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Kevin Anson ..................................................Alabama
Patrick Banks .................................................Louisiana
Leann Bosarge .................................................Mississippi
Doug Boyd .......................................................Texas
Dale Diaz ..........................................................Mississippi
Tom Frazer .........................................................Florida
Martha Guyas (designee for Nick Wiley) .................Florida
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Greg Stunz ..........................................................Texas
Ed Swindell .........................................................Louisiana

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Assane Diagne ................................................Economist
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John Froeschke .................................................Fishery Biologist-Statistician
Douglas Gregory ..............................................Executive Director
Morgan Kilgour ................................................Fishery Biologist
Ava Lasseter ...................................................Anthropologist
Mary Levy .......................................................NOAA General Counsel
Emily Muehlstein ...........................................Public Information Officer
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<td>Bob Zales</td>
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</tr>
</tbody>
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# Table of Contents

1. Table of Contents ......................................................... 3
2. Table of Motions .......................................................... 4
3. Adoption of Agenda and Approval of Minutes .......................... 6
4. Action Guide and Next Steps ........................................... 6
5. Final Action – Framework Action – Greater Amberjack Fishing Year and Recreational Closed Seasons .............................. 9
   6. Summary of Public Hearing and Written Comments .................. 9
   7. Review of Document .................................................... 11
   8. Codified Text .......................................................... 29

   9. Amendment 41 – Allocation-Based Management for Federally-Permitted Charter Vessels ........................................ 30
      10. Presentation – Overview of Tab B, Numbers 5a, 5b, and 5c ... 30
      11. Ad Hoc Red Snapper Charter/For-Hire AP Comments ............ 38
      12. Draft Amendment 41 .................................................. 38
      13. Referendum Eligibility Requirements ............................... 72

   14. Amendment 42 – Reef Fish Management for Headboat Survey Vessels .................................................. 74
      15. Presentation – Overview of Tab B, Number 6a, 6b, and 6c ... 74
      16. Referendum Eligibility Requirements ............................... 88
      17. Draft Amendment 42 .................................................. 90

   18. Drafts – State Management of Recreational Red Snapper ....... 121
      19. State Management Program Document .............................. 121
      20. Discussion of Individual State Amendments ....................... 126

   21. NMFS Response Regarding Referendum Requirements for Auctions ............................... 145
   22. Discussion of Joint SAFMC/GMFMC Management of Yellowtail Snapper ........................................ 147
   23. Discussion – For-Hire Reef Fish Permit Transfers .................. 152
   24. Grouper-Tilefish IFQ Five-Year Program Review Surveys .......... 158
   25. Other Business ........................................................ 158
   26. 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 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 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.
PAGE 94: Motion in Action 3 to make Alternative 1, no action, the preferred alternative. The motion failed on page 96.

PAGE 97: Motion in Action 4 to make Alternative 2 the preferred alternative. The motion carried on page 97.

PAGE 99: Motion in Action 5 to make Alternative 5 the preferred alternative. The motion failed on page 100.

PAGE 100: Motion in Action 7.1 to make Alternative 4 the preferred alternative. The motion carried on page 102.

PAGE 103: Motion in Action 7.2 to make Alternative 2, Option 2a the preferred alternative. The motion carried on page 103.

PAGE 104: Motion in Action 8 to make Alternative 2 the preferred alternative. The motion carried on page 104.

PAGE 105: Motion in Action 10 to add an Alternative 4 that annual allocation may be transferred by surrendering it to a NMFS allocation bank from which other program participants may obtain the allocation by: Option 4a, lottery, or Option 4b, auction. The motion carried on page 110.

PAGE 110: Motion in Action 11 to make Alternative 2 the preferred alternative. The motion carried on page 110.

PAGE 112: Motion in Action 14 to select Alternative 2, Option a as the council’s preferred alternative. The motion failed on page 117.

PAGE 118: Motion in Action 15 to make Alternative 4 the preferred alternative. The motion carried on page 118.

PAGE 130: Motion to add the full delegation alternative to the Alabama, Louisiana, and Mississippi state plans. The motion carried on page 130.

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

ADOPTION OF AGENDA
APPROVAL OF MINUTES
ACTION GUIDE AND NEXT STEPS

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

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

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

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

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

That seemed to be somewhat more difficult than what I thought it would be. I thought it would be fairly simple, but it wasn’t. Even if after we -- If we swore you all in on Monday morning, so that you could participate fully, I assumed you would automatically be on the Reef Fish Committee. That is not the
There would then have to be motions passed, and we would have to formally assign you to the Reef Fish Committee, because we actually assign specific people. It’s not just generally a committee of the whole, and, Mara, you can correct me if I say any of this wrong, and so then my question was, well, then, if I’m actually assigning our new members to committees, it seems a little strange that I only assign them to one, and should I not go ahead and just send them out the request for them to prioritize their committees and we’ll assign them to all the committees that they want, and then that led to, well, if you’re going to do that, you’re only doing that for two people and not everyone on the council, and you’re going to turn around at the next meeting and do that for -- Anyway, it got deep pretty quick, but, yes, I agree with your concern.

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

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

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

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

They would normally attend the August meeting and be in the same situation you’re in now, and then, at the August meeting, at the end of the meeting, there would be an election of Chair. We
The committee assignments would not be made until the Full Council, which means, in October, the new appointees still could not serve on committees. They wouldn’t be on committees until January, and that’s the way we used to do it. Last year, we changed it to where we would convene the council at the very beginning of the week, for the sole purpose of assigning committees, and that would normally be in October.

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

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

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

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

When the Full Council convenes and you’re sworn in, you have the opportunity to vote on every motion that’s going to come up from the committee, and I understand that it’s not the most efficient, because you can’t vote in the committee and then you’re voting at the council, but there will be that opportunity to vote as a council member on anything that the committee does at this point.
MS. BOSARGE: Thank you very much, and so noted, sir. Chairman Greene, I will turn it back over to you.

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

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

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

FINAL ACTION - FRAMEWORK ACTION - GREATER AMBERJACK FISHING YEAR AND RECREATIONAL CLOSED SEASONS
SUMMARY OF PUBLIC HEARING AND WRITTEN COMMENTS

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

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

Of those twenty written comments that we did receive through our online comment form and via email, there was a single comment that discussed Action 1, which looks at modifying the fishing year for greater amberjack, and it was support for Alternative 2, which would indeed modify the fishing year so that it would be open on August 1 through July 31 of the following year.
Of the comments that we received, the ones that were specific to
Action 2, which considers modifying the recreational fixed
closed season for greater amberjack, we heard support for
Alternative 2, which would modify the recreational fixed closed
season to be January 1 through March 31 and then again May 1
through July 31, and so that equates to an open season for the
month of April and then again at the beginning of August.

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

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

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

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

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

We heard that we couldn’t have overharvest of our quota in the
first three months of this year, and we also heard that amberjack are abundant off the states of Florida, Mississippi, Texas, and Louisiana. We heard that amberjack have very low release mortality, and we also heard support for a one to two-year moratorium on amberjack fishing entirely until the stock rebuilds.

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

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

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

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

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

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

REVIEW OF DOCUMENT

DR. JOHN FROESCHKE: Good morning. Just a brief introduction. This document discusses changes to the fishing year definition and the recreational fishing closed season. This is Framework
Action 2 of a likely three-action set, and so we recently did the framework action changing the ABCs, ACLs, and ACTs, in response to reductions required by the result of a stock assessment update.

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN GREENE: Thank you. I understand what you’re saying
now, but I just wanted to make sure that it was still on track
to be able to have this in place for the 2018 season. At least
that was the discussion that we went down last time. Ms. Guyas.

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

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

CHAIRMAN GREENE: Mr. Riechers.

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

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

CHAIRMAN GREENE: Mr. Strelcheck.

MR. ANDY STRELCHECK: Right, and so the way we’ve done it in the
South Atlantic is they were on a calendar year fishing year and
would fish from January 1 to whenever the new fishing year start
date was changed to, and so, in this instance, if you selected
September 1, then the 2018 amberjack season would be January 1
to August 31 and then a new amberjack season would begin
September 1 through August 31 of the next year. Landings would be counted that way. It would be kind of a partial season. It would be a truncated year, in order to get on a fishing year that starts on a different day other than January 1.

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

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

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

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

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

If you split a wave, you’ve got to realize that, on the schedule we’re on right now, you might not have preliminary data until well into the next year, and it’s tough to manage a fishery when your data is coming in as slow as we’re getting it, and so that’s my only concern with splitting a wave, but, having said
that, like I said originally, I think we should do what’s best for the resource and the fishermen. Thank you, sir.

CHAIRMAN GREENE: Ms. Guyas.

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

DR. FROESCHKE: I don’t believe that that information is in this document. We could certainly get it for you and provide it at Full Council.

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

CHAIRMAN GREENE: Thank you. Are there further comments? Okay, Dr. Froeschke.

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

CHAIRMAN GREENE: Ms. Bosarge.

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

DR. FROESCHKE: No, there was nothing in there that -- No, there wasn’t.

MS. BOSARGE: I guess my only concern there is we had a lot of discussion at the last meeting about the recreational sector and trying to make some changes here and bringing this document for final action so quickly, because we pretty much implemented what
we determined to be an interim measure in that last document at our last meeting, and we’re going to address it with a new document, final action, at this meeting, but I don’t think we really ran the flag up the pole to the commercial fishermen that we might that quickly also make some changes to their fishing season.

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

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

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

CHAIRMAN GREENE: Thank you. Mr. Sanchez.

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

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

DR. BONNIE PONWITH: Thank you, Mr. Chair. Just a note on the
splitting of a wave. So, it absolutely makes perfect sense to try and gauge the start of a fishing year to be as beneficial to the people that are fishing as possible. The hazards of splitting a wave, of course, is you have, for half of that wave, no directed fishing, and, for half of the wave, you have directed fishing.

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

CHAIRMAN GREENE: Thank you. Ms. Levy.

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

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

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

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

CHAIRMAN GREENE: Ms. Levy.

MS. LEVY: Thank you. Just a suggestion, and obviously you don’t have to follow it, but it seems like -- I know why this action is first, because you’re looking at modifying the fishing year, but it seems like, if you look at the seasonal closures and they accomplish what you want to accomplish without actually
shifting the fishing year for one or both of them, then it might be the easier path to take, or simpler.

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

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

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

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

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

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

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

Our best understanding of the science is that March and April is
kind of the peak of the spawning season. For various reasons, it may not be ideal to be harvesting during that period, although there is certainly a desire, from the fishery standpoint, to have a spring season, and so the open May options are trying to balance that, and that’s kind of what we came up with.

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

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

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

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

The top panel on the right would be Alternative 3, and this is
open May instead of April, and then August through the end of
the year. It’s the same idea, and in general, the estimated
harvest between Alternative 2 and Alternative 3 is quite
similar.

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

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

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

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

DR. FROESCHKE: Yes, that’s correct.

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

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

MS. SUSAN GERHART: I’m sorry. Could you repeat the question?

MS. GUYAS: If you look at landings from this year, or at least
what’s on the ACL monitoring website, we’re at 130 percent of
the quota for this year, and so that 30 percent would be paid
back next year, and so I just wanted to, I guess, make the point
that the season projections that we’re seeing here for 2018 are
probably a little more generous than we’ll be in reality.
MS. GERHART: You did, in the previous framework, reset the ACL, and, once that goes into place -- I believe, and I don’t want to say this for sure, but I believe that, because we’re setting a new ACL, I am not sure how the payback works with that, but you’re correct that this is probably more generous than it would be.

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

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

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

MR. BOYD: March and April? Okay. Thank you.

CHAIRMAN GREENE: Mr. Riechers.

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

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

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

DR. PAUL MICKLE: Thank you, Mr. Chair. Just to add more uncertainty, remember what we did a couple of years ago, and we went up on the minimum. The catch variability is so high on this species that we hit it real quick, and we were trying to keep it open longer, and we actually ended up closing it earlier, and so please understand that the variability in catch,
especially in the spring season, because of weather and the
business models of the charter, and the private as well coming
in. Weather is very dependent in the springtime in the eastern
Gulf, as it is in the western Gulf, and the catch seasons are
different eastern and western. The variability is extremely
high, and discards are not accounted for in these figures, and
we know the discards do count in other ways, when we shut things
down. Thank you.

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

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

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

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

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

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

CHAIRMAN GREENE: Okay. Is there further discussion? Mr. Riechers.

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

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

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

It looks like you’re going to get one month if we do this split season, but it’s just a question of which month, or some period of days, and we’re just splitting it on a beginning of the month opening here. We can go to the fifteenth of a month. That’s
our choice, but that’s what I’m trying to get at.

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

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

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

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

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

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

DR. FROESCHKE: Yes, and the only other thing is regarding this
third framework action. Maybe at Full Council we could discuss
the vessel bag limits and perhaps if there are any other things
-- Right now, we had talked about vessel bag limits and changes
in the commercial trip limits.

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

CHAIRMAN GREENE: Mr. Dyskow.

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

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

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

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

CHAIRMAN GREENE: Mr. Dyskow.

MR. DYSKOW: I’m sorry, and I don’t mean to beat this to death,
but, if we’re making this decision based on science, I would like to see a higher level of confidence that the science is correct and that we’re making the right decision, because there is economic factors involved here, too.

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

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

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

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

DR. FROESCHKE: No, and just, at Full Council, we’ll need to select preferreds and review the codified text, if you want to take final action.

CHAIRMAN GREENE: Madam Chair Bosarge.

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

CHAIRMAN GREENE: Ms. Guyas.

MS. GUYAS: I don’t know if this is a John question or an Andy question, but can you all talk about the tradeoffs of doing it
for recreational only versus recreational and commercial? I assume that it makes it more challenging, in terms of tracking quotas, if you’re juggling two different fishing years across those fisheries, but --

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

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

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

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

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

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

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

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

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

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

CODIFIED TEXT

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

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

(Whereupon, a brief recess was taken.)

CHAIRMAN GREENE: We are going to go ahead and get started. We’re going to pick up where we left off, which is Amendment 41, Allocation-Based Management for Federally-Permitted Charter Vessels. I am going to kick it over to Dr. Freeman at this point. They have got everything under control, and so, with
AMENDMENT 41 - ALLOCATION-BASED MANAGEMENT FOR FEDERALLY-PERMITTED CHARTER VESSELS

PRESENTATION - OVERVIEW OF TAB B, NUMBERS 5(a), 5(b), AND 5(d)

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

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

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

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

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

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

In addition, under Alternative 3, Option 3a, which examined
On that note, the AP selected as their preferred Alternative 4, which, again, uses a mix method, and, in particular, selected Option 4d, which weighted equal distribution 25 percent, passenger capacity 25 percent, and landings by region as 50 percent. Finally, with Alternative 5, distributing the charter quota by auction, the AP again moved that that alternative be Considered but Rejected.

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

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

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

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

Action 5.2 looks at reclamation of shares. Alternative 2 is reclaiming a set percentage of shares from all shareholder accounts. Alternative 3 suggests it reclaiming a progressively decreasing amount of shares from all shareholder accounts, and the AP selected as their preferred Option 3b, which was previously undefined percentages, and so they proposed Cycle 1 consisting of 50 percent reclamation, Cycle 2 with 40 percent, Cycle 3 also at 40 percent, and Cycles 4 and on being 25 percent.
Action 5.3 looks at the redistribution of those reclaimed shares. Alternative 2 suggests redistributing those reclaimed shares by share category equally among all participants that harvested species in that share category. Alternative 3 looks at redistributing those reclaimed shares proportionally among all participants based on a participant’s landings for species in a given share category. Alternative 3 was what the AP had selected as their preferred.

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

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

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

Action 9 looked at share caps, and Alternative 2 said that no participant could hold shares for a given species equaling more than the maximum amount of shares issued for that species during initial apportionment for a participant, as defined in Action 4. Alternative 3 said that no participant should hold shares for a given species which comprise more than X percent of the total charter vessel quota for that species. Alternative 3 was what the AP selected as preferred. The AP did not have a percentage to recommend to the council at this time, in this case, and they asked that staff provide additional data at a future AP meeting so that they would be better informed to decide a number.

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

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

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

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

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

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

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

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

CHAIRMAN GREENE: Ms. Levy.

MS. LEVY: Thank you. I think, at the last meeting, there was some discussion about when it was appropriate for the council to
request that NMFS initiate the referendum, and, previously, when we were talking about this and the timeline, we had looked at what was done with grouper-tilefish in Amendment 29 and kind of followed that process along, in terms of timing and when that request was appropriate.

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

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

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

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

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

CHAIRMAN GREENE: Dr. Freeman.

DR. FREEMAN: Thank you. To add one more item before we, again, open it up to discussion, I would like to add as well that, under Tab 5(d), which is the referendum eligibility requirements, and I believe it was Ms. Guyas that had initiated the motion at the last council meeting, but we have further developed Chapter 5, which is the next steps, and so more thoroughly outlining the sequence of steps for Amendment 41 and
its referendum as well as supplied a sample cover letter and
ballot in the appendices. At this point, if the council members
have any questions about any of the actions or options, please
let me know.

CHAIRMAN GREENE: Thank you. Mr. Dyskow.

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

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

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

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

CHAIRMAN GREENE: Thank you. Mr. Swindell.

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

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

The question was, with Action 6, why the AP moved to make
Alternative 1 the preferred alternative, and so the reason for that was that Action 6 applied only to an IFQ program, which was not the AP’s preferred alternative in Action 1.

CHAIRMAN GREENE: Mr. Swindell.

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

DR. FREEMAN: Can SERO answer that? Thank you.

CHAIRMAN GREENE: Andy.

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

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

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

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

Secondly, if my understanding is correct, related to SERO’s side of this, there would be, potentially, some sort of appeals process in place if there is a hardship, and, if someone wants to correct me on that, I am open to that, but I believe that was what I understood from Dr. Stephen.
CHAIRMAN GREENE: Ms. Levy.

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

CHAIRMAN GREENE: Mr. Banks.

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

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

CHAIRMAN GREENE: Thank you. Is there further discussion? Ms. Levy.

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

CHAIRMAN GREENE: Mr. Riechers.

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

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

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

DRAFT AMENDMENT 41

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

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

CHAIRMAN GREENE: Andy.

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

CHAIRMAN GREENE: Discussion? Mr. Sanchez.

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

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

DR. GREG STUNZ: We have had this discussion several times, and
I’ve been in favor of keeping this in there, just because of a wide range of alternatives and options that we have, and I don’t know what the support is around the table for that, but I think, at this point, I would prefer to see it left in there.

CHAIRMAN GREENE: Further discussion? Dr. Mickle.

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

CHAIRMAN GREENE: Mr. Riechers.

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

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

CHAIRMAN GREENE: Mr. Riechers.

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

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

DR. FREEMAN: If we can move forward to Action 2, Action 2 looks at the species for inclusion in the charter/for-hire management program. The council had previously selected their preferred alternative is Alternative 2, as well as Options 2a, 2b, and 2c. The AP also selected those same options as their preferreds, and so, before I move forward, are there any comments? Yes, Mr. Boyd.
MR. BOYD: Would you do something for me? I don’t know if everybody else needs it, but, when you move to different sections, would you give us the page number you’re on, because this is a large document, and it would be easier to go to a page rather than scroll through. Thank you.

DR. FREEMAN: Certainly.

CHAIRMAN GREENE: Mr. Anson.

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

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

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

MR. DIAZ: I think I know a little -- I am trying to figure out Kevin’s comment a little bit, but we’re working through this document, and we’re trying to figure out how to divide these up amongst the fishermen, and we’ve got this cyclical redistribution, and I believe we pulled gag and red grouper out because folks in the eastern Gulf felt like those are mostly landed and caught in the eastern Gulf, and they didn’t want to have to go through the trouble of -- Maybe “trouble” is not the right word, but, if we implemented this plan, they would be having to lease fish from people that get them that don’t catch them, and then we’ve got this cyclical redistribution, where we would go through and we would take them away, eventually, from people that get them and don’t catch them, and they would end up where they’re supposed to be, but it’s a long process.
Anyway, help me with this, because I’m trying to think through it, but I think gray triggerfish is almost the same thing. I think it’s mostly landed and caught in the northern Gulf, and it’s going to have this long process to get gray triggerfish to the areas where they are most prevalent and most landed now, but maybe I am wrong about that, and so, anyway, do you have any comment about that?

CHAIRMAN GREENE: Mr. Anson.

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

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

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

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

CHAIRMAN GREENE: Ms. Guyas.

MS. GUYAS: I think it’s a little bit more than just the fact that these shares would be spread across the Gulf. We have
heard, or at least I have heard, strongly from Florida captains, particularly in central Florida, that they’re not really sure what problem would be fixed with the groupers here.

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

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

CHAIRMAN GREENE: Mr. Boyd.

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

CHAIRMAN GREENE: Is there further discussion? Seeing no further discussion, Dr. Freeman.

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

CHAIRMAN GREENE: Mr. Sanchez.
MR. SANCHEZ:  Thank you, Mr. Chairman.  I would make a motion that we adopt the advisory panel’s preferred of Alternative 5 for Action 3 as the council’s preferred.

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

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

CHAIRMAN GREENE:  Ms. Levy.

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

CHAIRMAN GREENE:  Mr. Boyd.

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

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

I would assume that this allocation decision would only apply to the species that you pick to put in this program.  I mean, if that’s correct, then I would want to make that pretty clear,
because then gag and red grouper -- They’re in this table, because there are options to put them in there, but, to me, it wouldn’t apply unless you specifically are saying we still want to allocate, even though we haven’t put them in this program.

CHAIRMAN GREENE: Mr. Boyd.

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

CHAIRMAN GREENE: Ms. Levy.

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

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

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

EXECUTIVE DIRECTOR GREGORY: Three.

CHAIRMAN GREENE: All those opposed, like sign.

EXECUTIVE DIRECTOR GREGORY: Eight. The motion fails three to eight.

CHAIRMAN GREENE: Mr. Anson.

MR. ANSON: I want to get a little bit more clarification on what Mara just said then regarding the analysis. I mean, picking up on what Doug had said, for the last attempt the council made on reallocation, it was a stand-alone document, essentially, and it was rather lengthy, and we had lots of discussion.
I am just trying to get a sense of -- You say that this isn’t final, in your mind, and I guess it goes back to just because we haven’t picked preferreds and that, therefore, we can’t send it as final, because we don’t have preferreds yet, or is your statement relative to the document not being ready then to get it more in shape and have more discussion that we had, similar to the red snapper reallocation amendment, Amendment 28? I am trying to get a better sense as to what your comment is leading us to, or attempting to lead us to.

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

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

CHAIRMAN GREENE: Ms. Guyas.

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

CHAIRMAN GREENE: Dr. Freeman.

DR. FREEMAN: Thank you for that comment, Ms. Guyas. Action 2, if you remember, does address the species for inclusion, and so I understand your comment, but I think it would be clarified by that point, what species are included, and so the other ones are
listed simply for reference for the other options being considered.

CHAIRMAN GREENE: Thank you. Mr. Sanchez, did you have your hand up?

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

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

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

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

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

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

In this case, the AP moved to Considered but Rejected Alternative 2, which uses the tiers of passenger capacity, again because it was simply using one metric. Alternative 3, Option
3a, for that same reason, and I will note that they did retain Option 3b, because that was the time series used in Amendment 40, and so they didn’t want to remove that just yet.

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

CHAIRMAN GREENE: Thank you. Is there discussion? Seeing no discussion -- Andy Strelcheck.

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

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

CHAIRMAN GREENE: Is there further discussion? Okay, Dr. Freeman.

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

The AP, again, as a reminder, had selected as their preferred a new option, in this case Option 3d, where Cycles 1 and 2 each consisted of one year, as well as Cycle 3. Cycle 4 then expanded to a two-year period, and Cycles 5 and forward each lasted three years, and, again, the rationale there was that would provide for four cycles of adaptive management prior to a program review. Again, the council has selected a preferred in
this case, but, if there’s any discussion or questions, please let me know.

CHAIRMAN GREENE: Is there discussion? Andy Strelcheck.

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

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

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

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

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

DR. FREEMAN: That is correct.

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

MR. STRELCHECK: That’s correct.

DR. FREEMAN: Staff, could I address that? At the very end, where it says, “under Alternative 3”, it would be “as Option 3c”.

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

MR. STRELCHECK: Yes.

CHAIRMAN GREENE: Mr. Sanchez, are you comfortable with that?
All right. Is there further discussion? Is there any opposition to the motion on the floor before you? A question from Mr. Boyd.

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

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

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

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

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

CHAIRMAN GREENE: Mr. Banks.

MR. BANKS: You all know my concern about the hardship situation, and Ms. Levy made a good suggestion about one thing to consider would be a smaller percentage at the very beginning, and I think that we should all consider that. Think about the person who is under a hardship on that year one, and, all of a sudden, he’s lost 50 percent of his ability to make a living, and I think that’s pretty tough.
I would like to add an option for us to at least consider, and that’s Cycle 1 and 2 to only be 10 percent, and then we could go to maybe a 40 percent in 3-plus. I would like to make that in the form of a motion, if I can get a second.

MR. SWINDELL: I will second it.

MR. BANKS: Thank you.

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

MR. BANKS: Yes. Thank you.

CHAIRMAN GREENE: It was seconded by Mr. Swindell. Is there discussion?

DR. FREEMAN: If you don’t mind, could we clarify what the future cycles would be, that percentage?

MR. BANKS: If it’s okay with the seconder, I will add Cycle 3-plus to be 40 percent.

CHAIRMAN GREENE: Okay. Mr. Banks, are you good with that? The seconder, Mr. Swindell, you’re fine with that? Okay. Is there further discussion? Dr. Mickle.

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

CHAIRMAN GREENE: Mr. Banks.

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

Instead of trying to make that definition, as she suggested, we just don’t make it so drastic of a cut to a person who has no landings in year one and year two, for whatever the reason would
be. Maybe it isn’t a hardship. Maybe it’s just because they chose not to fish, but, if it is a hardship, at least they’re only losing a very small portion in those first couple of years.

CHAIRMAN GREENE: Ms. Gerhart.

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

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

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

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

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

CHAIRMAN GREENE: Mr. Sanchez.

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

MR. STEBER: That is correct.

CHAIRMAN GREENE: Mr. Banks.

MR. BANKS: Just a quick question on that, and just put yourself in the position of something happening in your family, or you’re taking care of a family member or you get sick and you can’t fish one year. Then all of a sudden, you lose -- Before the
next year, you lose 50 percent of your portion or your quota or whatever we end up calling it.

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

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

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

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

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

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

MR DIAZ: I agree with a lot of what Patrick said, and I do think we’ve got to have some mechanism to deal with hardships, but, for the other reasons that’s been discussed, I think this might be more problematic to the fleet as a whole, the big group of people, but I agree with you 100 percent, Patrick, that we have to have a mechanism for somebody that has an unforeseen circumstance, and there has to be a set of criteria of what those are and somebody to judge if they met the criteria, and we probably just have to set that up.
I have dealt with hardship stuff before, and it’s difficult to deal with, and it’s better if you’ve got good procedures and an unbiased way to review those procedures, but they’re difficult issues to deal with. Thank you.

CHAIRMAN GREENE: Ms. Bosarge.

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

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

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

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

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

If, perhaps, someone had a hardship where it doesn’t necessarily mean that they didn’t fish for the entire year, but perhaps for part of the year, then they would still have landings to show, and so, as a result of the landings that they were able to make, some of that percentage would then come back to them. If there is any questions, I am happy to explain that a little bit further.
CHAIRMAN GREENE: Mr. Diaz.

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

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

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

CHAIRMAN GREENE: All right. Thank you. Is there further discussion? Ms. Bosarge.

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

Okay, you have a hurricane one year, and maybe that causes you some problems for a few months, or less, but then, the next two years, you’re okay. The percentages are typically smaller that are reclaimed in most of our alternatives for the later years.
This would be a temporary program that NMFS would have to run if we went that route, rather than trying to do it with these percentages, because I do see where there’s an issue if you put these percentages off until the later years of the cycle.

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

CHAIRMAN GREENE: Mr. Sanchez.

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

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

CHAIRMAN GREENE: Dr. Mickle.

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

There is two situations that this motion is trying to address, or this action, and that’s the problem that I have with it, and
I think it’s -- This has the ability to redistribute regionally the allocation, and that’s a dangerous thing.

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

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

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

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

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

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

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

MR. BOYD: Thank you.

CHAIRMAN GREENE: Mr. Strelcheck.

MR. STRELCHECK: I just wanted to make note that NOAA does have an appeals process. We have used it for initial distribution of allocation and shares for IFQ programs, and we’re looking at that process, to see if it would also apply for a cyclical redistribution as well, to see if it could fit within that, and
we’ll try to bring more information back at Full Council or later during this committee meeting.

CHAIRMAN GREENE: Thank you. Mr. Anson.

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

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

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

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

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

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

DR. FREEMAN: Thank you. We’ll move forward to Action 5.3, which is on page 60, looking at the redistribution of reclaimed shares. Again, the council has not yet selected a preferred alternative here. The AP selected, as their preferred, Alternative 3, which says that those reclaimed shares would then be redistributed by share category, and so, in essence, by species, proportionally among all participants that harvested species in that share category.
Again, the AP’s rationale, in comparison to Alternative 2, where the shares would be redistributed equally among all participants, is that only individuals who are actually having landings in that given cycle should, in essence, be receiving redistributed shares. I will open that to any discussion.

CHAIRMAN GREENE: Is there discussion? Mr. Sanchez.

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

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

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

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

DR. FREEMAN: I’m sorry. Could you repeat that?

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

DR. FREEMAN: Correct.

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

DR. FREEMAN: I was just going to say 3b has -- Do you want to replace that? For staff, we’re in Action 5.2, and so we are in Alternative 3, and I will allow for some wordsmithing here, but to adopt the AP-Preferred Option 3b into the amendment. You will need to refer actually to the AP summary, because they had a different Option 3b, where those percentages were actually written in. It’s for Alternative 3, Option 3b.
CHAIRMAN GREENE: Andy, is the motion on the board correct as written?

MR. STRELCHECK: Yes, and so just to clarify that it would be replacing the existing Option 3b in the amendment.

CHAIRMAN GREENE: Just to be absolutely sure, Andy, is this correct as written?

MR. STRELCHECK: Correct.

CHAIRMAN GREENE: The seconder, John Sanchez, agrees. All right. Is there further discussion about the motion? Seeing no further discussion, is there any opposition to the motion on the floor before you? Seeing none, the motion carries. Dr. Freeman.

DR. FREEMAN: I will give staff one moment, and then we’ll move forward to Action 6. Again, Action 6 is found on page 62 of the document. Action 6 addresses transferability of shares. The council does not currently have a preferred alternative here. The AP selected Alternative 1 as their preferred, which would not allow for the transfer of shares.

The rationale for the AP in that choice is that Action 6 is specifically addressing the transferability of shares in an IFQ program, and the AP had previously selected a PFQ program as their preferred, and so, again, it’s sort of readdressing their preferred away from an IFQ program and towards a PFQ program.

CHAIRMAN GREENE: Okay. Thank you. Is there discussion on Action 6? Mr. Sanchez.

MR. SANCHEZ: Motion to select, in Action 6, Alternative 1 as the council preferred.

CHAIRMAN GREENE: We have a motion in Action 6 to make Alternative 1 the preferred. Is there a second for this motion? It’s seconded by Dr. Frazer. Is there discussion? Mr. Anson.

MR. ANSON: I am in favor of the motion, but I just was wondering, administratively, if it would be better if we just removed it to Considered but Rejected in the document. Would that be appropriate or requested from staff?

DR. FREEMAN: At this point, since the council has not removed the IFQ program from the document, we should leave it in place, for the time being.
CHAIRMAN GREENE: Okay. Thank you. Is there further discussion? Seeing no further discussion, is there any opposition to the motion on the floor before you? Seeing none, the motion carries. Dr. Freeman.

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

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

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

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

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

CHAIRMAN GREENE: Ms. Levy.

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

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

DR. FREEMAN: Moving forward, we will next look at Action 8, which is located on page 65. Action 8 addresses transferability of annual allocation. The council has not yet selected a
preferred alternative. The AP preferred was for Alternative 2, saying that an account must have a charter/headboat permit for reef fish in order to receive transferred allocation, and, again, the annual allocation can only be transferred to U.S. citizens or permanent residents. I will open that to any questions or discussion.

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

MR. SANCHEZ: Here we go again. Action 8, transferability of annual allocation, that the council select Alternative 2, the AP’s preferred, as the preferred council alternative.

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

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

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

CHAIRMAN GREENE: Thank you. Is there further discussion?

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

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

DR. FREEMAN: One item to consider, and, Ms. Gerhart, if I misspeak, please correct me, but the AP was open to the idea of transferring allocation, because, in addition to using the adaptive management, tied into that, based off of landings, that helps determine who those reclaimed shares are redistributed to, and so if, for instance, you had someone active in the industry that had allocation transferred to them from someone else, the person who has allocation at that point and has those landings tied to their account would be the one who is recognized as having landings for anything redistributed, and so it could kind
of speed up any correction of that initial distribution as well as assist any new entrants that could purchase allocation and then again be recognized for any landings for a given cycle, and so I just wanted to clarify that.

CHAIRMAN GREENE: Mr. Riechers.

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

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

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

CHAIRMAN GREENE: Ms. Gerhart.

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

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

Then the next year, when we go through the next cycle, that would be credited to the person who got the allocation, and so
they could get back to where they need to be by leasing allocation from someone else.

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

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

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

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

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

**MS. BOSARGE:** To me, there is almost a bigger issue, and so, if you don’t allow the transfer of allocation, essentially what we’re saying is you’re not allowing leasing to occur, and, if you have a fisherman that can’t go fishing, then, essentially, you are restricting the landings of fish that go out to the U.S. consumer, and so it’s very -- To the angling public consumer, right? I think you’re kind of putting a restriction there. You are restricting access of those anglers that get to the fish in that method, and I think that’s kind of inefficient.
CHAIRMAN GREENE: Okay. Thank you. Is there further discussion? Mr. Boyd.

MR. BOYD: Based on the discussion, I would like to withdraw my motion, if the seconder will agree, and then I have another motion.

CHAIRMAN GREENE: Thank you. The seconder agrees. Mr. Boyd.

MR. BOYD: I would like to make a substitute motion to the one that’s on the board to make Alternative 4, Option b, the preferred.

CHAIRMAN GREENE: We have a motion going up on the board, and I’m sure she will get the text of it here in a second. Motion in Action 8 to select Alternative 4, Option 4b, as the preferred. Is there a second for this motion? Seconded by Mr. Matens. Is there discussion? Dr. Mickle.

DR. MICKLE: Thank you, Mr. Chair. Just could we have a little bit of information on why the AP chose Alternative 2 as their justification? I am really torn, because these alternatives restrict growth as well. You are restricting loss, sometimes, but you’re also restricting growth, when people are trying to build, and so I would just like to hear about the AP’s justification on Alternative 2 being their chosen preferred. Thank you.

CHAIRMAN GREENE: Dr. Freeman.

DR. FREEMAN: Certainly, and I will address it initially, and, if Mr. Steber would like to add anything, I would like to encourage him as well. The AP’s initial thought for their preferred with Alternative 2 is that the sole restriction, for the most part here, is that an account simply has a permit, and so their understanding is that, really, you should be a permit holder if you’re in the industry and having allocation. If Mr. Steber has anything to add to that, but that was my main understanding here.

CHAIRMAN GREENE: Mr. Steber is nodding that that is correct. Mr. Anson.

MR. ANSON: I know it wasn’t the preferred in the AP, but it is interesting, and it’s something that, at least for the commercial industry, I’ve been somewhat supportive of including in the scoping document, at least, at this point for discussion purposes, and I have another thing that I also wanted to say.
when I raised my hand earlier, but I will wait until this motion is done.

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

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

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

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

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

If someone historically had been landing much more, there would be no way for them to increase that percentage. For that reason, the AP selected Alternative 3 as their preferred. However, they did not have a recommendation at this point for a specific percentage, and they requested additional data from
council staff and from SERO. I will open that to any discussion or questions.

CHAIRMAN GREENE: Okay. Thank you. Is there further discussion? Seeing no further discussion, Dr. Freeman. Ms. Bosarge.

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

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

CHAIRMAN GREENE: Mr. Sanchez.

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

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

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

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

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

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

CHAIRMAN GREENE: While she’s getting that up on the board, is there a second for this motion? It’s seconded by Dr. Frazer. Is there discussion? Ms. Levy.
MS. LEVY: Is the intent to also replace the X with 25 percent? I guess my question would be why 25 percent? I know we have one alternative that has a percentage, but it seems like there may be other relevant percentages. I don’t know. I don’t know anything about why 25 percent and what they talked about.

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

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

CHAIRMAN GREENE: Dr. Freeman.

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

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

MR. SWINDELL: The 25 percent being 25 percent of what?

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

CHAIRMAN GREENE: Mr. Anson.

MR. ANSON: So is this -- It seems to me that share caps would kind of be what you would want to set the target to, as far as a
maximum allowable per vessel or per permit, and this just -- Action 10 adds another maximum, and so why couldn’t that be accomplished with just one action?

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

CHAIRMAN GREENE: Andy.

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

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

CHAIRMAN GREENE: Ms. Guyas.

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

CHAIRMAN GREENE: Thank you. Mr. Sanchez.

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

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

DR. FREEMAN: Thank you. Moving forward, we’ll now look at the referendum -- I apologize. I got ahead of myself. We still have Action 10.2, the cap on usage of allocation for harvest tags. Again, there was not a council preferred at this time, and the AP moved that the entirety of Action 10.2 be moved to
Considered but Rejected, again reflecting their earlier preference for harvest tag programs being moved to Considered but Rejected.

CHAIRMAN GREENE: Thank you. Is there discussion? Mr. Strelcheck.

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

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

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

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

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

CHAIRMAN GREENE: Mr. Anson.

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

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

CHAIRMAN GREENE: Ms. Bosarge.
MS. BOSARGE: So you’re just talking about like sort of like when we have a joint amendment with the South Atlantic and we notate that this is the Gulf preferred and this is the South Atlantic preferred and things like that, out to the side.

DR. FREEMAN: Yes, ma’am.

MS. BOSARGE: Okay.

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

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

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

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

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

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

CHAIRMAN GREENE: Dr. Freeman.

DR. FREEMAN: I just wanted clarification on the committee’s thoughts before we moved forward.

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

CHAIRMAN GREENE: All those opposed, like sign.

EXECUTIVE DIRECTOR GREGORY: Eight. The motion fails five to eight.

DR. FREEMAN: Again, to address Mr. Riechers’ comment, as a reminder for everyone, the AP reports are included in an appendix at the end of the amendment, and so they will be still documented. At this point, we can look -- We have another question.

MR. STRELCHECK: In reviewing 41 and 42, I noted that there’s a couple of actions in 42 that are not in 41, and I’m wondering if we need to add actions for cost recovery as well as quota adjustments. It seems like those would both be appropriate and relevant for 41.

CHAIRMAN GREENE: Ms. Bosarge.

MS. BOSARGE: Andy, I agree with you, but I think, since we’re going to add some action items into a document, would you mind making that in the form of a motion, please, sir?

MR. STRELCHECK: Request staff include actions for cost recovery and quota adjustments in Amendment 41.

CHAIRMAN GREENE: Thank you. We have a motion on the floor. Is there a second for this motion? It’s seconded by Mr. Anson. Is there discussion? Seeing no discussion, is there any opposition to the motion on the floor before you? Seeing no opposition, the motion carries. Dr. Freeman.

DR. FREEMAN: I will hesitate this time. Is there any more discussion on Amendment 41 before we go to referendum eligibility requirements?

CHAIRMAN GREENE: Dr. Shipp.

DR. BOB SHIPP: Just for the record, I object to having been excluded from making motions or voting on the various actions, just for the record.

CHAIRMAN GREENE: Okay. Thank you. Anything else on Amendment 41 before we go into referendum eligibility requirements? Okay,
Dr. Freeman.

REFERENDUM ELIGIBILITY REQUIREMENTS

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

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

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

CHAIRMAN GREENE: Thank you. Is there committee discussion? Mr. Banks.

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

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

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

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

DR. FREEMAN: You’re asking outside of the AP report do I have any, or within the AP report?
MR. ANSON: Yes, and if there’s anything that you could shed some light on that’s not in the AP report that would be related to this particular issue.

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

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

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

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

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

The other thing that I talked to one of the other council members about earlier is usually I try and get a feel for people’s schedules for the last day of the meeting, and so, if either of you, because maybe you’re not used to me doing that, if either of you have a flight out -- Surely Dr. Shipp probably doesn’t, because you’re probably driving, but, Mr. Dyskow, if you have a flight out, I try and look at our schedule and make
sure that we get the heavy lifts done before anybody’s flight may preclude them from being part of that discussion.

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

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

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October 3, 2017

WEDNESDAY AFTERNOON SESSION

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

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

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

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

Some of the preferreds were selected during a previous meeting, but, in some instances, they did revise their preferred, and so we have the current, if you would, preferred set of alternatives that they have selected. At the tail-end of this, we will also look at the referendum eligibility criteria, and, finally, some other business items that they discussed.
In terms of Action 1, which deals with the type of management program for essentially the headboat survey vessels, the AP selected Alternative 2. In a sense, their preference is for the establishment of an IFQ, an individual fishing quota, program.

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

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

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

The three alternatives considered here would -- We have the no action alternative, and the other two alternatives would establish an endorsement or split the permit. The AP’s preferred alternative is to establish an endorsement, and so, essentially, all of the headboat survey vessels would then receive an endorsement to their permit that would identify them as such.

In red, at the bottom of the slide, we have added some text, which the AP recommended, to make clear that participating in this program does not in any way limit their ability to fish for other reef fish species and, for that matter, for other legally-available species, and so that is the little text highlighted in red at the bottom of the slide, and this is just to clarify the intent, saying that the establishment of the endorsement would not prevent vessels from fishing for other legally-available species. This text is also added at the bottom of Alternative
3, for consistency, but, again, their preferred alternative would be the endorsement.

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

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

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

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

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

CHAIRMAN GREENE: Mr. Riechers.

MR. RIECHERS: Assane, this was something that came up at the last meeting, regarding the history that we have on the headboats, the Beaufort Headboat Survey, and there was some period of time, as I am recalling, that it was suggested that we
couldn't go further back than X date, because the logbooks didn’t capture it or the data now didn’t capture what the logbooks captured, and could I just get a little more explanation of that? I remember flagging that at the last meeting, and that was somewhat new to me at the time. It may have been discussed in past meetings, but I just had not heard that before.

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

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

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

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

MR. STRELCHECK: I will just add that, I believe prior to 2004, there is higher levels of non-reporting error and estimation that is occurring with some of those headboat vessels, and so that’s why the more recent time period is being used, is that
there is much greater compliance with reporting from 2004 forward.

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

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

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

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

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

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

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

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

**CHAIRMAN GREENE:** Mr. Anson.
MR. ANSON: Assane, looking at the Headboat AP summary, that action is -- There is no discussion or anything, and was that previously discussed at a prior AP meeting? If it was, could you describe some of that discussion, related to this action?

DR. DIAGNE: Yes, Mr. Anson. If you recall, the Headboat AP has had the opportunity to meet, and I guess this was last year, and select preferreds, and that AP summary is an appendix in the Amendment 42, and, their discussion, the gist of it is the fact that, given the way that they fish and the number of customers that they have on the vessel, reporting by weight would be very cumbersome, and so, essentially, they indicated that reporting by fish would streamline the process.

CHAIRMAN GREENE: Mr. Boyd.

MR. BOYD: Thank you, Mr. Chairman. I understand the reason for counting in numbers of fish, but my question would be who would be establishing the equivalency to convert that back to pounds?

DR. DIAGNE: That’s a great point, and, obviously, there are differences in weight across the Gulf, as you move from one point to another, and the discussion that we had is that, essentially, average weights by regions will be determined, and those would be used for the conversion that you are talking about.

MR. BOYD: Who would do that?

DR. DIAGNE: The administration of the program, and, by that, I mean NMFS, National Marine Fisheries Service.

MR. BOYD: Okay. Thank you.

CHAIRMAN GREENE: Ms. Gerhart.

MS. GERHART: I’m not sure if this was mentioned yet, but this how the Headboat Collaborative worked. The quota was distributed in pounds, because that’s how the quota is set, but, because they’re landed in fish, that conversion was done, and the weights were updated periodically to be up-to-date. How often that would happen, we would still have to work that out, but they would be updated for each region.

CHAIRMAN GREENE: Thank you. Is there further discussion? Dr. Diagne.
DR. DIAGNE: Thank you. The next action in this amendment would be Action 2, which is split into two sub-actions. The first one looks at the time period to be used for the initial apportionment of shares. Here, in this action, some of the points we just discussed, following Mr. Riechers’ question, are reflected in the fact that the time series used here are all, essentially, 2011 and forward.

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

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

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

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

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

The next action, Action 8, deals with the transferability of IFQ shares. We have a no action alternative, which would not allow for the transfer of shares, and we have several other alternatives, but the AP’s preferred alternative is Alternative
2, which would require a valid reef fish for-hire permit with the endorsement or the permit, whichever would be established under Action 4, to receive shares via transfers. The last part of this sentence here is a reminder that shares can only be transferred to U.S. citizens or permanent resident aliens.

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

CHAIRMAN GREENE: Hang on, Assane. Mr. Boyd.

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

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

CHAIRMAN GREENE: Thank you, Dr. Diagne.

DR. DIAGNE: Thank you. Now on to what is needed for one to maintain the shares. There are several alternatives here, and I will go directly to the AP’s preferred. Alternative 2 is, essentially, to hold shares, this amendment would require a reef fish for-hire permit with the endorsement or the permit, whichever is established in Action 4, and that is the AP preferred, and so, under this preferred alternative, it would not be possible for one to receive their shares and then turn around and essentially sell their permits, if you would, and
maintain those shares. One would have to maintain possession of a valid permit with an endorsement or the other permit, depending on which one is established in Action 4.

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

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

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

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

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

Action 12 deals with allocation caps. The preferred alternative selected by the AP would be that, at any point in time, a person’s total holdings, from all of the accounts that that person is involved in, cannot be more than the maximum holdings attributed to a person, as determined in Action 11, and so, essentially, the poundage corresponding to the share cap for each species would become the allocation cap for that particular species. That is the AP’s preferred alternative, and Alternative 3 here mirrors the Alternative 3 in the share caps,
in the sense that it looks at the cap across all species categories.

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

CHAIRMAN GREENE: Mr. Anson.

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

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

CHAIRMAN GREENE: Mr. Anson.

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

MS. GERHART: Amendment 36A had this for the commercial sector, or the commercial IFQ programs, and there were -- I believe it was set up as options for different month periods when, if we hadn’t done what we thought we were going to do by then, it would be released, and I think that we could probably add those in here, if you wanted to and made a motion to do so.

CHAIRMAN GREENE: Is there further discussion? Mr. Anson.

MR. ANSON: Well, I guess I will throw the motion out there then, that we include different time periods for which the RA should redistribute the remaining allocation in those years that any of the initial allocation is withheld, as described in 36A, or something along those lines.

CHAIRMAN GREENE: Ms. Levy.

MS. LEVY: If you were looking for wording, I could tell you what it says in 36A in the -- It says that the withheld annual allocation will be distributed to shareholders if the effective date of the final rule implementing the quota reduction has not occurred by -- Then there were two options of June 1 and August 1.

MR. ANSON: That would be fine, to specifically include those two dates in the motion. Can you reread that, Mara?

MS. LEVY: You could say that withheld annual allocation will be distributed to shareholders if the effective date of the final rule implementing the quota reduction has not occurred by -- Option a was June 1, and Option b was August 1. You could put whatever options you want in there, but that’s just what was in 36A, is June 1 and August 1.

MR. ANSON: Mara, I think there is something missing after “implementing the”. I think it’s missing “the rule”. Can you reread what was in the 36A?

MS. LEVY: Withheld annual allocation will be distributed to shareholders if the effective date of the final rule implementing the quota reduction has not occurred by --

MR. ANSON: Yes, and I think we might need the “by”, and then Option a is June 1, and then Option b is August 1.
CHAIRMAN GREENE: I think the motion is correct. Are you confident with that, Kevin?

MR. ANSON: Yes.

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN GREENE: Mr. Strelcheck.

MR. STRELCHECK: Assane, for the set-aside, is this envisioned as a reoccurring set-aside from one year to the next or simply from the start of the program that may have either not had the catch history, based on the control date, or has limited amounts
of landings, and would they be considered new entrants at that point, if they were recent to the program?

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

CHAIRMAN GREENE: Mr. Anson.

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

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

CHAIRMAN GREENE: Thank you. Any further discussion? Dr. Frazer.

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

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

CHAIRMAN GREENE: Further discussion? Mr. Swindell.

MR. SWINDELL: Assane, in Action 14, Alternative 2, the AP preferred is to have some way of paying for cost recovery fees.
What is cost? Has a cost been defined somewhere, as to what cost are we talking about, and how is it defined?

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

CHAIRMAN GREENE: Further discussion? Okay, Dr. Diagne.

REFERENDUM ELIGIBILITY REQUIREMENTS

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

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

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

I will skip the preferred alternative and come back to it in a minute, so that I can share with you the table which shows the number of eligible voters as well as the percentage of the landings they would represent and, relatively, the percentage of the voting pool.
Your preferred alternative, which is Preferred Alternative 2, which is also the AP’s preferred alternative, would set a threshold of 100 fish as an annual average for each one of the years.

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

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

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

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

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

After that, we have, between the proposed rule package and the final rule, many steps that NMFS will take, but I didn’t include those in the slides. They are in the text of this section.
Finally, after the referendum is conducted, should the program be approved, the council can then take final action on the amendment and submit it to the Secretary. Once the council transmits the final amendment, again NMFS has several steps to take, between that and publishing a proposed rule and then a final rule. When all of that is completed, then the program can be implemented, based on your recommendation as a council.

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

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

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

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

CHAIRMAN GREENE: Ms. Bosarge.

DRAFT AMENDMENT 42

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

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

Assane.

DR. DIAGNE: Thank you. Let’s go and review the actions. Let
us start with Action 1, which, for those of you following this
on your computer, it would be on PDF page 11. Action 1 looks at
the type of management program to be implemented, and,
 essentially, there is a choice between an IFQ and a PFQ, and the
AP’s preferred is an IFQ program.

CHAIRMAN GREENE: Mr. Banks.

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

CHAIRMAN GREENE: Mr. Gregory.

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

CHAIRMAN GREENE: Ms. Bosarge.

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

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

CHAIRMAN GREENE: Mr. Banks.

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

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

CHAIRMAN GREENE: Mr. Boyd.

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

CHAIRMAN GREENE: Mr. Sanchez.

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

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

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

CHAIRMAN GREENE: Mr. Strelcheck.

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

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

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

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

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

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

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

CHAIRMAN GREENE: One moment, please. Mr. Boyd.

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

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

MR. BOYD: Thank you.

CHAIRMAN GREENE: Is there further discussion? Dr. Diagne.

DR. DIAGNE: Let us then discuss Action 3, which begins on page 93.
This action looks at the participation at the onset of the program, and it would allow some eligible headboat operators to opt out of this program. The AP’s preferred alternative, as it stands, is the no action alternative, which essentially would include all of the eligible landing history vessels, or headboats, if you would, in this program. That would be the no action alternative, Alternative 1.

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

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

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

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

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

MR. STRELCHECK: A couple of thoughts. We are mandated to do a referendum, and so that’s an opportunity, obviously, for the industry to weigh-in on support for the program, and so, to me, we’re leaving it in the industry’s hands, based on the voting criteria, and most of them will be eligible to vote, and so it speaks in favor of not having an opt-out at that point. I think an opt-out, from a management standpoint, could also be very administratively burdensome, and it’s uncertain how many vessels may be opting out and how many are going to opt out from one year to the next. It complicates management, from a different enforcement of regulations from one set of vessels versus the other set of vessels, and so I speak in support of the alternative.

CHAIRMAN GREENE: Is there further discussion? Mr. Anson.

MR. ANSON: Andy, tell me how that would be an enforcement problem from one set of vessels to another set of vessels. It
would just have a reef fish permit, and it would either have this LHV designation or not, if they opted out, and can you describe that a little more?

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

CHAIRMAN GREENE: Ms. Guyas.

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

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

CHAIRMAN GREENE: Mr. Boyd.

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

MR. STRELCHECK: If they’re not in the headboat survey, then they would be part of the for-hire charter sector.

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

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

CHAIRMAN GREENE: Ms. Guyas.

MS. GUYAS: I don’t really have a dog in the fight for this action, but I feel like we’re going to be in this position anyway, at least with like state versus federal headboats, and charter boats, because there are some big ones, and law
enforcement doesn’t know who is in the headboat survey and who is not. The endorsement will be what they’re checking for, and so it’s just some things to think about, I guess.

CHAIRMAN GREENE: Ms. Gerhart.

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

CHAIRMAN GREENE: Mr. Anson.

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

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

EXECUTIVE DIRECTOR GREGORY: Two.

CHAIRMAN GREENE: All those opposed, like sign.

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

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

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

CHAIRMAN GREENE: Would they take their historical catch with them into that sector?
MS. GERHART: Later on, there is an action where we talk about that, and that’s one of the alternatives.

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

DR. DIAGNE: Thank you. Action 4 begins on page 19, PDF page 19, and this deals with the endorsement to the permit or a different permit, whichever way the council may choose to go here. Alternative 2 would establish an endorsement to the permit, the current federal for-hire permit, and Alternative 3 would establish, essentially, a separate permit for landing history vessels.

CHAIRMAN GREENE: Okay. Is there discussion? Mr. Sanchez.

MR. SANCHEZ: Seeing that we haven’t picked a preferred on this, I would move that, we use, in 2.4, Action 4, Alternative 2 as the council’s preferred.

CHAIRMAN GREENE: We have a motion on the floor that, in Action 4, to make Alternative 2 the preferred. She’s getting the rest of it up on the board. Is there a second for this motion? It’s seconded by Dr. Frazer. Is there discussion? Seeing no discussion, is there any opposition to the motion on the floor before you? Seeing none, the motion carries. Dr. Diagne.

DR. DIAGNE: Thank you. Action 5 begins on page 20, and it deals with the allocation of the annual catch limit to this program, essentially, the program and the Amendment 42. We have several alternatives, with several time series, but we’ll just go to the next page, if you would, under Alternative 5, which is the Headboat AP’s preferred, as well as the Charter AP’s preferred.

Here, essentially, it will be 50 percent based on the long time series and another 50 based on 1986 to 2013, excluding 2010, and, as you recall, this is the preferred alternative in Amendment 40. The percentages allocated to this program for each one of these species would be 14.5 percent for red snapper, and that’s the high over there, and then the lowest one would be for red grouper, for which they would receive 3.9 percent.

Before I guess I stop for questions or potential discussions, Alternative 6, I believe, is what Ms. Gerhart just mentioned, because this provides for subtracting the allocation for those vessels that may opt out and then have them, if you would, move...
with their share of the ACL.

CHAIRMAN GREENE: Mr. Diaz.

MR. DIAZ: Dr. Diagne, just a point of clarification. It seems like, under Alternative 5, when you’ve got it in parentheses where it says, “preferred alternative from Amendment 40”, that really probably should say “for red snapper only”, because I don’t think we took these other -- I know these other species were not addressed there.

DR. DIAGNE: Yes, that is a good point. Of course, Amendment 40 dealt with a single species, and that was red snapper, but this was just referring to the time series, but we will make sure the next iteration of this document would actually remove that and perhaps put it in the discussion, that this is the time series that was selected in Amendment 40. Thank you.

CHAIRMAN GREENE: Mr. Sanchez.

MR. SANCHEZ: I have a question. Maybe I am getting a little weary here or what have you, but it seemed to me that the Headboat AP was more partial to Alternative 4, Option a, as a preferred, yet I’m seeing references to 5, from I guess a prior date, if you could clarify that for me.

DR. DIAGNE: Yes, and they had -- As you recall, the Headboat AP has had the opportunity, in a previous meeting, to select preferred alternatives. At that time, they did select Alternative 4, and I believe it was Option a, and we can look, but their meeting this time was one day, as you remember, after the Charter AP meeting, and some of the Headboat AP members were aware of the fact that the Charter AP selected Alternative 5 as their preferred, and obviously, for this action, they have to have the same preferred. We are allocating the same fish, right? They, upon discussion, decided to change their preferred and be consistent with the Charter AP.

CHAIRMAN GREENE: Mr. Riechers.

MR. RIECHERS: Certainly they may have taken that action, Assane, but I think one of the things, as staff, that we should counsel them at that point is that they certainly can have different opinions about this, and that would be part of the things we take under consideration, and so they don’t have to match up in how they’re looking at these two issues.

DR. DIAGNE: I absolutely agree, Mr. Riechers, but, at the end
of the day, as a council, you will have to select the same alternative in both documents to make this allocation going forward, whichever alternative you pick.

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

MR. SANCHEZ: In the interest of moving forward and keeping these things consistent, I would move that, under 2.5, Action 5, we select Alternative 5 as the council preferred.

CHAIRMAN GREENE: We have a motion on the board that, in Action 5, to make Alternative 5 the preferred. Is there a second for this motion? It’s seconded by Dr. Frazer. Any discussion? Seeing no discussion, is there any opposition? Is there discussion?

MR. DIAZ: I just want to make sure that everybody is paying attention to what we’re doing here. We’re voting on the allocation, which we voted down in the other document, and so I think, for the same reasons that we weren’t comfortable moving forward in 41, that’s one reason that I’m not comfortable in moving forward in 42 at this point, and so that’s where I stand on it.

CHAIRMAN GREENE: Ms. Levy.

MS. LEVY: Just a question. I know why this action is structured like it is, because it came ahead of 41, meaning it’s only -- When you look at the alternative, you’re looking at what the percentage would be for the landings history vessels, but it’s not the same as 41, where it has all three parsed out, the private, the charter, and like headboat.

I am not saying they need to be exactly the same, but maybe it might be helpful, at least in this document somewhere, if it’s not already there, that you sort of cross-reference the action in 41 and point people to the fact that that has more information about the three components, for lack of a better term, and how everything would shake out under any of these alternatives.

DR. DIAGNE: Yes, we can make sure of that. For now, we did cross-check to make sure that these columns absolutely match the third column, if you would, or fourth, in Amendment 41, but, yes, we, perhaps in the text, need to reference back to Amendment 41.

CHAIRMAN GREENE: Thank you. Is there further discussion?
Seeing no further discussion, is there any opposition to the motion on the floor before you?

EXECUTIVE DIRECTOR GREGORY: Eight.

CHAIRMAN GREENE: All those in favor, like sign.

EXECUTIVE DIRECTOR GREGORY: In favor, four. The motion fails four to eight.

CHAIRMAN GREENE: That’s correct. Okay. I had called for opposition first, and then we had some questions. In the spirit of trying to be consistent, I asked for opposition, and that’s why it seemed a little backwards, but I didn’t want to jump around and go from opposition to a show of hands or a voice vote. I was trying to be somewhat consistent, although it’s getting a little challenging at three o’clock in the afternoon, and so my apologies for any confusion. If anybody has any concerns that they voted incorrectly, please let me know now, and we’ll be glad to do it again. Seeing none, Dr. Diagne.

DR. DIAGNE: Action 6 starts on page 26. This deals with the units of measures, and, as we just discussed, the AP’s preferred would be to have the quotas distributed in pounds, but to do the reporting in numbers of fish, and that would be Alternative 3. Alternative 2 would base everything on the number of fish, and the no action alternative would rely on pounds for the distribution as well as for the reporting.

CHAIRMAN GREENE: Thank you. Is there committee discussion? Seeing none, Dr. Diagne.

DR. DIAGNE: For Action 7, which includes two sub-actions, 7.1 and 7.2, the first one starts on page 28, 7.1, and that is to determine the time periods to be used for initial apportionment. We have recent, if you would, time series, from 2011 onward, meaning until 2015, and the preferred alternative selected by the AP, or their selected preferred, is to base the distribution on the highest landing for each one of the vessels during this time series of 2011 to 2015, to allow each one of them to pick their highest landings, their year of highest landings. That is Alternative 4.

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

MR. SANCHEZ: Thank you, Mr. Chair. I move that 2.7, Action 7, that the council select Alternative 4 as the preferred
alternative.

CHAIRMAN GREENE: We have a motion going up on the board that, in Action 7.1, to make Alternative 4 as the preferred. Is there a second for this motion? It’s seconded by Mr. Anson. Is there further discussion? Mr. Riechers.

MR. RIECHERS: This is basically, as I’m understanding it, Assane, this is an adjustment of how each individual -- How we will end up selecting their shares, correct? Do we know what the swing in percentage is from Alternative 2, 3, and 4? Do we understand those differences that it causes? I realize it would be just a gross difference of between Alternative 2 and 4, and one could have as much as an X percentage shift, depending on what they chose, but have we done those calculations amongst the various vessels, to understand how that’s shifting across vessels?

DR. DIAGNE: At this point, no. For five species, given the range of options that we have, we haven’t, because we have not even settled yet on the other side of this, but, before we move forward with this amendment, as we develop a public hearing draft, that is the analysis that we would then offer, those comparisons that you are alluding to.

MR. RIECHERS: Well, if I may, certainly that’s going to be somewhat my hesitation, without knowing the difference that it makes between those different individuals. I mean, that’s what you’re basically making a judgment on here, is a share, an amount, that someone is going to be getting, and we don’t have the analysis before us to even help us with that at this moment in time.

CHAIRMAN GREENE: Mr. Sanchez.

MR. SANCHEZ: While I agree with that comment, that hasn’t prevented us before from picking a preferred, for the interest of getting comment and gathering data in the interim, in a subsequent meeting, so that we can possibly modify these preferreds.

CHAIRMAN GREENE: All right. Is there further discussion? Mr. Anson.

MR. ANSON: It’s kind of related to the motion, but, in the tables that are provided in the amendment, Assane, it says “Source: SRHS database, MRIP, LA Creel, and Texas Headboat Survey”, and I thought it would just be coming from the one,
since all of them have been reporting their landings to the
Southeast Headboat Survey.

DR. DIAGNE: Yes, and this is from the fact that, if we look
across 41 and 42, for these to be consistent, we have the
private recreational share, the charter/for-hire, as well as the
headboat, and so, essentially, just for the sake of
completeness, because, if you were to look across all three of
those landings, then it would sum to 100 percent, if you would,
but it may be, I guess, a puzzle here to see just the headboat
landings without the benefit of the others, and so it may be
that we can add a note to make it more clear.

MR. ANSON: Thank you.

CHAIRMAN GREENE: Is there further discussion? Mr. Strelcheck.

MR. STRELCHECK: With regard to Alternative 4, one thing I like
about it is there are vessels that will enter the headboat
program that are relatively recent, and I’m aware of, I’m sure,
a few that have entered in the 2011 to 2015 time period that
wouldn’t have a full five years’ worth of landings history.

Allowing them to just use the highest year of landings, as well
as everyone else, is to everyone’s benefit that is currently
participating and has met the control date. The tradeoff,
obviously, is, for longer-participating vessels that have a
longer landings history, they may or may not benefit, based on
that particular strategy.

CHAIRMAN GREENE: Thank you. Is there further discussion? All
right. If memory serves me correctly, we have a motion on the
floor. Is there any further discussion? Is there any
opposition to the motion on the floor before you? Seeing one in
opposition, the motion carries. Is there further discussion?
Dr. Diagne.

DR. DIAGNE: Thank you. Action 7.2 begins on page 31, PDF page
31, and it deals with the method of distribution of these
shares, initial distribution of shares. We have several
alternatives that would combine equal distribution with
proportional distribution, based on catch histories, as well as
considering an auction system.

Again, the AP’s preferred would be to distribute initial shares
based on landings histories, and so that would be Alternative 2,
Option 2a, 100 percent proportional, and nothing distributed
equally. Something else that the AP did discuss, as mentioned,
was to consider moving auctions to the Considered but Rejected section of this document.

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

MR. SANCHEZ: In Action 7.2, distribution of initial shares, I make a motion to select Alternative 2, Option a, or 2a, as it may, as the council preferred.

CHAIRMAN GREENE: While they’re getting the motion up on the board, I think everybody is seeing what the trend is here, and is there a second for this motion? It’s seconded by Dr. Frazer. Any discussion, while they’re getting the motion on the board? Seeing none, is there any opposition to the motion on the floor before you? Seeing one in opposition, the motion carries. Dr. Diagne.

DR. DIAGNE: On to Action 8, which begins on page 32. This action deals with the transferability of shares, and in parentheses there, “IFQ only”, because, if we were to have a PFQ, then the shares wouldn’t be transferable by themselves. If one sold their permit, the whole thing would move with it.

There are three alternatives here, and, just as a note, the AP’s preferred would be to require a valid reef fish for-hire permit with a landing history vessel endorsement or a reef fish landing history vessel permit, whichever we establish in Action 4, to receive shares through transfer, and the shares can only be transferred to U.S. citizens or permanent resident aliens.

Here, when we discussed this during the presentation, we did highlight some text in red, which was recommended for addition by the AP, just to reinforce the point that one needs to have the endorsement or the permit, and the third alternative is more generic, if you would. Any U.S. citizen or permanent resident alien would be entitled to receiving shares through transfer.

CHAIRMAN GREENE: Thank you. Is there discussion on Action 8? Mr. Sanchez.

MR. SANCHEZ: Thank you, Mr. Chair. I make a motion that, in Action 8, 2.8, that the council select Alternative 2 as the preferred alternative.

CHAIRMAN GREENE: While she’s getting that on the board, in the interest of time, is there a second for this motion? Second by Dr. Frazer. Is there discussion? Seeing no discussion, the motion is on the board before you. Is there any opposition to
the motion? Seeing no opposition, the motion carries. Dr. Diagne.

DR. DIAGNE: Thank you.

CHAIRMAN GREENE: Ms. Bosarge.

MS. BOSARGE: That red text that the AP really wanted to have added into that alternative to reiterate the point that you had to have that endorsement or the permit, is the council okay with that being added into that alternative? I don’t see where that changes anything in the meaning of the alternative whatsoever. It’s simply reiterating the point that’s in the first sentence of the alternative, but I want to make sure that the council is okay with that. Doug is shaking his head no, that he’s not okay with that. You’re not okay with it being there twice and being very clear? Okay. Thank you.

DR. DIAGNE: Thank you. Thank you, Ms. Bosarge. Action 9 starts on page 33, what is needed for the maintenance of shares, and there are three alternatives, and I would just highlight the preferred alternative selected by the AP. The alternative reads to require a reef fish -- I will just say for-hire permit with the proper endorsement or permit, whichever we establish, to be able to hold shares. Shares can only be held by U.S. citizens or permanent resident aliens. Then it goes into explaining what would happen under a PFQ program.

The Alternative 3 would require either a reef fish for-hire permit, with or without an endorsement, or a reef fish landing history vessel permit to hold shares.

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

MR. SANCHEZ: I make a motion that in 2.9, Action 9, the maintenance of shares, the council select Alternative 2 as the preferred alternative.

CHAIRMAN GREENE: We have a motion going up on the board that, in Action 9, to make Alternative 2 the preferred. The motion is on the board. Is there a second for this motion? It’s seconded by Dr. Frazer. Any discussion? Seeing no discussion, is there any opposition to the motion on the board? Seeing none, the motion carries. Mr. Strelcheck.

MR. STRELCHECK: I just wanted to make a comment. I think there was some confusion when we were talking about 41, in terms of transferability of the PFQ permit, and I don’t remember what
action it is, but I would like to see similar language that’s at
the bottom of your summary text slide for Action 9 associated
with Amendment 41 as well, in terms of transferability for a
permit fishing quota.

DR. DIAGNE: I will add some notation into the amendment.

CHAIRMAN GREENE: Thank you. Mr. Boyd.

MR. BOYD: I would like to make a motion to add, and I believe
that’s Action 10, to add an Alternative 4 that annual allocation
may be transferred by surrendering it to a National Marine
Fisheries Service allocation bank, from which other program
participants may obtain the allocation by: Option 4a, lottery;
Option 4b, action. If I get a second, I will comment.

CHAIRMAN GREENE: Mr. Boyd, does the motion on the board reflect
your desire?

MR. BOYD: Let me read it, because I can’t see that far. Annual
allocation may be transferred by surrendering it to a National
Marine Fisheries Service allocation bank, from which other
program participants may obtain the allocation by: Option 4a,
lottery; Option 4b, auction.

CHAIRMAN GREENE: The motion reads: In Action 10, to add an
alternative that annual allocation may be transferred by
surrendering it to a National Marine Fisheries Service
allocation bank, from which other program participants may
obtain the allocation by: Option 4a, lottery; Option 4b,
auction. I assume that you want to create an Alternative 4,
which I don’t know if it’s imperative to note that in the
motion, but --

MR. BOYD: That is correct. In Action 10, create an Alternative
4.

CHAIRMAN GREENE: Thank you. Is there a second for this motion?
It’s seconded by Mr. Matens. Is there any discussion? Mr.
Boyd.

MR. BOYD: I would just like to say that I copied this from 41,
Amendment 41, and so it’s the same. We’re consistent. I don’t
think it’s any secret that I have talked over the years about
resource rents. I believe that the U.S. government, the
American people, should be paid for the depletion of a natural
resource, and I had a discussion a little earlier with one of
the charter/for-hire guys, and he said, well, what’s the
difference, and I’ve been doing this for years and taking these fish, and, all of a sudden, I have to pay for them.

My point there is there is a line. If you are taking people out to fish and they are fishing on the resource that is basically theirs, you shouldn’t have to pay for anything, because you’re the guide. You’re the talent. You’re the experience, and you’re allowing the public to access that resource.

When we cross the line, which we do here, in my opinion, of giving an individual fishing quota to an individual, to a person, who can either buy, sell, or trade that, all of a sudden, it’s become a business opportunity, and it has the opportunity to be sold and bought in a secondary market, and I believe, at that point, you need to pay for your business, the business that you pick up that particular raw material and use it in your business, whereas, before, it was not a business material, and that’s the reason why I support resource rents for profit-making businesses, and that’s why I wanted this in here, too. Thank you.

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

DR. FRAZER: Doug, I really appreciate you sharing your philosophy here, and I will certainly think about that. It gives me something to think about, but I am going to speak in opposition to the motion, for the simple reason that that Option 4b that involves an auction has never received any support since I have been on this council.

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

MR. DYSKOW: Thank you. Doug, can I ask you a question, just so I understand your comment? Basically, what you were saying is, historically, a charter or headboat skipper was taking out customers that were fishing for a public resource that they had a right to catch, let’s say.

He was being paid a fee for the service of taking out recreational anglers to catch this resource. What you’re objecting to is the fact that this implies that that resource is now -- I am going to use the term “owned” by that headboat skipper, and that the element of it that you’re concerned about?

MR. BOYD: Yes, and, in effect, what we’ve done, and there is
debate on both sides of this, it, in effect, is privatized. Now, of course, the commercial industry says, well, it can be taken away at any time and it’s not privatized, and, of course, they don’t want to pay resource rents either, but it’s the same issue.

In fact, it isn’t going to be changed. I don’t think you will find a vote around this table that will get you a three-quarters vote to change the IFQ program, and then you’ve got a referendum where they won’t let you change it, and so, in effect, what we do when we create these IFQ programs, we’re creating -- I know this is not legally the right term, but we’ve created almost a property right.

There is a secondary market that has developed around the IFQ shares, and there are many IFQ shares that are owned by entities that are outside the fishing industry, and, in my opinion, there is no reason for them to receive free raw materials, and, again, it’s no secret that -- I have believed this all along, since I’ve been on the council, and I will continue to believe in that way. Thank you.

CHAIRMAN GREENE: Mr. Swindell.

MR. SWINDELL: What I was curious about is whether or not the AP addressed this kind of issue at all in their discussion during their AP meeting.

EXECUTIVE DIRECTOR GREGORY: You might ask the AP Chair to come to the podium and address that.

CHAIRMAN GREENE: Okay. For the record, this is Captain Randy Boggs, and he is the Chair of the Headboat AP. Randy, did you hear the question?

MR. RANDY BOGGS: Yes, I did. We did discuss lotteries, and we also discussed auctions, and we voted to have those put in the Considered but Rejected. We did offer cost recovery, as far as required by law. We did offer the cost recovery at the commercial rate, as much as is required by law.

We have offered to -- We’re not looking for a free ride in this, and this program has -- I am taking liberties with what you have asked me to say, but, the way I envision this program to work is where the fish would be tied to the American public, and it would still be a public resource.

One of the things that I envisioned, when we first started this,
was tying it to the states. When the resource is allocated to a headboat, it stays in the State of Texas, and each one of these fish should go home with a purely recreational angler, and we’re not charging them for the resource.

We are just charging them for the fuel and a profit to take them to where our knowledge of the resource takes them to, and we’re not charging them for the resource, but, again, in the other program and in this program, we have offered up cost recovery, as far as required by law, and, if you put a lottery, or an auction, either one, all you’re going to do is make the wealthier headboats pay more money for the fish, because obviously it’s going to stay in the headboat fishery, and, if you’re doing a lottery among the fishermen that are already in the fishery, we’re only asking for what we’re harvesting now.

In this program -- This year, I caught about 4,000 fish. In this program, I will probably get less than 1,500 to start with, and so we’re asking for a far less piece of the resource, and we’re not asking for it to be given to us. We’re asking to pay our own way through the program, but, yes, we did talk about these, and I think, somewhere in the document, it’s considered but rejected.

CHAIRMAN GREENE: Thank you. I had a hand down that way somewhere, and I apologize that I didn’t write down who it was, but is there further discussion? Mr. Boyd.

MR. BOYD: Just back to Tom’s question or comment, this motion has an Option a or b. You could choose either one of those, and it doesn’t have to be just an auction. It could be a lottery, where you put in, and, if you win, you get to buy that.

CHAIRMAN GREENE: Dr. Frazer.

DR. FRAZER: I appreciate that. I understand.

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

MR. SWINDELL: Doug, in this lottery or auction, is this only by the permit holders?

MR. BOYD: Well, it’s based on I guess it’s Number 9 above, which that preferred said that you had to have a headboat permit and LHV endorsement, and so yes.

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

DR. MICKLE: Thank you, Mr. Chair. This is an interesting issue, and it brought up some deeper issues, in my opinion, and I would really like to see the public comment tomorrow. I am looking forward to it on this, and I may not be over the moon about the motion, but I definitely want to see some discussion about it, and so, at this point, I will support it, and I want to see more on this and hear more on this.

CHAIRMAN GREENE: Ms. Levy.

MS. LEVY: Regarding who would be eligible to get the allocation being transferred in this way, the action before it dealt with holding shares, and so it’s not evident, at least from the way this is written, that you want to limit it only to those that have the permit or endorsement as established, and so you might just want to make it clear that this is going to only apply to those permit holders, because you do have another alternative in this action, and that’s to open it up to any U.S. citizen, and so that could be read either way without any specifics in there.

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

MR. BOYD: Mara, if you choose one of the other actions in this section, then that would dictate, wouldn’t it, how the auction goes? I don’t have it in front of me, but, if you chose one that said it’s open to all American citizens or legal aliens, then the auction would be open to them. If you chose that it was just for the headboats, then it would only be open to them, or that’s what I was thinking.

MS. LEVY: So, were you envisioning your new alternative to be potentially selected in conjunction with either Alternative 2 or 3?

MR. BOYD: Yes. It’s one of those where you could have multiple preferreds.

MS. LEVY: Or we could potentially add it as an -- I don’t know. I guess we would have to figure out how to structure it best, but, if that was your intent, okay.

MR. BOYD: Yes, that’s my intent.

CHAIRMAN GREENE: Okay. Thank you. Is there further discussion? Okay. We have a motion on the board. It seems
like there is support and some opposition to it, and so, with that, you have a motion on the floor before you. All those in favor of the motion, please signify by raising your hand.

EXECUTIVE DIRECTOR GREGORY: Seven in favor.

CHAIRMAN GREENE: All those opposed, like sign.

EXECUTIVE DIRECTOR GREGORY: Three. The motion passes seven to three.

CHAIRMAN GREENE: Okay. Thank you. Is there any further discussion? Dr. Diagne.

DR. DIAGNE: Thank you. On to Action 11, which begins on page 35. This action deals with share caps, and, just to highlight the AP’s preferred alternative, in each share category, no person shall hold more shares than the maximum percentage issued to the recipient of the largest share at the time of initial distribution. Alternative 3 would set the caps, but base it across all share categories.

CHAIRMAN GREENE: Is there discussion? Mr. Sanchez.

MR. SANCHEZ: Motion that in 2.11, Action 11, share caps, the council select Alternative 2 as the preferred alternative.

CHAIRMAN GREENE: Okay. There is a motion, in Action 11, to make Alternative 2 the preferred, and she is getting the language up on the board now. Is there a second for this motion? It’s seconded by Dr. Frazer. Is there further discussion? Seeing no further discussion, is there any opposition to the motion on the board before you? Seeing no opposition, the motion carries. Dr. Diagne.

DR. DIAGNE: On to Action 12, which begins on page 36.

CHAIRMAN GREENE: Mr. Sanchez.

MR. SANCHEZ: What happened with 11?

DR. DIAGNE: We did talk about 11, I guess. Okay. Now on to Action 12, beginning on page 36, and this one deals with allocation caps. We have three alternatives. Essentially, they would mirror the share caps, meaning the equivalent poundage that would come, in terms of allocation.

Alternative 2 is, at any point in time, a person’s total holding
from all of the accounts they are involved in cannot be more than the maximum holdings attributed to a person, as determined in the previous action, Action 11, in each species category. Alternative 3 would base the caps across all species categories rather than looking at each species, and, again, the AP indicated that Alternative 2 would be their preferred alternative.

CHAIRMAN GREENE: Thank you. Is there discussion? Seeing no discussion -- Mr. Strelcheck.

MR. STRELCHECK: Assane, can you clarify the statement “at any point in time”? I am reading that to presume that, at any point during the year, they can’t hold in excess of the allocation cap, but, cumulatively, they could actually harvest more than the allocation cap throughout the year, and is that a correct interpretation?

DR. DIAGNE: Yes, that is correct.

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

DR. DIAGNE: Action 13 starts on page 37, and this action deals with retaining annual allocation before a quota reduction. Essentially, to give the Regional Administrator the authority to retain the anticipated amount of decrease during distribution at the beginning of the year, and, during the presentation, the discussion, the point made by Mr. Anson and others, indicated that you would like to see options in this to release the withheld quota by June 1 or August 1, if I recall, and so I guess we will add that to this action.

CHAIRMAN GREENE: That is correct. We did add an alternative to this one earlier, and so, Dr. Diagne, you can continue on when you’re ready.

DR. DIAGNE: On to Action 14, which starts on page 38. This action deals with cost recovery. We have two alternatives. The alternative that the AP selected, for example, would base cost recovery on a standard price. The issue is what to use as a standard price, and the options here would use the commercial ex-vessel price as a proxy or the annual price of annual allocation. Option a is the one that the AP selected as its preferred.

Alternative 3 would base the cost recovery on the fees paid per trip, and it would be, I guess, fairly challenging to implement,
if one wanted to consider that route, and, again, using a standard price, based on the commercial ex-vessel price, is the AP’s preferred at this point.

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

MR. SANCHEZ: Thank you, Mr. Chair. In 2.14, Action 14, motion to select Alternative 2, Option a, as the council’s preferred.

CHAIRMAN GREENE: We have a motion going up on the board. The motion is up on the board. Is there a second for this motion? Dr. Mickle seconds the motion. Is there any discussion? Ms. Guyas.

MS. GUYAS: Just a question, and maybe this is a question for the AP Chair, but I would kind of like to hear some of the discussion about how they settled on this option.

CHAIRMAN GREENE: All right. Again, we will invite Captain Boggs back up to the podium.

MR. BOGGS: We didn’t have any metric to figure out how to base these fish off of, because a six-hour trip on my boat is eighty-five-dollars. A six-hour trip in south Florida is forty-five-dollars, and the prices ranged all over the place, and so we figured the fairest thing to do is follow the commercial market with the price of the fish.

That way, it keeps consistency in the program. It’s kind of a glass house. You can see what everybody is paying for the fish. Then, as the triggerfish go up and come down, and the red snapper go up and down, it’s across the board even. That’s kind of the way we came up with the thing.

For a boat that charges forty-five or fifty-dollars to do a half-day trip and catch two red snapper, if you’re paying 3 percent of five-dollars a pound, and you’ve got somebody on a four-hour trip for fifty-dollars and they catch two fish, that becomes a significant investment to the boat owner.

We just figured that would -- It’s consistent, and it’s across the board, and it’s something that’s a glass house, so everybody can see how we came up with that, and so it just seemed like the most open thing to do is to follow that commercial market.

CHAIRMAN GREENE: Thank you. Is there further discussion? Mr. Strelcheck.
MR. STRELCHECK: Randy, I have a couple more questions. I think there is clarification needed in that this will be the average commercial ex-vessel price. In calculating this, was there discussion in terms of how often we would be doing this? We have quarterly cost recovery in the IFQ programs currently, and are you thinking of it being kind of like a quarterly average price or annual average price, or was that even discussed?

MR. BOGGS: There was some discussion, and we figured that the way that this would work is we would either use an annual or a quarterly. That way, if it followed the market trends, that way we could pay it that way, and, generally, most everybody thought that we would probably just set a fee, based on the number of fish or the number of pounds that you would have. Then, at the end of the year, if the price had fluctuated, then we would get a bill at the end of the year for the balance or the difference.

Going in, because, at the first of the fiscal year, with you guys spending the money for the program -- If you think that I’m going to catch, based off the previous year, that I’m going to catch 5,000 pounds of fish and my cost should be $1,800 or $2,000, I will send you a check for that. Then, if it turns out that the fish went up a few cents a pound, then bill me for the difference at the end. Of course, your bill would have to be paid before you would be reallocated fish is kind of what we had discussed.

CHAIRMAN GREENE: Mr. Boyd.

MR. BOYD: Thank you, Mr. Chairman. A question for Andy. Andy, when the commercial IFQ program was established, who established what the cost recovery fees would be and the calculation? Did the fishermen come to you with a calculation, or did NMFS figure that?

MR. STRELCHECK: The Magnuson Act specifies that we can recover up to 3 percent of the ex-vessel value of fish landed, and so that’s the maximum cap that’s placed on the fishery. In terms of the cost recovery fee and how it was collected and just the process for how often it’s paid, that was established through the amendment process and the council.

MR. BOYD: Thank you.

CHAIRMAN GREENE: Thank you. Mr. Matens.

MR. MATENS: I am not going to embarrass my friend Randy with this, but do I understand correctly that, in the commercial
world, the 3 percent is established by what the fish house paid for the fish? Is that a correct statement? So, it could be different for regions or different times. However, with this one, is the -- How do we calculate the commercial ex-vessel price of a fish that’s caught in Sarasota and a fish that’s caught in Galveston?

DR. DIAGNE: I think, as it was mentioned, this is a proxy, as a standard price, and the averages would be quarterly, or average landings would be used, but, if there are wide fluctuations in the prices, which there may well be, regional averages could be used, in the same way that we use average weights, let’s say, to determine the number of fish in an area or another to be able to recover the cost.

DR. MATENS: Thank you, Assane. That doesn’t make me feel any better about how this is going to work. I wonder if there is some other metric that we could use that would value these fish when they are landed. What is the value of a private individual’s caught fish, and is that different than the commercial price, and I submit that it is.

DR. DIAGNE: Yes, and I would totally agree that the values are different, but, if we keep our emphasis on what it is that we are trying to do, it is to recover the cost of administering the program, and so you could, at the limit, argue that the metric that you use, if it is reasonable, will not matter, because, for you to recover let’s say a thousand dollars, whether you base it on a hundred-dollar price, in which case you would go let’s say 10 percent, which of course we cannot do, and the maximum here is 3 percent, or you use a price that is fifty-dollars, in which case you would increase the percentage, because, at the end of the day, what we have to do is to recover the cost of the program.

Once the costs are determined, it may be that we would recover, let’s say, 1.5 percent of the ex-vessel value, and I put that in quotes. If you use a different metric, it may be that the percentage will be bumped up to 3 percent, which is the maximum cap, and so, keeping that in mind, I think the standard price becomes less important, assuming that it is, quote, unquote, reasonable.

CHAIRMAN GREENE: Mr. Matens.

MR. MATENS: To that point, I understand that, and whether the 3 percent, based on whatever metric you guys decide, covers the full price, it may not. However, what I don’t understand is how
we’re going to compute, or anyone is going to compute, the commercial ex-vessel price for red snapper all over the Gulf. Is every region going to be different? What’s a region? Is every landing port going to be different? I am not trying to be critical at all, but I’m just curious about how we think it’s going to work.

CHAIRMAN GREENE: Ms. Bosarge.

MS. BOSARGE: We don’t land fish. We land shrimp, but I can tell you that we call around and price check before the boat gets to the dock, because we don’t have a fish house, per se, right? The difference in the price per pound between Texas and Alabama and Florida, and even the Atlantic, you might get a nickel to a dime difference. I mean, it’s pretty close.

Now, throughout the year, that’s -- The price of shrimp, in general, throughout the year is seasonal, and so that’s going to -- But, as far as regions are concerned, it’s really not a huge price difference.

CHAIRMAN GREENE: Mr. Anson.

MR. ANSON: A few points. Andy, going back to your comment that there was some guidance or some written, I guess, directives as to how that was determined, was that for the IFQ program, where you had those kind of -- As far as the payment and collection of the recovery fees, is that -- If that’s the case, is that something that needs to be included in this document, at this stage, or will that be developed if and when it goes through a referendum and is approved and all that, and then, at that stage, it will just be developed by the agency, and I have a couple of other questions, too.

MR. STRELCHECK: I actually pulled up Amendment 26, after I spoke, and it does provide a lot more specificity that we have included in both Amendments 41 and 42, and I would recommend providing that specificity. Certainly the agency could, through administrative deference, make some of these decisions, but it’s better to lay out your intent in the amendment and make it clear.

As I mentioned, we did indicate how often they would be reporting with IFQ fishermen, and we also made it clear when the fee was collected, who was collecting that fee and who was responsible for paying the fee, as well as how that fee would be calculated.
MR. ANSON: All right. Something to consider, and then I have just two other items. That is to go to Camp’s concern, I guess, just looking at the AP preferred, is to -- Maybe, to make it a little bit more specific and known and clear to everyone as to what we’re dealing with, is maybe the mean Gulf-wide commercial ex-vessel price, maybe potentially, and that might -- I don’t know if that’s one dealer from every state, and I don’t know how that -- Maybe that will be a little bit more explicit.

Then the last comment I have is, in Alternative 3, in the last line, it says the cost recovery fee will be up to 3 percent of the total value, and I’m just wondering if that needs to be included in Alternative 2, to make sure that it’s consistent and there isn’t just one choice, if we go to Alternative 3, as far as the recovery, and then no choice or a different choice in Alternative 2, and that’s all.

CHAIRMAN GREENE: Ms. Guyas.

MS. GUYAS: I am going to go in a slightly different direction and ask -- When this document, assuming it moves forward before we get to, I guess, a final stage, will we have an idea of what the cost to implement this program would be? Because that would be another way to look at this, too.

Of course, we’re capped at 3 percent of ex-vessel value, but it might be nice to know if that cost recovery is going to be covering like 1 percent of the administration of this program or is it 20 percent or is it 80 percent, because, somehow, this is going to have to get paid for to do this, and I’m just thinking that information would be helpful.

CHAIRMAN GREENE: Thank you. Mr. Riechers.

MR. RIECHERS: Following Martha’s vein, because it’s 3 percent of that fee, and what we’re doing here is establishing what the fee is, and so, certainly, there may be -- Alternative 3, we have worked through some examples, and the fees could be greater there.

We may have some past information that has been presented to us by Dr. Carter or Dr. Agar in the past that dealt with value and put a value on fish coming from the charter vessel programs, and we may could even use that as an Alternative 4 here that would set a value for the fish, and then you would have something else to value that off of, but that’s kind of the discussion that we’re doing here. We’re not necessarily setting the fees. What we’re setting is what we can charge against, and we can charge
up to 3 percent against whatever we select here.

CHAIRMAN GREENE: Is there further discussion? Okay. We have a
motion on the floor, and we’ve had a lot of discussion back and
forth around this, and so, by a show of hands, all those in
favor of the motion on the board before you, please signify by
raising your hand.

EXECUTIVE DIRECTOR GREGORY: We have two people.

CHAIRMAN GREENE: All those opposed, like sign.

EXECUTIVE DIRECTOR GREGORY: Eight. The motion fails two to
eight.

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

MR. ANSON: Just carrying on what Andy had said and my question
about some more verbiage in the document, I’m just wondering if
we need to make a motion then to include some of the options
from Amendment 26 regarding timing of cost recovery fee payment
and identifying who would be responsible for cost recovery
payment. That should be included, I think, as an action item,
or potentially in this action.

DR. DIAGNE: Thank you, Mr. Anson. As you recall, let’s say in
the other amendments, in the provisions -- We did specify that,
for example, the fees are to be collected by the dealer and to
be turned around and paid to the agency and so forth.

Obviously, here, we won’t have such a thing, and so it is
understood that we are going to, as we further develop this
amendment, be much more specific in laying out the steps and the
modalities required to recover the costs of administering the
program, including, if warranted, offering options as to Gulf-
wide averages and regional averages, et cetera, and as well as
the time series, to account for the discussion here.

MR. ANSON: Thank you.

CHAIRMAN GREENE: Thank you. Any further discussion? Seeing
none, Dr. Diagne.

DR. DIAGNE: On to Action 15, which starts on page 39, PDF 39.
This action deals with new entrants, and there are several
alternatives here, and, as we discussed early on during the
presentation, there is an Alternative 4, which the AP
recommended as its preferred, which would provide the opportunity to participate in this program by getting an endorsement or a landing history vessel permit, whichever we establish, but restricting that opportunity to those vessels that can carry forty-nine passengers and up, and that would be Alternative 4, and that would be at the bottom of this page.

CHAIRMAN GREENE: Any discussion? Mr. Sanchez.

MR. SANCHEZ: Thank you, Mr. Chair. In 2.15, Action 15, new entrants, motion to select Alternative 4 as the council preferred.

CHAIRMAN GREENE: We have a motion in Action 15 to make Alternative 4 the preferred, and the language is up on the board. Is there a second for this motion? It’s seconded by Dr. Frazer. Is there any further discussion? Mr. Matens.

MR. MATENS: Thank you, Johnny. As I read through this, here I am, and I want to participate in this thing. I either have to have a vessel that has the capability to carry more than forty-nine passengers, under some definition, or I have to buy one, but suppose that I don’t get an allocation.

Looking at this, and I am not that skilled in this field, but it just seems to me that it would be very, very difficult for someone to actually have the vessel and apply for it and then get an allocation, and so I’m not sure how practical this is for new entrants to enter the system, and I am going to speak against it, because of that.

CHAIRMAN GREENE: Is there further discussion? Seeing no further discussion, is there any opposition to the motion on the floor before you? Seeing three in opposition, the motion carries. Dr. Diagne.

DR. DIAGNE: Thank you, Mr. Chair. Action 15 here is the last action in the document, but perhaps if we could just remind you, as a committee, that the AP requested the addition of an action that would consider a set-aside to essentially facilitate the access to those new entrants, essentially, who now have the endorsement or the permit, but don’t have shares to fish for, and so, if, as a committee, you direct us to do so, we could craft such an action, with options and so forth, and add it to this amendment to consider the different provisions under which a set-aside would be feasible, including who would receive them and when and how, et cetera.
CHAIRMAN GREENE: Thank you. Is there further discussion? Mr. Anson.

MR. ANSON: I just want to clarify if you need that in a motion, Assane. I mean, it was discussed, and we didn’t have much discussion, and I just want to -- Sometimes we do and sometimes we don’t, and so --

DR. DIAGNE: The understanding that your discussion would support such a thing, that is fine, I think. Then we would go ahead and craft that Action 16 in addressing the set-aside.

MS. BOSARGE: Is the council okay with that, because I know that Doug was not okay with just adding verbiage to one alternative. Shaking of heads, and is everybody okay with that, the set-aside for new entrants and allowing staff to add some sort of alternative in there for us to look at? I am seeing a shaking of heads yes around this table. Okay. Yes, Assane.

DR. DIAGNE: Thank you, Madam Chair. I think that would conclude my discussion of Amendment 42, unless there are questions that we have to answer. Thank you.

CHAIRMAN GREENE: Okay. Before we leave Amendment 42, is there any further discussion? Mr. Boyd.

MR. BOYD: I’ve just got a question on Action 15. John, the reason that I held up my hand and didn’t support it was because I don’t understand how people who are, quote, unquote, headboats that are in the recreational sector now that didn’t get in the survey might be able to shift, and then would they take an allocation with them, or, if somebody who opted out and came to the recreational sector, then would they go take allocation back with them? I think -- I am all for new entrants, but I think there just needs to be more meat in this as to how this would operate, and that’s why I voted against it, and I just wanted to clarify that.

CHAIRMAN GREENE: Ms. Levy.

MS. LEVY: I would kind of agree with that, because I did have some questions, depending on where you go with this, of what happens if you also do Amendment 41 and then the charter vessels have a PFQ, but now we’re going to let them get one of these endorsements, and what happens to their PFQ? It’s just not clear to me, if both of these go forward, how they intersect with this type of action.
DR. DIAGNE: I think the document does mention, but perhaps we need to bring it to forefront here in the discussion that it will not be allowed, for lack of a better term, to have someone engage in double-dipping. You cannot be here and then turn around and go participate in the other one.

The endorsement would be granted without any additional, I guess, quote, unquote, privilege. You would get the endorsement, but no shares, no allocations, and that would be your responsibility to acquire those, presumably maybe through the set-aside. If you meet those requirements, you may get some to be able to fish under the provisions of Amendment 42.

MS. LEVY: But if you have a PFQ, you can’t divest the quota associated with that permit apart -- Your permit would have PFQ, charter PFQ, attached to it. If you get this endorsement, you don’t have any shares or allocation for the headboat side of it, but you still have the PFQ attached to your permit, and you’ve got no way to divest of that, because it’s attached to your permit. That is where I am --

DR. DIAGNE: Yes, I see the point, and so I guess this amendment would also have to specify that, if you accept the endorsement, de facto you would have to be divested of any other shares attached to your permit before you can take a step and participate in this program. Yes, because, in the PFQ, you cannot really divest of the shares on your own. Yes, I get it.

CHAIRMAN GREENE: Ms. Gerhart.

MS. GERHART: This is one of the disadvantages of an endorsement versus a separate permit, because, if you separated the permits between charter and headboat, then you couldn’t have both permits on the vessel, and so it would be a choice, and whatever you did with that charter permit then, the shares would go with it.

CHAIRMAN GREENE: Is there further discussion? Mr. Diaz.

MR. DIAZ: I guess we’re fixing to leave this, and we put several hours in, between working on 41 and 42, and these are incredibly complicated programs. I know we’re going to have a referendum at some time, and I hope that people can take the time to, if we get to that point, to think through these, because there are so many moving parts.

There are so many things that might be potential for unintended consequences, and, for every business, I think the decision is
different. It depends on what part of the Gulf and what species and whether it’s an IFQ or a PFQ, and that’s not even including the stuff that Mr. Boyd has been talking about, that we’ve got some things in here that we really haven’t went through the allocation process.

This is just incredibly, incredibly complicated, and so I think the staff has done a good job, but just look at the questions that went around this table today, and, I mean, we’ve been working on this for a long time. It’s obvious that a lot of us are still trying to get our minds around this thing, and so this is a big step, and so I do think we did a lot of work today and maybe moved forward a little bit, but, the more we work on it, the more complicated it seems like it gets. Thank you, Mr. Greene.

CHAIRMAN GREENE: Thank you. Any further discussion before we leave Amendment 42? Seeing none, we will pick up on our agenda as regularly scheduled, and that will be Drafts on the State Management of Recreational Red Snapper and Dr. Lasseter.

DRAFTS - STATE MANAGEMENT OF RECREATIONAL RED SNAPPER STATE MANAGEMENT PROGRAM DOCUMENT

DR. AVA LASSETER: Thank you, Mr. Chairman. If we could open up the state management program document first --

MS. BOSARGE: Dr. Mickle, are you okay? Did we miss something? Okay. We’re fine. Sorry. Go ahead.

DR. LASSETER: For addressing the state management program, we have brought you six documents this time, and so they’re all under Tab B, Number 7, and so we have (a) through (f). The first one here that we’re going to go through in Tab B, Number 7(a) is the overarching program, and so it’s state management program for recreational red snapper. We will go through the two actions first in this amendment, and then we’ll look at the individual state amendments.

Action 1 begins on page 10, and Action 1 addresses the components of the recreational sector to include in the state management programs, and, at the last council meeting, you did select a preferred alternative, which is Alternative 4, and so Alternative 4 would allow each state with an approved management plan to decide whether to manage, at the state level, its private angling component only or to manage both private and federal for-hire components. That is your current preferred. Just as a review, Alternative 2 was for private angling only,
and Alternative 3 was that each state would take both
components, and 4 is each state would have a decision.

Action 1 works very closely with Action 2, and the effects --
Basically, Action 1 establishes how you’re going to divide up
the recreational quota, and Action 2 addresses how much quota to
put into each of those pieces.

Action 2 begins on page 13, and so, at the last council meeting,
you did add a couple of alternatives, three alternatives, and so
we’ll go through all of these. Again, Alternative 1, our no
action alternative, would not establish an allocation.

Alternative 2 was here previously, and this alternative would
establish an allocation of the recreational sector ACL based on
the average of historical landings, and then you have a series
of options. The longest time period, 1986 to 2015, is Option a.
Option b backs off ten years, and it’s 1996 to 2015. Option c
backs off another ten years, and it’s 2006 to 2015. Option 2d
is our 50/50 of the longest time series and shortest time series
of those preceding options.

Alternative 3 is very similar. You added this at the last
council meeting. Each of those options in the previous
alternative and at 2009.

The next alternative, Alternative 4, provides you options for
removing particular years. Of course, all four of them could
apply to Alternative 2. Alternative 3 is ending in 2009, and,
of course, only Option a could apply. Of course, it would only
apply if you picked c.

Again, the 2006 and 2010, Options 4a and 4b, were due to
particular circumstances within that year or the year before,
with the hurricanes. 4c and 4d are provided because those are
the more recent years that were not considered in sector
separation, and so we provided those to you as options, whether
or not you wanted to include 2014 and 2015 in Alternative 2 or
whether not, and this was our best way of arranging it.

At this point, I just wanted to note something. You have added
some additional alternatives, and we’re getting quite long on
the page. As staff finalizes the final alternative that you
added, we may want to reorganize these alternatives to simplify
the way they’re presented to you. All the same alternatives
will be there, but we may restructure presenting the options, so
that it makes it a little simpler, in terms of the table, and so
we’re working on how to facilitate interpretation of all these
Alternative 5 is another one that you added at the last meeting, and this one proposes to establish an allocation of the recreational sector ACL based on each state’s average of its best ten years of landings for the years 1986 to 2015.

Then Alternative 6 is another one you added at the last meeting, and this one would establish the allocation based on two factors, two elements, spatial abundance of red snapper biomass and recreational trips. Then you wanted options for weighting the two of those.

First, I guess let’s take a look at the options we’ve provided you for weighting them, if we could get some feedback if these encompass what you would like to look at or if there is potentially a different weighting that you would like us to look at.

Option 6a would give the smallest amount of biomass and the largest amount of trips, and so 25 percent biomass and 75 percent trips. Option 6b would be even between both, 50/50, and Option 6c is a heavier weight on biomass and a lighter weight on trips, and so 75 percent biomass and 25 percent trips. Does this get at what you were considering, what you were envisioning, in terms of weighting of biomass and trips? I will stop there a moment for discussion.

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

DR. LASSETER: I’m sorry. Dr. Simmons.

DR. SIMMONS: Thank you, Mr. Chairman. Ava, you might bring up the fact that we still have the SSC meeting that we need to -- You did bring that up?

DR. LASSETER: This is what I was doing first, for the options that are on the page. Dr. Simmons just introduced the next thing we’re going to talk about. This alternative, when you added it at the last meeting, we did talk about, at the end of the meeting, that this was going to -- Because this is a new approach that has not been done before, looking at biomass across each of the states, we were going to go back to the IPT and work with the Science Center and try to come up with some way to approach this.

We also felt that the SSC needed to review this approach, and so
the Science Center and NMFS SERO staff has been working on this and putting something together, and we are expecting the SSC to review this at their January meeting. For now, we do not have this fully analyzed, and we have not provided a table for you, as we let you know at the previous meeting, but we expect to have that in this document for the January meeting, so you’ll be able to look at that more thoroughly. I am going to pause there for discussion.

CHAIRMAN GREENE: Mr. Banks.

MR. BANKS: Just a question. Just looking at -- As much as I would like to see biomass within the state-by-state plans, I have got a feeling that that may not be possible, and do you guys at NMFS have any feeling for whether that’s even going to be possible? Not speaking for the SSC, and I recognize that, but --

CHAIRMAN GREENE: Ms. Gerhart.

MS. GERHART: As was discussed at the last meeting, there is a paper by one of the Science Center scientists looking at biomass off of each state, and we’ve spoken with her, and she is able to break that down to a percentage for each state, and so we’re working on that, along with the effort to get the trips numbers, and we’re fairly confident that we’ll be able to have something for the SSC meeting.

CHAIRMAN GREENE: Mr. Anson.

MR. ANSON: Sue or Andy, what paper is that that Sue referenced?

MR. STRELCHECK: Sue, the paper that you’re referencing is by Mandy Karnauskas, right?

MS. GERHART: Yes.

MR. ANSON: Thank you.

MR. STRELCHECK: We can find it and share it around with the council.

DR. LASSETER: I can share that with you. It’s the Mandy Karnauskas et al. paper, Red Snapper Distribution on Natural Habitats and Artificial Structures in the Northern Gulf of Mexico, and it was published in 2017, this year.

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

DR. LASSETER:  Thank you, Mr. Chairman.  Then, in addition to
the explorations of biomass, we will also be asking the SSC to
review the recreational trips data, because there are some
concerns with that, with the different states -- With the data
being available differently for different states and whatnot,
and so we will bring you back the SSC’s recommendations, in
terms of looking at this, at the January meeting.

If we can turn the page, I just wanted to point out the tables
that go along with each of these alternatives, and so, again,
the two actions in this document work together.  Depending on
which alternative you select in Action 1, it will be associated
with different tables here.

The two tables on page 15, these would correspond with
Alternative 2 here in this Action 2.  The top table would go
along with Alternative 2 in Action 1.  That is if you were
managing the private angling component only.  Each one of those
rows across would total 100 percent, because you’re talking
about the 100 percent of that private angling component ACL.

The bottom table would be used for either Alternative 3 or 4
from Action 1.  Because some states could pick one or the other,
or if you did pick the other alternative, Alternative 3, which
is not your current preferred, they would be taking both of
them.  This table divides up each one of those component’s
allocations, so that each row totals that component’s allocation
of 42.3 federal for-hire and 57.7 private angling.

If we look at page 16, we have a very similar pair of tables,
except for Alternative 3 of this Action 2, and this is on page
16.  It is Table 2.2.3 and 2.4.4.  These two tables -- As I
mentioned, the top one would be for the private angling
component only, if you selected that alternative in Action 1,
and the bottom table reflects your current preferred alternative
of Alternative 4 in Action 1, but this would be for the
Alternative 3 in this action, which truncates each of those
alternatives at 2009.

If we turn to the next page, Table 2.2.5 provides you the
resulting percentages, based on Alternative 5, which is the best
ten years of historical landings for the years 1986 to 2015 for
each state.  Again, you can see it broken down by either --
Action 1 is Alternative 2.  It’s the top row, or, for
Alternatives 3 or 4 in Action 1, for the bottom two.
As I noted, the Alternative 6 is currently under development, and we will be bringing you back additional information on that at your January meeting. Before I move on, I will just pause there for a moment and see if there is any further discussion.

CHAIRMAN GREENE: Thank you. Is there discussion? Seeing no discussion, Dr. Lasseter.

DISCUSSION OF INDIVIDUAL STATE AMENDMENTS

DR. LASSETER: Okay. Those are the only two actions in the program amendment. Again, this is the master amendment that establishes the program for state management. Then there is five additional documents, one for each of the individual state amendments, and let’s take a look at Tab B, Number 7(b), which is Louisiana management.

Currently, three of the state documents are virtually identical. We have Louisiana, Alabama, and Mississippi, with the only difference being that, for Louisiana, the two actions have preferred alternatives selected. Then, for the Mississippi and Alabama documents, you do not have preferred alternatives selected.

Florida and Texas, which you added those two amendments at the last meeting, you did add an extra alternative that was specific in your motion to those, and so we’re going to toggle back and forth between these, but let’s start with the -- We’re going to use Louisiana’s here, because it’s the (b), and let’s look at the Action 1, which starts on page 6.

Action 6 addresses the management authority structure for state management. Currently, Louisiana’s preferred, which is Preferred Alternative 2, and this is just Alternative 2 in all of the documents, would be delegation. It would establish management programs that delegate management authority to the particular state.

This has been defined as essentially season structure and bag limit. Now, there are other aspects of management that are more implicit, and so, if you recall from the conservation equivalency plans, there are elements that you would have to include in those plans, such as how you’re going to constrain your landings to your portion of the ACL, and the state would be responsible for doing so, and that would be the same under delegation. The state would be responsible for doing that, but just not through a plan.
There are additional components of delegation that the state would be required to do that aren’t specific to removing things and modifying the Code of Federal Regulations, and so this is just delegation, where we’re essentially expressing bag limit and season as the main thing, although there are some other things that are assumed.

Again, delegation, to pass, will require a three-quarter majority vote amongst voting council members. That’s another distinction between 2 and Alternatives 3 and 4 here.

Alternatives 3 and 4 here, 3 would be establishing conservation equivalency measures through a CEP, a conservation equivalency plan, at the state level, and this is a more simple process in Alternative 3 than Alternative 4. Alternative 3, you would submit these plans directly to NMFS. The distinction with Alternative 4 is it has an additional step, where each state, if this is selected, would submit their conservation equivalency plan first to a technical review committee, which would then forward them on, unless there are some issues to address, on to NMFS.

Now I want to pause there for a moment and switch over to -- We will use the Florida amendment, because I believe that is (e), and let’s take a look at the Action 1 there, which should also begin on page 6.

Here, of course, they’re a little bit renumbered, because we wanted to fit your new alternative right underneath the delegation alternative. Alternatives 1 and 2 here are identical to Louisiana, and Alternatives 4 and 5 are identical to the Louisiana amendment.

Alternative 3 is the alternative that you requested be added at the last council meeting, and so this is the new one, and so Alternative 3 would establish a management program that delegates management authority in federal waters to -- This is the Florida amendment, and so to Florida. The scope of authority to include in the delegation to Florida must be defined, and that’s what I’m hoping that we can get some more feedback on at this time.

Then the remaining text of all of these alternatives is the same, in terms of you have to maintain your requirements with the authority of either delegation or conservation equivalency plans, or there are particular procedures that are followed if either is determined to be inconsistent.
First, let’s talk about the scope of authority. At the last meeting, we did request a little guidance on that, and I wasn’t really sure how to move forward with this, and so what we did was went and looked at all of the regulations in the Code of Federal Regulations that would apply to red snapper.

However, not all of the regulations are specific to red snapper. Some are, and some are more broadly related to reef fish, and then some are even more general, relating to fishing in general, and what we would need to delegate management is to know the specific regulations in the Code of Federal Regulations which would need to be modified for a particular state, modified for all the states, removed, or exemptions somehow made. We have also provided those regulations to you in the Appendix B, and so that’s where we pulled this list from, as a way to kind of get the conversation going. Any questions there? Okay.

So, if we go down towards the end of page 9, the following list, that list that’s the bottom of page 9 and most of page 10, includes potential modifications to the existing regulations that affect the recreational harvest of red snapper that could be delegated to the states as expanded delegation.

Again, like I noted, we have these three sections, and so the two that are red snapper specific, we couched them in terms of these are what a state may want to do, and so they’re kind of the inverse of what the regulation may say that it is prohibiting, and so, currently, there is a prohibition on for-hire captains and crew from retaining a bag limit of red snapper. Perhaps a state wants to remove that prohibition. Is that an aspect of expanded delegation, full delegation, that you’re interested in?

There’s been very preliminary discussion about modifying the ACT under state management, and I believe Mr. Banks has brought that up, and so I think that would require much more analysis, potentially, but that would be another red-snapper-specific one that could potentially be looked at.

The remaining regulations are really applicable to reef fish broadly, or even more generally, and so, on the next page, on page 10, these are -- There are currently restrictions on fishing gear, methods of fishing that are prohibited, and then there is gear-restricted areas as well, and so, if there is some idea of potential additional prohibited gears that you’re interested in considering, these are other kind of reef-fish-specific regulations that could potentially be incorporated into this full delegation.
Then, finally, other regulations that are provided in the general fishing section are to reopen the fishing season if the state’s portion of the ACL is determined to not be met, and now that also -- I could see it already being included in your in-season, your ability to monitor in-season, as laid out in like the CEP plans, and so that’s kind of already going to be included, but, if we need to make that explicit, we could do that.

Then allowing anglers to possess more than the bag limit per day, I don’t imagine that that’s something that people want to pursue, but these were some of the examples of regulations that we went in and found, and we wanted to throw them out there as things that could be modified.

The final section is the federal regulations that affect the management of red snapper which would remain under federal authority, and these would be difficult to delegate, especially the setting of ACLs, because you have one ACL Gulf-wide. If you modify it for one state, it affects all the other states, and so, to a large extent, things that would affect either the other sectors, such as the commercial sector, or would affect the management of other states, would not be able to be delegated to an individual state. I am going to stop there and see if there is any -- Hopefully there is some discussion on this idea of full delegation. Thank you.

CHAIRMAN GREENE: Is there discussion? Mr. Banks.

MR. BANKS: Well, after the discussion last meeting about full delegation and what you just said, it does -- I am a little bit unclear as to what full delegation still means or what is exactly possible, but it does seem that the full delegation should be an option in all of our plans. Now, we might not choose to go that route.

I know we’ve already picked a preferred, but, depending on what full delegation truly means, I may want to rethink that preferred, and it sounded like, to me, that we already established that season, creel limit, and size limit can happen under a somewhat full delegation, but it sounded like, to me, you were saying that the captain and crew limit, as well as managing to an ACL, could possibly be under a non-full delegation, or is that not what you were saying?

DR. LASSETER: In terms of the modifying the ACT component, I don’t know that that has to be specified only under full
delegation, though I think that could be developed in here. That one definitely would require additional discussion with NMFS staff, and definitely additional analysis.

That is something that, in my understanding from Dr. Crabtree last time, could be worked on after your program is already in place, and so that doesn’t necessarily need to be in here now, but that is one element that could be incorporated into this idea of full delegation. Then I think what you were touching on as well is that Louisiana may want to consider this, and that brings up another point, and you led me right to that, and so thank you, Patrick.

There is an issue with, if we are considering an alternative for one state, why would we not consider it for another state, at least for analytical purposes, and this does kind of bring up a little NEPA concern, as far as it’s not really reasonable to consider it for one state and not the others, and so, for that reason, it would really be -- It’s really necessary, actually, to consider this same range of alternatives for each of the states.

CHAIRMAN GREENE: Mr. Banks.

MR. BANKS: I would like to make a motion to add that other alternative to the Louisiana plan, please. I will modify my motion to add them to the Mississippi, Alabama, and Louisiana plans.

MR. ANSON: Second.

DR. MICKLE: I have never liked another state speaking for my state, but I agree completely, and so yes.

CHAIRMAN GREENE: Okay. We have a motion. Let’s get it on the board right quick. I know it’s been seconded by Mr. Anson, I believe. Give them a second here to put the motion up on the board, and it was seconded by Mr. Anson, and I believe that motion is correct and captures the intent. I see a lot of nods of heads, and it was seconded. **Is there any opposition to the motion on the board before you? Seeing none, the motion carries.** Ms. Guyas.

MS. GUYAS: Ava, I appreciate you compiling this list of some of the things that we need to think about here. I, unfortunately, don’t have a lot of feedback for you. Our commission meeting, after our last council meeting and between the current council meeting that we’re in right now, had to be cancelled because of
the hurricane, and so we just haven’t had the opportunity to
have a good conversation about this at this point, but this is
something that, of course, we’ll be working on, and we’ll bring
you something as soon as we have it available.

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

MR. RIECHERS: In concept, I think maybe there’s a way that we
could phrase this or word this that it basically includes those
things in the Code of Federal Regulations that would
specifically impact the recreational harvest and/or recreational
harvest mortality associated with this fishery, and we’re not
trying to go grab things that are beyond that.

The whole notion in this plan is to leave enough tools, and I
think you’ve got some good ones listed here, because I remember
some of the past discussions regarding different gear usage in
special management zones in Alabama. Maybe that’s an option
available to people.

Certainly the notion of descending devices, as we struggle with
that around the table, and one state may want to include some of
that and be more ready to do that as a mandatory option to
achieve some of the reductions in mortality thereafter or to
extend their seasons because of that, and others may not be.

Maybe there is a way to phrase this where we -- Because I know
it’s going to be difficult to list every option that we might be
dealing with, but then, even still, at the end of the day, that
plan has to meet -- Basically, we walk through it and say here’s
how we stay within this kind of allotment, and as long as then,
at the end of the day, we’re within that kind of allotment, we
don’t necessarily have to make adjustments. If we don’t, we’re
going to be making adjustments, and so that’s kind of the
notion.

Like I said, I don’t know of a great way to word around that,
other than maybe something like I suggested, as opposed to
listing every item, and maybe you want to list every item. I am
trying to figure that out, but my suspicion is that we probably
aren’t going to think of every item.

CHAIRMAN GREENE: Dr. Frazer.

DR. FRAZER: Thank you, Mr. Chair. To Robin’s point, I think
you’re right. I mean, I think the intent is to make sure that
each of the states have a full complement of tools at their
disposal to best manage the fishery, and I think one way to word it might be able to perhaps say what types of things remain under federal authority, and that list is relatively short.

CHAIRMAN GREENE: Lieutenant Commander.

LCDR STACY MCNEER: I just want to go on the record here that this brings me great concern, from an enforcement perspective, and I know we’ll be talking about it at our upcoming LEC meeting, but I just want to go on record that it’s creating confusion for me even at this point right now, and so thank you.

CHAIRMAN GREENE: Thank you, and so noted. Ms. Levy.

MS. LEVY: When you’re thinking about what you would like to see delegated or the flexibility, I would just keep in mind that we’re talking about, I think, red snapper only here in this document, whereas some things might be more applicable to reef fish generally, meaning it’s one thing to say that we’re going to delegate to the state the gear requirements, but gear requirements for red snapper fishing only, and it seems that there are some things that may not work out very well if they’re more broadly applicable, but we’re focusing on red snapper here, and so I would just think about how workable that is and how that’s going to happen.

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

MR. BANKS: Ava, I’m going to try to ask this a different way, and maybe I didn’t ask it very well the first time. Under our preferred alternative that we have right now, which delegates some authority, I recognize that that would include season structure, creel limit, and size limit, but would it or could it also include captain and crew limit and managing to an ACL, or would I have to pick the full delegation in order to get those last two points?

DR. LASSETER: Specifically, the captain and crew retaining a bag limit, if that had been requested to go under delegation, I’m sure that could have been incorporated in there. It actually had not occurred to me until I read through all of the regulations.

In discussion of Amendment 39, we had asked what else is there that you want, and so that’s why it was really written in terms of bag limits and seasons, because that gave our regulations writers a sense of how they would structure this.
Going forward, I guess I would have to -- I am not exactly sure how to answer. For particular ones, if you stay with delegation and then there’s additional things you want to do, I’m not sure how complicated -- Would that be complicated, what the issue is, because I know that you have already discussed with Dr. Crabtree as far as potentially modifying the ACT, and you were potentially considering that even without this full delegation, and so I guess I’m not really sure how to answer.

**CHAIRMAN GREENE:** Ms. Levy.

**MS. LEVY:** At least the way the alternative reads, it’s that Louisiana has to establish the season structure and bag limit of its assigned portion of the ACL, meaning I think -- I mean, we have an ACT. I think, if we delegate, the requirement is going to be that the delegation be consistent with staying within, at the very least, the annual catch limit.

If there is something that demonstrates or the agency determines that whatever regulations you put out aren’t going to do that, then they notify you and go through all the procedures about the delegation, but I don’t really know how much we talked about requiring management to an ACT as opposed to an ACL. I mean, it seems like you could do something under that to show that your state management would be constrained to the ACL.

**CHAIRMAN GREENE:** Mr. Riechers.

**MR. RIECHERS:** Patrick, if I may, certainly under the current preferred that you have, you don’t have size limit and captain and crew, at least the way it’s written now, and so, with that context, you have to go to the other one, though I think we could have worded it into there. I mean, I think we could have just listed the specifics within those current documents. I think, when Martha made the motion, she was just recognizing that we may want more than just those two.

**DR. LASSETER:** If I may speak to the size limit. Everybody is leading me into it at the perfect moment, and thank you so much. Another action or motion that you made at the last meeting, which actually staff requested, was, at the time, you only had three states that were considering this, and all three of those states have the same minimum size limit for red snapper as the federal minimum size limit. Therefore, we requested, if you weren’t interested in modifying the federal minimum size limit, could we remove that action, and you did remove it.
Subsequently, Florida and Texas requested amendments, and so now we do have a potential case of, since Texas’s state water minimum size limit is fifteen, and we had discussed that there were some issues with the stock assessment with having different minimum size limits Gulf-wide, that was why that action was in there, was to provide you the opportunity to change the federal minimum size limit Gulf-wide. Therefore, everybody would be able to, if everybody was in agreement, adopt a consistent size limit. With the addition of Florida and Texas amendments, individual amendments, would the council be interested in reexamining modifying the federal minimum size limit?

CHAIRMAN GREENE: Thank you. Is there discussion? Mr. Anson.

MR. ANSON: The only benefit, Ava, is for consistency for purposes of the stock assessment, and is that correct? There’s not an administrative requirement to have it Gulf-wide at some level, and we’re talking about, obviously, having a different suite of options within each state’s plan, if that’s the way we go, but it’s only for stock assessment that the minimum size is required to -- Okay.

CHAIRMAN GREENE: Mr. Riechers.

MR. RIECHERS: I might add, Kevin, as you well recall, the maximum yield per recruit is now at fifteen, and that’s why -- We have moved that around, but that’s why it has stayed at fifteen in Texas.

CHAIRMAN GREENE: Is there further discussion? Mr. Strelcheck.

MR. STRELCHECK: I have the advantage or disadvantage of not having participated directly in the last couple of council meetings. Now that we’ve made a motion to add an alternative similar to Texas and Florida, it strikes me, the inefficiency and redundancy we have with five amendments that essentially do the same thing, and I’m wondering if there is the ability, under this umbrella amendment, to consolidate these into a single amendment, but allow the states to choose your own delegation authority, so to speak. It still gives you that flexibility in options to decide what delegation you would want for your particular state that you’re trying to accomplish with individual amendments.

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

MS. LEVY: I will echo that also from just a NEPA perspective and having to analyze the effects analysis with respect to all
of these different things. It would be much easier to have
everything in one document, where you can compare and contrast
the various alternatives and preferreds, and they are
essentially all the same.

Having it in one document doesn’t mean that the states couldn’t
pick different things, but it just allows for consolidation and
an easier way to sort of discuss the effects and the cumulative
effects and things like that.

CHAIRMAN GREENE: Thank you. Is there discussion? Mr. Anson.

MR. ANSON: A question to Dr. Lasseter then. On the one hand,
it could be easier to go through that and have each state
included in each action, but, on the other hand, it might be a
little bit more cumbersome from the reader to try to drill down
to their specific state, with various options or preferreds that
could develop, and so I’m just -- Do you have any idea or
comment on that of what you would prefer to have, one or five?

DR. LASSETER: I prefer one. My head was about to explode in
organizing the six. To Mara’s point as well, we are going to
have to, to comply with NEPA, have one document that includes
everything that is across all six of these, so that we can
analyze the cumulative impacts, and so we are going to have to
have this all put together for analytical purposes somewhere, in
terms of the EIS, because that would be the EIS, whereas these
are the amendments, and so these are under Magnuson. It’s going
to need to be analyzed, and so, if I’m potentially looking at
seven documents, that is a bit cumbersome, yes.

Then, also, it just occurred to me that the way we really
conceptualized delegation, and even the CEPs, initially, it was
in terms of the state must establish a bag limit and a season,
and, again, we just weren’t really clear that there was anything
else that did want to be set at the state level, and so there is
also no reason why we would need the one delegation that’s kind
of seen as just those two and full.

If we want to couch it in some broader terms, that might also be
more simple, and perhaps it’s the way Dr. Frazer pointed it out.
We would need to say that the state must set your bag limit and
your season. I mean, that needs to be set, but it could be
worded in a way of and other management measures, with the
exception of dot, dot, dot. Would that perhaps work for
everybody?

CHAIRMAN GREENE: Mr. Banks.
MR. BANKS: It depends on what dot, dot, dot is, but -- Here’s my concern about putting them all together. While I understand your preference, and I agree with your preference in a lot of ways, there may get to a point where the full delegation issue maybe is okay, where the dot, dot, dot is okay, to one, but not the other.

They may not make a difference to our plan, and, if we’re all in there together, then -- We’re ready to go in Louisiana, and we’re sitting around waiting on the plan to be approved, and so that’s why I would say that I prefer that it not go all into one document, even though that one document would give us the ability to choose something just for Louisiana, because I would assume that the whole document would have to be passed as final before we could do anything.

DR. LASSETER: To that point, that’s where I think there might be a little bit of confusion about these documents. This program document -- Really, you could put the actions in there and pass that one amendment, and nobody else, except Louisiana, may ever employ the provisions of this program, may enact a program, and so I don’t think -- You do not need five separate amendments in order for each state to go forward. That is an amendment at the council level.

If you want to change anything within those amendments, you would have to come back to the council. If the program amendment was passed, you’ve got your components addressed, and you’ve got your allocation addressed, and, tentatively, the type of authority structure in there, and it lays out the framework.

Then Louisiana can come in immediately, as soon as that is passed, and say here is our plan or here is our delegation and here’s what we want to be -- That’s the preferred alternative in that action for Louisiana, and you can run with it, and so you don’t really need these individual -- They’re not holding you up, is what I am saying.

Louisiana will enact, pursue, state management within the framework, the structure, that is laid out in that initial program amendment, and so what Andy was saying is, if you move the options of the authority structure, if you move that action into the program document, once that amendment passes, the states can apply or work towards their own program independently of each other. I will pause there for Mara.

CHAIRMAN GREENE: Ms. Levy.
MS. LEVY: I think what I hear you saying is, if there is some debate about the scope of delegation, for example, and Louisiana is like, well, we are very clear that we want this scope of delegation, and the rest of the council agrees with that, but there’s another state that’s like, well, we’re still deciding what scope of delegation we want -- If it’s all in one document, what you’re saying is it’s not possible to move forward with Louisiana, who is very clear what they want, when the other states are still deciding, and is that what -- I hear that.

I don’t know how that would play out or -- I do feel like though, if you’re going to delegate management authority, that you probably need to be specific about what that authority is. Meaning, I’m not sure it will -- I can certainly think about it and go back and poll some other people, but I’m not sure that it works to say that we delegate everything unsaid except these.

I mean, I’m not sure it works very well in reverse. You’re delegating some authority to the states to manage, and it probably needs to be specific about what that authority is, but, since we’ve brought it up, I will look into the whole we delegate everything except type of thing without specifying what is actually delegated, but that doesn’t strike me as very workable.

CHAIRMAN GREENE: Thank you. Is there further discussion? Ms. Bosarge.

MS. BOSARGE: Just a question. At what point will you start to actually embark upon all that NEPA analysis? Is it once you bring a public hearing draft to us and we pick preferreds and we have that public hearing draft finalized to go out to the public that you’re going to need that NEPA analysis in there? I am just wondering when that burden is actually going to be laid upon staff, is what I’m trying to figure out.

DR. LASSETER: That’s a perfect, great question. Yes, exactly. The public hearing draft will contain the analysis of the comparing the effects of the different alternatives, and we will need to examine them holistically across all six, and so developing a public hearing draft for these six documents is going to be cumbersome, but that would be the next step.

We would encourage you to have some discussion on the allocation action and trying to move towards some kind of a preferred there as well, and that would also help the public know where you’re going before public hearings, but, again, that’s at your
discretion.

CHAIRMAN GREENE: Is there further discussion? Mr. Banks.

MR. BANKS: One more question. I have been concerned about our desire to keep charter boats in our plan and how that meshes with 41 and 42. I was having a tough time seeing how those both could move forward at the same time. It seems like that charter boats would either have to be taken out of state plans if 41 and 42 move forward or 41 and 42 would have to die in order for us to move forward.

I have heard that at least there is some thought that, even if charter boats remained in our plan, as long as we worked out one of two scenarios -- As long as we worked out an allocation amongst the states, then we could take that charter allocation with us and apply it to our charter fleet. Then the rest of the Gulf charter boats could work out of 41 and 42, if they wanted to. If some sort of full delegation authority was given to us, where we did our own stock assessments and set our own ACLs and ACTs and all of that for each sector, would it work that way?

I guess what I’m asking is, is there a way for 41 and 42 to move forward as well as Louisiana’s state plans with charters included, or are those in seeming conflict, like I am thinking?

MR. STRELCHECK: I see them in conflict, at least right now. I think you would have to carve out the allocation decisions in the regional management that would affect 41 or 42 or exceptions, in terms of who is participating or who is not participating in 41 and 42, relative to the state’s management authority. It’s not insurmountable, but it’s an allocation decision, and so it will be complicated.

CHAIRMAN GREENE: Ms. Levy.

MS. LEVY: I did hear one thing in that comment, something about full delegation including stock assessments and setting ACLs, and that sounds a lot to me like no federal management, and so that sounds a lot to me like considering taking red snapper out of the FMP, out of the management unit, and so I just want to be clear that, in my mind, full delegation of management doesn’t probably go as far as each state doing its own stock assessment and each state setting its own catch level. That, to me, sounds like no federal management.

CHAIRMAN GREENE: Dr. Frazer.
DR. FRAZER: Exactly, and that was my point. I think it’s fairly easy to identify which types of things would remain under federal authority, at least under the current situation.

CHAIRMAN GREENE: Mr. Strelcheck.

MR. STRELCHECK: Can I ask I guess a pointed question to the states, state directors? Patrick brought up the point or the concern about maybe being in different timing of your decision making with your state commissions or whoever you’re working with.

At this point, kind of what stage are you at in terms of those discussions, and are those ongoing, and is there a possibility of coming up with kind of a timeframe for development of this action that all the states could agree to, in terms of moving the action forward?

To me, the benefit of having that one amendment isn’t just having one amendment, but it’s the fact that you’re all working together with the same common goal and the same common management strategy. Yes, there might be differences, in terms of delegation authority, but, at the end of the day, you have reached agreement along a similar path. I am just asking kind of from a timing standpoint as well as how much conversation maybe has occurred at the state level.

CHAIRMAN GREENE: Discussion? Mr. Anson.

MR. ANSON: Yes and yes. We have, just recently, begun to talk about the issue of regional management with our charter boat representatives, or the representatives that represent most of the fleet, and so that is certainly a question that’s on their minds, is the progress of 41 and 42, and I think, as we gain more momentum with these documents that we’re discussing right now and what actually that will entail and addresses some of their concerns that they have expressed in the past, and that is having some guarantee that they will be protected, so to speak, at least the federally-permitted charter boats, and that there will be provisions in a plan that would allow them to have access to the federal waters and the state-licensed boats not have access.

If we can resolve that relatively soon, and if, for whatever reason, 41 and 42 bogs down, for various reasons, there is potential, I think, for us to move towards including the charter boats in a state plan in Alabama, potentially, through this route, rather than it going through 41 and 42, but there is...
still a lot of unknowns that we have to at least resolve and
then communicate that back to our charter boat folks and see if
there is a desire to continue to do that.

CHAIRMAN GREENE: Is there further discussion? Mr. Riechers.

MR. RIECHERS: Well, since Andy asked it this way, I will try to
weigh-in a little bit, Andy. I would say that, at the executive
level and the departmental level, there has certainly been
discussions about how we would move forward with some level of
regional management at that commission kind of level, but,
really, not in a detailed fashion at this point in time.

The discussion was obviously moving forward as we were dealing
with regional management before, and, as that became less
likely, given the circumstances of the last document, that
discussion somewhat stalled, and it has only recently kind of
re-cultivated itself, as we made motions to include Texas and
Florida last time.

I would say that what you did miss, and maybe you didn’t and
maybe you were here, and while I will still honor the notion of
five documents, if that’s what everyone wants to do, I think
you’re still at the point where, if we go forward, it’s going to
have to be a motion that incorporates all five of them all at
once, almost, to move them forward, because I think that’s going
to be what it’s going to take around this table to get them all
going, because there has to be an allocation that’s agreed upon,
and then those documents have to move forward, and I suspect
that everybody is going to be ready to move them forward at the
same time if we get past that largest hurdle of an allocation
issue.

I think the notion is there that, if we could get past that
hurdle, if it is a hurdle, and I don’t know that it is -- We
haven’t had some of the discussion regarding some of the new
methods that we tried to bring in.

That was going to be my question to staff. You talked about
having some of that discussion, and when do we expect to be able
to see that as a council body, possibly even before it goes
before the SSC?

Certainly, there is no reason why it can’t be on our agenda for
the next time and those documents that we may be showing to the
SSC couldn’t already be put in a briefing book moving forward
for next time, so that we would have some of that available to
us. I mean, we can certainly go get the paper, and we can
certainly look back at past SEDARs, but, if there’s an evolution of thought there, I would like to see that as well.

DR. LASSETER: Could I get some clarification? Are you requesting something -- We could definitely put material in the briefing book for the SSC meeting, and so is that what you’re referring to?

MR. RIECHERS: Well, you asked us to have some further discussion, but it’s hard to have discussion in the generic framework about using biology or distribution of stocks as part of the discussion without really having any of that information feeding that discussion other than at a very high level of east and west, based on what we know on SEDAR, and so I’m just wondering when the council is going to get that, and it’s certainly better for us to get that as soon as we can, as opposed to late in the briefing book process of the next meeting.

EXECUTIVE DIRECTOR GREGORY: The document was just emailed to the Full Council by the admin staff under Meetings, and I think the document was distributed in a limited way at the last meeting by Dr. Stunz. That’s the document we’ll be presenting to the SSC.

MR. RIECHERS: But that is just the paper in question, and that’s not any further evolution of a thought about a way to approach it or anything like that.

DR. LASSETER: Mr. Riechers, we do plan to bring this, after review, to your next meeting. Does that -- So you will have it available for your next meeting. Is that satisfactory? I am not sure how we’re going to get it before that.

MR. RIECHERS: Well, I mean, I think our last motion was for you all to look at development of ways or approaches to looking at that, and the paper obviously details some level of thought about that distribution, and I guess what we were also looking for is if there is any -- Again, for lack of a better term, evolution of that paper and how you would actually put it into a here’s how we think we might be able to use this as an allocation tool when looking at that.

We did have the motion there that said that we’re going to do 25 percent by landings and X percent by that, and I understand that, but I guess what does that distribution look like, and how might we formulate that into an alternative?
DR. LASSETER: I think I understand now. There is a process where the Science Center and NMFS SERO staff have taken the data and the methods there and have -- I think they even got shapefiles, and then they extrapolated how much of that biomass is within each of the areas off of the EEZ.

They’re still working on this analysis, I believe, but, ultimately, there will be a table, much like the tables for the other alternatives here, and I see no reason why that will not be completely ready for the January meeting, provided that the SSC does approve this approach, and I’m going to pass it to Dr. Simmons.

CHAIRMAN GREENE: Dr. Simmons.

DR. SIMMONS: Thank you, Mr. Chairman. I was just going to say that we’re having an SSC webinar on I think it’s October 31. Under Other Business, we have added this item for the SSC to start giving us some feedback on, as to what we’re looking at, what the Regional Office staff is looking at and the Science Center with the paper, and, knowing there’s an ongoing assessment and we’re probably going to get the results of that standard assessment in the spring for red snapper, are there other things that we need to be developing and bringing to them for the full meeting in January?

After that January SSC meeting, we will bring you the recommendations to the January council meeting. We had to cancel the other SSC meeting because of the hurricane.

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

MR. STRELCHECK: I appreciate the input, Kevin and Robin, and we have been discussing red snapper management for decades. We’re at a point now where I’m just trying to figure out how we can make some strong progress, and I feel like we’re on the cusp of something big.

We obviously have some big hurdles to overcome, in terms of getting agreement, especially on decisions like allocation. To me, I think there’s a huge opportunity here, if we’ve identified a comprehensive list of everything the federal government believes we can delegate to the states, to be able to have that conversation with your state commissions and boards and everyone else and be able to come back in January, or as soon as possible, to get a good sense of are those things on target, in terms of what you’re expecting to have as far as delegation
authority.

Are some things not on that list that you were expecting or that you would like to have delegated? How far off the mark are we or how close are we? I just encourage you, the state directors in particular, if your boards or commissions are meeting between now and January, to have those conversations. Work with NMFS and work with the council to make sure you have that comprehensive list of delegated activities, so that we can have an informed conversation come January.

CHAIRMAN GREENE: Thank you. Is there further discussion? Ms. Gerhart.

MS. GERHART: We have talked about a lot of ways to potentially restructure actions as well as the amendments themselves. Would it be acceptable for staff to kind of look at those different ways and bring some ideas back to the January meeting of how we might do that restructuring?

CHAIRMAN GREENE: Ms. Bosarge.

MS. BOSARGE: Sue, I think if you want to bring ideas -- I mean, I think we’re always open to ideas. I would venture to guess that bringing one document with all five states may not be acceptable to all the states at this point. It doesn’t sound like everybody is quite ready to get in bed together, and so maybe let’s -- If you want to bring ideas, but I think the amendments themselves better come back separate for the next one, but, yes, I mean, if you can flesh out some ideas of how that would look and things like that, that would probably be helpful.

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

DR. LASSETER: Thank you, Mr. Chairman. Those are kind of the remaining issues. It would be the allocation, and we’ll be bringing you additional information back, and we do need to further address this defining full delegation, either as a separate alternative or modifying the existing delegation, and so I hope we can resume this discussion in January.

That is the end of Action 1, and so each of the state documents, the five state documents, have the same Action 2, which begins on page 12. It might be different for Florida and Texas, because you had some additional text on that full delegation.
Action 2 addresses post-season accountability measures, and, yes, we’re looking at Louisiana’s document right now. Again, Louisiana is the only state that has a preferred alternative, but they have selected, and you have approved, a preferred alternative for the Louisiana document.

Louisiana’s preferred alternative is Alternative 2, which is, while red snapper is overfished, in the event that Louisiana’s portion of the ACL is exceeded, in the following year, you reduce the total recreational quota and Louisiana’s ACL by the amount of the ACL’s overage, and, of course, this will be affected by how many other states are participating, if another state has the same alternative, because your option here, your preferred option, is to apply it just to the component, or proportionally to the component, that exceeded their respective ACL. That is Option 2a.

Then your Option 2b, which is provided for analysis and discussion, is that, if a state has both the private angling ACL and federal ACL, apply the overage adjustment equally to both components. I will pause there and see if there is any further discussion on this action.

CHAIRMAN GREENE: Is there discussion? Carry on, Dr. Lasseter.

DR. LASSETER: Okay. Thank you, Mr. Chairman. I did bring up already the minimum size limit action that was removed at the last meeting, and I had that as my final note, and so let me just add that that would be the other thing to please consider before the January meeting, is if you would like to consider re-adding that to the documents again. That is all I have, Mr. Chairman.

CHAIRMAN GREENE: Thank you. Any further discussion? Ms. Bosarge.

MS. BOSARGE: Ava, and I guess maybe this goes out to the states. Do any of the other states want to go through their specific document, because we’ve kind of gone through all the alternatives, but not in each specific document by itself, and are there any other states that want to try and pick some preferreds at this point in their specific documents? If so, we can pick those documents up and definitely go through them, if you would like. I see a no from Florida, and I don’t see Robin. Okay. I don’t hear anybody speaking up, and I just wanted to make sure. I don’t want to pass you over.

CHAIRMAN GREENE: Okay. Dr. Lasseter, that completes everything
for regional management? Okay. Well, we’ve still got thirty minutes, and so we’ll continue on with our next agenda item, which is the Discussion of the South Atlantic Fishery Management Council and the Gulf of Mexico Fishery Management Council Management of Yellowtail Snapper, and this will be for Mr. Rindone. Hopefully he is --

EXECUTIVE DIRECTOR GREGORY: We had anticipated doing yellowtail in Full Council, thinking we wouldn’t have the time to do it today. I think Carrie is trying to find Ryan now. We will find out in a minute.

CHAIRMAN GREENE: Dr. Simmons.

DR. SIMMONS: Thank you, Mr. Chairman. What we can do, if we could just skip down a few items, we could get Ryan set up on the webinar, and then he could come back and do the yellowtail snapper, and is that acceptable?

CHAIRMAN GREENE: Absolutely. The next thing on the list would be the National Marine Fisheries Response Regarding Referendum Requirements for Auctions, Tab B, Number 9. Ms. Levy.

NMFS RESPONSE REGARDING REFERENDUM REQUIREMENTS FOR AUCTIONS

MS. LEVY: Given the lack of anything in the briefing book on this issue, you may have guessed, but I will confirm that I do not have a written response for you ready for this meeting. The request for a written legal response takes a number of layers of review and time, and it just isn’t ready at this point, and so I really don’t have anything else to add, other than I am still working on it, and I anticipate it by the time you’re going to talk about 36B again, which would be at the next meeting.

CHAIRMAN GREENE: Mr. Boyd.

MR. BOYD: Thank you, Mr. Chairman. Well, I made the motion and the request, Mara, and I am concerned that we can have very quick responses to questions here at this meeting, or any meeting, and make decisions based on those in twenty-seconds or three-minutes, and we can’t get a response out of a group of attorneys in five months. I am not chastising you, but it just seems like it’s an inordinately long time to get a response.

MS. LEVY: I certainly hear what you’re saying. It’s just that doing a written response requires more, and it competes with other things at a national level, meaning it’s not just about other attorneys looking at it who deal with the Gulf. It’s
about attorneys at Headquarters and everything else, and so it encompasses a much broader undertaking, is what I am trying to say, and coordinating everybody's time and getting all that done, and it ended up taking, at least in this case, longer than I thought it would.

We had some intervening factors with things that were happening with hurricanes and workloads and just other priorities that ended up, perhaps, overshadowing this one. I didn't -- I was really anticipating getting it to you for this meeting, and it just didn’t happen the way that I was hoping it would.

**CHAIRMAN GREENE:** Mr. Boyd.

**MR. BOYD:** The original dialog that you and I had was about starting some kind of an amendment or a look at the possibility of rents in the commercial sector, and what I would like to do -- I've got several thoughts about that. If you're okay with that, I would like to just have a conversation with you offline, so we don’t have to hold everybody up, to help me understand some of the logic that’s either going to be behind or not behind whatever opinion comes out, and can we do that without getting in trouble?

**MS. LEVY:** It’s not about getting in trouble, but it’s just I feel like I have stated, on a number of occasions, my opinion about whether a referendum is required for setting up an auction for this already existing red snapper IFQ system, and I think I've been pretty clear about it.

I know we had a big of a misunderstanding a few meetings ago, based on an email exchange that probably wasn’t crystal clear, but it definitely wasn’t my intention to change what I had previously said over the course of various meetings, but I guess what I’m saying is that what I am going to say, I have already said on the record, and, in terms of what comes out in the written opinion, I mean, I think we just need to wait until you get the written response for that, I guess is what I’m saying.

**MR. BOYD:** Okay. I have a motion that I would like to make, but I don’t want to do that until I talk to you about it, and so, if we can talk offline, I would appreciate it.

**CHAIRMAN GREENE:** Okay. I had one other person to speak, and I would encourage you all to speak offline about that. We have Ryan standing by in the shadows ready to move on with that, as he’s at home, and so, Mr. Anson.
MR. ANSON: Real quickly, Mara, the motion was made at the
council, and so it’s the council’s desire to try to get some
information on this, and I’m just sure that you’re contacting
those folks that are part of that pipeline to remind them of the
need, and, granted, the next meeting is not until January, and
so they’ve got a little bit of breathing room, but you’ve got
the holidays coming up too, and so just whatever you can do to
help expedite it and make sure that we have it in January, that
would be appreciated. Thank you.

CHAIRMAN GREENE: With that, we will wrap that portion of it up,
and we will go back in our agenda to the yellowtail snapper.
Mr. Rindone is at home and on the phone. Obviously, it’s after
six o’clock in his timeframe, and so, Mr. Rindone, thank you for
helping us get through this agenda schedule, and so, with that,
I will turn it over to you, if you’re ready.

DISCUSSION OF JOINT SAFMC/GMFMC MANAGEMENT OF YELLOWTAIL SNAPPER

MR. RYAN RINDONE: Thank you, Mr. Chair. We have been going
back and forth on the possibility of merging the ACLs for
yellowtail snapper between the Gulf and the South Atlantic for a
little while now, and the South Atlantic had, a while back,
stopped looking at this temporarily, because they were waiting
for the MRIP recalibration effort to be completed, so they could
see what the impact might be on the recreational yellowtail
snapper landings in their jurisdiction.

What we’ve provided for you guys here is kind of a hot sheet
that was originally sent to the August 2017 council meeting, and
that’s what is up on the screen right now, and this just details
what the Gulf and South Atlantic landings are for yellowtail
snapper and how management is delineated and what the current
catch limits are, just to kind of bring you up to speed on what
the similarities and differences are between us and the South
Atlantic with respect to how we manage the species.

Generally speaking, the Gulf is managed under a stock ACL, which
it has not been landing, and I would point out that, in 2015 and
2016, with 2016 being preliminary landings, we have only landed
about half of our ACL, but it’s important to remember that the
Gulf yellowtail fishery is dominated by the commercial sector,
almost 98 percent, and some years there might be instances where
a few boats might not go fish, and we saw a similar pattern with
hogfish in the Gulf, and, if a few boats don’t go catch
yellowtail, it could throw the landings off by a couple hundred-
thousand pounds in yellowtail. In hogfish, it was to a lesser
degree, but, still, it can have a great influence on the
landings.

For the South Atlantic, the commercial sector has been landings its ACL the last couple of years, while the recreational sector has not, and so we managed these stocks at the council jurisdictional boundary, and this boundary and the apportionment between the councils was codified in the council’s ACL/AM amendment in 2011.

Yellowtail are not overfished or undergoing overfishing, and the fishing year was changed to August 1 to July 31 in a recent framework action to the Reef Fish FMP.

We received a letter from the South Atlantic Council, which is Tab B, Number 8(b), I believe, from Chairman Dr. Michelle Duval, generally asking our council, the Gulf Council, to consider some of the measures that they are proposing and see if we are interested in exploring combining the ABCs and ACLs for yellowtail across both regions.

The South Atlantic has also proffered several potential management alternatives that you can see further down in this letter, as discussion points at least and as management alternatives at most, for consideration, and so with that, Mr. Chair, if there is any questions, I’m available to answer them as best I can, or Ms. Guyas might also have some additional insight.

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

MS. GUYAS: Sure, and I can talk some, and I’m sure John can, and probably Tim too, since Tim has been on the South Atlantic when they’ve been discussing this. This has been an issue that we keep coming back to. We have tried, or at least on the South Atlantic side they have tried, to make a few fixes to address this problem, and we keep coming back to where we are and looking at this issue of potentially combining the ACLs and managing the stock as a single stock.

My personal thought is I think we do need to put all of the management options on the table. It’s not going to be easy. This involves allocation, not only between the councils, but between commercial and recreational, but I think we need to have this conversation.

I think that the South Atlantic has talked about looking at some changes to commercial trip limits and things on that side in the interim, and I will let Tim, I guess, expand on that, and then I
guess what their timeline is. I am not entirely clear what that is, working on this, but I think it is something that we need to work with them on.

CHAIRMAN GREENE: Tim.

MR. TIM GRINER: Thank you. Kind of the problem we’ve run into here is it’s a very important part of our commercial fishery, and really just for Florida, but, the last couple of years, we’ve closed early, and, at the same time, we have barely gotten to 50 percent of the recreational sector, and I’m not real sure how deep into your ACLs you have gotten, but I don’t think it’s very deep into it.

We’re closing two months early, while there is still ACL out there, and so we’ve got all these unharvested fish. Part of that has some unintended consequences, and, again, for us in the commercial sector, every little thing becomes important, and so what happens when the yellowtail closes early is effort gets shifted, and it gets shifted over to the amberjack, and there is a big difference in the amberjack fishery and the access to those fish in Florida than there is in North Carolina.

When this effort gets shifted in Florida, then, by the time these fish are available to us up in North Carolina, that quota has been met, and so here we are up in the top part of our region now faced with another week or so before amberjack closes, and we’re just now getting good access to the fish.

The unintended consequence of blowing through the yellowtail ACL is that it affects us amberjack fishermen up in North Carolina, and so we just wanted to run it by you guys and see what your thoughts are on combining this ACL. It is one stock, and it’s not overfished, and it’s not undergoing overfishing, and, between both regions, we’ve got a lot of fish left out there, and so that’s really kind of it, in a nutshell.

We are looking at some trip limits, some step-downs, some split seasons, things that we do with some our species that kind of can slow the effort down a little bit, but, before we moved any further with any of that, we kind of wanted to get you guys’ thoughts on it. Thank you very much.

CHAIRMAN GREENE: Thank you, sir. Mr. Sanchez.

MR. SANCHEZ: I am with Martha. I think we need to put all options on the table. We keep revisiting this, and commercial fishermen are multispecies fishermen. In the Keys, you do what
you have to do to make it work, like pretty much all commercial fishermen do, and they predominantly lobster fish in season, and then they crab fish, and then, depending on how it goes or your need or desire, in the summer, you fish for scalefish. Yellowtail is a big one of them.

I am going to tell you right now, after this storm, there is probably going to be a lot of need for these guys to yellowtail fish this year, and so we’re going to need to do something about this. As far as the restaurants go and the markets, yellowtail is probably the only fish that you can go and you know that was caught in the Florida Keys and you’re eating it in the Florida Keys.

A lot of the other stuff is free trade and there is imports, and so we would like to see that remain viable. It’s a part of our history, our heritage, and it’s something synonymous with the Florida Keys and elsewhere, and they’re going to really need it this year. They really are.

CHAIRMAN GREENE: Thank you. Is there further discussion? Ms. Bosarge.

MS. BOSARGE: So, Tim, you already looked at reallocating from recreational to commercial, and you all voted no on that, I’m assuming, because you’ve got a recreational ACL that only -- Well, 50 percent or less of it, essentially. Well, one year, they hit 64 percent, but it’s looking like it’s somewhere between 30 and 50 percent most years that they’re hitting of their TAC.

MR. GRINER: Thank you, Madam Chair. We are developing that in an amendment now. We put it on hold for the time being. We do have some concern about the MRIP numbers changing, and so we have started working on it, but we’ve kind of put it on hold right now.

CHAIRMAN GREENE: Mr. Gregory.

EXECUTIVE DIRECTOR GREGORY: I think the South Atlantic Council director simply wanted to know if the Gulf Council was interested in pursuing this. From the conversations that I’ve heard, the answer is yes. It’s not something we will do right away. The South Atlantic Council does want to wait until the new MRIP numbers come out, and so I think the answer back to them seems to be that, yes, we’re willing to work with you and explore options.
MR. GRINER: That’s kind of exactly the feedback we wanted to get. We do need those new MRIP numbers and to kind of get an idea of where we really are on the recreational side, and then we can kind of sit down and start going through some alternatives and seeing where to go from there. Thank you.

CHAIRMAN GREENE: Ms. Bosarge.

MS. BOSARGE: Yes, I think we’re open to exploring options, but I will tell you, for me personally, and not as the Chairman of the council, but just personally, if I am going to look at an amendment, you’re probably going to have to take that off the back burner and look at that in your amendment too, because, I mean, if our commercial guys go back and target it again, we’re going to be somewhere around the upper 80 percent of our ACL.

If we shift some of our ACL to you, then we’re going to get into a condition to where, if we see any increased effort in the Gulf, we’re going to be over our ACL, and there you are with excess capacity that there is not the passion to fix it on that side too, and so, I think, to work together, we’re going to need to see that capacity to work on your side, too.

CHAIRMAN GREENE: Tim, to that point?

MR. GRINER: Yes, and, to that point, I think we are also looking at combining these sectors back together again as well.

CHAIRMAN GREENE: Ms. Guyas.

MS. GUYAS: I agree with all that. Just one other note, too. Again, because this is a Keys fishery, a lot of these guys have both permits, and it’s not necessarily us versus them. These are the same people in a lot of these cases. They just have the permit to fish both sides, but not everybody does, but there are a handful that do have those permits and are able to do that, and so these are a lot of the same people.

CHAIRMAN GREENE: Tim.

MR. GRINER: That’s a really good point, and I wonder if it would be possible, or I’m sure we could do it on our side, to go ahead and look and find out who has these dual permits.

CHAIRMAN GREENE: Mr. Diaz.

MR. DIAZ: Tim, I don’t know if you all discussed this or not, but we did look at a loan program here for our mackerel fishery,
and we ultimately did not pass it, but it might be something for
you to consider, and, if you’re interested in seeing what that
looks like, we could get one of the staff to email you what we
had worked on. We did a lot of work on it, and, anyway, it
might be just something else for you all to consider.

MR. GRINER: Thank you, Dale. I think we would love to look at
that, and anything that could help, even if it was just for a
short half-a-season or something.

CHAIRMAN GREENE: Thank you, and so what do we need to do here?
Do we need a letter, or do we just need verbal compliance to
satisfy this? How do we need to wrap this up?

EXECUTIVE DIRECTOR GREGORY: I don’t know if we need a motion,
unless there is some opposition, and then we’ll have a vote, but
what we would do is respond in a letter to the South Atlantic
Council that we are interested in pursuing this with them.

CHAIRMAN GREENE: Okay. Is there any objections to what Mr.
Gregory has laid out? Mr. Diaz.

MR. DIAZ: Ryan, if you’re still on the phone, would you mind
emailing that mackerel document, where we had the loan option in
there, where we were considering a loan program from the
recreational and commercial sectors, to Mr. Griner, please.

MR. RINDONE: I would be happy to send it to him. I had also
drafted up a version of it that was explicit to South Atlantic
yellowtail for the South Atlantic Council a while back, and that
was provided to their staff, and a version of that is included
in Tab B, 8(b), towards the bottom of that document. It’s an
option that they provided in there for consideration.

CHAIRMAN GREENE: Thank you. Anything else before we leave
yellowtail snapper? Okay. Thank you, Ryan, for taking time
away from your family at home to facilitate us. We appreciate
it.

Next, with that, I think we can get one more item in, which
would be the Discussion of the For-Hire Reef Permit Transfers,
and then I assume that we will look at the rest of the agenda
and see if we can fit it in tomorrow, perhaps at Full Council.
We will go from there. Our next item would be Discussion of the
For-Hire Reef Fish Permits and Ms. Levy.

DISCUSSION - FOR-HIRE REEF FISH PERMIT TRANSFERS
MS. LEVY: Thank you. From what I understand, there was some discussion at the last meeting about fishing when you have a federal for-hire permit, with respect to red snapper and the private angling season versus the for-hire season and the state seasons versus the federal seasons.

NMFS did put together like a draft Fishery Bulletin addressing some of these questions, and I can let Sue speak to that, but I don’t think they’ve put it out yet, just because red snapper is closed right now, and they didn’t want to create confusion by putting out a bulletin about red snapper fishing.

Generally, what it says is that, if you have a vessel with a federal for-hire permit, that you cannot fish for red snapper in federal or state waters when the federal for-hire season is closed, and so that’s linked to having the permit on the vessel. It doesn’t really matter who is on the vessel or what kind of fishing you think you’re doing, but it’s a permit requirement, essentially. The vessel is permitted, and the for-hire season is closed, and you can’t fish for red snapper in federal or state waters.

If the federal permit is transferred off the vessel, then people aboard the vessel cannot, at any time during that same fishing year, fish for red snapper in federal waters when the federal for-hire season is closed, and so that’s a little piece. If you have the for-hire permit at any time during the year, you’re supposed to be fishing under that for-hire quota for that year, and so, when that closes, even if you transfer the permit off, you’re going to be considered to still be under that quota for that fishing year. You can’t then switch to the private angling component quota in federal waters and fish under the private component quota.

Like I said, it applies regardless of whether the vessel is acting as a charter vessel or not. It’s linked to the permit or having it any time during the fishing year, and I don’t know if that covers the questions or you had more questions. If there is other things that you want to discuss, we can do that.

CHAIRMAN GREENE: Well, I may very well have a question for you, but I’m going to go to Ms. Gerhart and let her go through what they had put together for that bulletin.

MS. LEVY: I was essentially reading from it. Like I said, they just -- I don’t think they’ve put it out yet, because they didn’t want to create confusion, because red snapper is closed, but you can speak to that if you feel like it’s necessary to
alert folks of that now.

CHAIRMAN GREENE: Mr. Anson.

MR. ANSON: So, yes, I had two issues, I guess, or there are two issues that I can see with the rule that was implemented for this year to address the permit transfer and identification of the vessel for quota monitoring, I guess, essentially.

The first is I recall, from either the last meeting or the meeting before, when we asked for kind of a status update, and I think it was the last meeting, but the issue of permit transfer was not a big issue, as I recall, as far as the number of permits that appeared to be being transferred on or about the time that a federal season would end and then you could pick up a state season. I want to confirm that, and then I will have another question.

CHAIRMAN GREENE: Ms. Gerhart.

MS. GERHART: I don’t have that data in front of me, but, as I recall, it was the same thing. We did look into, on a monthly basis, how many transfers there were, and there didn’t seem to be this spike in transfers during a time when people might be trying to play in both pools.

MR. ANSON: Then my second question is kind of in the same vein. There are these latent permits that are out there, and they are held, I believe, by recreational anglers, or, at least in their mind, they’re considered to be recreational, because they don’t have any of the charter boat stuff. They don’t buy a state charter boat license, and they’re not taking anybody out for pay on their boats. They just kind of have the permit, because it was a moratorium, and it’s kind of nice to have a moratorium permit in your back pocket, for whatever needs.

I am just wondering -- I mean, that was my comment earlier, is that there needs to be, I think, some better outreach, because I believe there is vessels that are going to be fishing outside of a charter season that, if we have an extended season next year federally in federal waters, or they’re fishing in state waters in the state season next year or what have you, and it’s going to be a real shocker if they get pulled over and they get told that they’re a charter boat and they have no inkling, other than they bought this permit and they pay thirty-bucks or fifty-bucks a year to renew it each year.

CHAIRMAN GREENE: Ms. Gerhart.
MS. GERHART: Our intention was to put this bulletin out before next season, before June 1 next year, as a reminder. We intended to put it out now, and then we decided, after discussion, that it would be confusing, as Ms. Levy said, in that it might imply to some people that there is an open season out there somewhere if we’re talking about when you can and can’t fish.

We could put some language in there to clarify that if the council would like this to go out now. We could do that, and so, if you would like us to put the bulletin out now, we can do that as well as next year.

CHAIRMAN GREENE: Mr. Anson.

MR. ANSON: To answer that question, I think soon, in the next month maybe, would be a good time, but I also think that, outside of the bulletin, is you have the email addresses for these individuals, I would think, or most of them.

At least when they reapply, you send a little piece of paper that’s in orange or fluorescent yellow, and it says that your renewal of this permit now qualifies you as a charter vessel, and you need to be applying by all of the fishery regulations. By the way, here’s a bulletin, and you send it in that way too, because, again, these folks -- I think a lot of them are just not tuned into Fishery Bulletins as folks who are in the business and professionals are using that permit for commercial purposes. They’re not in that line of information.

CHAIRMAN GREENE: Okay. Thank you. My issue is a little different. We had brought a federal -- There was a NOAA agent that was here at the last meeting, and he came up and spoke. The issue was that, if you transfer your federal permit off of your vessel, or you transfer it on the vessel, it has to remain on the vessel, and you are identified as a charter boat for the remainder of that year.

If you transfer it off in the fall and you go into the next season, and you have not been identified as a charter boat, and so you’re operating under the recreational deal, and if you transfer your permit in right before the federal charter boat season begins, and you’ve taken advantage of the recreational season, and now you’re going to take advantage of the for-hire season.

That was the issue I had with the process. Either you have to
be identified that you’re a charter boat all the time, twenty-
four hours a day, seven days a week, 365 days a year, with no
transferring on and off, or we’ve got to look at something else,
because, if these guys are transferring their permits off to
capitalize on the state-water fishery, that’s just wrong, in my
opinion, and that’s where I am fundamentally hung. Ms. Levy.

MS. LEVY: The state water thing is a little bit different than
the dual season in federal waters, right, because, if a vessel
doesn’t have the permit on it, and it’s in state waters, we have
sort of no federal nexus to control what it does, and so I don’t
really think there is anything to stop somebody from
transferring their federal permit off their vessel and now using
that vessel to fish in a state-water season.

That is different than them trying to transfer their permit off
and fish in the private angling federal season, because what
we’ve said in that context is, no, there is a federal private
for-hire quota that applies to you if you have had this permit
on your vessel at any time during the fishing year, and,
therefore, essentially, the closure applies to you, even if you
transfer it off, but I think it gets a little bit different in
state waters, because, if they have no federal permit and
they’re in state waters, we really don’t have a mechanism to
prohibit them from fishing.

CHAIRMAN GREENE: Well, and you’re correct, but here is a
situation. Prior to this past year, they could fish. You know,
you didn’t have a state-water deal that was separate than the
federal season, until this past year. You had state waters, and
you had charter boat season, and then you had the expanded
season that went on that was allowed into federal waters, and so
there is three dynamics here at play.

MS. LEVY: Right, and so that’s what I’m saying, is that, if you
had the federal charter/headboat permit on during the federal
charter season, and then you took it off and you tried to fish
in that extended federal water private angling season, you
wouldn’t be allowed to do that under the way the regulations are
written, but, again, that’s the federal private angling season.

CHAIRMAN GREENE: I understand that, but if next year comes
along and a season opens up early, then we’re in a different
situation. My fundamental flaw, or my hang-up here, is you’re
either a charter boat and you fish the federal for-hire or
you’re not.

Transferring back and forth, I just fundamentally think it’s
wrong. Now, that’s just my own personal belief and not as Chairman, and I am not trying to sway anybody, but I am just saying that I think that there is an issue here that we need to look at, and maybe that’s what Kevin is kind of getting at here, and he’s jumping up and down, and so I certainly don’t want to hog up the time, being that we’re after hours and we’re way behind schedule, and so, Mr. Anson.

MR. ANSON: I will be brief. Just another little scenario is that, for that vessel that had the permit and fished the charter season, for instance, and then they took the permit off and transferred it to another vessel and then they went and fished in the state season and not the federal -- I mean, there are still landings that are going to be attributed to that vessel outside of the charter season, but they still -- According to the rule that was passed, it’s that you consider the vessel to be 100 percent for the rest of the calendar year to be a charter vessel, and, therefore, that they need to be abiding by -- That’s the way I interpreted and understood you all, when you had talked about it the last meeting.

That is what I want to make sure is communicated, is that, if that’s going to be the practice, and I believe it was for 2018 as well that the rule applies, is that that’s what is communicated to the permit holder, is that, thank you for your purchase, but you’re a charter vessel now until the end of the year, or until the next renewal. That’s the other point, the finer point, and the subtlety to this, is that that will remain a charter vessel, in the eyes of the feds, until the remainder of the year.

CHAIRMAN GREENE: Well, just as a follow-up, and I know we’re all ready to get out of here, and this is going to be my last comment, but I think it’s also prudent that, when you publish that notice that you have a permit and you are now a charter boat, that you have to meet these criteria.

You cannot keep a captain and crew limit, and you have to maintain all the turtle gear, all the stuff that goes along with that, because there are a lot of people that have bought the permits so that they could enjoy the whatever season, and they’re not aware of that.

That is going to be something I think that should be in there, and so, unless anybody else has got a burning desire to keep going, we’ve been here since 1:30, and I’m ready to use the bathroom. Any questions or any comments? We have one additional item, and I guess we’ll kick it either to Full
Council or somewhere else.

**GROUPER-TILEFISH IFQ FIVE-YEAR REVIEW SURVEYS**

EXECUTIVE DIRECTOR GREGORY: These were components of the overall five-year program review, and we will have the completed five-year program review in January, and so we can just put this off until January.

**OTHER BUSINESS**

MS. BOSARGE: So, there is a social tonight, and the social is being put on by the Charter Fishermen’s Association, Mississippi Commercial Fisheries United, and the Gulf of Mexico Reef Fish Shareholders Alliance. It is from six to nine at the Fillin’ Station, and that’s right here on Howard Avenue. It’s a shrimp and crab boil, plus all the fixings and beverages. Thank you to all three of those groups. I am going to turn it over to Dr. Ponwith for just a second.

DR. PONWITH: Far be it for me to stand between this council and our industry folks and that wonderful event, but it’s come to my attention that most know, but not everybody knows, that this is actually going to be my last Gulf of Mexico Fishery Management Council meeting.

I am planning on retiring from federal service in December, and I just wanted to make sure that everybody knew that and to say that it has been an amazing decade of science serving management decisions in the Gulf, and it’s hard to take a look at the lists that we have here of actions that are pending and know that somebody other than me is going to be providing the science advice to guide that, but it has been just a pure pleasure.

MS. BOSARGE: Thank you, Dr. Ponwith. It’s been a pleasure working with you, too. In fact, in the morning, we have something special for you and for Dr. Lucas. We have something to honor her as well, and so we’ll take that up first thing in the morning. Tomorrow morning, we start back up again at 8:30 in the morning, and so we’ll recess until then.

(Whereupon, the meeting adjourned on October 3, 2017.)