelcheck.

45
46 **MR. STRELCHECK:** I just wanted to make a comment. I think there
47 was some confusion when we were talking about 41, in terms of
48 transferability of the PFQ permit, and I don't remember what

1 action it is, but I would like to see similar language that's at
2 the bottom of your summary text slide for Action 9 associated
3 with Amendment 41 as well, in terms of transferability for a
4 permit fishing quota.

5
6 **DR. DIAGNE:** I will add some notation into the amendment.

7
8 **CHAIRMAN GREENE:** Thank you. Mr. Boyd.

9
10 **MR. BOYD:** I would like to make a motion to add, and I believe
11 that's Action 10, to add an Alternative 4 that annual allocation
12 may be transferred by surrendering it to a National Marine
13 Fisheries Service allocation bank, from which other program
14 participants may obtain the allocation by: Option 4a, lottery;
15 Option 4b, action. If I get a second, I will comment.

16
17 **CHAIRMAN GREENE:** Mr. Boyd, does the motion on the board reflect
18 your desire?

19
20 **MR. BOYD:** Let me read it, because I can't see that far. Annual
21 allocation may be transferred by surrendering it to a National
22 Marine Fisheries Service allocation bank, from which other
23 program participants may obtain the allocation by: Option 4a,
24 lottery; Option 4b, auction.

25
26 **CHAIRMAN GREENE:** The motion reads: In Action 10, to add an
27 alternative that annual allocation may be transferred by
28 surrendering it to a National Marine Fisheries Service
29 allocation bank, from which other program participants may
30 obtain the allocation by: Option 4a, lottery; Option 4b,
31 auction. I assume that you want to create an Alternative 4,
32 which I don't know if it's imperative to note that in the
33 motion, but --

34
35 **MR. BOYD:** That is correct. In Action 10, create an Alternative
36 4.

37
38 **CHAIRMAN GREENE:** Thank you. Is there a second for this motion?
39 It's seconded by Mr. Matens. Is there any discussion? Mr.
40 Boyd.

41
42 **MR. BOYD:** I would just like to say that I copied this from 41,
43 Amendment 41, and so it's the same. We're consistent. I don't
44 think it's any secret that I have talked over the years about
45 resource rents. I believe that the U.S. government, the
46 American people, should be paid for the depletion of a natural
47 resource, and I had a discussion a little earlier with one of
48 the charter/for-hire guys, and he said, well, what's the

1 difference, and I've been doing this for years and taking these
2 fish, and, all of a sudden, I have to pay for them.

3
4 My point there is there is a line. If you are taking people out
5 to fish and they are fishing on the resource that is basically
6 theirs, you shouldn't have to pay for anything, because you're
7 the guide. You're the talent. You're the experience, and
8 you're allowing the public to access that resource.

9
10 When we cross the line, which we do here, in my opinion, of
11 giving an individual fishing quota to an individual, to a
12 person, who can either buy, sell, or trade that, all of a
13 sudden, it's become a business opportunity, and it has the
14 opportunity to be sold and bought in a secondary market, and I
15 believe, at that point, you need to pay for your business, the
16 business that you pick up that particular raw material and use
17 it in your business, whereas, before, it was not a business
18 material, and that's the reason why I support resource rents for
19 profit-making businesses, and that's why I wanted this in here,
20 too. Thank you.

21
22 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
23 Frazer.

24
25 **DR. FRAZER:** Doug, I really appreciate you sharing your
26 philosophy here, and I will certainly think about that. It
27 gives me something to think about, but I am going to speak in
28 opposition to the motion, for the simple reason that that Option
29 4b that involves an auction has never received any support since
30 I have been on this council.

31
32 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
33 Dyskow.

34
35 **MR. DYSKOW:** Thank you. Doug, can I ask you a question, just so
36 I understand your comment? Basically, what you were saying is,
37 historically, a charter or headboat skipper was taking out
38 customers that were fishing for a public resource that they had
39 a right to catch, let's say.

40
41 He was being paid a fee for the service of taking out
42 recreational anglers to catch this resource. What you're
43 objecting to is the fact that this 41 and 42 implies that that
44 resource is now -- I am going to use the term "owned" by that
45 headboat skipper, and that the element of it that you're
46 concerned about?

47
48 **MR. BOYD:** Yes, and, in effect, what we've done, and there is

1 debate on both sides of this, it, in effect, is privatized.
2 Now, of course, the commercial industry says, well, it can be
3 taken away at any time and it's not privatized, and, of course,
4 they don't want to pay resource rents either, but it's the same
5 issue.

6
7 In fact, it isn't going to be changed. I don't think you will
8 find a vote around this table that will get you a three-quarters
9 vote to change the IFQ program, and then you've got a referendum
10 where they won't let you change it, and so, in effect, what we
11 do when we create these IFQ programs, we're creating -- I know
12 this is not legally the right term, but we've created almost a
13 property right.

14
15 There is a secondary market that has developed around the IFQ
16 shares, and there are many IFQ shares that are owned by entities
17 that are outside the fishing industry, and, in my opinion, there
18 is no reason for them to receive free raw materials, and, again,
19 it's no secret that -- I have believed this all along, since
20 I've been on the council, and I will continue to believe in that
21 way. Thank you.

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

24
25 **MR. SWINDELL:** What I was curious about is whether or not the AP
26 addressed this kind of issue at all in their discussion during
27 their AP meeting.

28
29 **EXECUTIVE DIRECTOR GREGORY:** You might ask the AP Chair to come
30 to the podium and address that.

31
32 **CHAIRMAN GREENE:** Okay. For the record, this is Captain Randy
33 Boggs, and he is the Chair of the Headboat AP. Randy, did you
34 hear the question?

35
36 **MR. RANDY BOGGS:** Yes, I did. We did discuss lotteries, and we
37 also discussed auctions, and we voted to have those put in the
38 Considered but Rejected. We did offer cost recovery, as far as
39 required by law. We did offer the cost recovery at the
40 commercial rate, as much as is required by law.

41
42 We have offered to -- We're not looking for a free ride in this,
43 and this program has -- I am taking liberties with what you have
44 asked me to say, but, the way I envision this program to work is
45 where the fish would be tied to the American public, and it
46 would still be a public resource.

47
48 One of the things that I envisioned, when we first started this,

1 was tying it to the states. When the resource is allocated to a
2 headboat, it stays in the State of Texas, and each one of these
3 fish should go home with a purely recreational angler, and we're
4 not charging them for the resource.

5
6 We are just charging them for the fuel and a profit to take them
7 to where our knowledge of the resource takes them to, and we're
8 not charging them for the resource, but, again, in the other
9 program and in this program, we have offered up cost recovery,
10 as far as required by law, and, if you put a lottery, or an
11 auction, either one, all you're going to do is make the
12 wealthier headboats pay more money for the fish, because
13 obviously it's going to stay in the headboat fishery, and, if
14 you're doing a lottery among the fishermen that are already in
15 the fishery, we're only asking for what we're harvesting now.

16
17 In this program -- This year, I caught about 4,000 fish. In
18 this program, I will probably get less than 1,500 to start with,
19 and so we're asking for a far less piece of the resource, and
20 we're not asking for it to be given to us. We're asking to pay
21 our own way through the program, but, yes, we did talk about
22 these, and I think, somewhere in the document, it's considered
23 but rejected.

24
25 **CHAIRMAN GREENE:** Thank you. I had a hand down that way
26 somewhere, and I apologize that I didn't write down who it was,
27 but is there further discussion? Mr. Boyd.

28
29 **MR. BOYD:** Just back to Tom's question or comment, this motion
30 has an Option a or b. You could choose either one of those, and
31 it doesn't have to be just an auction. It could be a lottery,
32 where you put in, and, if you win, you get to buy that.

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

35
36 **DR. FRAZER:** I appreciate that. I understand.

37
38 **CHAIRMAN GREENE:** Thank you. Any further discussion? Mr.
39 Swindell.

40
41 **MR. SWINDELL:** Doug, in this lottery or auction, is this only by
42 the permit holders?

43
44 **MR. BOYD:** Well, it's based on I guess it's Number 9 above,
45 which that preferred said that you had to have a headboat permit
46 and LHV endorsement, and so yes.

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

1 Mickle.

2
3 **DR. MICKLE:** Thank you, Mr. Chair. This is an interesting
4 issue, and it brought up some deeper issues, in my opinion, and
5 I would really like to see the public comment tomorrow. I am
6 looking forward to it on this, and I may not be over the moon
7 about the motion, but I definitely want to see some discussion
8 about it, and so, at this point, I will support it, and I want
9 to see more on this and hear more on this.

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

12
13 **MS. LEVY:** Regarding who would be eligible to get the allocation
14 being transferred in this way, the action before it dealt with
15 holding shares, and so it's not evident, at least from the way
16 this is written, that you want to limit it only to those that
17 have the permit or endorsement as established, and so you might
18 just want to make it clear that this is going to only apply to
19 those permit holders, because you do have another alternative in
20 this action, and that's to open it up to any U.S. citizen, and
21 so that could be read either way without any specifics in there.

22
23 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
24 discussion? Mr. Boyd.

25
26 **MR. BOYD:** Mara, if you choose one of the other actions in this
27 section, then that would dictate, wouldn't it, how the auction
28 goes? I don't have it in front of me, but, if you chose one
29 that said it's open to all American citizens or legal aliens,
30 then the auction would be open to them. If you chose that it
31 was just for the headboats, then it would only be open to them,
32 or that's what I was thinking.

33
34 **MS. LEVY:** So, were you envisioning your new alternative to be
35 potentially selected in conjunction with either Alternative 2 or
36 3?

37
38 **MR. BOYD:** Yes. It's one of those where you could have multiple
39 preferreds.

40
41 **MS. LEVY:** Or we could potentially add it as an -- I don't know.
42 I guess we would have to figure out how to structure it best,
43 but, if that was your intent, okay.

44
45 **MR. BOYD:** Yes, that's my intent.

46
47 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
48 discussion? Okay. We have a motion on the board. It seems

1 like there is support and some opposition to it, and so, with
2 that, you have a motion on the floor before you. **All those in**
3 **favor of the motion, please signify by raising your hand.**
4
5 **EXECUTIVE DIRECTOR GREGORY:** Seven in favor.
6
7 **CHAIRMAN GREENE:** **All those opposed, like sign.**
8
9 **EXECUTIVE DIRECTOR GREGORY:** Three. **The motion passes seven to**
10 **three.**
11
12 **CHAIRMAN GREENE:** Okay. Thank you. Is there any further
13 discussion? Dr. Diagne.
14
15 **DR. DIAGNE:** Thank you. On to Action 11, which begins on page
16 35. This action deals with share caps, and, just to highlight
17 the AP's preferred alternative, in each share category, no
18 person shall hold more shares than the maximum percentage issued
19 to the recipient of the largest share at the time of initial
20 distribution. Alternative 3 would set the caps, but base it
21 across all share categories.
22
23 **CHAIRMAN GREENE:** Is there discussion? Mr. Sanchez.
24
25 **MR. SANCHEZ:** **Motion that in 2.11, Action 11, share caps, the**
26 **council select Alternative 2 as the preferred alternative.**
27
28 **CHAIRMAN GREENE:** Okay. There is a motion, in Action 11, to
29 make Alternative 2 the preferred, and she is getting the
30 language up on the board now. Is there a second for this
31 motion? It's seconded by Dr. Frazer. Is there further
32 discussion? **Seeing no further discussion, is there any**
33 **opposition to the motion on the board before you? Seeing no**
34 **opposition, the motion carries.** Dr. Diagne.
35
36 **DR. DIAGNE:** On to Action 12, which begins on page 36.
37
38 **CHAIRMAN GREENE:** Mr. Sanchez.
39
40 **MR. SANCHEZ:** What happened with 11?
41
42 **DR. DIAGNE:** We did talk about 11, I guess. Okay. Now on to
43 Action 12, beginning on page 36, and this one deals with
44 allocation caps. We have three alternatives. Essentially, they
45 would mirror the share caps, meaning the equivalent poundage
46 that would come, in terms of allocation.
47
48 Alternative 2 is, at any point in time, a person's total holding

1 from all of the accounts they are involved in cannot be more
2 than the maximum holdings attributed to a person, as determined
3 in the previous action, Action 11, in each species category.
4 Alternative 3 would base the caps across all species categories
5 rather than looking at each species, and, again, the AP
6 indicated that Alternative 2 would be their preferred
7 alternative.

8
9 **CHAIRMAN GREENE:** Thank you. Is there discussion? Seeing no
10 discussion -- Mr. Strelcheck.

11
12 **MR. STRELCHECK:** Assane, can you clarify the statement "at any
13 point in time"? I am reading that to presume that, at any point
14 during the year, they can't hold in excess of the allocation
15 cap, but, cumulatively, they could actually harvest more than
16 the allocation cap throughout the year, and is that a correct
17 interpretation?

18
19 **DR. DIAGNE:** Yes, that is correct.

20
21 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
22 Seeing none, Dr. Diagne.

23
24 **DR. DIAGNE:** Action 13 starts on page 37, and this action deals
25 with retaining annual allocation before a quota reduction.
26 Essentially, to give the Regional Administrator the authority to
27 retain the anticipated amount of decrease during distribution at
28 the beginning of the year, and, during the presentation, the
29 discussion, the point made by Mr. Anson and others, indicated
30 that you would like to see options in this to release the
31 withheld quota by June 1 or August 1, if I recall, and so I
32 guess we will add that to this action.

33
34 **CHAIRMAN GREENE:** That is correct. We did add an alternative to
35 this one earlier, and so, Dr. Diagne, you can continue on when
36 you're ready.

37
38 **DR. DIAGNE:** On to Action 14, which starts on page 38. This
39 action deals with cost recovery. We have two alternatives. The
40 alternative that the AP selected, for example, would base cost
41 recovery on a standard price. The issue is what to use as a
42 standard price, and the options here would use the commercial
43 ex-vessel price as a proxy or the annual price of annual
44 allocation. Option a is the one that the AP selected as its
45 preferred.

46
47 Alternative 3 would base the cost recovery on the fees paid per
48 trip, and it would be, I guess, fairly challenging to implement,

1 if one wanted to consider that route, and, again, using a
2 standard price, based on the commercial ex-vessel price, is the
3 AP's preferred at this point.

4
5 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr. Sanchez.

6
7 **MR. SANCHEZ:** Thank you, Mr. Chair. **In 2.14, Action 14, motion**
8 **to select Alternative 2, Option a, as the council's preferred.**

9
10 **CHAIRMAN GREENE:** We have a motion going up on the board. The
11 motion is up on the board. Is there a second for this motion?
12 Dr. Mickle seconds the motion. Is there any discussion? Ms.
13 Guyas.

14
15 **MS. GUYAS:** Just a question, and maybe this is a question for
16 the AP Chair, but I would kind of like to hear some of the
17 discussion about how they settled on this option.

18
19 **CHAIRMAN GREENE:** All right. Again, we will invite Captain
20 Boggs back up to the podium.

21
22 **MR. BOGGS:** We didn't have any metric to figure out how to base
23 these fish off of, because a six-hour trip on my boat is eighty-
24 five-dollars. A six-hour trip in south Florida is forty-five-
25 dollars, and the prices ranged all over the place, and so we
26 figured the fairest thing to do is follow the commercial market
27 with the price of the fish.

28
29 That way, it keeps consistency in the program. It's kind of a
30 glass house. You can see what everybody is paying for the fish.
31 Then, as the triggerfish go up and come down, and the red
32 snapper go up and down, it's across the board even. That's kind
33 of the way we came up with the thing.

34
35 For a boat that charges forty-five or fifty-dollars to do a
36 half-day trip and catch two red snapper, if you're paying 3
37 percent of five-dollars a pound, and you've got somebody on a
38 four-hour trip for fifty-dollars and they catch two fish, that
39 becomes a significant investment to the boat owner.

40
41 We just figured that would -- It's consistent, and it's across
42 the board, and it's something that's a glass house, so everybody
43 can see how we came up with that, and so it just seemed like the
44 most open thing to do is to follow that commercial market.

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

48

1 **MR. STRELCHECK:** Randy, I have a couple more questions. I think
2 there is clarification needed in that this will be the average
3 commercial ex-vessel price. In calculating this, was there
4 discussion in terms of how often we would be doing this? We
5 have quarterly cost recovery in the IFQ programs currently, and
6 are you thinking of it being kind of like a quarterly average
7 price or annual average price, or was that even discussed?
8

9 **MR. BOGGS:** There was some discussion, and we figured that the
10 way that this would work is we would either use an annual or a
11 quarterly. That way, if it followed the market trends, that way
12 we could pay it that way, and, generally, most everybody thought
13 that we would probably just set a fee, based on the number of
14 fish or the number of pounds that you would have. Then, at the
15 end of the year, if the price had fluctuated, then we would get
16 a bill at the end of the year for the balance or the difference.
17

18 Going in, because, at the first of the fiscal year, with you
19 guys spending the money for the program -- If you think that I'm
20 going to catch, based off the previous year, that I'm going to
21 catch 5,000 pounds of fish and my cost should be \$1,800 or
22 \$2,000, I will send you a check for that. Then, if it turns out
23 that the fish went up a few cents a pound, then bill me for the
24 difference at the end. Of course, your bill would have to be
25 paid before you would be reallocated fish is kind of what we had
26 discussed.
27

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

30 **MR. BOYD:** Thank you, Mr. Chairman. A question for Andy. Andy,
31 when the commercial IFQ program was established, who established
32 what the cost recovery fees would be and the calculation? Did
33 the fishermen come to you with a calculation, or did NMFS figure
34 that?
35

36 **MR. STRELCHECK:** The Magnuson Act specifies that we can recover
37 up to 3 percent of the ex-vessel value of fish landed, and so
38 that's the maximum cap that's placed on the fishery. In terms
39 of the cost recovery fee and how it was collected and just the
40 process for how often it's paid, that was established through
41 the amendment process and the council.
42

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

45 **CHAIRMAN GREENE:** Thank you. Mr. Matens.
46

47 **MR. MATENS:** I am not going to embarrass my friend Randy with
48 this, but do I understand correctly that, in the commercial

1 world, the 3 percent is established by what the fish house paid
2 for the fish? Is that a correct statement? So, it could be
3 different for regions or different times. However, with this
4 one, is the -- How do we calculate the commercial ex-vessel
5 price of a fish that's caught in Sarasota and a fish that's
6 caught in Galveston?

7
8 **DR. DIAGNE:** I think, as it was mentioned, this is a proxy, as a
9 standard price, and the averages would be quarterly, or average
10 landings would be used, but, if there are wide fluctuations in
11 the prices, which there may well be, regional averages could be
12 used, in the same way that we use average weights, let's say, to
13 determine the number of fish in an area or another to be able to
14 recover the cost.

15
16 **DR. MATENS:** Thank you, Assane. That doesn't make me feel any
17 better about how this is going to work. I wonder if there is
18 some other metric that we could use that would value these fish
19 when they are landed. What is the value of a private
20 individual's caught fish, and is that different than the
21 commercial price, and I submit that it is.

22
23 **DR. DIAGNE:** Yes, and I would totally agree that the values are
24 different, but, if we keep our emphasis on what it is that we
25 are trying to do, it is to recover the cost of administering the
26 program, and so you could, at the limit, argue that the metric
27 that you use, if it is reasonable, will not matter, because, for
28 you to recover let's say a thousand dollars, whether you base it
29 on a hundred-dollar price, in which case you would go let's say
30 10 percent, which of course we cannot do, and the maximum here
31 is 3 percent, or you use a price that is fifty-dollars, in which
32 case you would increase the percentage, because, at the end of
33 the day, what we have to do is to recover the cost of the
34 program.

35
36 Once the costs are determined, it may be that we would recover,
37 let's say, 1.5 percent of the ex-vessel value, and I put that in
38 quotes. If you use a different metric, it may be that the
39 percentage will be bumped up to 3 percent, which is the maximum
40 cap, and so, keeping that in mind, I think the standard price
41 becomes less important, assuming that it is, quote, unquote,
42 reasonable.

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

45
46 **MR. MATENS:** To that point, I understand that, and whether the 3
47 percent, based on whatever metric you guys decide, covers the
48 full price, it may not. However, what I don't understand is how

1 we're going to compute, or anyone is going to compute, the
2 commercial ex-vessel price for red snapper all over the Gulf.
3 Is every region going to be different? What's a region? Is
4 every landing port going to be different? I am not trying to be
5 critical at all, but I'm just curious about how we think it's
6 going to work.

7

8 **CHAIRMAN GREENE:** Ms. Bosarge.

9

10 **MS. BOSARGE:** We don't land fish. We land shrimp, but I can
11 tell you that we call around and price check before the boat
12 gets to the dock, because we don't have a fish house, per se,
13 right? The difference in the price per pound between Texas and
14 Alabama and Florida, and even the Atlantic, you might get a
15 nickel to a dime difference. I mean, it's pretty close.

16

17 Now, throughout the year, that's -- The price of shrimp, in
18 general, throughout the year is seasonal, and so that's going to
19 -- But, as far as regions are concerned, it's really not a huge
20 price difference.

21

22 **CHAIRMAN GREENE:** Mr. Anson.

23

24 **MR. ANSON:** A few points. Andy, going back to your comment that
25 there was some guidance or some written, I guess, directives as
26 to how that was determined, was that for the IFQ program, where
27 you had those kind of -- As far as the payment and collection of
28 the recovery fees, is that -- If that's the case, is that
29 something that needs to be included in this document, at this
30 stage, or will that be developed if and when it goes through a
31 referendum and is approved and all that, and then, at that
32 stage, it will just be developed by the agency, and I have a
33 couple of other questions, too.

34

35 **MR. STRELCHECK:** I actually pulled up Amendment 26, after I
36 spoke, and it does provide a lot more specificity that we have
37 included in both Amendments 41 and 42, and I would recommend
38 providing that specificity. Certainly the agency could, through
39 administrative deference, make some of these decisions, but it's
40 better to lay out your intent in the amendment and make it
41 clear.

42

43 As I mentioned, we did indicate how often they would be
44 reporting with IFQ fishermen, and we also made it clear when the
45 fee was collected, who was collecting that fee and who was
46 responsible for paying the fee, as well as how that fee would be
47 calculated.

48

1 **MR. ANSON:** All right. Something to consider, and then I have
2 just two other items. That is to go to Camp's concern, I guess,
3 just looking at the AP preferred, is to -- Maybe, to make it a
4 little bit more specific and known and clear to everyone as to
5 what we're dealing with, is maybe the mean Gulf-wide commercial
6 ex-vessel price, maybe potentially, and that might -- I don't
7 know if that's one dealer from every state, and I don't know how
8 that -- Maybe that will be a little bit more explicit.

9
10 Then the last comment I have is, in Alternative 3, in the last
11 line, it says the cost recovery fee will be up to 3 percent of
12 the total value, and I'm just wondering if that needs to be
13 included in Alternative 2, to make sure that it's consistent and
14 there isn't just one choice, if we go to Alternative 3, as far
15 as the recovery, and then no choice or a different choice in
16 Alternative 2, and that's all.

17
18 **CHAIRMAN GREENE:** Ms. Guyas.

19
20 **MS. GUYAS:** I am going to go in a slightly different direction
21 and ask -- When this document, assuming it moves forward before
22 we get to, I guess, a final stage, will we have an idea of what
23 the cost to implement this program would be? Because that would
24 be another way to look at this, too.

25
26 Of course, we're capped at 3 percent of ex-vessel value, but it
27 might be nice to know if that cost recovery is going to be
28 covering like 1 percent of the administration of this program or
29 is it 20 percent or is it 80 percent, because, somehow, this is
30 going to have to get paid for to do this, and I'm just thinking
31 that information would be helpful.

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

34
35 **MR. RIECHERS:** Following Martha's vein, because it's 3 percent of
36 that fee, and what we're doing here is establishing what the fee
37 is, and so, certainly, there may be -- Alternative 3, we have
38 worked through some examples, and the fees could be greater
39 there.

40
41 We may have some past information that has been presented to us
42 by Dr. Carter or Dr. Agar in the past that dealt with value and
43 put a value on fish coming from the charter vessel programs, and
44 we may could even use that as an Alternative 4 here that would
45 set a value for the fish, and then you would have something else
46 to value that off of, but that's kind of the discussion that
47 we're doing here. We're not necessarily setting the fees. What
48 we're setting is what we can charge against, and we can charge

1 up to 3 percent against whatever we select here.

2
3 **CHAIRMAN GREENE:** Is there further discussion? Okay. We have a
4 motion on the floor, and we've had a lot of discussion back and
5 forth around this, and so, by a show of hands, all those in
6 favor of the motion on the board before you, please signify by
7 raising your hand.

8
9 **EXECUTIVE DIRECTOR GREGORY:** We have two people.

10
11 **CHAIRMAN GREENE:** All those opposed, like sign.

12
13 **EXECUTIVE DIRECTOR GREGORY:** Eight. The motion fails two to
14 eight.

15
16 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
17 Anson.

18
19 **MR. ANSON:** Just carrying on what Andy had said and my question
20 about some more verbiage in the document, I'm just wondering if
21 we need to make a motion then to include some of the options
22 from Amendment 26 regarding timing of cost recovery fee payment
23 and identifying who would be responsible for cost recovery
24 payment. That should be included, I think, as an action item,
25 or potentially in this action.

26
27 **DR. DIAGNE:** Thank you, Mr. Anson. As you recall, let's say in
28 the other amendments, in the provisions -- We did specify that,
29 for example, the fees are to be collected by the dealer and to
30 be turned around and paid to the agency and so forth.

31
32 Obviously, here, we won't have such a thing, and so it is
33 understood that we are going to, as we further develop this
34 amendment, be much more specific in laying out the steps and the
35 modalities required to recover the costs of administering the
36 program, including, if warranted, offering options as to Gulf-
37 wide averages and regional averages, et cetera, and as well as
38 the time series, to account for the discussion here.

39
40 **MR. ANSON:** Thank you.

41
42 **CHAIRMAN GREENE:** Thank you. Any further discussion? Seeing
43 none, Dr. Diagne.

44
45 **DR. DIAGNE:** On to Action 15, which starts on page 39, PDF 39.
46 This action deals with new entrants, and there are several
47 alternatives here, and, as we discussed early on during the
48 presentation, there is an Alternative 4, which the AP

1 recommended as its preferred, which would provide the
2 opportunity to participate in this program by getting an
3 endorsement or a landing history vessel permit, whichever we
4 establish, but restricting that opportunity to those vessels
5 that can carry forty-nine passengers and up, and that would be
6 Alternative 4, and that would be at the bottom of this page.

7

8 **CHAIRMAN GREENE:** Any discussion? Mr. Sanchez.

9

10 **MR. SANCHEZ:** Thank you, Mr. Chair. In 2.15, Action 15, new
11 entrants, motion to select Alternative 4 as the council
12 preferred.

13

14 **CHAIRMAN GREENE:** We have a motion in Action 15 to make
15 Alternative 4 the preferred, and the language is up on the
16 board. Is there a second for this motion? It's seconded by Dr.
17 Frazer. Is there any further discussion? Mr. Matens.

18

19 **MR. MATENS:** Thank you, Johnny. As I read through this, here I
20 am, and I want to participate in this thing. I either have to
21 have a vessel that has the capability to carry more than forty-
22 nine passengers, under some definition, or I have to buy one,
23 but suppose that I don't get an allocation.

24

25 Looking at this, and I am not that skilled in this field, but it
26 just seems to me that it would be very, very difficult for
27 someone to actually have the vessel and apply for it and then
28 get an allocation, and so I'm not sure how practical this is for
29 new entrants to enter the system, and I am going to speak
30 against it, because of that.

31

32 **CHAIRMAN GREENE:** Is there further discussion? **Seeing no**
33 **further discussion, is there any opposition to the motion on the**
34 **floor before you? Seeing three in opposition, the motion**
35 **carries.** Dr. Diagne.

36

37 **DR. DIAGNE:** Thank you, Mr. Chair. Action 15 here is the last
38 action in the document, but perhaps if we could just remind you,
39 as a committee, that the AP requested the addition of an action
40 that would consider a set-aside to essentially facilitate the
41 access to those new entrants, essentially, who now have the
42 endorsement or the permit, but don't have shares to fish for,
43 and so, if, as a committee, you direct us to do so, we could
44 craft such an action, with options and so forth, and add it to
45 this amendment to consider the different provisions under which
46 a set-aside would be feasible, including who would receive them
47 and when and how, et cetera.

48

1 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
2 Anson.

3
4 **MR. ANSON:** I just want to clarify if you need that in a motion,
5 Assane. I mean, it was discussed, and we didn't have much
6 discussion, and I just want to -- Sometimes we do and sometimes
7 we don't, and so --

8
9 **DR. DIAGNE:** The understanding that your discussion would
10 support such a thing, that is fine, I think. Then we would go
11 ahead and craft that Action 16 in addressing the set-aside.

12
13 **MS. BOSARGE:** Is the council okay with that, because I know that
14 Doug was not okay with just adding verbiage to one alternative.
15 Shaking of heads, and is everybody okay with that, the set-aside
16 for new entrants and allowing staff to add some sort of
17 alternative in there for us to look at? I am seeing a shaking
18 of heads yes around this table. Okay. Yes, Assane.

19
20 **DR. DIAGNE:** Thank you, Madam Chair. I think that would
21 conclude my discussion of Amendment 42, unless there are
22 questions that we have to answer. Thank you.

23
24 **CHAIRMAN GREENE:** Okay. Before we leave Amendment 42, is there
25 any further discussion? Mr. Boyd.

26
27 **MR. BOYD:** I've just got a question on Action 15. John, the
28 reason that I held up my hand and didn't support it was because
29 I don't understand how people who are, quote, unquote, headboats
30 that are in the recreational sector now that didn't get in the
31 survey might be able to shift, and then would they take an
32 allocation with them, or, if somebody who opted out and came to
33 the recreational sector, then would they go take allocation back
34 with them? I think -- I am all for new entrants, but I think
35 there just needs to be more meat in this as to how this would
36 operate, and that's why I voted against it, and I just wanted to
37 clarify that.

38
39 **CHAIRMAN GREENE:** Ms. Levy.

40
41 **MS. LEVY:** I would kind of agree with that, because I did have
42 some questions, depending on where you go with this, of what
43 happens if you also do Amendment 41 and then the charter vessels
44 have a PFQ, but now we're going to let them get one of these
45 endorsements, and what happens to their PFQ? It's just not
46 clear to me, if both of these go forward, how they intersect
47 with this type of action.

48

1 **DR. DIAGNE:** I think the document does mention, but perhaps we
2 need to bring it to forefront here in the discussion that it
3 will not be allowed, for lack of a better term, to have someone
4 engage in double-dipping. You cannot be here and then turn
5 around and go participate in the other one.

6
7 The endorsement would be granted without any additional, I
8 guess, quote, unquote, privilege. You would get the
9 endorsement, but no shares, no allocations, and that would be
10 your responsibility to acquire those, presumably maybe through
11 the set-aside. If you meet those requirements, you may get some
12 to be able to fish under the provisions of Amendment 42.

13
14 **MS. LEVY:** But if you have a PFQ, you can't divest the quota
15 associated with that permit apart -- Your permit would have PFQ,
16 charter PFQ, attached to it. If you get this endorsement, you
17 don't have any shares or allocation for the headboat side of it,
18 but you still have the PFQ attached to your permit, and you've
19 got no way to divest of that, because it's attached to your
20 permit. That is where I am --

21
22 **DR. DIAGNE:** Yes, I see the point, and so I guess this amendment
23 would also have to specify that, if you accept the endorsement,
24 de facto you would have to be divested of any other shares
25 attached to your permit before you can take a step and
26 participate in this program. Yes, because, in the PFQ, you
27 cannot really divest of the shares on your own. Yes, I get it.

28
29 **CHAIRMAN GREENE:** Ms. Gerhart.

30
31 **MS. GERHART:** This is one of the disadvantages of an endorsement
32 versus a separate permit, because, if you separated the permits
33 between charter and headboat, then you couldn't have both
34 permits on the vessel, and so it would be a choice, and whatever
35 you did with that charter permit then, the shares would go with
36 it.

37
38 **CHAIRMAN GREENE:** Is there further discussion? Mr. Diaz.

39
40 **MR. DIAZ:** I guess we're fixing to leave this, and we put
41 several hours in, between working on 41 and 42, and these are
42 incredibly complicated programs. I know we're going to have a
43 referendum at some time, and I hope that people can take the
44 time to, if we get to that point, to think through these,
45 because there are so many moving parts.

46
47 There are so many things that might be potential for unintended
48 consequences, and, for every business, I think the decision is

1 different. It depends on what part of the Gulf and what species
2 and whether it's an IFQ or a PFQ, and that's not even including
3 the stuff that Mr. Boyd has been talking about, that we've got
4 some things in here that we really haven't went through the
5 allocation process.

6
7 This is just incredibly, incredibly complicated, and so I think
8 the staff has done a good job, but just look at the questions
9 that went around this table today, and, I mean, we've been
10 working on this for a long time. It's obvious that a lot of us
11 are still trying to get our minds around this thing, and so this
12 is a big step, and so I do think we did a lot of work today and
13 maybe moved forward a little bit, but, the more we work on it,
14 the more complicated it seems like it gets. Thank you, Mr.
15 Greene.

16
17 **CHAIRMAN GREENE:** Thank you. Any further discussion before we
18 leave Amendment 42? Seeing none, we will pick up on our agenda
19 as regularly scheduled, and that will be Drafts on the State
20 Management of Recreational Red Snapper and Dr. Lasseter.

21
22 **DRAFTS - STATE MANAGEMENT OF RECREATIONAL RED SNAPPER**
23 **STATE MANAGEMENT PROGRAM DOCUMENT**

24
25 **DR. AVA LASSETER:** Thank you, Mr. Chairman. If we could open up
26 the state management program document first --

27
28 **MS. BOSARGE:** Dr. Mickle, are you okay? Did we miss something?
29 Okay. We're fine. Sorry. Go ahead.

30
31 **DR. LASSETER:** For addressing the state management program, we
32 have brought you six documents this time, and so they're all
33 under Tab B, Number 7, and so we have (a) through (f). The
34 first one here that we're going to go through in Tab B, Number
35 7(a) is the overarching program, and so it's state management
36 program for recreational red snapper. We will go through the
37 two actions first in this amendment, and then we'll look at the
38 individual state amendments.

39
40 Action 1 begins on page 10, and Action 1 addresses the
41 components of the recreational sector to include in the state
42 management programs, and, at the last council meeting, you did
43 select a preferred alternative, which is Alternative 4, and so
44 Alternative 4 would allow each state with an approved management
45 plan to decide whether to manage, at the state level, its
46 private angling component only or to manage both private and
47 federal for-hire components. That is your current preferred.
48 Just as a review, Alternative 2 was for private angling only,

1 and Alternative 3 was that each state would take both
2 components, and 4 is each state would have a decision.
3
4 Action 1 works very closely with Action 2, and the effects --
5 Basically, Action 1 establishes how you're going to divide up
6 the recreational quota, and Action 2 addresses how much quota to
7 put into each of those pieces.
8
9 Action 2 begins on page 13, and so, at the last council meeting,
10 you did add a couple of alternatives, three alternatives, and so
11 we'll go through all of these. Again, Alternative 1, our no
12 action alternative, would not establish an allocation.
13
14 Alternative 2 was here previously, and this alternative would
15 establish an allocation of the recreational sector ACL based on
16 the average of historical landings, and then you have a series
17 of options. The longest time period, 1986 to 2015, is Option a.
18 Option b backs off ten years, and it's 1996 to 2015. Option c
19 backs off another ten years, and it's 2006 to 2015. Option 2d
20 is our 50/50 of the longest time series and shortest time series
21 of those preceding options.
22
23 Alternative 3 is very similar. You added this at the last
24 council meeting. Each of those options in the previous
25 alternative and at 2009.
26
27 The next alternative, Alternative 4, provides you options for
28 removing particular years. Of course, all four of them could
29 apply to Alternative 2. Alternative 3 is ending in 2009, and,
30 of course, only Option a could apply. Of course, it would only
31 apply if you picked c.
32
33 Again, the 2006 and 2010, Options 4a and 4b, were due to
34 particular circumstances within that year or the year before,
35 with the hurricanes. 4c and 4d are provided because those are
36 the more recent years that were not considered in sector
37 separation, and so we provided those to you as options, whether
38 or not you wanted to include 2014 and 2015 in Alternative 2 or
39 whether not, and this was our best way of arranging it.
40
41 At this point, I just wanted to note something. You have added
42 some additional alternatives, and we're getting quite long on
43 the page. As staff finalizes the final alternative that you
44 added, we may want to reorganize these alternatives to simplify
45 the way they're presented to you. All the same alternatives
46 will be there, but we may restructure presenting the options, so
47 that it makes it a little simpler, in terms of the table, and so
48 we're working on how to facilitate interpretation of all these

1 alternatives.

2
3 Alternative 5 is another one that you added at the last meeting,
4 and this one proposes to establish an allocation of the
5 recreational sector ACL based on each state's average of its
6 best ten years of landings for the years 1986 to 2015.

7
8 Then Alternative 6 is another one you added at the last meeting,
9 and this one would establish the allocation based on two
10 factors, two elements, spatial abundance of red snapper biomass
11 and recreational trips. Then you wanted options for weighting
12 the two of those.

13
14 First, I guess let's take a look at the options we've provided
15 you for weighting them, if we could get some feedback if these
16 encompass what you would like to look at or if there is
17 potentially a different weighting that you would like us to look
18 at.

19
20 Option 6a would give the smallest amount of biomass and the
21 largest amount of trips, and so 25 percent biomass and 75
22 percent trips. Option 6b would be even between both, 50/50, and
23 Option 6c is a heavier weight on biomass and a lighter weight on
24 trips, and so 75 percent biomass and 25 percent trips. Does
25 this get at what you were considering, what you were
26 envisioning, in terms of weighting of biomass and trips? I will
27 stop there a moment for discussion.

28
29 **CHAIRMAN GREENE:** Thank you. Is there discussion? I don't see
30 any discussion, Dr. Lasseter.

31
32 **DR. LASSETER:** I'm sorry. Dr. Simmons.

33
34 **DR. SIMMONS:** Thank you, Mr. Chairman. Ava, you might bring up
35 the fact that we still have the SSC meeting that we need to --
36 You did bring that up?

37
38 **DR. LASSETER:** This is what I was doing first, for the options
39 that are on the page. Dr. Simmons just introduced the next
40 thing we're going to talk about. This alternative, when you
41 added it at the last meeting, we did talk about, at the end of
42 the meeting, that this was going to -- Because this is a new
43 approach that has not been done before, looking at biomass
44 across each of the states, we were going to go back to the IPT
45 and work with the Science Center and try to come up with some
46 way to approach this.

47
48 We also felt that the SSC needed to review this approach, and so

1 the Science Center and NMFS SERO staff has been working on this
2 and putting something together, and we are expecting the SSC to
3 review this at their January meeting. For now, we do not have
4 this fully analyzed, and we have not provided a table for you,
5 as we let you know at the previous meeting, but we expect to
6 have that in this document for the January meeting, so you'll be
7 able to look at that more thoroughly. I am going to pause there
8 for discussion.

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

11
12 **MR. BANKS:** Just a question. Just looking at -- As much as I
13 would like to see biomass within the state-by-state plans, I
14 have got a feeling that that may not be possible, and do you
15 guys at NMFS have any feeling for whether that's even going to
16 be possible? Not speaking for the SSC, and I recognize that,
17 but --

18
19 **CHAIRMAN GREENE:** Ms. Gerhart.

20
21 **MS. GERHART:** As was discussed at the last meeting, there is a
22 paper by one of the Science Center scientists looking at biomass
23 off of each state, and we've spoken with her, and she is able to
24 break that down to a percentage for each state, and so we're
25 working on that, along with the effort to get the trips numbers,
26 and we're fairly confident that we'll be able to have something
27 for the SSC meeting.

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

30
31 **MR. ANSON:** Sue or Andy, what paper is that that Sue referenced?

32
33 **MR. STRELCHECK:** Sue, the paper that you're referencing is by
34 Mandy Karnauskas, right?

35
36 **MS. GERHART:** Yes.

37
38 **MR. ANSON:** Thank you.

39
40 **MR. STRELCHECK:** We can find it and share it around with the
41 council.

42
43 **DR. LASSETER:** I can share that with you. It's the Mandy
44 Karnauskas et al. paper, *Red Snapper Distribution on Natural*
45 *Habitats and Artificial Structures in the Northern Gulf of*
46 *Mexico*, and it was published in 2017, this year.

47
48 **CHAIRMAN GREENE:** Thank you. Is there discussion? Dr.

1 Lasseeter.

2
3 **DR. LASSETER:** Thank you, Mr. Chairman. Then, in addition to
4 the explorations of biomass, we will also be asking the SSC to
5 review the recreational trips data, because there are some
6 concerns with that, with the different states -- With the data
7 being available differently for different states and whatnot,
8 and so we will bring you back the SSC's recommendations, in
9 terms of looking at this, at the January meeting.

10
11 If we can turn the page, I just wanted to point out the tables
12 that go along with each of these alternatives, and so, again,
13 the two actions in this document work together. Depending on
14 which alternative you select in Action 1, it will be associated
15 with different tables here.

16
17 The two tables on page 15, these would correspond with
18 Alternative 2 here in this Action 2. The top table would go
19 along with Alternative 2 in Action 1. That is if you were
20 managing the private angling component only. Each one of those
21 rows across would total 100 percent, because you're talking
22 about the 100 percent of that private angling component ACL.

23
24 The bottom table would be used for either Alternative 3 or 4
25 from Action 1. Because some states could pick one or the other,
26 or if you did pick the other alternative, Alternative 3, which
27 is not your current preferred, they would be taking both of
28 them. This table divides up each one of those component's
29 allocations, so that each row totals that component's allocation
30 of 42.3 federal for-hire and 57.7 private angling.

31
32 If we look at page 16, we have a very similar pair of tables,
33 except for Alternative 3 of this Action 2, and this is on page
34 16. It is Table 2.2.3 and 2.4.4. These two tables -- As I
35 mentioned, the top one would be for the private angling
36 component only, if you selected that alternative in Action 1,
37 and the bottom table reflects your current preferred alternative
38 of Alternative 4 in Action 1, but this would be for the
39 Alternative 3 in this action, which truncates each of those
40 alternatives at 2009.

41
42 If we turn to the next page, Table 2.2.5 provides you the
43 resulting percentages, based on Alternative 5, which is the best
44 ten years of historical landings for the years 1986 to 2015 for
45 each state. Again, you can see it broken down by either --
46 Action 1 is Alternative 2. It's the top row, or, for
47 Alternatives 3 or 4 in Action 1, for the bottom two.

48

1 As I noted, the Alternative 6 is currently under development,
2 and we will be bringing you back additional information on that
3 at your January meeting. Before I move on, I will just pause
4 there for a moment and see if there is any further discussion.
5

6 **CHAIRMAN GREENE:** Thank you. Is there discussion? Seeing no
7 discussion, Dr. Lasseter.
8

9 **DISCUSSION OF INDIVIDUAL STATE AMENDMENTS**

10
11 **DR. LASSETER:** Okay. Those are the only two actions in the
12 program amendment. Again, this is the master amendment that
13 establishes the program for state management. Then there is
14 five additional documents, one for each of the individual state
15 amendments, and let's take a look at Tab B, Number 7(b), which
16 is Louisiana management.
17

18 Currently, three of the state documents are virtually identical.
19 We have Louisiana, Alabama, and Mississippi, with the only
20 difference being that, for Louisiana, the two actions have
21 preferred alternatives selected. Then, for the Mississippi and
22 Alabama documents, you do not have preferred alternatives
23 selected.
24

25 Florida and Texas, which you added those two amendments at the
26 last meeting, you did add an extra alternative that was specific
27 in your motion to those, and so we're going to toggle back and
28 forth between these, but let's start with the -- We're going to
29 use Louisiana's here, because it's the (b), and let's look at
30 the Action 1, which starts on page 6.
31

32 Action 6 addresses the management authority structure for state
33 management. Currently, Louisiana's preferred, which is
34 Preferred Alternative 2, and this is just Alternative 2 in all
35 of the documents, would be delegation. It would establish
36 management programs that delegate management authority to the
37 particular state.
38

39 This has been defined as essentially season structure and bag
40 limit. Now, there are other aspects of management that are more
41 implicit, and so, if you recall from the conservation
42 equivalency plans, there are elements that you would have to
43 include in those plans, such as how you're going to constrain
44 your landings to your portion of the ACL, and the state would be
45 responsible for doing so, and that would be the same under
46 delegation. The state would be responsible for doing that, but
47 just not through a plan.
48

1 There are additional components of delegation that the state
2 would be required to do that aren't specific to removing things
3 and modifying the Code of Federal Regulations, and so this is
4 just delegation, where we're essentially expressing bag limit
5 and season as the main thing, although there are some other
6 things that are assumed.

7
8 Again, delegation, to pass, will require a three-quarter
9 majority vote amongst voting council members. That's another
10 distinction between 2 and Alternatives 3 and 4 here.

11
12 Alternatives 3 and 4 here, 3 would be establishing conservation
13 equivalency measures through a CEP, a conservation equivalency
14 plan, at the state level, and this is a more simple process in
15 Alternative 3 than Alternative 4. Alternative 3, you would
16 submit these plans directly to NMFS. The distinction with
17 Alternative 4 is it has an additional step, where each state, if
18 this is selected, would submit their conservation equivalency
19 plan first to a technical review committee, which would then
20 forward them on, unless there are some issues to address, on to
21 NMFS.

22
23 Now I want to pause there for a moment and switch over to -- We
24 will use the Florida amendment, because I believe that is (e),
25 and let's take a look at the Action 1 there, which should also
26 begin on page 6.

27
28 Here, of course, they're a little bit renumbered, because we
29 wanted to fit your new alternative right underneath the
30 delegation alternative. Alternatives 1 and 2 here are identical
31 to Louisiana, and Alternatives 4 and 5 are identical to the
32 Louisiana amendment.

33
34 Alternative 3 is the alternative that you requested be added at
35 the last council meeting, and so this is the new one, and so
36 Alternative 3 would establish a management program that
37 delegates management authority in federal waters to -- This is
38 the Florida amendment, and so to Florida. The scope of
39 authority to include in the delegation to Florida must be
40 defined, and that's what I'm hoping that we can get some more
41 feedback on at this time.

42
43 Then the remaining text of all of these alternatives is the
44 same, in terms of you have to maintain your requirements with
45 the authority of either delegation or conservation equivalency
46 plans, or there are particular procedures that are followed if
47 either is determined to be inconsistent.

48

1 First, let's talk about the scope of authority. At the last
2 meeting, we did request a little guidance on that, and I wasn't
3 really sure how to move forward with this, and so what we did
4 was went and looked at all of the regulations in the Code of
5 Federal Regulations that would apply to red snapper.

6
7 However, not all of the regulations are specific to red snapper.
8 Some are, and some are more broadly related to reef fish, and
9 then some are even more general, relating to fishing in general,
10 and what we would need to delegate management is to know the
11 specific regulations in the Code of Federal Regulations which
12 would need to be modified for a particular state, modified for
13 all the states, removed, or exemptions somehow made. We have
14 also provided those regulations to you in the Appendix B, and so
15 that's where we pulled this list from, as a way to kind of get
16 the conversation going. Any questions there? Okay.

17
18 So, if we go down towards the end of page 9, the following list,
19 that list that's the bottom of page 9 and most of page 10,
20 includes potential modifications to the existing regulations
21 that affect the recreational harvest of red snapper that could
22 be delegated to the states as expanded delegation.

23
24 Again, like I noted, we have these three sections, and so the
25 two that are red snapper specific, we couched them in terms of
26 these are what a state may want to do, and so they're kind of
27 the inverse of what the regulation may say that it is
28 prohibiting, and so, currently, there is a prohibition on for-
29 hire captains and crew from retaining a bag limit of red
30 snapper. Perhaps a state wants to remove that prohibition. Is
31 that an aspect of expanded delegation, full delegation, that
32 you're interested in?

33
34 There's been very preliminary discussion about modifying the ACT
35 under state management, and I believe Mr. Banks has brought that
36 up, and so I think that would require much more analysis,
37 potentially, but that would be another red-snapper-specific one
38 that could potentially be looked at.

39
40 The remaining regulations are really applicable to reef fish
41 broadly, or even more generally, and so, on the next page, on
42 page 10, these are -- There are currently restrictions on
43 fishing gear, methods of fishing that are prohibited, and then
44 there is gear-restricted areas as well, and so, if there is some
45 idea of potential additional prohibited gears that you're
46 interested in considering, these are other kind of reef-fish-
47 specific regulations that could potentially be incorporated into
48 this full delegation.

1
2 Then, finally, other regulations that are provided in the
3 general fishing section are to reopen the fishing season if the
4 state's portion of the ACL is determined to not be met, and now
5 that also -- I could see it already being included in your in-
6 season, your ability to monitor in-season, as laid out in like
7 the CEP plans, and so that's kind of already going to be
8 included, but, if we need to make that explicit, we could do
9 that.

10
11 Then allowing anglers to possess more than the bag limit per
12 day, I don't imagine that that's something that people want to
13 pursue, but these were some of the examples of regulations that
14 we went in and found, and we wanted to throw them out there as
15 things that could be modified.

16
17 The final section is the federal regulations that affect the
18 management of red snapper which would remain under federal
19 authority, and these would be difficult to delegate, especially
20 the setting of ACLs, because you have one ACL Gulf-wide. If you
21 modify it for one state, it affects all the other states, and
22 so, to a large extent, things that would affect either the other
23 sectors, such as the commercial sector, or would affect the
24 management of other states, would not be able to be delegated to
25 an individual state. I am going to stop there and see if there
26 is any -- Hopefully there is some discussion on this idea of
27 full delegation. Thank you.

28
29 **CHAIRMAN GREENE:** Is there discussion? Mr. Banks.

30
31 **MR. BANKS:** Well, after the discussion last meeting about full
32 delegation and what you just said, it does -- I am a little bit
33 unclear as to what full delegation still means or what is
34 exactly possible, but it does seem that the full delegation
35 should be an option in all of our plans. Now, we might not
36 choose to go that route.

37
38 I know we've already picked a preferred, but, depending on what
39 full delegation truly means, I may want to rethink that
40 preferred, and it sounded like, to me, that we already
41 established that season, creel limit, and size limit can happen
42 under a somewhat full delegation, but it sounded like, to me,
43 you were saying that the captain and crew limit, as well as
44 managing to an ACL, could possibly be under a non-full
45 delegation, or is that not what you were saying?

46
47 **DR. LASSETER:** In terms of the modifying the ACT component, I
48 don't know that that has to be specified only under full

1 delegation, though I think that could be developed in here.
2 That one definitely would require additional discussion with
3 NMFS staff, and definitely additional analysis.

4
5 That is something that, in my understanding from Dr. Crabtree
6 last time, could be worked on after your program is already in
7 place, and so that doesn't necessarily need to be in here now,
8 but that is one element that could be incorporated into this
9 idea of full delegation. Then I think what you were touching on
10 as well is that Louisiana may want to consider this, and that
11 brings up another point, and you led me right to that, and so
12 thank you, Patrick.

13
14 There is an issue with, if we are considering an alternative for
15 one state, why would we not consider it for another state, at
16 least for analytical purposes, and this does kind of bring up a
17 little NEPA concern, as far as it's not really reasonable to
18 consider it for one state and not the others, and so, for that
19 reason, it would really be -- It's really necessary, actually,
20 to consider this same range of alternatives for each of the
21 states.

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

24
25 **MR. BANKS:** I would like to make a motion to add that other
26 alternative to the Louisiana plan, please. I will modify my
27 motion to add them to the Mississippi, Alabama, and Louisiana
28 plans.

29
30 **MR. ANSON:** Second.

31
32 **DR. MICKLE:** I have never liked another state speaking for my
33 state, but I agree completely, and so yes.

34
35 **CHAIRMAN GREENE:** Okay. We have a motion. Let's get it on the
36 board right quick. I know it's been seconded by Mr. Anson, I
37 believe. Give them a second here to put the motion up on the
38 board, and it was seconded by Mr. Anson, and I believe that
39 motion is correct and captures the intent. I see a lot of nods
40 of heads, and it was seconded. **Is there any opposition to the
41 motion on the board before you? Seeing none, the motion
42 carries.** Ms. Guyas.

43
44 **MS. GUYAS:** Ava, I appreciate you compiling this list of some of
45 the things that we need to think about here. I, unfortunately,
46 don't have a lot of feedback for you. Our commission meeting,
47 after our last council meeting and between the current council
48 meeting that we're in right now, had to be cancelled because of

1 the hurricane, and so we just haven't had the opportunity to
2 have a good conversation about this at this point, but this is
3 something that, of course, we'll be working on, and we'll bring
4 you something as soon as we have it available.

5
6 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
7 Riechers.

8
9 **MR. RIECHERS:** In concept, I think maybe there's a way that we
10 could phrase this or word this that it basically includes those
11 things in the Code of Federal Regulations that would
12 specifically impact the recreational harvest and/or recreational
13 harvest mortality associated with this fishery, and we're not
14 trying to go grab things that are beyond that.

15
16 The whole notion in this plan is to leave enough tools, and I
17 think you've got some good ones listed here, because I remember
18 some of the past discussions regarding different gear usage in
19 special management zones in Alabama. Maybe that's an option
20 available to people.

21
22 Certainly the notion of descending devices, as we struggle with
23 that around the table, and one state may want to include some of
24 that and be more ready to do that as a mandatory option to
25 achieve some of the reductions in mortality thereafter or to
26 extend their seasons because of that, and others may not be.

27
28 Maybe there is a way to phrase this where we -- Because I know
29 it's going to be difficult to list every option that we might be
30 dealing with, but then, even still, at the end of the day, that
31 plan has to meet -- Basically, we walk through it and say here's
32 how we stay within this kind of allotment, and as long as then,
33 at the end of the day, we're within that kind of allotment, we
34 don't necessarily have to make adjustments. If we don't, we're
35 going to be making adjustments, and so that's kind of the
36 notion.

37
38 Like I said, I don't know of a great way to word around that,
39 other than maybe something like I suggested, as opposed to
40 listing every item, and maybe you want to list every item. I am
41 trying to figure that out, but my suspicion is that we probably
42 aren't going to think of every item.

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

45
46 **DR. FRAZER:** Thank you, Mr. Chair. To Robin's point, I think
47 you're right. I mean, I think the intent is to make sure that
48 each of the states have a full complement of tools at their

1 disposal to best manage the fishery, and I think one way to word
2 it might be able to perhaps say what types of things remain
3 under federal authority, and that list is relatively short.

4
5 **CHAIRMAN GREENE:** Lieutenant Commander.

6
7 **LCDR STACY MCNEER:** I just want to go on the record here that
8 this brings me great concern, from an enforcement perspective,
9 and I know we'll be talking about it at our upcoming LEC
10 meeting, but I just want to go on record that it's creating
11 confusion for me even at this point right now, and so thank you.

12
13 **CHAIRMAN GREENE:** Thank you, and so noted. Ms. Levy.

14
15 **MS. LEVY:** When you're thinking about what you would like to see
16 delegated or the flexibility, I would just keep in mind that
17 we're talking about, I think, red snapper only here in this
18 document, whereas some things might be more applicable to reef
19 fish generally, meaning it's one thing to say that we're going
20 to delegate to the state the gear requirements, but gear
21 requirements for red snapper fishing only, and it seems that
22 there are some things that may not work out very well if they're
23 more broadly applicable, but we're focusing on red snapper here,
24 and so I would just think about how workable that is and how
25 that's going to happen.

26
27 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
28 Banks.

29
30 **MR. BANKS:** Ava, I'm going to try to ask this a different way,
31 and maybe I didn't ask it very well the first time. Under our
32 preferred alternative that we have right now, which delegates
33 some authority, I recognize that that would include season
34 structure, creel limit, and size limit, but would it or could it
35 also include captain and crew limit and managing to an ACL, or
36 would I have to pick the full delegation in order to get those
37 last two points?

38
39 **DR. LASSETER:** Specifically, the captain and crew retaining a
40 bag limit, if that had been requested to go under delegation,
41 I'm sure that could have been incorporated in there. It
42 actually had not occurred to me until I read through all of the
43 regulations.

44
45 In discussion of Amendment 39, we had asked what else is there
46 that you want, and so that's why it was really written in terms
47 of bag limits and seasons, because that gave our regulations
48 writers a sense of how they would structure this.

1
2 Going forward, I guess I would have to -- I am not exactly sure
3 how to answer. For particular ones, if you stay with delegation
4 and then there's additional things you want to do, I'm not sure
5 how complicated -- Would that be complicated, what the issue is,
6 because I know that you have already discussed with Dr. Crabtree
7 as far as potentially modifying the ACT, and you were
8 potentially considering that even without this full delegation,
9 and so I guess I'm not really sure how to answer.

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

12
13 **MS. LEVY:** At least the way the alternative reads, it's that
14 Louisiana has to establish the season structure and bag limit of
15 its assigned portion of the ACL, meaning I think -- I mean, we
16 have an ACT. I think, if we delegate, the requirement is going
17 to be that the delegation be consistent with staying within, at
18 the very least, the annual catch limit.

19
20 If there is something that demonstrates or the agency determines
21 that whatever regulations you put out aren't going to do that,
22 then they notify you and go through all the procedures about the
23 delegation, but I don't really know how much we talked about
24 requiring management to an ACT as opposed to an ACL. I mean, it
25 seems like you could do something under that to show that your
26 state management would be constrained to the ACL.

27
28 **CHAIRMAN GREENE:** Mr. Riechers.

29
30 **MR. RIECHERS:** Patrick, if I may, certainly under the current
31 preferred that you have, you don't have size limit and captain
32 and crew, at least the way it's written now, and so, with that
33 context, you have to go to the other one, though I think we
34 could have worded it into there. I mean, I think we could have
35 just listed the specifics within those current documents. I
36 think, when Martha made the motion, she was just recognizing
37 that we may want more than just those two.

38
39 **DR. LASSETER:** If I may speak to the size limit. Everybody is
40 leading me into it at the perfect moment, and thank you so much.
41 Another action or motion that you made at the last meeting,
42 which actually staff requested, was, at the time, you only had
43 three states that were considering this, and all three of those
44 states have the same minimum size limit for red snapper as the
45 federal minimum size limit. Therefore, we requested, if you
46 weren't interested in modifying the federal minimum size limit,
47 could we remove that action, and you did remove it.

1 Subsequently, Florida and Texas requested amendments, and so now
2 we do have a potential case of, since Texas's state water
3 minimum size limit is fifteen, and we had discussed that there
4 were some issues with the stock assessment with having different
5 minimum size limits Gulf-wide, that was why that action was in
6 there, was to provide you the opportunity to change the federal
7 minimum size limit Gulf-wide. Therefore, everybody would be
8 able to, if everybody was in agreement, adopt a consistent size
9 limit. With the addition of Florida and Texas amendments,
10 individual amendments, would the council be interested in
11 reexamining modifying the federal minimum size limit?

12

13 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr. Anson.

14

15 **MR. ANSON:** The only benefit, Ava, is for consistency for
16 purposes of the stock assessment, and is that correct? There's
17 not an administrative requirement to have it Gulf-wide at some
18 level, and we're talking about, obviously, having a different
19 suite of options within each state's plan, if that's the way we
20 go, but it's only for stock assessment that the minimum size is
21 required to -- Okay.

22

23 **CHAIRMAN GREENE:** Mr. Riechers.

24

25 **MR. RIECHERS:** I might add, Kevin, as you well recall, the
26 maximum yield per recruit is now at fifteen, and that's why --
27 We have moved that around, but that's why it has stayed at
28 fifteen in Texas.

29

30 **CHAIRMAN GREENE:** Is there further discussion? Mr. Strelcheck.

31

32 **MR. STRELCHECK:** I have the advantage or disadvantage of not
33 having participated directly in the last couple of council
34 meetings. Now that we've made a motion to add an alternative
35 similar to Texas and Florida, it strikes me, the inefficiency
36 and redundancy we have with five amendments that essentially do
37 the same thing, and I'm wondering if there is the ability, under
38 this umbrella amendment, to consolidate these into a single
39 amendment, but allow the states to choose your own delegation
40 authority, so to speak. It still gives you that flexibility in
41 options to decide what delegation you would want for your
42 particular state that you're trying to accomplish with
43 individual amendments.

44

45 **CHAIRMAN GREENE:** Thank you. Is there discussion? Ms. Levy.

46

47 **MS. LEVY:** I will echo that also from just a NEPA perspective
48 and having to analyze the effects analysis with respect to all

1 of these different things. It would be much easier to have
2 everything in one document, where you can compare and contrast
3 the various alternatives and preferreds, and they are
4 essentially all the same.

5
6 Having it in one document doesn't mean that the states couldn't
7 pick different things, but it just allows for consolidation and
8 an easier way to sort of discuss the effects and the cumulative
9 effects and things like that.

10
11 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr. Anson.

12
13 **MR. ANSON:** A question to Dr. Lasseter then. On the one hand,
14 it could be easier to go through that and have each state
15 included in each action, but, on the other hand, it might be a
16 little bit more cumbersome from the reader to try to drill down
17 to their specific state, with various options or preferreds that
18 could develop, and so I'm just -- Do you have any idea or
19 comment on that of what you would prefer to have, one or five?

20
21 **DR. LASSETER:** I prefer one. My head was about to explode in
22 organizing the six. To Mara's point as well, we are going to
23 have to, to comply with NEPA, have one document that includes
24 everything that is across all six of these, so that we can
25 analyze the cumulative impacts, and so we are going to have to
26 have this all put together for analytical purposes somewhere, in
27 terms of the EIS, because that would be the EIS, whereas these
28 are the amendments, and so these are under Magnuson. It's going
29 to need to be analyzed, and so, if I'm potentially looking at
30 seven documents, that is a bit cumbersome, yes.

31
32 Then, also, it just occurred to me that the way we really
33 conceptualized delegation, and even the CEPs, initially, it was
34 in terms of the state must establish a bag limit and a season,
35 and, again, we just weren't really clear that there was anything
36 else that did want to be set at the state level, and so there is
37 also no reason why we would need the one delegation that's kind
38 of seen as just those two and full.

39
40 If we want to couch it in some broader terms, that might also be
41 more simple, and perhaps it's the way Dr. Frazer pointed it out.
42 We would need to say that the state must set your bag limit and
43 your season. I mean, that needs to be set, but it could be
44 worded in a way of and other management measures, with the
45 exception of dot, dot, dot. Would that perhaps work for
46 everybody?

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

1
2 **MR. BANKS:** It depends on what dot, dot, dot is, but -- Here's
3 my concern about putting them all together. While I understand
4 your preference, and I agree with your preference in a lot of
5 ways, there may get to a point where the full delegation issue
6 maybe is okay, where the dot, dot, dot is okay, to one, but not
7 the other.

8
9 They may not make a difference to our plan, and, if we're all in
10 there together, then -- We're ready to go in Louisiana, and
11 we're sitting around waiting on the plan to be approved, and so
12 that's why I would say that I prefer that it not go all into one
13 document, even though that one document would give us the
14 ability to choose something just for Louisiana, because I would
15 assume that the whole document would have to be passed as final
16 before we could do anything.

17
18 **DR. LASSETER:** To that point, that's where I think there might
19 be a little bit of confusion about these documents. This
20 program document -- Really, you could put the actions in there
21 and pass that one amendment, and nobody else, except Louisiana,
22 may ever employ the provisions of this program, may enact a
23 program, and so I don't think -- You do not need five separate
24 amendments in order for each state to go forward. That is an
25 amendment at the council level.

26
27 If you want to change anything within those amendments, you
28 would have to come back to the council. If the program
29 amendment was passed, you've got your components addressed, and
30 you've got your allocation addressed, and, tentatively, the type
31 of authority structure in there, and it lays out the framework.

32
33 Then Louisiana can come in immediately, as soon as that is
34 passed, and say here is our plan or here is our delegation and
35 here's what we want to be -- That's the preferred alternative in
36 that action for Louisiana, and you can run with it, and so you
37 don't really need these individual -- They're not holding you
38 up, is what I am saying.

39
40 Louisiana will enact, pursue, state management within the
41 framework, the structure, that is laid out in that initial
42 program amendment, and so what Andy was saying is, if you move
43 the options of the authority structure, if you move that action
44 into the program document, once that amendment passes, the
45 states can apply or work towards their own program independently
46 of each other. I will pause there for Mara.

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

1
2 **MS. LEVY:** I think what I hear you saying is, if there is some
3 debate about the scope of delegation, for example, and Louisiana
4 is like, well, we are very clear that we want this scope of
5 delegation, and the rest of the council agrees with that, but
6 there's another state that's like, well, we're still deciding
7 what scope of delegation we want -- If it's all in one document,
8 what you're saying is it's not possible to move forward with
9 Louisiana, who is very clear what they want, when the other
10 states are still deciding, and is that what -- I hear that.

11
12 I don't know how that would play out or -- I do feel like
13 though, if you're going to delegate management authority, that
14 you probably need to be specific about what that authority is.
15 Meaning, I'm not sure it will -- I can certainly think about it
16 and go back and poll some other people, but I'm not sure that it
17 works to say that we delegate everything unsaid except these.

18
19 I mean, I'm not sure it works very well in reverse. You're
20 delegating some authority to the states to manage, and it
21 probably needs to be specific about what that authority is, but,
22 since we've brought it up, I will look into the whole we
23 delegate everything except type of thing without specifying what
24 is actually delegated, but that doesn't strike me as very
25 workable.

26
27 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Ms.
28 Bosarge.

29
30 **MS. BOSARGE:** Just a question. At what point will you start to
31 actually embark upon all that NEPA analysis? Is it once you
32 bring a public hearing draft to us and we pick preferreds and we
33 have that public hearing draft finalized to go out to the public
34 that you're going to need that NEPA analysis in there? I am
35 just wondering when that burden is actually going to be laid
36 upon staff, is what I'm trying to figure out.

37
38 **DR. LASSETER:** That's a perfect, great question. Yes, exactly.
39 The public hearing draft will contain the analysis of the
40 comparing the effects of the different alternatives, and we will
41 need to examine them holistically across all six, and so
42 developing a public hearing draft for these six documents is
43 going to be cumbersome, but that would be the next step.

44
45 We would encourage you to have some discussion on the allocation
46 action and trying to move towards some kind of a preferred there
47 as well, and that would also help the public know where you're
48 going before public hearings, but, again, that's at your

1 discretion.

2

3 **CHAIRMAN GREENE:** Is there further discussion? Mr. Banks.

4

5 **MR. BANKS:** One more question. I have been concerned about our
6 desire to keep charter boats in our plan and how that meshes
7 with 41 and 42. I was having a tough time seeing how those both
8 could move forward at the same time. It seems like that charter
9 boats would either have to be taken out of state plans if 41 and
10 42 move forward or 41 and 42 would have to die in order for us
11 to move forward.

12

13 I have heard that at least there is some thought that, even if
14 charter boats remained in our plan, as long as we worked out one
15 of two scenarios -- As long as we worked out an allocation
16 amongst the states, then we could take that charter allocation
17 with us and apply it to our charter fleet. Then the rest of the
18 Gulf charter boats could work out of 41 and 42, if they wanted
19 to. If some sort of full delegation authority was given to us,
20 where we did our own stock assessments and set our own ACLs and
21 ACTs and all of that for each sector, would it work that way?

22

23 I guess what I'm asking is, is there a way for 41 and 42 to move
24 forward as well as Louisiana's state plans with charters
25 included, or are those in seeming conflict, like I am thinking?

26

27 **MR. STRELCHECK:** I see them in conflict, at least right now. I
28 think you would have to carve out the allocation decisions in
29 the regional management that would affect 41 or 42 or
30 exceptions, in terms of who is participating or who is not
31 participating in 41 and 42, relative to the state's management
32 authority. It's not insurmountable, but it's an allocation
33 decision, and so it will be complicated.

34

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

36

37 **MS. LEVY:** I did hear one thing in that comment, something about
38 full delegation including stock assessments and setting ACLs,
39 and that sounds a lot to me like no federal management, and so
40 that sounds a lot to me like considering taking red snapper out
41 of the FMP, out of the management unit, and so I just want to be
42 clear that, in my mind, full delegation of management doesn't
43 probably go as far as each state doing its own stock assessment
44 and each state setting its own catch level. That, to me, sounds
45 like no federal management.

46

47 **CHAIRMAN GREENE:** Dr. Frazer.

48

1 **DR. FRAZER:** Exactly, and that was my point. I think it's
2 fairly easy to identify which types of things would remain under
3 federal authority, at least under the current situation.

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

6
7 **MR. STRELCHECK:** Can I ask I guess a pointed question to the
8 states, state directors? Patrick brought up the point or the
9 concern about maybe being in different timing of your decision
10 making with your state commissions or whoever you're working
11 with.

12
13 At this point, kind of what stage are you at in terms of those
14 discussions, and are those ongoing, and is there a possibility
15 of coming up with kind of a timeframe for development of this
16 action that all the states could agree to, in terms of moving
17 the action forward?

18
19 To me, the benefit of having that one amendment isn't just
20 having one amendment, but it's the fact that you're all working
21 together with the same common goal and the same common
22 management strategy. Yes, there might be differences, in terms
23 of delegation authority, but, at the end of the day, you have
24 reached agreement along a similar path. I am just asking kind
25 of from a timing standpoint as well as how much conversation
26 maybe has occurred at the state level.

27
28 **CHAIRMAN GREENE:** Discussion? Mr. Anson.

29
30 **MR. ANSON:** Yes and yes. We have, just recently, begun to talk
31 about the issue of regional management with our charter boat
32 representatives, or the representatives that represent most of
33 the fleet, and so that is certainly a question that's on their
34 minds, is the progress of 41 and 42, and I think, as we gain
35 more momentum with these documents that we're discussing right
36 now and what actually that will entail and addresses some of
37 their concerns that they have expressed in the past, and that is
38 having some guarantee that they will be protected, so to speak,
39 at least the federally-permitted charter boats, and that there
40 will be provisions in a plan that would allow them to have
41 access to the federal waters and the state-licensed boats not
42 have access.

43
44 If we can resolve that relatively soon, and if, for whatever
45 reason, 41 and 42 bogs down, for various reasons, there is
46 potential, I think, for us to move towards including the charter
47 boats in a state plan in Alabama, potentially, through this
48 route, rather than it going through 41 and 42, but there is

1 still a lot of unknowns that we have to at least resolve and
2 then communicate that back to our charter boat folks and see if
3 there is a desire to continue to do that.

4
5 **CHAIRMAN GREENE:** Is there further discussion? Mr. Riechers.

6
7 **MR. RIECHERS:** Well, since Andy asked it this way, I will try to
8 weigh-in a little bit, Andy. I would say that, at the executive
9 level and the departmental level, there has certainly been
10 discussions about how we would move forward with some level of
11 regional management at that commission kind of level, but,
12 really, not in a detailed fashion at this point in time.

13
14 The discussion was obviously moving forward as we were dealing
15 with regional management before, and, as that became less
16 likely, given the circumstances of the last document, that
17 discussion somewhat stalled, and it has only recently kind of
18 re-cultivated itself, as we made motions to include Texas and
19 Florida last time.

20
21 I would say that what you did miss, and maybe you didn't and
22 maybe you were here, and while I will still honor the notion of
23 five documents, if that's what everyone wants to do, I think
24 you're still at the point where, if we go forward, it's going to
25 have to be a motion that incorporates all five of them all at
26 once, almost, to move them forward, because I think that's going
27 to be what it's going to take around this table to get them all
28 going, because there has to be an allocation that's agreed upon,
29 and then those documents have to move forward, and I suspect
30 that everybody is going to be ready to move them forward at the
31 same time if we get past that largest hurdle of an allocation
32 issue.

33
34 I think the notion is there that, if we could get past that
35 hurdle, if it is a hurdle, and I don't know that it is -- We
36 haven't had some of the discussion regarding some of the new
37 methods that we tried to bring in.

38
39 That was going to be my question to staff. You talked about
40 having some of that discussion, and when do we expect to be able
41 to see that as a council body, possibly even before it goes
42 before the SSC?

43
44 Certainly, there is no reason why it can't be on our agenda for
45 the next time and those documents that we may be showing to the
46 SSC couldn't already be put in a briefing book moving forward
47 for next time, so that we would have some of that available to
48 us. I mean, we can certainly go get the paper, and we can

1 certainly look back at past SEDARs, but, if there's an evolution
2 of thought there, I would like to see that as well.

3
4 **DR. LASSETER:** Could I get some clarification? Are you
5 requesting something -- We could definitely put material in the
6 briefing book for the SSC meeting, and so is that what you're
7 referring to?

8
9 **MR. RIECHERS:** Well, you asked us to have some further
10 discussion, but it's hard to have discussion in the generic
11 framework about using biology or distribution of stocks as part
12 of the discussion without really having any of that information
13 feeding that discussion other than at a very high level of east
14 and west, based on what we know on SEDAR, and so I'm just
15 wondering when the council is going to get that, and it's
16 certainly better for us to get that as soon as we can, as
17 opposed to late in the briefing book process of the next
18 meeting.

19
20 **EXECUTIVE DIRECTOR GREGORY:** The document was just emailed to
21 the Full Council by the admin staff under Meetings, and I think
22 the document was distributed in a limited way at the last
23 meeting by Dr. Stunz. That's the document we'll be presenting
24 to the SSC.

25
26 **MR. RIECHERS:** But that is just the paper in question, and
27 that's not any further evolution of a thought about a way to
28 approach it or anything like that.

29
30 **DR. LASSETER:** Mr. Riechers, we do plan to bring this, after
31 review, to your next meeting. Does that -- So you will have it
32 available for your next meeting. Is that satisfactory? I am
33 not sure how we're going to get it before that.

34
35 **MR. RIECHERS:** Well, I mean, I think our last motion was for you
36 all to look at development of ways or approaches to looking at
37 that, and the paper obviously details some level of thought
38 about that distribution, and I guess what we were also looking
39 for is if there is any -- Again, for lack of a better term,
40 evolution of that paper and how you would actually put it into a
41 here's how we think we might be able to use this as an
42 allocation tool when looking at that.

43
44 We did have the motion there that said that we're going to do 25
45 percent by landings and X percent by that, and I understand
46 that, but I guess what does that distribution look like, and how
47 might we formulate that into an alternative?

48

1 **DR. LASSETER:** I think I understand now. There is a process
2 where the Science Center and NMFS SERO staff have taken the data
3 and the methods there and have -- I think they even got
4 shapefiles, and then they extrapolated how much of that biomass
5 is within each of the areas off of the EEZ.

6
7 They're still working on this analysis, I believe, but,
8 ultimately, there will be a table, much like the tables for the
9 other alternatives here, and I see no reason why that will not
10 be completely ready for the January meeting, provided that the
11 SSC does approve this approach, and I'm going to pass it to Dr.
12 Simmons.

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

15
16 **DR. SIMMONS:** Thank you, Mr. Chairman. I was just going to say
17 that we're having an SSC webinar on I think it's October 31.
18 Under Other Business, we have added this item for the SSC to
19 start giving us some feedback on, as to what we're looking at,
20 what the Regional Office staff is looking at and the Science
21 Center with the paper, and, knowing there's an ongoing
22 assessment and we're probably going to get the results of that
23 standard assessment in the spring for red snapper, are there
24 other things that we need to be developing and bringing to them
25 for the full meeting in January?

26
27 After that January SSC meeting, we will bring you the
28 recommendations to the January council meeting. We had to
29 cancel the other SSC meeting because of the hurricane.

30
31 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
32 Strelcheck.

33
34 **MR. STRELCHECK:** I appreciate the input, Kevin and Robin, and we
35 have been discussing red snapper management for decades. We're
36 at a point now where I'm just trying to figure out how we can
37 make some strong progress, and I feel like we're on the cusp of
38 something big.

39
40 We obviously have some big hurdles to overcome, in terms of
41 getting agreement, especially on decisions like allocation. To
42 me, I think there's a huge opportunity here, if we've identified
43 a comprehensive list of everything the federal government
44 believes we can delegate to the states, to be able to have that
45 conversation with your state commissions and boards and everyone
46 else and be able to come back in January, or as soon as
47 possible, to get a good sense of are those things on target, in
48 terms of what you're expecting to have as far as delegation

1 authority.

2
3 Are some things not on that list that you were expecting or that
4 you would like to have delegated? How far off the mark are we
5 or how close are we? I just encourage you, the state directors
6 in particular, if your boards or commissions are meeting between
7 now and January, to have those conversations. Work with NMFS
8 and work with the council to make sure you have that
9 comprehensive list of delegated activities, so that we can have
10 an informed conversation come January.

11
12 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Ms.
13 Gerhart.

14
15 **MS. GERHART:** We have talked about a lot of ways to potentially
16 restructure actions as well as the amendments themselves. Would
17 it be acceptable for staff to kind of look at those different
18 ways and bring some ideas back to the January meeting of how we
19 might do that restructuring?

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

22
23 **MS. BOSARGE:** Sue, I think if you want to bring ideas -- I mean,
24 I think we're always open to ideas. I would venture to guess
25 that bringing one document with all five states may not be
26 acceptable to all the states at this point. It doesn't sound
27 like everybody is quite ready to get in bed together, and so
28 maybe let's -- If you want to bring ideas, but I think the
29 amendments themselves better come back separate for the next
30 one, but, yes, I mean, if you can flesh out some ideas of how
31 that would look and things like that, that would probably be
32 helpful.

33
34 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
35 Lassetter.

36
37 **DR. LASSETER:** Thank you, Mr. Chairman. Those are kind of the
38 remaining issues. It would be the allocation, and we'll be
39 bringing you additional information back, and we do need to
40 further address this defining full delegation, either as a
41 separate alternative or modifying the existing delegation, and
42 so I hope we can resume this discussion in January.

43
44 That is the end of Action 1, and so each of the state documents,
45 the five state documents, have the same Action 2, which begins
46 on page 12. It might be different for Florida and Texas,
47 because you had some additional text on that full delegation.

48

1 Action 2 addresses post-season accountability measures, and,
2 yes, we're looking at Louisiana's document right now. Again,
3 Louisiana is the only state that has a preferred alternative,
4 but they have selected, and you have approved, a preferred
5 alternative for the Louisiana document.

6
7 Louisiana's preferred alternative is Alternative 2, which is,
8 while red snapper is overfished, in the event that Louisiana's
9 portion of the ACL is exceeded, in the following year, you
10 reduce the total recreational quota and Louisiana's ACL by the
11 amount of the ACL's overage, and, of course, this will be
12 affected by how many other states are participating, if another
13 state has the same alternative, because your option here, your
14 preferred option, is to apply it just to the component, or
15 proportionally to the component, that exceeded their respective
16 ACL. That is Option 2a.

17
18 Then your Option 2b, which is provided for analysis and
19 discussion, is that, if a state has both the private angling ACL
20 and federal ACL, apply the overage adjustment equally to both
21 components. I will pause there and see if there is any further
22 discussion on this action.

23
24 **CHAIRMAN GREENE:** Is there discussion? Carry on, Dr. Lasseter.

25
26 **DR. LASSETER:** Okay. Thank you, Mr. Chairman. I did bring up
27 already the minimum size limit action that was removed at the
28 last meeting, and I had that as my final note, and so let me
29 just add that that would be the other thing to please consider
30 before the January meeting, is if you would like to consider re-
31 adding that to the documents again. That is all I have, Mr.
32 Chairman.

33
34 **CHAIRMAN GREENE:** Thank you. Any further discussion? Ms.
35 Bosarge.

36
37 **MS. BOSARGE:** Ava, and I guess maybe this goes out to the
38 states. Do any of the other states want to go through their
39 specific document, because we've kind of gone through all the
40 alternatives, but not in each specific document by itself, and
41 are there any other states that want to try and pick some
42 preferreds at this point in their specific documents? If so, we
43 can pick those documents up and definitely go through them, if
44 you would like. I see a no from Florida, and I don't see Robin.
45 Okay. I don't hear anybody speaking up, and I just wanted to
46 make sure. I don't want to pass you over.

47
48 **CHAIRMAN GREENE:** Okay. Dr. Lasseter, that completes everything

1 for regional management? Okay. Well, we've still got thirty
2 minutes, and so we'll continue on with our next agenda item,
3 which is the Discussion of the South Atlantic Fishery Management
4 Council and the Gulf of Mexico Fishery Management Council
5 Management of Yellowtail Snapper, and this will be for Mr.
6 Rindone. Hopefully he is --

7
8 **EXECUTIVE DIRECTOR GREGORY:** We had anticipated doing yellowtail
9 in Full Council, thinking we wouldn't have the time to do it
10 today. I think Carrie is trying to find Ryan now. We will find
11 out in a minute.

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

14
15 **DR. SIMMONS:** Thank you, Mr. Chairman. What we can do, if we
16 could just skip down a few items, we could get Ryan set up on
17 the webinar, and then he could come back and do the yellowtail
18 snapper, and is that acceptable?

19
20 **CHAIRMAN GREENE:** Absolutely. The next thing on the list would
21 be the National Marine Fisheries Response Regarding Referendum
22 Requirements for Auctions, Tab B, Number 9. Ms. Levy.

23
24 **NMFS RESPONSE REGARDING REFERENDUM REQUIREMENTS FOR AUCTIONS**

25
26 **MS. LEVY:** Given the lack of anything in the briefing book on
27 this issue, you may have guessed, but I will confirm that I do
28 not have a written response for you ready for this meeting. The
29 request for a written legal response takes a number of layers of
30 review and time, and it just isn't ready at this point, and so I
31 really don't have anything else to add, other than I am still
32 working on it, and I anticipate it by the time you're going to
33 talk about 36B again, which would be at the next meeting.

34
35 **CHAIRMAN GREENE:** Mr. Boyd.

36
37 **MR. BOYD:** Thank you, Mr. Chairman. Well, I made the motion and
38 the request, Mara, and I am concerned that we can have very
39 quick responses to questions here at this meeting, or any
40 meeting, and make decisions based on those in twenty-seconds or
41 three-minutes, and we can't get a response out of a group of
42 attorneys in five months. I am not chastising you, but it just
43 seems like it's an inordinately long time to get a response.

44
45 **MS. LEVY:** I certainly hear what you're saying. It's just that
46 doing a written response requires more, and it competes with
47 other things at a national level, meaning it's not just about
48 other attorneys looking at it who deal with the Gulf. It's

1 about attorneys at Headquarters and everything else, and so it
2 encompasses a much broader undertaking, is what I am trying to
3 say, and coordinating everybody's time and getting all that
4 done, and it ended up taking, at least in this case, longer than
5 I thought it would.

6
7 We had some intervening factors with things that were happening
8 with hurricanes and workloads and just other priorities that
9 ended up, perhaps, overshadowing this one. I didn't -- I was
10 really anticipating getting it to you for this meeting, and it
11 just didn't happen the way that I was hoping it would.

12

13 **CHAIRMAN GREENE:** Mr. Boyd.

14

15 **MR. BOYD:** The original dialog that you and I had was about
16 starting some kind of an amendment or a look at the possibility
17 of rents in the commercial sector, and what I would like to do -
18 - I've got several thoughts about that. If you're okay with
19 that, I would like to just have a conversation with you offline,
20 so we don't have to hold everybody up, to help me understand
21 some of the logic that's either going to be behind or not behind
22 whatever opinion comes out, and can we do that without getting
23 in trouble?

24

25 **MS. LEVY:** It's not about getting in trouble, but it's just I
26 feel like I have stated, on a number of occasions, my opinion
27 about whether a referendum is required for setting up an auction
28 for this already existing red snapper IFQ system, and I think
29 I've been pretty clear about it.

30

31 I know we had a big of a misunderstanding a few meetings ago,
32 based on an email exchange that probably wasn't crystal clear,
33 but it definitely wasn't my intention to change what I had
34 previously said over the course of various meetings, but I guess
35 what I'm saying is that what I am going to say, I have already
36 said on the record, and, in terms of what comes out in the
37 written opinion, I mean, I think we just need to wait until you
38 get the written response for that, I guess is what I'm saying.

39

40 **MR. BOYD:** Okay. I have a motion that I would like to make, but
41 I don't want to do that until I talk to you about it, and so, if
42 we can talk offline, I would appreciate it.

43

44 **CHAIRMAN GREENE:** Okay. I had one other person to speak, and I
45 would encourage you all to speak offline about that. We have
46 Ryan standing by in the shadows ready to move on with that, as
47 he's at home, and so, Mr. Anson.

48

1 **MR. ANSON:** Real quickly, Mara, the motion was made at the
2 council, and so it's the council's desire to try to get some
3 information on this, and I'm just sure that you're contacting
4 those folks that are part of that pipeline to remind them of the
5 need, and, granted, the next meeting is not until January, and
6 so they've got a little bit of breathing room, but you've got
7 the holidays coming up too, and so just whatever you can do to
8 help expedite it and make sure that we have it in January, that
9 would be appreciated. Thank you.

10
11 **CHAIRMAN GREENE:** With that, we will wrap that portion of it up,
12 and we will go back in our agenda to the yellowtail snapper.
13 Mr. Rindone is at home and on the phone. Obviously, it's after
14 six o'clock in his timeframe, and so, Mr. Rindone, thank you for
15 helping us get through this agenda schedule, and so, with that,
16 I will turn it over to you, if you're ready.

17
18 **DISCUSSION OF JOINT SAFMC/GMFMC MANAGEMENT OF YELLOWTAIL SNAPPER**
19

20 **MR. RYAN RINDONE:** Thank you, Mr. Chair. We have been going
21 back and forth on the possibility of merging the ACLs for
22 yellowtail snapper between the Gulf and the South Atlantic for a
23 little while now, and the South Atlantic had, a while back,
24 stopped looking at this temporarily, because they were waiting
25 for the MRIP recalibration effort to be completed, so they could
26 see what the impact might be on the recreational yellowtail
27 snapper landings in their jurisdiction.

28
29 What we've provided for you guys here is kind of a hot sheet
30 that was originally sent to the August 2017 council meeting, and
31 that's what is up on the screen right now, and this just details
32 what the Gulf and South Atlantic landings are for yellowtail
33 snapper and how management is delineated and what the current
34 catch limits are, just to kind of bring you up to speed on what
35 the similarities and differences are between us and the South
36 Atlantic with respect to how we manage the species.

37
38 Generally speaking, the Gulf is managed under a stock ACL, which
39 it has not been landing, and I would point out that, in 2015 and
40 2016, with 2016 being preliminary landings, we have only landed
41 about half of our ACL, but it's important to remember that the
42 Gulf yellowtail fishery is dominated by the commercial sector,
43 almost 98 percent, and some years there might be instances where
44 a few boats might not go fish, and we saw a similar pattern with
45 hogfish in the Gulf, and, if a few boats don't go catch
46 yellowtail, it could throw the landings off by a couple hundred-
47 thousand pounds in yellowtail. In hogfish, it was to a lesser
48 degree, but, still, it can have a great influence on the

1 landings.

2
3 For the South Atlantic, the commercial sector has been landings
4 its ACL the last couple of years, while the recreational sector
5 has not, and so we managed these stocks at the council
6 jurisdictional boundary, and this boundary and the apportionment
7 between the councils was codified in the council's ACL/AM
8 amendment in 2011.

9
10 Yellowtail are not overfished or undergoing overfishing, and the
11 fishing year was changed to August 1 to July 31 in a recent
12 framework action to the Reef Fish FMP.

13
14 We received a letter from the South Atlantic Council, which is
15 Tab B, Number 8(b), I believe, from Chairman Dr. Michelle Duval,
16 generally asking our council, the Gulf Council, to consider some
17 of the measures that they are proposing and see if we are
18 interested in exploring combining the ABCs and ACLs for
19 yellowtail across both regions.

20
21 The South Atlantic has also proffered several potential
22 management alternatives that you can see further down in this
23 letter, as discussion points at least and as management
24 alternatives at most, for consideration, and so with that, Mr.
25 Chair, if there is any questions, I'm available to answer them
26 as best I can, or Ms. Guyas might also have some additional
27 insight.

28
29 **CHAIRMAN GREENE:** Thank you. Is there discussion? Ms. Guyas.

30
31 **MS. GUYAS:** Sure, and I can talk some, and I'm sure John can,
32 and probably Tim too, since Tim has been on the South Atlantic
33 when they've been discussing this. This has been an issue that
34 we keep coming back to. We have tried, or at least on the South
35 Atlantic side they have tried, to make a few fixes to address
36 this problem, and we keep coming back to where we are and
37 looking at this issue of potentially combining the ACLs and
38 managing the stock as a single stock.

39
40 My personal thought is I think we do need to put all of the
41 management options on the table. It's not going to be easy.
42 This involves allocation, not only between the councils, but
43 between commercial and recreational, but I think we need to have
44 this conversation.

45
46 I think that the South Atlantic has talked about looking at some
47 changes to commercial trip limits and things on that side in the
48 interim, and I will let Tim, I guess, expand on that, and then I

1 guess what their timeline is. I am not entirely clear what that
2 is, working on this, but I think it is something that we need to
3 work with them on.

4

5 **CHAIRMAN GREENE:** Tim.

6

7 **MR. TIM GRINER:** Thank you. Kind of the problem we've run into
8 here is it's a very important part of our commercial fishery,
9 and really just for Florida, but, the last couple of years,
10 we've closed early, and, at the same time, we have barely gotten
11 to 50 percent of the recreational sector, and I'm not real sure
12 how deep into your ACLs you have gotten, but I don't think it's
13 very deep into it.

14

15 We're closing two months early, while there is still ACL out
16 there, and so we've got all these unharvested fish. Part of
17 that has some unintended consequences, and, again, for us in the
18 commercial sector, every little thing becomes important, and so
19 what happens when the yellowtail closes early is effort gets
20 shifted, and it gets shifted over to the amberjack, and there is
21 a big difference in the amberjack fishery and the access to
22 those fish in Florida than there is in North Carolina.

23

24 When this effort gets shifted in Florida, then, by the time
25 these fish are available to us up in North Carolina, that quota
26 has been met, and so here we are up in the top part of our
27 region now faced with another week or so before amberjack
28 closes, and we're just now getting good access to the fish.

29

30 The unintended consequence of blowing through the yellowtail ACL
31 is that it affects us amberjack fishermen up in North Carolina,
32 and so we just wanted to run it by you guys and see what your
33 thoughts are on combining this ACL. It is one stock, and it's
34 not overfished, and it's not undergoing overfishing, and,
35 between both regions, we've got a lot of fish left out there,
36 and so that's really kind of it, in a nutshell.

37

38 We are looking at some trip limits, some step-downs, some split
39 seasons, things that we do with some our species that kind of
40 can slow the effort down a little bit, but, before we moved any
41 further with any of that, we kind of wanted to get you guys'
42 thoughts on it. Thank you very much.

43

44 **CHAIRMAN GREENE:** Thank you, sir. Mr. Sanchez.

45

46 **MR. SANCHEZ:** I am with Martha. I think we need to put all
47 options on the table. We keep revisiting this, and commercial
48 fishermen are multispecies fishermen. In the Keys, you do what

1 you have to do to make it work, like pretty much all commercial
2 fishermen do, and they predominantly lobster fish in season, and
3 then they crab fish, and then, depending on how it goes or your
4 need or desire, in the summer, you fish for scalefish.
5 Yellowtail is a big one of them.

6
7 I am going to tell you right now, after this storm, there is
8 probably going to be a lot of need for these guys to yellowtail
9 fish this year, and so we're going to need to do something about
10 this. As far as the restaurants go and the markets, yellowtail
11 is probably the only fish that you can go and you know that was
12 caught in the Florida Keys and you're eating it in the Florida
13 Keys.

14
15 A lot of the other stuff is free trade and there is imports, and
16 so we would like to see that remain viable. It's a part of our
17 history, our heritage, and it's something synonymous with the
18 Florida Keys and elsewhere, and they're going to really need it
19 this year. They really are.

20
21 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Ms.
22 Bosarge.

23
24 **MS. BOSARGE:** So, Tim, you already looked at reallocating from
25 recreational to commercial, and you all voted no on that, I'm
26 assuming, because you've got a recreational ACL that only --
27 Well, 50 percent or less of it, essentially. Well, one year,
28 they hit 64 percent, but it's looking like it's somewhere
29 between 30 and 50 percent most years that they're hitting of
30 their TAC.

31
32 **MR. GRINER:** Thank you, Madam Chair. We are developing that in
33 an amendment now. We put it on hold for the time being. We do
34 have some concern about the MRIP numbers changing, and so we
35 have started working on it, but we've kind of put it on hold
36 right now.

37
38 **CHAIRMAN GREENE:** Mr. Gregory.

39
40 **EXECUTIVE DIRECTOR GREGORY:** I think the South Atlantic Council
41 director simply wanted to know if the Gulf Council was
42 interested in pursuing this. From the conversations that I've
43 heard, the answer is yes. It's not something we will do right
44 away. The South Atlantic Council does want to wait until the
45 new MRIP numbers come out, and so I think the answer back to
46 them seems to be that, yes, we're willing to work with you and
47 explore options.

48

1 **MR. GRINER:** That's kind of exactly the feedback we wanted to
2 get. We do need those new MRIP numbers and to kind of get an
3 idea of where we really are on the recreational side, and then
4 we can kind of sit down and start going through some
5 alternatives and seeing where to go from there. Thank you.

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

8
9 **MS. BOSARGE:** Yes, I think we're open to exploring options, but
10 I will tell you, for me personally, and not as the Chairman of
11 the council, but just personally, if I am going to look at an
12 amendment, you're probably going to have to take that off the
13 back burner and look at that in your amendment too, because, I
14 mean, if our commercial guys go back and target it again, we're
15 going to be somewhere around the upper 80 percent of our ACL.

16
17 If we shift some of our ACL to you, then we're going to get into
18 a condition to where, if we see any increased effort in the
19 Gulf, we're going to be over our ACL, and there you are with
20 excess capacity that there is not the passion to fix it on that
21 side too, and so, I think, to work together, we're going to need
22 to see that capacity to work on your side, too.

23
24 **CHAIRMAN GREENE:** Tim, to that point?

25
26 **MR. GRINER:** Yes, and, to that point, I think we are also
27 looking at combining these sectors back together again as well.

28
29 **CHAIRMAN GREENE:** Ms. Guyas.

30
31 **MS. GUYAS:** I agree with all that. Just one other note, too.
32 Again, because this is a Keys fishery, a lot of these guys have
33 both permits, and it's not necessarily us versus them. These
34 are the same people in a lot of these cases. They just have the
35 permit to fish both sides, but not everybody does, but there are
36 a handful that do have those permits and are able to do that,
37 and so these are a lot of the same people.

38
39 **CHAIRMAN GREENE:** Tim.

40
41 **MR. GRINER:** That's a really good point, and I wonder if it
42 would be possible, or I'm sure we could do it on our side, to go
43 ahead and look and find out who has these dual permits.

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

46
47 **MR. DIAZ:** Tim, I don't know if you all discussed this or not,
48 but we did look at a loan program here for our mackerel fishery,

1 and we ultimately did not pass it, but it might be something for
2 you to consider, and, if you're interested in seeing what that
3 looks like, we could get one of the staff to email you what we
4 had worked on. We did a lot of work on it, and, anyway, it
5 might be just something else for you all to consider.

6
7 **MR. GRINER:** Thank you, Dale. I think we would love to look at
8 that, and anything that could help, even if it was just for a
9 short half-a-season or something.

10
11 **CHAIRMAN GREENE:** Thank you, and so what do we need to do here?
12 Do we need a letter, or do we just need verbal compliance to
13 satisfy this? How do we need to wrap this up?

14
15 **EXECUTIVE DIRECTOR GREGORY:** I don't know if we need a motion,
16 unless there is some opposition, and then we'll have a vote, but
17 what we would do is respond in a letter to the South Atlantic
18 Council that we are interested in pursuing this with them.

19
20 **CHAIRMAN GREENE:** Okay. Is there any objections to what Mr.
21 Gregory has laid out? Mr. Diaz.

22
23 **MR. DIAZ:** Ryan, if you're still on the phone, would you mind
24 emailing that mackerel document, where we had the loan option in
25 there, where we were considering a loan program from the
26 recreational and commercial sectors, to Mr. Griner, please.

27
28 **MR. RINDONE:** I would be happy to send it to him. I had also
29 drafted up a version of it that was explicit to South Atlantic
30 yellowtail for the South Atlantic Council a while back, and that
31 was provided to their staff, and a version of that is included
32 in Tab B, 8(b), towards the bottom of that document. It's an
33 option that they provided in there for consideration.

34
35 **CHAIRMAN GREENE:** Thank you. Anything else before we leave
36 yellowtail snapper? Okay. Thank you, Ryan, for taking time
37 away from your family at home to facilitate us. We appreciate
38 it.

39
40 Next, with that, I think we can get one more item in, which
41 would be the Discussion of the For-Hire Reef Permit Transfers,
42 and then I assume that we will look at the rest of the agenda
43 and see if we can fit it in tomorrow, perhaps at Full Council.
44 We will go from there. Our next item would be Discussion of the
45 For-Hire Reef Fish Permits and Ms. Levy.

46
47 **DISCUSSION - FOR-HIRE REEF FISH PERMIT TRANSFERS**

1 **MS. LEVY:** Thank you. From what I understand, there was some
2 discussion at the last meeting about fishing when you have a
3 federal for-hire permit, with respect to red snapper and the
4 private angling season versus the for-hire season and the state
5 seasons versus the federal seasons.

6
7 NMFS did put together like a draft Fishery Bulletin addressing
8 some of these questions, and I can let Sue speak to that, but I
9 don't think they've put it out yet, just because red snapper is
10 closed right now, and they didn't want to create confusion by
11 putting out a bulletin about red snapper fishing.

12
13 Generally, what it says is that, if you have a vessel with a
14 federal for-hire permit, that you cannot fish for red snapper in
15 federal or state waters when the federal for-hire season is
16 closed, and so that's linked to having the permit on the vessel.
17 It doesn't really matter who is on the vessel or what kind of
18 fishing you think you're doing, but it's a permit requirement,
19 essentially. The vessel is permitted, and the for-hire season
20 is closed, and you can't fish for red snapper in federal or
21 state waters.

22
23 If the federal permit is transferred off the vessel, then people
24 aboard the vessel cannot, at any time during that same fishing
25 year, fish for red snapper in federal waters when the federal
26 for-hire season is closed, and so that's a little piece. If you
27 have the for-hire permit at any time during the year, you're
28 supposed to be fishing under that for-hire quota for that year,
29 and so, when that closes, even if you transfer the permit off,
30 you're going to be considered to still be under that quota for
31 that fishing year. You can't then switch to the private angling
32 component quota in federal waters and fish under the private
33 component quota.

34
35 Like I said, it applies regardless of whether the vessel is
36 acting as a charter vessel or not. It's linked to the permit or
37 having it any time during the fishing year, and I don't know if
38 that covers the questions or you had more questions. If there
39 is other things that you want to discuss, we can do that.

40
41 **CHAIRMAN GREENE:** Well, I may very well have a question for you,
42 but I'm going to go to Ms. Gerhart and let her go through what
43 they had put together for that bulletin.

44
45 **MS. LEVY:** I was essentially reading from it. Like I said, they
46 just -- I don't think they've put it out yet, because they
47 didn't want to create confusion, because red snapper is closed,
48 but you can speak to that if you feel like it's necessary to

1 alert folks of that now.

2

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

4

5 **MR. ANSON:** So, yes, I had two issues, I guess, or there are two
6 issues that I can see with the rule that was implemented for
7 this year to address the permit transfer and identification of
8 the vessel for quota monitoring, I guess, essentially.

9

10 The first is I recall, from either the last meeting or the
11 meeting before, when we asked for kind of a status update, and I
12 think it was the last meeting, but the issue of permit transfer
13 was not a big issue, as I recall, as far as the number of
14 permits that appeared to be being transferred on or about the
15 time that a federal season would end and then you could pick up
16 a state season. I want to confirm that, and then I will have
17 another question.

18

19 **CHAIRMAN GREENE:** Ms. Gerhart.

20

21 **MS. GERHART:** I don't have that data in front of me, but, as I
22 recall, it was the same thing. We did look into, on a monthly
23 basis, how many transfers there were, and there didn't seem to
24 be this spike in transfers during a time when people might be
25 trying to play in both pools.

26

27 **MR. ANSON:** Then my second question is kind of in the same vein.
28 There are these latent permits that are out there, and they are
29 held, I believe, by recreational anglers, or, at least in their
30 mind, they're considered to be recreational, because they don't
31 have any of the charter boat stuff. They don't buy a state
32 charter boat license, and they're not taking anybody out for pay
33 on their boats. They just kind of have the permit, because it
34 was a moratorium, and it's kind of nice to have a moratorium
35 permit in your back pocket, for whatever needs.

36

37 I am just wondering -- I mean, that was my comment earlier, is
38 that there needs to be, I think, some better outreach, because I
39 believe there is vessels that are going to be fishing outside of
40 a charter season that, if we have an extended season next year
41 federally in federal waters, or they're fishing in state waters
42 in the state season next year or what have you, and it's going
43 to be a real shocker if they get pulled over and they get told
44 that they're a charter boat and they have no inkling, other than
45 they bought this permit and they pay thirty-bucks or fifty-bucks
46 a year to renew it each year.

47

48 **CHAIRMAN GREENE:** Ms. Gerhart.

1
2 **MS. GERHART:** Our intention was to put this bulletin out before
3 next season, before June 1 next year, as a reminder. We
4 intended to put it out now, and then we decided, after
5 discussion, that it would be confusing, as Ms. Levy said, in
6 that it might imply to some people that there is an open season
7 out there somewhere if we're talking about when you can and
8 can't fish.

9
10 We could put some language in there to clarify that if the
11 council would like this to go out now. We could do that, and
12 so, if you would like us to put the bulletin out now, we can do
13 that as well as next year.

14
15 **CHAIRMAN GREENE:** Mr. Anson.

16
17 **MR. ANSON:** To answer that question, I think soon, in the next
18 month maybe, would be a good time, but I also think that,
19 outside of the bulletin, is you have the email addresses for
20 these individuals, I would think, or most of them.

21
22 At least when they reapply, you send a little piece of paper
23 that's in orange or fluorescent yellow, and it says that your
24 renewal of this permit now qualifies you as a charter vessel,
25 and you need to be applying by all of the fishery regulations.
26 By the way, here's a bulletin, and you send it in that way too,
27 because, again, these folks -- I think a lot of them are just
28 not tuned into Fishery Bulletins as folks who are in the
29 business and professionals are using that permit for commercial
30 purposes. They're not in that line of information.

31
32 **CHAIRMAN GREENE:** Okay. Thank you. My issue is a little
33 different. We had brought a federal -- There was a NOAA agent
34 that was here at the last meeting, and he came up and spoke.
35 The issue was that, if you transfer your federal permit off of
36 your vessel, or you transfer it on the vessel, it has to remain
37 on the vessel, and you are identified as a charter boat for the
38 remainder of that year.

39
40 If you transfer it off in the fall and you go into the next
41 season, and you have not been identified as a charter boat, and
42 so you're operating under the recreational deal, and if you
43 transfer your permit in right before the federal charter boat
44 season begins, and you've taken advantage of the recreational
45 season, and now you're going to take advantage of the for-hire
46 season.

47
48 That was the issue I had with the process. Either you have to

1 be identified that you're a charter boat all the time, twenty-
2 four hours a day, seven days a week, 365 days a year, with no
3 transferring on and off, or we've got to look at something else,
4 because, if these guys are transferring their permits off to
5 capitalize on the state-water fishery, that's just wrong, in my
6 opinion, and that's where I am fundamentally hung. Ms. Levy.

7
8 **MS. LEVY:** The state water thing is a little bit different than
9 the dual season in federal waters, right, because, if a vessel
10 doesn't have the permit on it, and it's in state waters, we have
11 sort of no federal nexus to control what it does, and so I don't
12 really think there is anything to stop somebody from
13 transferring their federal permit off their vessel and now using
14 that vessel to fish in a state-water season.

15
16 That is different than them trying to transfer their permit off
17 and fish in the private angling federal season, because what
18 we've said in that context is, no, there is a federal private
19 for-hire quota that applies to you if you have had this permit
20 on your vessel at any time during the fishing year, and,
21 therefore, essentially, the closure applies to you, even if you
22 transfer it off, but I think it gets a little bit different in
23 state waters, because, if they have no federal permit and
24 they're in state waters, we really don't have a mechanism to
25 prohibit them from fishing.

26
27 **CHAIRMAN GREENE:** Well, and you're correct, but here is a
28 situation. Prior to this past year, they could fish. You know,
29 you didn't have a state-water deal that was separate than the
30 federal season, until this past year. You had state waters, and
31 you had charter boat season, and then you had the expanded
32 season that went on that was allowed into federal waters, and so
33 there is three dynamics here at play.

34
35 **MS. LEVY:** Right, and so that's what I'm saying, is that, if you
36 had the federal charter/headboat permit on during the federal
37 charter season, and then you took it off and you tried to fish
38 in that extended federal water private angling season, you
39 wouldn't be allowed to do that under the way the regulations are
40 written, but, again, that's the federal private angling season.

41
42 **CHAIRMAN GREENE:** I understand that, but if next year comes
43 along and a season opens up early, then we're in a different
44 situation. My fundamental flaw, or my hang-up here, is you're
45 either a charter boat and you fish the federal for-hire or
46 you're not.

47
48 Transferring back and forth, I just fundamentally think it's

1 wrong. Now, that's just my own personal belief and not as
2 Chairman, and I am not trying to sway anybody, but I am just
3 saying that I think that there is an issue here that we need to
4 look at, and maybe that's what Kevin is kind of getting at here,
5 and he's jumping up and down, and so I certainly don't want to
6 hog up the time, being that we're after hours and we're way
7 behind schedule, and so, Mr. Anson.

8
9 **MR. ANSON:** I will be brief. Just another little scenario is
10 that, for that vessel that had the permit and fished the charter
11 season, for instance, and then they took the permit off and
12 transferred it to another vessel and then they went and fished
13 in the state season and not the federal -- I mean, there are
14 still landings that are going to be attributed to that vessel
15 outside of the charter season, but they still -- According to
16 the rule that was passed, it's that you consider the vessel to
17 be 100 percent for the rest of the calendar year to be a charter
18 vessel, and, therefore, that they need to be abiding by --
19 That's the way I interpreted and understood you all, when you
20 had talked about it the last meeting.

21
22 That is what I want to make sure is communicated, is that, if
23 that's going to be the practice, and I believe it was for 2018
24 as well that the rule applies, is that that's what is
25 communicated to the permit holder, is that, thank you for your
26 purchase, but you're a charter vessel now until the end of the
27 year, or until the next renewal. That's the other point, the
28 finer point, and the subtlety to this, is that that will remain
29 a charter vessel, in the eyes of the feds, until the remainder
30 of the year.

31
32 **CHAIRMAN GREENE:** Well, just as a follow-up, and I know we're
33 all ready to get out of here, and this is going to be my last
34 comment, but I think it's also prudent that, when you publish
35 that notice that you have a permit and you are now a charter
36 boat, that you have to meet these criteria.

37
38 You cannot keep a captain and crew limit, and you have to
39 maintain all the turtle gear, all the stuff that goes along with
40 that, because there are a lot of people that have bought the
41 permits so that they could enjoy the whatever season, and
42 they're not aware of that.

43
44 That is going to be something I think that should be in there,
45 and so, unless anybody else has got a burning desire to keep
46 going, we've been here since 1:30, and I'm ready to use the
47 bathroom. Any questions or any comments? We have one
48 additional item, and I guess we'll kick it either to Full

1 Council or somewhere else.

2
3 **GROUPER-TILEFISH IFQ FIVE-YEAR REVIEW SURVEYS**

4
5 **EXECUTIVE DIRECTOR GREGORY:** These were components of the
6 overall five-year program review, and we will have the completed
7 five-year program review in January, and so we can just put this
8 off until January.

9
10 **OTHER BUSINESS**

11
12 **MS. BOSARGE:** So, there is a social tonight, and the social is
13 being put on by the Charter Fishermen's Association, Mississippi
14 Commercial Fisheries United, and the Gulf of Mexico Reef Fish
15 Shareholders Alliance. It is from six to nine at the Fillin'
16 Station, and that's right here on Howard Avenue. It's a shrimp
17 and crab boil, plus all the fixings and beverages. Thank you to
18 all three of those groups. I am going to turn it over to Dr.
19 Ponwith for just a second.

20
21 **DR. PONWITH:** Far be it for me to stand between this council and
22 our industry folks and that wonderful event, but it's come to my
23 attention that most know, but not everybody knows, that this is
24 actually going to be my last Gulf of Mexico Fishery Management
25 Council meeting.

26
27 I am planning on retiring from federal service in December, and
28 I just wanted to make sure that everybody knew that and to say
29 that it has been an amazing decade of science serving management
30 decisions in the Gulf, and it's hard to take a look at the lists
31 that we have here of actions that are pending and know that
32 somebody other than me is going to be providing the science
33 advice to guide that, but it has been just a pure pleasure.

34
35 **MS. BOSARGE:** Thank you, Dr. Ponwith. It's been a pleasure
36 working with you, too. In fact, in the morning, we have
37 something special for you and for Dr. Lucas. We have something
38 to honor her as well, and so we'll take that up first thing in
39 the morning. Tomorrow morning, we start back up again at 8:30
40 in the morning, and so we'll recess until then.

41
42 (Whereupon, the meeting adjourned on October 3, 2017.)

43
44 - - -