GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

SUSTAINABLE FISHERIES COMMITTEE

Hyatt Centric French Quarter New Orleans, Louisiana

AUGUST 12, 2019

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12 Leann Bosarge ........................................... Mississippi
13 Roy Crabtree ........................................... NMFS
14 Dave Donaldson ....................................... GSMFC
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16 Chris Schieble (designee for Patrick Banks) ......... Louisiana
17 Greg Stunz ........................................... Texas
18 Ed Swindell ........................................... Louisiana

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22 Jonathan Dugas ........................................ Louisiana
23 Phil Dyskow ........................................... Florida
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PAGE 28: Motion to accept the revised language from the SSC in Action 1, Sub-Action 1.1, Alternative 3. The motion carried on page 28.

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The Sustainable Fisheries Committee of the Gulf of Mexico Fishery Management Council convened at the Hyatt Centric French Quarter, New Orleans, Louisiana, Monday morning, August 12, 2019, and was called to order by Chairman Dale Diaz.

ADOPTION OF AGENDA
APPROVAL OF MINUTES
ACTION GUIDE AND NEXT STEPS

CHAIRMAN DALE DIAZ: I would like to call the Sustainable Fisheries Committee to order. The members on the committee are myself as Chair, Mr. Swindell is the Vice Chair, Mr. Schieble, Mr. Anson, Ms. Bosarge, Dr. Crabtree, Mr. Donaldson, Ms. Guyas, and Dr. Stunz.

First up on the agenda is the Adoption of the Agenda. There’s a motion to accept the agenda. Is there a second? It’s seconded by Dr. Stunz. Any opposition to adopting the agenda? The agenda is adopted.

Next up on the agenda is Approval of the Minutes. Ms. Guyas makes a motion to approve the minutes. Is there a second? Second by Mr. Donaldson. Any opposition to approving the minutes? The minutes are adopted.

Next on the agenda is the Action Guide and Next Steps, and I’m going to ask the staff to go through the Action Guide and Next Steps for each agenda item as we come to those agenda items, and so we’re going to take up the action guide and the next steps for the first agenda item, which is the Draft Framework Action to Modify Federal For-Hire Trip Limits. Mr. Rindone is going to be handling that agenda item, as far as the action guide and next steps. Mr. Rindone.

DRAFT FRAMEWORK ACTION TO MODIFY FEDERAL FOR-HIRE TRIP LIMITS

MR. RYAN RINDONE: Thank you, Mr. Chair. On Tab E, Number 3, for the action guide, and this is Agenda Item Number IV, and we’re at the options stage for this framework action to modify the federal for-hire multiday trip limits.

You guys will be reviewing the options presented to modify the possession limits for anglers on for-hire vessels exceeding -- On trips exceeding twenty-four hours in duration, and a trip is defined as the time that passes between a vessel leaves the dock and then returns to the dock.

Presently, anglers on these types of trips may possess two daily
bag limits for species in the Reef Fish and Coastal Migratory
Pelagic FMPs, but they have to wait until after twenty-four
hours has passed, while on that same trip, before they can
retain that second bag limit, per the way the regulations are
currently written.

You guys will need to review the proposed management options,
and you can recommend something as preferred, if you so choose,
or you can tell us that you want to see some more options and
give us some feedback and let us know where you would like the
document to go. Right now, we’re planning to bring a revised
draft back to you guys at the October meeting in Texas. Mr.
Chair.

CHAIRMAN DIAZ: Thank you, Mr. Rindone. Any questions about the
action guide and next steps? All right. Mr. Rindone, you can
go ahead and take it away and review the document.

MR. RINDONE: Thank you, sir. This is Tab E, Number 4,
Modification of For-Hire Multiday Trip Possession Limits. We
will go on down to page 9 in the document, which is the
introduction, and so you guys may remember, from a previous
meeting, we heard from a charter captain that had expressed some
concern about the way that the regulations were written against
the way that the fleet has been operating and outline some other
concerns that the fleet has about how it does these extended
trips.

You guys directed staff to take a look at resolving this issue,
but also to look at some additional options for the requirement
for how long a vessel needed to be on a trip to allow that
multiday possession limit to count.

Just to give you an idea of the universe of effort that we’re
talking about here, if you look at Table 1.1.1, this is a
summary of the federal for-hire headboats that are in the
Southeast Region Headboat Survey that made trips exceeding
twenty-four hours by year and the number of trips made by those
vessels combined for each year.

It is important to remember that not all headboats are included
in the Southeast Region Headboat Survey, and so this should give
you an idea though of generally how many trips are being made,
because a good number of the headboats are part of that survey,
and so, on average, the Southeast Region Headboat Survey is
recording anywhere from thirty-six to forty-eight headboats as
having made at least one trip in excess of twenty-four hours
during a given year, and some vessels make many trips, and some
may only make one.

If we move on down to Figure 1.1.1, you can see these data over time, and so the number of vessels in the survey that have been making -- Again, this is just headboats and not charter boats, but the number of vessels that have been making these trips has increased marginally over the ten-year reference period, and I only went back ten years, because, going back to like 1986, I didn’t think that that would be very informative for what’s going on right now.

Anyhow, you can see that, over the last ten years, we’ve had a marginal increase in the number of vessels, which is the blue line, but a considerable increase in the total number of trips those vessels are making that are in excess of twenty-four hours, and so this practice is becoming more popular, if you will.

CHAIRMAN DIAZ: Mr. Swindell.

MR. ED SWINDELL: I guess I am looking at the number of trips for the charter boats. The headboats have been in a program for a number of years, and I don’t know how many years it’s been, and so you have good data on them about how many trips they’ve made, but, for the headboats, how are determining back in 2009 and 2012, let’s say, when they really popped up? Have we been getting good data about the time that they’ve taken to do a trip for headboats during that time, I mean for charter vessels?

MR. RINDONE: We’re going to get to the charter vessels and the differences between the headboats and the charter boats. If I can just get through the headboat information first, I will talk about the charter boats, and is that acceptable?

MR. SWINDELL: I guess what I’m looking at now, as I see this, is this is just a headboat chart.

MR. RINDONE: This is just headboats that we’re talking about right now, and we’ll get to the charter boats next. Is that okay?

MR. SWINDELL: Yes.

MR. RINDONE: All right. There are trip categories that are used in the Southeast Region Headboat Survey to differentiate between trip duration, and we looked at four trip categories for this particular analysis, and that’s the two-day category, and two days counts as any trip from twenty-four hours to thirty-
five-hours-fifty-nine minutes in duration, three days, which is
thirty-six hours, to just under forty-eight hours, four days,
which is forty-eight hours, to just under sixty hours, and five
days is sixty hours to just under seventy-two hours.

The reason why we didn’t go anything further than that is the
number of vessels and trips making trips that are longer than
seventy-two hours falls off dramatically after that, and so this
encompasses the majority of the universe of effort that’s in the
Southeast Region Headboat Survey for what we’re examining for
this document.

We’re looking now at Figure 1.1.2, and you guys can see the
number of trips, which is the blue bar, made by the number of
vessels, which is the red bar, for each of the trip types, and
this is aggregated for that 2009 to 2018 period, and I didn’t
show this by state, because of confidentiality reasons, and I
thought that this would tell the story, if you will, pretty
well.

You can see that, for the two day, which is twenty-four to
thirty-six hours, and the three-day, which is thirty-six to
forty-eight hours, that’s where the bulk of the effort that’s
coming out of the Southeast Region Headboat Survey is coming
from, in terms of the number of vessels and the number of trips
that are being made in those trip categories, and, again, it’s
important to remember that this is aggregated for a ten-year
period, but also telling is that -- The total number of trips
that fell within these categories for this ten-year period was
2,359, which is approximately 2.6 percent of all headboat trips
made throughout the Gulf of Mexico for the same ten-year period,
and so there were like 89,626 trips from 2009 to 2018, and so,
of those, 2,359 fell within these trip categories. I left that
large bar off of there, because the rest of this would be
illegible with it. Again, that’s just headboats.

If we move on down to Table 1.1.2, you guys can see the MRIP
intercepts for 2014 to 2018 in the Gulf that captured reef fish
or CMP species for charter and private vessels, and the
important thing to remember with these intercepts is that the
survey records hours fished and not the amount of time that has
passed between when the vessel left the dock and when it
returned to the dock.

It can be difficult to surmise exactly how long that particular
time period is, and we don’t have the information to tell us,
and so, for instance, for the charter vessels, some of those
intercepts that fell within that zero to six hours fished could
be trips that were longer than twenty-four hours in duration.
We don’t have a way to know that.

Again, trips that fell in the eighteen-to-twenty-four-hour
category could be trips that were less than twenty-four hours in
duration, total, and so I know we’ve left the dock before and
started fishing a mile away from the dock, and so it just
depends on what’s going on with a particular trip.

The same is true of the private vessels. It’s just we don’t
have that particular datapoint to tell us how long it’s been
since that vessel left the dock, or how long it was between when
the vessel left the dock and when it returned. Mr. Swindell,
does that answer your question a little bit? Okay.

The Texas Parks and Wildlife data is a little bit different.
They do record trip duration, which is dock to dock, and so
Table 1.1.3 shows TPWD intercepts between 2013 and 2017, because
2018 data weren’t available when we were writing everything up,
and the TPWD survey is recording reef fish and CMP species, and
they record trip duration to the nearest half-hour, and no
charter or private angling trips were recorded with a duration
exceeding twelve hours, and so you can see the data there for
TPWD in Table 1.1.3, and that’s dock to dock.

I will cover the purpose and need, which is Section 1.2. The
purpose of this action is to modify the requirement for the
multiday possession limit for persons aboard federal for-hire
vessels, and so that’s headboats and charter boats, and the need
for this action is to promote efficiency in the utilization of
reef fish and CMP resources and a potential decrease in
regulatory discards by providing the owners and operators of
these federally-permitted for-hire vessels with greater
flexibility in determining when to allow passengers to retain
the possession limit on multiday trips.

Again, it’s important to remember the difference between bag
limit and possession limit. Bag limit is referring to a single
day’s take, and a possession limit is referring to the amount of
fish that a person is allowed to have in their possession at a
point in time.

**MS. MARTHA GUYAS:** I feel like part of our conversation about
this, and some of the reason why this bubbled up, is because,
really, there is a lot of confusion about the regulations. I
feel like part of our purpose, even if we don’t go so far as to
do some of these things, is to clarify what the regulations
actually are and make them easy for folks to follow and
understand what the rules are, and so I would like to see that included in here somehow.

MR. RINDONE: In the history of management, we talk about it a little bit. We talk about the way that it was originally written in Amendment 1 for like the Reef Fish FMP, and, if you look at the way that it was written, it was in such a way that the bag limit could be possessed on a trip exceeding twenty-four hours in duration, or the possession limit could be possessed basically at any point.

In 1996, there was a consolidation of eleven of the CFR parts into one, and, in the consolidation process, and sometimes when you take that much information and condense it down, there was a change in the way that everything was summarized in there and written, and so that is where that change from Amendment 1 came from, or at least that’s where we think it came from, based on the information that we have.

That part of what’s going on in the document is one component of this. The other component of it is what you guys asked to be considered, which was an evaluation of how long is long enough for a vessel to be away from the dock and still allow them to possess that two daily bag limits.

CHAIRMAN DIAZ: Ms. Levy.

MS. MARA LEVY: Thank you. Well, just to say that the regulations are not unclear, and so, if you want to change the regulatory requirement, or modify them, then that’s part of the purpose and need, but the regulations are very clear that the possession limit does not apply until after the first twenty-four hours of the trip, and that applies to more than Gulf reef fish. It applies to South Atlantic snapper grouper, and so that’s not something that I think we’re going to change or that should be in the purpose and need.

Again, if you’re trying to address a particular problem about the way the regulations are written and want to change them for some reason, then that should be reflected, but they are pretty clear right now, and they have been like that since 1996.

CHAIRMAN DIAZ: Mr. Rindone.

MR. RINDONE: Thank you, sir. You guys can review everything in the history of management about how it was all originally set up, also. If you want to just head to our single action in Chapter 2, that is on page 17, and this is modification of the
for-hire multiday trip possession limits for Gulf reef fish and
CMP species.

Action 1 is our current environment, which is that the onboard
possession limit for federal for-hire trips exceeding twenty-
four hours in duration in the Gulf will be two daily bag limits
per angler, or vessel for speckled hind and warsaw grouper,
excluding captain and crew, and the second daily bag limit
cannot be retained until twenty-four hours have elapsed since
the vessel left the dock.

It's also important to remember that all of the applicable Coast
Guard requirements still apply, and so we didn’t include all of
that additional language in the alternatives.

Alternative 2 says that the onboard possession limit for federal
for-hire trips in the Gulf exceeding a given trip duration,
which is outlined in Options 2a through 2c, will be two daily
bag limits per angler, or vessel for speckled hind and warsaw
grouper, excluding captain and crew, and the second daily bag
limit may be retained any time during a trip with a minimum
duration of -- Option 2a is greater than twenty-four hours and
Option 2b is greater than thirty hours and Option 2c is greater
than thirty-six hours.

A distinction between Alternative 1 and Alternative 2, Option
2a, is that, under Alternative 1, which is our status quo, you
still would have to be at-sea for more than twenty-four hours to
be able to retain that second daily bag limit, and you would not
be able to retain it until after twenty-four hours had passed.

Under Alternative 2, Option 2a, that second daily bag limit
could be retained at any point during that trip with a trip
duration of greater than twenty-four hours, so long as the
vessel doesn’t return to the dock sooner than the time that is
outlined. Does that make sense? Thoughts?

CHAIRMAN DIAZ: Mr. Sanchez.

MR. JOHN SANCHEZ: Thank you. I’m not on the committee, but
thoughts I have is I wanted to, I guess, say that at some point
it seems irrelevant that in Amendment 1 -- It seems like they
were allowed to do this, which is at question now, and then, in
the mid-1990s, there were some changes, procedural, that kind of
-- Now here we are.

We fast-forward this many years to today’s date, and it seems
like, somewhere in Alternative 2, we can find something that
addresses this, and we can fix this and put it to bed, and so I would be in support of Alternative 2 and some option there. I’m a middle-of-the-road person, and so probably 2b would be my preference moving into that in Full Council.

CHAIRMAN DIAZ: Thank you, Mr. Sanchez. Any other comments about Action 1? Mr. Dyskow.

MR. PHIL DYSKOW: Thank you. I also am in favor of Option 2b, but I have a question in addition to that. How enforceable is this? Are the law enforcement people comfortable with this change, that they have a tool that they can utilize to enforce this, because if I catch a two-day limit within the first twenty-four hours, and I have a -- If I have filed a trip that says that I’m going to be out for two days, how do they make sure that people don’t just turn around and go back to the dock? Are they comfortable that they have an enforcement methodology?

MR. RINDONE: I would think that law enforcement probably would be best to answer that.

LT. MARK ZANOWICZ: The way the regulations are currently written is each customer onboard needs to have a paid receipt showing they paid for a trip that exceeds twenty-four hours, and so my understanding of this amendment is we would still keep enforcing it the same way. In fact, in some respects, this would make enforcement easier, because we don’t have to check to see if they’ve been underway for twenty-four hours if they have two daily bag limits onboard.

MR. RINDONE: We can also put this on the agenda for the Law Enforcement Technical Committee in October to discuss.

CHAIRMAN DIAZ: I think that’s a good idea, Ryan. Ms. Guyas.

MS. GUYAS: I agree with that, too. One, and this is not necessarily dealing with action, but it might be helpful, when the rule language for this is put together, to actually reference those Coast Guard regulations that they’re supposed to be following, like they have to have a sleeping berth and all that, and that’s not named or mentioned here, because I think that also is a point of confusion, and that’s just some little bit of nuggets of information that I’ve gotten since this has come out, is that there are people that are running those trips that probably would not qualify under Coast Guard regulations, but that’s not clear when they read the federal regulations for fishing.
MR. RINDONE: For the Coast Guard regulations, there’s like a
general requirements section that’s at the head of the CFRs, and
those Coast Guard regulations and the requirements for two
captains and sleeping berths, et cetera, are all in that
section, and then the CFRs from there on are broken down into
fishery management plans, essentially, by region, and so you
kind of have to start at the beginning, and then you get that
overarching requirement that it doesn’t matter what FMP it’s
for, but you have to have two captains, and you have to sleeping
berths, and you have to have all of these other things that are
not directly relevant to which species is being retained, but
more safety-at-sea.

That is in there, and I guess clearly stated, and I guess it is,
because it’s at the beginning, but it’s not at the head of every
portion, and so I’m just trying to figure out a way to capture
what you’re asking for.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: I mean, I think, when the agency does the rulemaking,
they can look at what to say, but I will say that we have
different authorities for different things, meaning that NMFS is
not going to get into telling people what their requirements to
run a charter or headboat business and what the U.S. Coast Guard
requires them to do. NMFS is going to tell them what is
required to do for the permit they have, and part of the risk of
trying to get into what you’re required to do everywhere else is
that we’re going to miss something.

We certainly don’t want to, in our rulemaking, specify
everything that’s required under every other law or regulation
that these folks have to comply with. They’re the business
owners, and they have the permit, and they have the business,
and it’s their duty to know what they need to comply with to run
their business.

CHAIRMAN DIAZ: Ms. Guyas.

MS. GUYAS: I was just looking for a simple cross-reference,
but, if that’s impossible, then I get it, but, if we can make it
happen, that would be awesome.

CHAIRMAN DIAZ: Ryan, I’ve got a question about the document
itself, and it’s in relation to the timeline, and so I noticed,
in the action guide and next steps, it says we may pick
preferreds, and so that means we don’t have to pick preferreds,
and you said we would send this to the Law Enforcement Committee
in October, which I think is a good idea. What is the timeline for this document? Have you all talked about that any?

MR. RINDONE: We’ve talked about it a little bit, and, with having the Law Enforcement Technical Committee weigh-in, I don’t think that that slows it down any, but staff workload is dependent on everything, and so Dr. Simmons is probably better for that.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chairman. I think it depends on how much of a priority the council sees this document, but I think it’s pretty straightforward, and I believe we can try to finalize it by October, but I’ll need to work with Dr. Froeschke and Ms. Gerhart on priorities.

CHAIRMAN DIAZ: Thank you. Okay. If we did want to finalize it by October, we would need to pick preferreds no later than October, but we’re going to have to get some public comment, and it would be good to let the public know which way we’re going. Mr. Anson.

MR. KEVIN ANSON: It would fall under that type of discussion for timeline, but, Ryan, I’m just curious. It’s my recollection that the Mississippi/Alabama/Florida participates in the telephone survey for charter boats, and, on that, it has information as to trip duration, and that might be something else -- Again, if we’re trying to get this done in October, you probably couldn’t do the analysis, but it might have a little bit more specific information relative to the time than the MRIP surveys provide, and that’s just something to think about, for the charter boats at least.

MR. RINDONE: Okay. We’ll look into that. Our understanding was that, for trip duration, it was in the hours that were fished and not necessarily the dock-to-dock time, and so, if that’s different, then we’ll investigate that further.

CHAIRMAN DIAZ: Mr. Sanchez.

MR. SANCHEZ: Thank you. Whatever we do, it would be nice to be mindful to try to have it done by June of 2020. That would be ideal.

CHAIRMAN DIAZ: Lieutenant Commander Zanowicz.

LT. ZANOWICZ: Thank you, Mr. Chairman. As I mentioned, right now, I don’t see any major enforcement issues with this action, but I do see a potential safety-at-sea issue arising that I
wanted to bring to the council’s attention before this moves forward.

With this action, where you set a minimum limit for how long a vessel needs to stay underway, I could foresee that causing some safety-at-sea issues. Just to provide an example that illustrates this, if you have a vessel that gets underway and intends to make a trip greater than say twenty-four hours and catches his two daily bag limits, now, if they pull in before twenty-four hours, they are conceivably committing a violation, but there are definitely circumstances where they might need to pull in before twenty-four hours, for example when there’s inclement weather or a medical issue onboard.

I think that might need to be addressed in this amendment in some fashion, and I don’t know what the solution for that is, but I don’t think it would be ideal to have a circumstance where you could have a vessel underway where it needs to pull in, but it has a dilemma where it either gets a violation for pulling in or it stays at-sea in an unsafe condition.

**CHAIRMAN DIAZ:** Go ahead, Ryan.

**MR. RINDONE:** Thank you, Mr. Chair. We received public comment at the last meeting on this very topic, and the council had asked this very question then as well, and the feedback that we got was a couple of examples. There was an example given where storms had popped up, and it was no longer safe for the vessel to be offshore, and the vessel came in and anchored around the sea buoy and waited the storm out there, until the requisite time had passed, and then they came back into the dock.

It was talked about as this is something that happens to these vessels every now and again, and their current MO is just to pull into a safe harbor, and not into the dock, but pull into the safe harbor and anchor and wait it out until twenty-four hours has passed and then terminate the trip at that point and pull back up to the dock.

Then, for health issues, we’ve talked with a couple of the captains about this, and there have been instances where they have pulled, again, into safe harbor and then had another boat come out, and then they have offloaded the ill person onto a smaller vessel and had that vessel, smaller vessel, go ashore with the person, and the larger vessel that is under requirement to stay offshore for a certain amount of time just has to wait it out, and so they have figured out some ways to make it work. That’s just the feedback that we’ve received.
CHAIRMAN DIAZ: Dr. Frazer.

DR. TOM FRAZER: This question is for the Lieutenant Commander. I mean, I would just assume that safety-at-sea would override any regulation, right, and I would assume that the law enforcement officers have the discretion to do that, and is that true?

LT. ZANOWICZ: No, that’s absolutely correct. I guess, from my perspective on this, is I’m not sure if the council would prefer to have it work into the amendment, where there is some waiver process or some way to grant an exception, or if we want to rely on the discretion of the law enforcement officers.

CHAIRMAN DIAZ: Dr. Crabtree.

DR. ROY CRABTREE: I think your choices are assume officer discretion will be involved or leave it the way it is, because that sets it up so that that situation doesn’t happen, and that may well be why this is how it was set up back in the 1990s, but I wouldn’t want to get into trying to set up a waiver or any kind of process like that.

CHAIRMAN DIAZ: Dr. Frazer.

DR. FRAZER: I just want to circle back as well on one of the points that Mara made earlier on. I mean, the regulation, as it’s written now, is very clear, but you mentioned that you have to revise the purpose and need, right? No? Go ahead.

MS. LEVY: I think the purpose and need reflects what you all said at the last meeting. When Martha had suggested revising it in some way to add about clarifying the regulations, my only point was the regulation is pretty clear right now, meaning that people might be misunderstanding it, but it’s very clear that this only applies after the first twenty-four hours. It specifically says that.

DR. FRAZER: I just wanted to make sure, from your perspective, that the purpose and need, as it’s written now, is sufficient.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: I just wanted to say one more thing about the whole history of this. I mean, it is true that Amendment 1 was kind of silent on this issue, and so Amendment 1 set up the bag limits, generally, for reef fish, and, as part of setting up the
bag limits, recognized that some of these trips for these for-
hire vessels extend more than twenty-four hours and wanted to
allow them, and the people on those trips, to get two daily bag
limits when they were out on those trips.

It didn’t specifically say it only applies after the first
twenty-four hours, but it also didn’t specifically say that you
can take it whenever you want on those trips, and so I don’t
think it was very clear what it meant, and then the regulations,
the way they were originally written, said a person subject to
the bag limit may not possess, during a single day, regardless
of the number of trips or the duration of a trip, any reef fish
in excess of the bag limit, except a person who is on a trip
that spans more than twenty-four hours may possess no more than
two daily bag limits.

There was a prohibition about possessing at any time more than
the bag limit, unless you’re on these trips that are over
twenty-four hours, and then you can possess two daily bag
limits, and so, again, it wasn’t expressed, but you could read
that as saying that you get two daily bag limits, one each day,
and so I think there was some ambiguity back when it was first
put in the regulations.

When that consolidation happened, there is no explanation about
why this specific language about this doesn’t apply until after
the first twenty-four hours came into effect, but it could have
been that there was confusion and it was a way to clarify that.
I just don’t want to make it seem like it was crystal clear that
this was not the intent when this first went in place in
Amendment 1. It was fairly unclear, I think, at that time.

CHAIRMAN DIAZ: Thank you, Ms. Levy. Any other comments? Ms.
Bosarge.

MS. LEANN BOSARGE: I’m not sure if this would be for Dr.
Crabtree or Dr. Simmons. If we were to take final action in
October, would it be implemented by June of the following year,
and then the same question for, if we didn’t take final action
until January, which is our next meeting after our October
meeting. Would it be implemented in time for June if we don’t
take final action until January?

CHAIRMAN DIAZ: Dr. Crabtree.

DR. CRABTREE: Well, I think, if you take final action in
October, it certainly should be implemented by June 1. January,
probably we can get it in place by June 1. It is a framework
action, and so it should be possible, but things are unpredictable these days.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: So then -- Right. I guess, if we have another shutdown or something, then you may get a backlog in January, and it may be a tight one for you, and I understand, and so then, in that case, I would hope that maybe we could pick some preferreds today, so that we could get some public comment on this, if we’re thinking that we may go final on it in October. I would rather pick preferreds and make sure the public is aware of what we’re thinking about, so we can get as much feedback as possible before October, in case we go final in October.


MS. BOSARGE: Then, if nobody wants to make a motion, I will make a motion. I guess I’m just going to start with a motion to make Alternative 2 the preferred, because I’m not positive where to land on the options just yet, on the Option 2a, 2b, or 2c. We would need to pick a preferred there as well, but I would like to hear more discussion on that. I would like to make a motion, in Action 1, to make Alternative 2 the preferred alternative.

CHAIRMAN DIAZ: Mr. Rindone.

MR. RINDONE: Just procedurally, Mr. Chair. For Alternative 2, an option does have to be selected, because the information in Alternative 2 hinges on which option is selected. Without it, it’s not complete.

MS. BOSARGE: Okay, and so you’re suggesting that I need to put that in this motion? Okay. Then, if I had to pick one, I think I would go with the Option 2b. We have had some discussion on it, and I’m still flexible and open to changing that, but, if I need to pick a preferred at this point, that would be my preferred for Option 2b, which is greater than thirty hours.

CHAIRMAN DIAZ: All right. We have a motion by Ms. Bosarge, and it’s seconded by Mr. Anson. Any discussion on the motion? Ms. Levy.

MS. LEVY: Not to the substance of it, but just to point out that -- Remember that these possession limits and the way that all of this is worded applies to the South Atlantic as well, and so just consider vessels that may be down in the Keys and the
implications of changing the Gulf side without the South
Atlantic also changing the South Atlantic side, and I have no
idea what the South Atlantic would do with this, but just, as
you’re moving forward, and we’ve talked a lot at different
council meetings on both sides about consistency down in the
Keys, and you may end up having a situation where these
possession limits are then vastly inconsistent.

CHAIRMAN DIAZ: Dr. Crabtree.

DR. CRABTREE: Yes, and I would ask that Chester -- If you would
flag this as an issue for the South Atlantic Council meeting,
when you report back to them, because I think this will create
some confusion down in the Keys, and I think it would be
worthwhile for the South Atlantic to consider whether they would
want to take this issue up, to make it consistent.

MR. CHESTER BREWER: Are you going to be at our next meeting?

DR. CRABTREE: Yes, but I believe you’re the liaison, and we
want to get some work out of you, since you’re getting paid.

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

MS. GUYAS: I was just going to say that this is definitely
happening in the Keys, and so right around the border of the
South Atlantic and the Gulf, and so we need to pay attention to
this and make sure everybody is on the same page.

CHAIRMAN DIAZ: All right. We have a motion. The motion is, in
Action 1, to make Alternative 2, Option 2b, the preferred. Any
further discussion on the motion? Mr. Swindell.

MR. SWINDELL: I have no problem at all with the motion of 2b,
and I think it’s good. It does definitely require then the
charter boat to stay out beyond the twenty-four-hour limit.
However, I cannot imagine a charter boat, if you’re going to
stay out for -- If we’re going to require two days, just any
time greater than twenty-four hours, would make a two-day period
very acceptable. They’re not going to leave at four o’clock in
the morning and wait until four o’clock in the morning the next
day just to be out for two days, and so either one. It just
forces them to have to make certain that you are at least a two-
day minimum limit that you’re definitely going to be out.

I do have a problem with this -- Why we’re not making the vessel
responsible for what they’re doing here, rather than individuals
on the number of fish, and I assume the South Atlantic has
already addressed this in this proposal. This wording, did that come from the South Atlantic, the way this thing is worded? No?

Then I don’t know why we’re not requiring the vessel to come up with the right amount of fish for the number of passengers that he has aboard, rather than do it by angler. It seems to me a lot simpler to get it done by vessel, but I’m not making a recommendation at this time to change the motion any, and so I will stay with it as it is. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Swindell. I will just note that I did talk to a charter boat fisherman that regularly attends these meetings, and he’s actually out on one of these trips right now, and he did tell me that he thought that thirty hours was the proper preferred option. All right. Any further discussion? Seeing none, is there any opposition to the motion? Seeing no opposition, the motion carries. Mr. Rindone, do you have anything else?

MR. RINDONE: I do not, sir. Thank you. I guess I will just drop a nugget that we are going to talk about this at the Reef Fish AP on October 2, also, which is an in-person meeting in Tampa.

CHAIRMAN DIAZ: Thank you. Dr. Frazer.

DR. FRAZER: We’re about fifteen minutes ahead of schedule. Good job, Dale. We’ll go ahead and take our break now, and we’ll come back at ten o’clock.

(Whereupon, a brief recess was taken.)

CHAIRMAN DIAZ: Next up on the agenda, we have Agenda Item Number V, which is the Draft Reef Fish Amendment 48/Red Drum 5: Status Determination Criteria, Optimum Yield for Reef Fish and Red Drum. Dr. Froeschke is going to lead us in that discussion, but, first, Dr. Froeschke, will you go over the action guide and next steps and talk a little bit about the timeframe for this amendment? Thank you.

DRAFT AMENDMENT REEF FISH 48/RED DRUM 5: STATUS DETERMINATION CRITERIA AND OPTIMUM YIELD FOR REEF FISH AND RED DRUM

DR. JOHN FROESCHKE: Yes, sir. Good morning, everyone. What I’m going to be talking about now is this Reef Fish 48/Red Drum 5 Amendment, and we’ll just start with the timeline part of this. We have worked on this document off and on for a very long time, and it dates back to 2014, I believe.
If you don’t know, you will soon see that it’s a very complex document with a lot of options and alternatives and things, and it’s hard to understand, and so what we’re trying to do now is — We’ve been on pause for this, and we sort of hoped that going through the gray snapper document that has some similar status determination criteria actions and alternatives would help us kind of figure out some directions.

Steven Atran, as you all know, was the staff lead on this. Upon his retirement, it was gifted to me, and so I’ve kind of taken this up, and I have worked closely with our NMFS counterparts in order to condense and simplify this document, to the extent that we could, and so what we have today is a revised set of actions and alternatives.

In terms of the action guide, if you will, what we’re hoping to get your feedback on is the structure of the document and the range of alternatives within each action. Hopefully, going forward, we could, over this meeting and by the end of the next meeting, have a set of actions and alternatives that we’re comfortable with, such that we could develop the document into a public hearing draft by January and hopefully take final action sometime in 2020, after that.

CHAIRMAN DIAZ: Any questions about where we’re going with this document? All right, Dr. Froeschke. If you would like, why don’t you start with the next agenda item?

DR. FROESCHKE: Okay, and so the way we have done this is -- Just a little bit of background. We did take this draft document to the SSC at their most recent meeting, and they spent a long time discussing this, as well as some scientific information about MSY and things, and so, essentially, the whole first day of the SSC meeting was relevant to this amendment.

What we’ve done is we have essentially three things that I hope to go back and forth between. We have the document, which is on the screen now, and we also prepared a summary PowerPoint presentation that I plan to go through as the bulk of this information, and we can refer to the document as we need.

There are several actions and sub-actions in this document that the SSC did review and provide comment, and so what Luiz has agreed to do is, as we get to each action, he is going to present the SSC’s comments relevant to that action specifically, and so he can answer any of the questions about that and provide their comments, rather than doing a whole thing and getting lost
in that.

This is the document. If you’re okay, we can move to the PowerPoint presentation now, which is Tab E, Number 5(a), and so what I was hoping to do with this is -- This does have some information from a presentation we gave to you last October about the status determination criteria in general, and so I was going to kind of go through this and orient you to the background information for the pertinent action, and then we can go over the alternatives and take the SSC input and move forward in that way.

The status determination criteria, what are they? These, essentially, are specific criterion that establish overfished and overfishing status for each stock that we manage, and the FMPs are required to define overfishing and overfished status for each stock, and the councils are instructed to use measurable and objective criteria to do this.

The MSY is the first one that we do in the document, and the maximum sustainable yield is the long-term average catch or yield that can be taken from a stock or a stock complex. You can think of a stock as something like the Gulf red snapper stock that we manage as a unique entity in the complex, and it’s a single species. A stock complex is something that may be a group of similar species, either similar in terms of the way that the fishery is prosecuted and life history and the biology of the stock, and so we can get a little bit into that, but both of those are addressed in here.

In terms of the maximum, this is sort of long fisheries dogma that maximum is sort of hard to define, and it may not work well from a management perspective in the long term, but it is useful in terms of a limit, perhaps, and, certainly in the Gulf, the maximum is difficult to pin down, because of the way that our fisheries are prosecuted and the amount of information we know about the biology of the stocks.

Most of the time, in practice, for the species that we conduct stock assessments on, we use an MSY proxy, and the reason that we do that is, in order to estimate an MSY, you need to know things about the stock-recruitment relationship, which we usually don’t have that information, based on the data that we have.

Most of the time, the proxies that we have are based on the spawning potential ratio, and you’ve seen this before, but, essentially, a spawning potential ratio assumes a certain number
of fish survive and spawn, and we try to get SPRs that are what we feel are sustainable, and the spawning potential ratio ranges from one to zero, and so one assumes that the eggs have a -- Essentially, that you have an unfished population.

Then, when the MSY cannot be estimated, we try to use a spawner-recruit curve, but, essentially, this boils down to you have a ratio of the egg production of the spawning stock that actually exists in the water divided by the production of the stock if there was no fishing, and so, typically, this value ranges, in practice, between 20 and 50 percent, meaning, the lower the number, the more productive we think the stock is, if something is very productive and can support adequate recruitment at a low stock size, whereas something that has a longer life span and limited growth capacity is likely to have a higher SPR value associated with it, and so something like goliath grouper we think might require a higher SPR value. Something that is short lived and fast growing, perhaps a lower SPR value is appropriate. In general, 30 percent is a commonly-used value in the Gulf.

Since you have seen this document in the past, we have included some information that the South Atlantic Council -- There is some stocks, black grouper and mutton snapper and yellowtail and goliath, that are included in the document. They are jointly-managed stocks, and so we’ve tried to include this information in here, such that we, ultimately, can establish SDC that is compatible in both regions.

We have removed tilefish as a potential indicator species, and we had this in Action -- It’s what you will see as Action 1.2 now, and, at one point, it was considered, but the assessment was not approved for the species, and so we have removed that. The alternatives now address criteria definitions for both stocks and stock complexes in Action 1.2 and in Action 4 with the OY, and so you’ll see that.

This is where we kind of pivot back to the document. Action 1.1 addresses MSY proxies for four assessed stocks, and these are -- Essentially, these are stocks that we’ve had accepted stock assessments for in the past. The stock assessments were based on the yield at F 30 percent SPR. However, the MSY proxy was not -- There was nothing written down as an accepted MSY proxy for this, and so, essentially, what we would do here is we would -- Alternative 1 would do no action.

Alternative 2 would specifically define the MSY proxy at the yield at 30 percent SPR, and then Alternative 3 would also use
this yield at 30 percent SPR, but it would add the extra
language of, for future assessments of these species, the MSY
proxy equals the yield produced by FMSY or F proxy recommended
by the council’s SSC and subject to approval by the council
through a plan amendment.

Essentially, this would allow the council to update their MSY
proxy based on new information from a stock assessment, if we
ever got it, through a streamlined process. It would not yield
your ability to do this to the SSC or any other body, and so the
council would retain the ability to determine the MSY proxy, and
it would just make it a little bit easier, and this would apply
for the black grouper, yellowedge, mutton snapper, and
yellowtail snapper, that we do have approved stock assessments,
and so, at this point, I want to stop and then give it to Dr.
Barbieri, so he can provide the SSC’s input on this action.

CHAIRMAN DIAZ: Thank you, John. While Dr. Barbieri is coming
up, I’m going to try to help keep us focused here. As he is
discussing this, and as John discussed it, trying to go back to
what we talked about in the action guide and next steps and see
if this action -- If the structure of this action is appropriate
and if the range of alternatives is sufficient. Dr. Barbieri.

DR. LUIZ BARBIERI: Thank you, Mr. Chairman. If we could
actually switch to the other presentation, the other PowerPoint,
just so you have that in writing in front of you, but John just
reviewed all the alternatives in Action 1, Sub-Action 1.1, and
this is really for -- Let’s go to the next slide.

There is a little review of what John just talked about. Action
1 is really identifying MSY proxies and defining them, and Sub-
Action 1.1 is addressing MSY proxies for assessed stocks. In
this case, you establish the MSY proxy for those species that
are listed up there for which there has been a stock assessment
that determines what MSY proxies were, but those recommendations
from the SSC have not yet been incorporated into FMPs.

Looking at those alternatives that John presented, the SSC
decided to go with Alternative 3, to set the MSY proxy as the
yield at F 30 percent SPR, but, as John pointed out, there was
an option there in Alternative 3 to give the SSC a little more
flexibility to make recommendations for reef fishes, for red
drum, and for any other species managed by the council, to
recommend -- The SSC could recommend an MSY proxy based on the
results of the most recent assessment for the stock in question,
and that would still be subject to your review for final
consideration.
CHAIRMAN DIAZ: Any questions for Dr. Barbieri? Dr. Froeschke.

DR. FROESCHKE: Just one point here. For black grouper, mutton snapper, and yellowtail, again, these are jointly-managed stocks with the South Atlantic, and they do have the MSY proxy for their region at F 30 percent SPR for those stocks.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Two things. I think jointly-managed is a little bit imprecise, meaning they have joint assessments, and so they’re not jointly managed, meaning you have your own management of the stocks, but they are jointly assessed, and so to have different MSY proxies would be odd, and probably not supportable, and then the other thing was, with respect to the SSC’s recommendation, it was to change that alternative to be less specific to changes for -- Because, right now, it reads that, for future assessments of black grouper, yellowedge grouper, mutton snapper, and yellowtail snapper, the MSY proxy would equal what’s recommended, if approved by the council, but the SSC’s recommendation was to make that more generic, right?

DR. BARBIERI: That’s correct, yes. So we conceptually agree with what was described in Alternative 3, but expand it a little more, make it a bit more generic, to include other reef fish species as well as red drum, as assessments come online.

CHAIRMAN DIAZ: Dr. Crabtree.

DR. CRABTREE: John, the list of species here, black grouper, yellowedge, mutton, and yellowtail, is that because they are indicator species in the group, or why are those singled out?

DR. FROESCHKE: These are the stocks that have accepted stock assessments already, and so, in the past, the SSC has made a recommendation for harvest levels based on the F 30 percent SPR for these stocks.

DR. CRABTREE: My understanding though, with black grouper, is we have now decided we can’t assess black grouper, and so I don’t think we have a stock assessment for black grouper at this point. Well, we do, but, if we decide we can’t do a stock assessment, that sort of applies to the previous assessment, and so I would say we don’t have a stock assessment, aside from the fact that it’s old.

Where I’m coming at is, in the shallow-water grouper complex,
scamp is in that group, and we have a scamp assessment underway, and so the way this kind of looks like it’s being set up is black grouper is the indicator species, but we don’t have an assessment there, and no plans for one, but, with scamp, we are going to have an assessment, and so it would seem to make -- Somehow this needs to reflect -- I would set it up from one of these groups that the indicator species is the species with the most recent accepted stock assessment, because I don’t know how an unassessed stock can really indicate anything to you, and so, when I look at the shallow-water grouper complex with those four species, it seems to me that the most likely scenario we’re going to be in is that we’re going to get a scamp assessment, and that’s going to be our best indication of what the status of that is. I am not sure how to reflect that in the document exactly, John, but I think it needs to be reflected somehow or other.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Well, I mean, we haven’t gotten to that action yet, but, for the complexes, you could choose, if you have doubts about the black grouper assessment, you could just choose the proxy for the complex at this point, and, when the scamp assessment comes, evaluate it and decide whether you’re going to then have an indicator for that complex, and so we don’t have to have an indicator. We can just have an MSY proxy for the complex if you feel like a potential indicator isn’t appropriate.

CHAIRMAN DIAZ: Dr. Froeschke.

DR. FROESCHKE: We did talk about black grouper at the SSC meeting, and just a bit of background, and so there was a subsequent assessment of black grouper after this 2011 assessment, I believe, but it was not an accepted assessment. There are problems in the catch history in distinguishing between gag and black grouper in the landings history.

Black grouper are a small proportion of the landings, and so having gag mixed in with the landing history is more problematic than having a few black grouper mixed in with the gag landings, in terms of assessing gag, and so those issues have not been resolved, but, based on the stock status for black grouper, it’s my understanding that it is currently determined based on this original assessment that was not overfished or undergoing overfishing. The SSC did discuss, well, should this stock status be unknown, rather than overfished or overfishing and things, but I don’t believe that has been resolved, to my
knowledge.

DR. BARBIERI: If I may, I think Ms. Levy can weigh-in on the unknown stock status versus stock status that is based on the last black grouper assessment, and you clarified it for us at the SSC meeting, that the stock status that exists, even though this latest stock assessment had to be aborted -- It started, but, during the data workshop, there were issues with the data that were identified that caused the assessment to be interrupted, but there is a stock status that is still from the previous assessment.

CHAIRMAN DIAZ: Go ahead, Ms. Levy.

MS. LEVY: The stock status that is on the report to Congress isn’t going to change until the agency changes it, and so, regardless of what happened with an ongoing assessment, at some point, NMFS needs to make a determination about whether the stock status is still known, based on the last assessment, or it’s now unknown, but, until that has happened, it’s whatever is on the report to Congress.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: I was just going to weigh-in on the SSC’s recommendation that there is a process to update these proxies going forward, when we get new stock assessments, and that that be done for any stock, and it just seemed -- I was just wondering, and I wanted to ask, I guess Dr. Froeschke, and I know we have that option also in a different amendment for the gray snapper, and we added it in, and so we’re putting that option in for every single species, every time we go through, and is there a cleaner, more efficient way to just add an action item in this document that essentially says, for any of our stocks that we have these proxies set for, as we get new assessments, if the SSC recommends an alternative proxy, and the council approves it, then it would be implemented through a plan amendment? It just seems like it would be more streamlined, rather than doing it one-by-one in all these different documents.

CHAIRMAN DIAZ: Dr. Froeschke.

DR. FROESCHKE: It seems to me, if we adopted the language the SSC has recommended, it would accomplish that, because it says it would apply for reef fish stocks and red drum, and so it would seem that it would take care of that.
CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: Do you need a motion from us to do that?

DR. FROESCHKE: Motions are helpful for us.

MS. BOSARGE: Well, if you need a motion, you’re going to have to help me with the motion, and so if you could help me craft a motion, and, if you want to work on that, I will offer it up in a minute, for efficiency.

DR. FROESCHKE: Essentially, it could be to accept the revised language from the SSC for Alternative 3 in Action 1.

MS. BOSARGE: Such a man. Straight to the point. I like it. All right. That would be my motion then. Thank you for the help.

CHAIRMAN DIAZ: We have a motion. Is there a second to the motion? It’s seconded by Ms. Guyas. Any discussion on the motion? Seeing none, is there any opposition to the motion? The motion carries. Dr. Froeschke.

DR. FROESCHKE: Just to swing full circle on this, the question about why is black grouper in this action, it’s in there because we do have an accepted stock assessment, and we have not changed the stock status, or NMFS has not changed the stock status, and so it is currently in there. Do you want us to keep it in there?

CHAIRMAN DIAZ: Can we go back to the motion for just a minute? Just to clean the motion up a little bit, it’s going to be in Action 1, Sub-Action 1.1. Thank you. Ms. Levy.

MS. LEVY: Just to the black grouper question, I mean, you don’t have to keep it there, but the fact that there was a prior assessment and it did use this proxy of 30 percent, I mean, it at least gives you some basis to say that that’s what the MSY proxy is right now. If it changes with a new assessment, then you’ve got the language in Alternative 3 that would allow you to update that, but, without any other information, it seems like it’s reasonable to rely on what was used, at least, in the prior assessment for the MSY proxy at this point.

CHAIRMAN DIAZ: Dr. Crabtree.

DR. CRABTREE: The only thing that’s confusing to me is then we get to the -- One of these options, and is it the next one,
where it says we have an option to use black grouper as the indicator species. Well, we say we have an assessment for it in the previous option, but the fact is we don’t have an assessment for black grouper.

I mean, we’ve decided that we couldn’t assess it, and so I don’t think we do, but we’re going to get a scamp assessment, and so, if we were to come in here and -- Do we have to indicate what species is going to be the indicator species? If we do, wouldn’t it make more sense to indicate scamp, rather than black grouper?

CHAIRMAN DIAZ: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chairman. I was just looking at the stock assessment schedule, and it looks like the council may not get management advice on scamp, and this is a joint assessment with both the Gulf and South Atlantic, it looks like until the middle of 2022, and so I think, when we were revising this document, we were looking at that and thinking that there was an assessment for black grouper, and it was approved, and we tried to do another assessment, and that was aborted, but we still understood that that assessment that was done, even though it is old, is still an accepted assessment for black grouper, and that is what the South Atlantic Council has, I believe, put in their document as the MSY proxy.

CHAIRMAN DIAZ: All right, Dr. Froeschke. I think we -- Any other discussion on this action item? Let’s proceed to the next action item.

DR. FROESCHKE: Okay. Just to summarize what we’ve done here for the next time you see this document, presumably in October, we will revise the language in Alternative 3 for this, and, again, today, we’re not asking you to select preferred alternatives or anything. We’re just trying to get you to think about the range of alternatives within each action, and so, for this one alone, as of right now, that’s what we’re planning to do.

Sub-Action 1.2 deals with MSY proxies for stocks and stock complexes, which we’ll talk about in just a moment, that we do not have stock assessments for, and so, most of these, we would consider our data-poor stocks that we dealt with in the Generic ACL/AM Amendment in 2011.

Let’s talk a little bit about the stock complexes. I am just going to scroll down and skip ahead here for just a minute, if I
can. Again, this is MSY proxies for stocks and stock complexes, and there are kind of three groups of this, if you will, and so Alternative 1 would be not do anything.

Alternatives 2 and 3 address these stock complexes, and these, essentially, are groups comprised of data-poor species, but also a species, one species, that we would call a potential indicator that is an assessed stock. For the shallow-water grouper complex, we have in the document to use black grouper as an indicator species, and then, for the deepwater grouper complex, we would use yellowedge, which also has an accepted stock assessment.

For these alternatives, both of these include MSY proxies of either 20 percent, 30 percent, or 40 percent SPR. As we recall, the indicators are either using -- If we use black grouper or yellowedge, they have a 30 percent SPR, and so there’s an option that you will see to use the indicator species, and so, if that were to change, you would just change the stock complex MSY proxy based on that or just to set the proxy as 30 percent and leave it alone, and so, if you change something with black grouper or yellowedge, it wouldn’t necessarily change this complex, unless you elected to do that.

Let’s go back, and so these stock complexes, and there are several of them. There are five, and I think there are five complexes that we’ll go through, two with indicators, and then the other ones don’t have an indicator or complex. These were developed during the generic -- When we developed the Generic 2011 ACL/AM Amendment.

There was an action in there, and it was based on an analysis by Dr. Farmer at the Southeast Regional Office and some colleagues, and they took -- For these species that essentially we don’t know much about, they took landings data and life history data, depth and area fished and all this kind of information, and essentially tried to group these stocks based on similar characteristics into these complexes, and so that’s what was done then.

We have retained those complexes for this document, and so, if we chose to do it like this, the MSY proxy could be established on a complex-by-complex basis for these stocks, and then we have some other ones that are individual, but that’s sort of to get you started on this.

Again, for Alternatives 2 and 3, these complexes would use these indicators, and then there are three other complexes for
tilefish, jacks, and midwater snapper that do not have an indicator, but they have the same three options of the MSY proxy at 20 percent, 30 percent, or 40 percent SPR. I will stop there, and do you want to go over your section of this?

CHAIRMAN DIAZ: Dr. Barbieri.

DR. BARBIERI: Yes. Thank you, Dr. Froeschke. If we can go then over to the other slide. This would be Slide Number 3 in the presentation. To clarify, on the issue of stock complexes, as Dr. Froeschke just explained to you and showed all the criteria that was taken into account and all the analysis that was done, actually development of the stock complexes is a very, very complicated, convoluted process that took quite a bit of analysis and evaluation, several years actually for the SSC looking into this, and so this is something that we did not want to mix, really, with the stock status determination criteria and the MSY proxies.

We basically did not weigh-in on the composition of the stock complexes. We left that issue to be revisited later, if you so desire, and so we are really just making recommendations based on the existing stock complexes as they are structured right now, including the indicator species, and making recommendations on the MSY proxies, with the understanding that, if you wanted us to go further, we would go there.

For Alternatives 2 through 8, and this represents those groups of species there of shallow-water groupers, deepwater groupers, tilefish, jacks, mid-water snappers, cubera snapper, and lane snapper, the SSC just recommended an FMSY proxy of 30 percent SPR. Basically, this would be sort of like a default value that, as new assessments come up and new information comes up, based on that previous motion that you just approved, we will have the opportunity to revisit what the data inputs and the outcomes of that analysis was producing to advise you differently. Otherwise, we are recommending 30 percent for those groups of species in Alternatives 2 through 8.

Then, for Alternative 9, for goliath grouper, we are going with a higher a proxy, given the well-identified vulnerability of that species to fishing and the fact that it’s more susceptibility to fishing the species, and so we can raise the bar on the MSY for that species from 30 to 40 percent.

We did have some discussion about black grouper as an indicator or not, and, I mean, this discussion did come up during the meeting, but we just felt that we didn’t have enough information
in front of us, enough time, to actually dig into that and break those groupings, the stock complexes, and restructure them now, and so we are making this more general recommendation of the idea that we can come back from that.

CHAIRMAN DIAZ: Dr. Crabtree.

DR. CRABTREE: Basically, the 30 percent is kind of a default recommendation that the SSC believes has a general applicability, although there may be specific cases where some alternative is warranted, and that would be the case whether it’s for a complex or for an individual species, and is there any particular reason why we would want to deal with assessed stocks differently than unassessed stocks, in terms of the proxy? In most cases, even with the assessed stocks, we’re not really able to estimate MSY, and so we’re kind of falling back on a general proxy anyway, right?

DR. BARBIERI: Right, and this might be more a question to Dr. Froeschke. I mean, the structure of the amendment is really independent of how the SSC discussed this issue. We basically made recommendations according to the existing structure of the amendment, which had sorted out those things already that way.

DR. CRABTREE: Would it make sense, generally -- I don’t think any of us want to revisit the composition of these complexes, but, if you have a complex with four species in it, and would it make sense, rather than naming a particular species as the indicator species, to say that, whichever of those four species in the complex has the most recent stock assessment, that would then be the indicator species, or the best indication of the status of that complex?

DR. BARBIERI: That makes sense to me, because, obviously, the idea of having an indicator species is to have a species where you have more data, but you have an actual assessment, so you can actually base the management of the other species on that species, and so that makes sense. There might be some particular stocks for which that might be complicated, given the quality of the assessment and the amount of data and likewise, but, other than that, I think that your recommendation and suggestion is valid.

DR. CRABTREE: Where I’m kind of thinking, John and folks, about this is it seems to me that this is more complicated than it really needs to be. It seems to me that what we’re doing is we’re setting a kind of default proxy of 30 percent that we’re going to apply to most all of these, with, at least at this
point, goliath grouper being an exception, and then we have a
couple of other species that are exceptions.

Red snapper, which is the most studied species, by far, that we
have, and there it’s 26 percent, and I guess gray snapper we’re
going towards modeling that after red snapper, but, by and
large, the SSC is recommending 30 percent as kind of a rule-of-
thumb or a general applicability, rather than 40 percent.

It does seem to me that the potential is there to combine this
action with the previous action and simplify the number of
alternatives in it, and then it does seem to me that there is
some merit in, rather than naming specific species as
indicators, as just applying our -- Whichever species we have
the most recent analysis, whether it’s an assessment or some
other type of analysis from the Center, that gives us an
indication of stock status, and that then is the one we’ll use
to give us the best guidance on the status of that complex, and
so that’s just a thought. There may be reasons why
restructuring it like that is a bad idea, but it does seem to me
that there’s more alternatives here than we really need.

**CHAIRMAN DIAZ:** Okay. I’ve got three people on the list. First
is Mr. Sanchez and then Dr. Froeschke and Ms. Levy.

**MR. SANCHEZ:** Thank you. Just a question for Luiz. Luiz, would
you be more comfortable if we get you a chair and you can sit up
here in the corner?

**DR. BARBIERI:** I probably would, but not that I should, because
I’m using this as kind of like a standing desk kind of thing and
forcing myself to stand up, but thank you for the thought.

**CHAIRMAN DIAZ:** Dr. Froeschke.

**DR. FROESCHKE:** We could reorganize the document, and the way I
would see it is 1.1 and 1.2 would be collapsed, with the
exception perhaps of you would treat goliath grouper as a
different sub-action and then retain red drum, which we’ll get
to, as a different sub-action.

Then, for the revised -- You would just have the 20, 30, 40 SPRs
as options, and you could do it like that and just note that it
would encompass the stocks and stock complexes essentially that
are in this document that have not been defined elsewhere in
another document.

My only thought on using the complexes and having the most
recent one would be in a situation where you had multiple assessed species in a complex that had different stock status, and so, for example, we used red grouper as an assessment for shallow-water grouper or something, and it was say overfished, and then you got an assessment on black grouper, and it was fine, and so, every time, that perhaps could have cascading effects to this that would be complicated.

CHAIRMAN DIAZ: All right. Ms. Levy and then Dr. Barbieri.

MS. LEVY: The only thing is with the indicator stocks is I feel like you need to identify the appropriate indicator. If you don’t want an indicator, then don’t use an indicator, but, without identifying the appropriate indicator and just saying it’s the most recently-assessed stock, I don’t know, and that would still leave then black grouper as an indicator for shallow-water groupers, until you got another assessment, but, if you really think that’s not an appropriate indicator, then don’t have an indicator.

CHAIRMAN DIAZ: Dr. Barbieri.

DR. BARBIERI: Thank you, Mr. Chairman. To the point that John just made about potential issues with being the latest species to be assessed, or any species in that general group, like snappers or groupers that would serve as an indicator, there are some constraints about assigning an indicator species, and this is in the analysis that Dr. Farmer conducted a few years back, working with other staff from the Science Center and SERO that, for some of the more heavily-exploited species, like red grouper and gag and some of these other species, it becomes difficult to use them as indicator species, because of the magnitude of their landings and the exploitation for those stocks is really at a different level than it is for this one. I don’t remember all the details right now, but this is something that we will have to look at and get back to you.

CHAIRMAN DIAZ: Dr. Frazer.

DR. Frazer: I think, listening to what Roy had to say, and also what Mara had to say, in an effort, perhaps, to kind of generalize this moving forward, I think you could simply reword that Option a to say something, for example, in Alternative 2 to use black grouper or other appropriate indicator species that is identified by the SSC. Then, when you get to the Option c, which has to go with the 30 percent SPR, I don’t think you need a qualifier. You just say do not use an indicator species, and I think that would serve its purpose.
CHAIRMAN DIAZ: Mr. Swindell.

MR. SWINDELL: One of the problems that I am always having with the SSC is that what I want to hear from you is the best scientific information available, and I don’t want you to make judgments as to whether it’s best or what. That’s for us to do, but I want to know exactly -- I have no scientific way of analyzing this stuff, except from the SSC, and so please provide that as best you can. Thank you.

CHAIRMAN DIAZ: All right. Dr. Froeschke, are you clear on where we’re going right now?

DR. FROESCHKE: I think so. Let’s put up the document and just the Action 1.2. I would like to show everyone the complexes, the stocks in those, and then we can go down to the individual stocks, just so it’s clear what stocks are being addressed.

Alternative 2, again, this would be the shallow-water grouper complex, the black grouper, scamp, yellowmouth grouper. Alternative 3 is the deepwater grouper, and this is the other one that we do have a potential indicator species, and so yellowedge, warsaw, snowy grouper, and speckled hind.

Then Alternatives 4, 5, and 6 are the other complexes that we haven’t talked about yet, but this is the tilefish complex and the jacks complex, which are some of these stocks we’re talking about more now, based on changes in the fishery, and then the mid-water snapper complex, and so these are all five complexes that we’re talking about.

Alternatives 7, 8, and 9, these are individual stocks that were not included in a complex, but, again, we don’t have an MSY proxy for them, and so cubera snapper, lane snapper, and then goliath grouper, which is a single stock in the South Atlantic, and they are managed separately, but it’s a single stock, and I misspoke earlier about that, but it is a single stock, and, again, it doesn’t make sense that you would define different portions of the stock differently, in terms of their MSY proxy.

Then, as we have discussed, the life history of goliath grouper likely would make it appropriate for a different SPR, perhaps more conservative than some of the other stocks, and so that’s sort of the scope of this action, just so everyone is sort of clear. If we’re good on that, we could move to Action 1.3.

CHAIRMAN DIAZ: One more comment from Ms. Bosarge.
**MS. BOSARGE:** Okay, and so you asked us to give feedback on the range of alternatives, and I was a little confused. We’ve been talking about the black grouper, which is Alternative 2, and black grouper is in Alternative 2, and whether to use it as an indicator species.

In the SSC report, it says that the SSC was hesitant to use black grouper as an indicator species for shallow-water grouper, since recent examination of the landings data indicate that the previous assessment may have some accuracy issues.

Should we go ahead and remove that Option a in Alternative 2, to streamline the document? I have heard some discussion around the table about not wanting to use black grouper as the indicator species, and the SSC gave some indication of that as well, and I’m just thinking about analysis. This is a long document as it is, and so, if that’s not the route we want to go, do we want to remove that Option a?

**CHAIRMAN DIAZ:** Mr. Anson.

**MR. ANSON:** Well, we may. To answer your question, Leann, we may want to remove it, but I was more curious, before we went on further in the document, to hear a summary from Dr. Froeschke as to what he proposes, based on the conversation, to come back with, because I have kind of heard some competing things here, and it doesn’t quite line up to a kind of concise motion, in my mind, and so, if Dr. Froeschke could do that, I could probably answer your question.

**CHAIRMAN DIAZ:** Go ahead, Dr. Froeschke.

**DR. FROESCHKE:** I don’t propose to have it all worked out in my head here, but, essentially, we have talked about leaving it the same with some wordsmithing on one part of this or collapsing Sub-Actions 1.1 and 1.2 into a single sub-action, and I guess I was kind of thinking about this.

What maybe we could do is collapse all of that down and just have something in them, a tag, some text about goliath grouper, if we wanted to treat that one differently. We could do that.

When I inherited this document, one thing that was difficult for me was just to figure out the scope of stocks that we were actually dealing with, and so that was sort of the challenge about collapsing it into it, is it was no longer clear which stocks you were actually addressing without really digging, and
you will see this when we get to the OY action, that the stocks
are not identical to this, just because of the long and storied
history of how we’ve done SDC in the Gulf, and so it doesn’t
matter to me.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: Just to expand on that a little bit, I mean, in my
mind, based on what I’m hearing from Dr. Barbieri, is that I
think part of the confusion is that we have these stock
complexes, and then there are unassessed and assessed stocks
within a stock complex, and then we have unassessed stocks that
are just out there, unassessed species, and so we can still have
a stock complex, but, since we’re getting scientific advice or
recommendation that the SPR generally should be 30 percent among
all species, except when they are assessed they might change, is
to just keep it as a stock complex -- Here’s the stock complexes
and here’s our unassessed species that we’re going to be -- If
you want to identify them as individual species, but, generally,
they’re going to be 30 percent until they are otherwise
assessed, and they might still be 30 percent or otherwise, and,
if they’re assessed, then they just kind of get removed from
this particular action, or this particular document, and then
just leave it at that, and then, whenever there is new
information, based on an assessment, that species will have its
own SPR proxy, and just do it that way.

CHAIRMAN DIAZ: Dr. Froeschke.

DR. FROESCHKE: Based on that, could you do something that
essentially says, unless otherwise stated or defined somewhere
else, all stocks and stock complexes are -- The alternatives
could be SPR 20, 30, and 40, and then you could then just deal
with that, and that would address all of these except for
goliath grouper, and then you would have to put something else
in there, perhaps an option or something, that you wanted to do
it that way.

CHAIRMAN DIAZ: Ms. Guyas.

MS. GUYAS: I think you could do that. Then, to deal with
goliath and some of these other ones, where the South Atlantic
has already set this -- I mean, we have to match what they do,
right, because we’re using the same assessment for the same
stock, and maybe that’s a way you can structure it, is, for
these shared stocks, where there’s another parameter set by the
South Atlantic, we need to match that.
CHAIRMAN DIAZ: Dr. Froeschke.

DR. FROESCHKE: For this action, I think it would be not problematic, because their definitions are compatible with what we’re discussing. As you will see when we get to the OY, that’s not always the case, and so there’s always -- This is like a thriller novel. There’s a lot of twists and turns.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: I am just trying to -- Were you saying not set status determination criteria for the complex and just for the stocks or -- I kind of got -- Just because the guidelines talk about stock complexes, and there’s a couple of ways to do it, but I think, if you don’t have an indicator, then you should have status determination criteria for the complex, and we have ACLs for the complex, and we have OFLs for the complex, and so I just wanted to make sure.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: I was thinking of that, and I don’t know what the language provides then for having a fluid definition of a stock complex, i.e., what species are in there, and so, if you can have a stock complex today where there is five species listed, but, as soon as there is an assessment done for one of those five species, that species then just gets taken out of the stock complex relative to a 30 percent, if that’s chosen, for the MSY proxy.

Does it always have to remain as a stock complex that will then be covered under this definition of SPR, or can it be -- Can it kind of change over time, where it’s dropped out of the stock complex for definition of a generalized SPR proxy and has its own SPR proxy through an assessment?

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: I mean, I think you would have to do that, right, and so you’ve developed the complexes, and so, if you decide that you want to change the complex and remove some species that is in there out, then you could do that, but you would have to do it. I don’t know that it can happen automatically.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: Unless we wrote it into this document that it could do that.
MS. LEVY: I guess I would have to think about that, because what is -- Without knowing what species and what the assessment is going to say and what proxy -- I mean, I guess we would have to think about what the basis for doing it without having any further information would be. Automatically, it’s not going to be in the complex.

I mean, we sort of have a difficulty, because, like I said, you have annual catch limits and overfishing limits that are set based on the complex, and so, if you remove a species, that implicates a lot more things, and so I’m not sure that we could just do it in here and it happen automatically. I would have to look more into that.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: Just my point is that there’s a default already there, and so, I mean, it’s not like you are -- You would have no mechanism in there for still identifying MSY proxies for those other species that wouldn’t be assessed. It’s just that one particular species then just doesn’t get grouped in there, because it had already had an assessment done, and now that assessment -- It may be still SPR 30, but at least an assessment was done, and that is its mark, and it’s not covered under this any more in a generalized concept of a group or a species complex SPR.

CHAIRMAN DIAZ: Dr. Barbieri.

DR. BARBIERI: Just real quickly, to Mr. Swindell’s point, this is -- You will notice that, when I went through my presentation, this is one of the reasons why the SSC did not want to weigh-in too heavily into the structure of this document, and so how you organize your stock status determination criteria and how you organize what goes into complexes or not and how you subdivide the structure, we left that really to you, and so we just tried to provide our advice and recommendations based on the biology of the species, the data availability, the availability of a stock assessment or any other information, and this is sometimes confusing that we are presenting the way we’re presenting, but we kind of left that part, as you mentioned, to you to make those decisions.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: I didn’t bring it up, but Dr. Barbieri brings up a good point that I was thinking of, is the way I described it, at
least, is that you would pull out that species from a species complex with its own assessment, is that the science about the other species still remains, generally.

I mean, you kind of lumped it, because of catch history and some life history stuff, but you will have a lot of unknowns there for those species, and so you’re still defaulting to the information that you had before that’s going into the decision right now to make an SPR 30 recommendation, and so it doesn’t preclude any more discussion or any other extra information. It still stays the same for those species.

CHAIRMAN DIAZ: All right, Dr. Froeschke. First, I want to thank the committee. There’s a lot of good discussion on this, and we’re doing exactly what we’re supposed to do, and we’re trying to figure out the proper structure for this document, the range of alternatives, and that’s exactly what we’re doing, and so thanks for the discussion. Dr. Froeschke.

DR. FROESCHKE: Just so I’m clear, my plan would be to communicate to the IPT that we collapse and simplify Actions 1.1 and 1.2 into a single action, the best we can, and bring that back next time, sort of more in a condensed form and not necessarily a stock and complex basis.

CHAIRMAN DIAZ: I concur with that.

DR. FROESCHKE: Okay.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: So, if we do that, then we won’t pick indicator species for these complexes, right, and we’ll just be setting it to, generally speaking, to the 30 percent, possibly, that we’ve been talking about, and we won’t pick indicators, and is that how it would be lined up then, Dr. Froeschke?

DR. FROESCHKE: That would be my understanding, is that we wouldn’t have an option to use an indicator for any of those. My thinking is that we would have -- The options would be the 20 percent SPR, 30 percent, or the 40 percent.

CHAIRMAN DIAZ: Mr. Swindell.

MR. SWINDELL: What we’re going to do is we’re going to be guessing as to what we want to do, right? I mean, if you want to go with 20 percent, you’re saying, okay, we believe you have enough stock there, and we don’t know what stock we have on
these resources.

We’ve got to work this thing so that we make damned certain that we have enough stock to sustain whatever fishing takes place, and that’s why I look to the Scientific and Statistical Committee to tell me just -- Should we manage all of this shallow-water grouper complex with one recommendation from the Scientific and Statistical Committee to give us their best scientific information available? What should we do? Should we manage it as one group or manage it as different species, which they don’t have enough information to do, and so it seems to me like managing it as a group is probably the right thing to do, and so that’s why I think I would like to know, from Dr. Barbieri, just what is -- What option should we use for this group of the shallow-water groupers?

CHAIRMAN DIAZ: Dr. Frazer.

DR. FRAZER: We’ll go back to the original point that I tried to make. I think that there is -- I think it’s a good idea to try to streamline and generalize these two sub-actions, I guess, right, but I think that, if there is an appropriate indicator species, to get to Mr. Swindell’s point, that is identified so by the SSC, that would be the best available information that we have, and we should probably retain it as an option in here.

CHAIRMAN DIAZ: Thank you, Dr. Frazer. All right, Dr. Froeschke. Let’s move on to the next action. We’ve had a lot of good discussion on this action, and let’s proceed with the document.

DR. FROESCHKE: Okay. We’ll put back up the presentation. If you recall in the title of this, it’s a reef fish amendment, and it’s a red drum amendment. Red drum is managed under its own fishery management plan, and the management of this stock is quite different than the reef fish, and so it’s heavily targeted in state waters. It’s been closed in federal waters for a long time.

In general, there is no federal stock assessments, although I do believe many states have done their own assessment relative to the status in their state waters, but, essentially, we treat this stock as an unassessed species. The way that this is managed is that the MSY -- It’s managed based on an escapement rate, and so each of the states have established a goal of 30 percent escapement, and we could spend a very long time on how that is done in each state, however, and I’m not the right person to do that, but, in general, that’s how they manage it in
their own state waters.

Alternative 2 would establish the MSY proxy essentially for the yield that equals the escapement rate of 30 percent, and that’s why that’s in there, because that’s how it’s managed. The Alternative 3 would essentially match what we have done with the reef fish and set the MSY proxy at 30 percent SPR, and so that’s what we have, and I will stop there for questions.

CHAIRMAN DIAZ: All right. Seeing no questions --

DR. FROESCHKE: Okay, and the SSC didn’t really provide guidance on this, if I recall. Is that correct?

DR. BARBIERI: Right. I mean, the guidance that we provided is, given all the confusion associated with how to really relate --
Because different states actually estimate, calculate, escapement rates differently, and then how those escapement rates actually relate to a spawning potential ratio differs, and the devil is in the details there in how the formulation of that process is put in place for the estimation of the escapement rates.

There was a lot of discussion about that, that these differences are difficult to reconcile, and then how do you reconcile that management in state waters with what is going on in federal waters?

At first, we thought, well, we can give that 30 percent SPR for the stock as a whole, and that will encompass both federal and state waters, but there was some disagreement on proceeding with that until we looked into more of the details of the escapement rates that are estimated differently by each one of the Gulf states and then how you wanted to proceed, in terms of using a broader type of SPR-based proxy, and so we punctured on providing any recommendation at this point.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: There was a lot of discussion, I guess, on the different management targets that are used by the different states, but was there a discussion on the biology and life history of that particular fish, of that stock, and what would be the right proxy, given those parameters, the biological parameters, regardless of what different management we have right now, federal or state or otherwise, based on the biology?

DR. BARBIERI: Based on the biology, if you look at the stock as
a whole, and, by this, I mean when you encompass federal and
state waters, something like a 30 percent SPR for a maximum
sustainable yield, and so this is a proxy for MSY, and this is a
limit reference point and not a target, we believe would be
appropriate, and we had this discussion at the meeting.

The issue was how to reconcile this management in federal waters
with what is already going on in state waters, and that was the
difficulty that we found, but, overall, looking at the stock as
a whole, the committee had discussed, and I think, if we look at
the meeting notes, we can find this there, that the F 30 percent
SPR proxy would be appropriate for this species.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: Well, and I asked because I was wondering if that
30 percent came up because it matches what we just condensed on
all the other ones, and I was just wondering if you could
condense the document even further and put this in the one
action that we’re going to have for the others, and it may not
possibly match exactly what the states are doing, but we don’t
have a stock assessment on red drum, and so it’s really not
going to impact the states. I mean, they’re managing it, and
there is no fishing in federal waters, and there is no stock
assessment in federal waters, and so I don’t see where just
going ahead and putting it in that one action -- It seems like
it would be more efficient.

CHAIRMAN DIAZ: All right, Dr. Froeschke.

DR. FROESCHKE: Okay. I think we can work on that. I guess I
should have been more clear when I was introducing this action
on the escapement rate, just for everyone’s understanding, and
so, for this species, there is no federal harvest. Based on
their biology, this species occurs in inshore waters until about
age-four, and then this species typically migrates out into the
Gulf for the rest of their lives, coming back nearshore to
spawn, but ignoring that point.

The escapement rate, what that means is, assuming that there was
no inshore fishery, there is a fixed number or some number of
animals that would complete their portion of their life history
in inshore waters and then move out. Based on the harvest
inshore, a percentage of those don’t make it to the offshore,
and so the management, the escapement, essentially says that
we’re trying to manage such that 30 percent of the animals make
it offshore, as compared to what would make it if there were no
fishing in inshore waters, and so that’s how that is -- That’s
what that means, and so hopefully that is helpful.

I think we can move on to Action 2. Actions 2 and 3 address both acronyms, which we’ve talked about, but I will introduce them. Action 2 is the maximum fishing mortality threshold, MFMT, and Action 3 is the minimum stock size threshold, and so I am rehashing some content from the October 2018 presentation on these two charts here.

Essentially, the panel on my left addresses the MFMT, and so this the maximum fishing mortality threshold, and it’s essentially, on an annual basis, the maximum fishing mortality, based on how many fish you can harvest, and, essentially, on this, you see it’s a curved plot, and, on the apex, we would define that as the FMSY and the yield at the percentage of FMSY on the Y-axis, and so, essentially, if you’re on the descending curve of this, you would be considered overfishing, and so defining this would -- We want to define this, essentially, that you’re not above that rate, and so that’s what the MFMT is.

Based on the science of this, this is obviously closely related to the MSY proxy, and so the FMSY -- If the F rate is above the MSY proxy, then you would be on the descending limb of this curve, and so the alternatives in here are fairly streamlined, and then, just while this panel is up here, when we get to the MSST, and so the minimum stock size threshold, you will see the biomass to support MSY, and so, essentially, this would be the biomass consistent with the MSY, or the MSY proxy, and what you will see though in this is the MSST is actually to the left of this, meaning that we allowed the biomass to decline below this, such that, if there were ever a decline based on environmental conditions or some variable that isn’t related to the fishing, that we wouldn’t constantly be bouncing in and out of overfished status, but the panel on the right is more of a long-term measure, and so we’ll come to that in Action 3.

This slide is just sort of a summary that we’ve talked about before, and so the fishing mortality is on the vertical Y-axis, and this is sort of an annual thing, and so the MFMT -- There is that horizontal black line, and so we would like to be below that, and, on the X-axis, that minimum stock size threshold, we would like to be above that, and so, if you think of it as a quadrant, where we would like to be is in that bottom-right quadrant, and we would consider that not overfished, meaning we’re above the MSST, and not overfishing, meaning we’re below the MFMT. This document would define those specific -- Where those horizontal and vertical black lines correspond to the fishery.
This action, defining MFMT, there are three alternatives. Essentially, no action would not define MFMT, with the exception that this document would not modify or address the stocks that we already have an MFMT for, and this would be red and gray snapper, gray snapper being finalized hopefully at this meeting, of F 26 percent SPR. Goliath grouper is F 50 percent SPR, F max for gag, which is a yield per recruit, and then F 26 percent for all of the reef fish stocks and red drum. That should be 30 percent. I’m not sure if that’s a typo.

Alternative 2, for stocks where MSY proxy has not been defined, we would set the -- Essentially, all those stocks and stock complexes in Actions 1.1, 1.2, and 1.3, we would set the MFMT equal to the MSY proxy, and so, if you chose F SPR 30, we would set the MFMT equivalent to that, and so that part is conceptually much more streamlined than the other actions.

Alternative 3, and we can talk about this one, essentially would apply in a rebuilding plan, and, if you think about a rebuilding plan, you would have to set the F, the fishing mortality, below the maximum level, such that you would allow the biomass to increase over time, and so, if the stock is in a rebuilding plan, you would set the MFMT equal to the fishing mortality rate that is projected to rebuild the stock to the biomass at MSY within a rebuilding time period.

Then, after the stock is recovered, the MFMT is equal to the fishing mortality of the stock’s MSY proxy, and so, if a stock is not in a rebuilding plan, it would have no effect. If it did have -- If a stock was in a rebuilding plan, then it would lower the MFMT to the F rebuild, which is usually an output of a stock assessment.

When we discussed this at the SSC meeting, the Science Center, and Dr. Calay can help us with this, but she indicated this is more conservative than what is required to be done, and this differs in practice from what they actually do, and so it was discussed that this perhaps was not something that the council may need to do in order to manage the stock sustainably. I will stop there, in case there are comments from the SSC.

**CHAIRMAN DIAZ:** Dr. Barbieri.

**DR. BARBIERI:** Thank you, Mr. Chairman. As Dr. Froeschke pointed out, this MFMT should be very much aligned with the MSY and MSY proxies discussions that we had earlier, and so that would be a fairly easy decision to make, based on the
recommendations that we presented previously, but then a
curveball came up about Alternative 3, and we felt that, until
we have a better understanding of what is really required, in
terms of defining what is the maximum fishing mortality
threshold, because this would define overfishing, and so having
a clarification on this issue for rebuilding stocks, which would
be the Alternative 3 in your draft document right now, we just
did not want to weigh-into this.

The questions were how do we define, if a stock is rebuilding,
the maximum fishing mortality threshold? Is this at F rebuild,
or is it still at FMSY or a proxy? If you are fishing, and
suppose it is a stock that’s in a rebuilding plan, and, for
whatever reason, you determine, during your stock assessment,
that there has been fishing above the F rebuild, which could
delay your rebuilding plan, but does that actually formally
represent overfishing? Because that definition is tied to MFMT,
the committee decided to wait until that discussion is had and
we had clarification on this issue before weighing-in, Mr.
Chairman.

CHAIRMAN DIAZ: All right. I am looking around for any comments
from the committee. Seeing none, Dr. Froeschke, do you have any
words of wisdom?

DR. FROESCHKE: No, and I guess -- Again, at this time, we’re
just trying to get some feedback on the range of alternatives
and, if you feel that these three alternatives are adequate,
then we can move forward and bring it back to you next time,
but, otherwise, if you don’t have any changes, I’m okay.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: I guess my question would be, if we’re trying to
figure out what to do with that third alternative, what do we
set our quotas off of, F rebuild? To me, in my mind, you
overfish when you overshoot your quota, and I know that’s not
how the Act is written, but, so for me to understand this, are
we looking at F rebuild and setting quotas and things with F
rebuild or the other F?

CHAIRMAN DIAZ: Dr. Crabtree.

DR. CRABTREE: Well, it has varied from species to species. For
example, with the for-hire sector of red snapper right now, the
quota is set based on the target that we have. Other species,
it’s not, and I can tell you that we have not viewed F rebuild
as being the fishing mortality, the overfishing threshold, in
the past. It’s always been that the MFMT has been associated with FMSY and not with the F rebuild when we have redefined it.

Part of the trouble with F rebuild is it changes all the time. If you shorten the rebuilding period, you get a different F rebuild. If you lengthen it, it’s a different F rebuild. Every time you redo the projections, you’re going to get a different F rebuild, and so it gets kind of confusing with that, and so it’s sort of a floating kind of number that would change depending on how you set up the rebuilding plan, and so that’s not typically how we’ve done it, but you can’t just say exceeding the quota is overfishing. It might be and it might not be.

CHAIRMAN DIAZ: Dr. Barbieri.

DR. BARBIERI: To your point before, and to Dr. Froeschke’s point, since we have time with this document, and I think this is why the SSC did not feel rushed to weigh-in on this issue right now, and basically either the agency, the Fisheries Service, either the Sustainable Fisheries Office up there, that has broader guidelines tying to NS 1 and the Act and all those definitions, that we can get some more direct guidance that is applied at a national level, and then we can contextualize that for our region and our council. That’s why we decided that waiting a little bit was the best option for now.

CHAIRMAN DIAZ: Dr. Froeschke.

DR. FROESCHKE: I guess there are two options. One is we could just leave it in there. I mean, the council is not obligated to select that as a preferred alternative. You could select it. Alternative 2 and 3 could be selected concurrently, or you could select Alternative 2 and leave Alternative 3 in there and just not select it as a preferred and no harm, no foul. I mean, I guess we could remove it from the document, if you felt like that wasn’t a reasonable range of alternatives.

CHAIRMAN DIAZ: Dr. Calay.

DR. SHANNON CASS-CALAY: I just wanted to be clear that, according to the National Standards and to the Magnuson Act, the overfishing occurs when you exceed the MFMT, which is currently linked to FMSY or its proxy, and so it is separated in the guidance from F rebuild, which would correspond to something like ABC, but not to OFL, and so the guidance is actually clear. You don’t need to do something more precautionary than the guidance, but I assume it is your prerogative to do so.
CHAIRMAN DIAZ: All right. I am not seeing any hands come up, Dr. Froeschke. With no further guidance from the committee, I guess we’ll leave it like it is for the time being, and it can be changed in the future, or we can do like you said and just not select it. All right. Let’s proceed, if there’s no other comments on this, proceed to the next action.

DR. FROESCHKE: Okay. Thank you.

CHAIRMAN DIAZ: Dr. Crabtree.

DR. CRABTREE: Just one thing. Now that you have the presentation up, because you may give this presentation again, John, I think in Alternative 1 there is a typo in there. It says F 26 percent for all of the reef fish stocks, and that should be F 30 percent.

One other thing I would point out is, in the no action, we specify F max for gag, and I suspect that’s an anomaly that won’t carry over and won’t be used again in gag assessments. That, I am not clear why we ever used F max on it. We have not usually used that for much of anything, and I don’t know where that will leave us when we get the next gag assessment, if that means we’ll have to amend the plan to change from F max to F 30 percent, or if we ought to address that upfront. I think you would have to do some digging on that, but I would lay money on it that, when you get a gag assessment, F max will not be the reference point the scientists will advise we use.

CHAIRMAN DIAZ: Dr. Froeschke.

DR. FROESCHKE: Yes, you are correct on the 26 percent on the bottom there. That should be 30 percent, and we saw that when we put it up on the screen, but, unfortunately, not before we put it up on the screen. We are happy to do some digging on the gag. For our purposes, we were just trying to mirror what’s currently on the books, and so that’s why we presented it that way.

Action 3 deals with, again, this minimum stock size threshold, and so this is what you can think of as the long-term culmination of fishing at whatever rate you are. Ideally, you would want to be at the biomass to support MSY, and so, this little infographic on the left panel here, you can see on the bottom there, sort of between the green and yellowish portion, the biomass at MSY, and so this is where we would like to be at or above this, in terms of a biomass, because the stock would be capable of producing the yield associated with MSY on an ongoing
basis.

However, we have -- There are many reasons why the biomass may fall below that that are unrelated to fishing, and it could be poor recruitment or have a red tide or something like this, or just our imprecision in our ability to measure this in a stock assessment, and so, in the past, we have defined a minimum stock size threshold that allows the biomass to fall below this level by a prescribed amount, such that we’re not doing rebuilding plans. When it falls below that, the stock would be considered overfished, and we would have to do a rebuilding plan.

A buffer between the biomass at MSY and the biomass at the MSST level would allow some fluctuation, such that the stocks are not constantly flip-flopping in and out of overfished status, just based on some variability in the stock or in our ability to assess the stock biomass, and so, in the past, we have done this different ways, not surprisingly, and so we’ve done this in a couple of amendments.

In Reef Fish 44, you looked at seven stocks, and then we addressed this in Reef Fish 51 for gray snapper, but, essentially, the council has the ability -- They can establish MSST from the biomass equal to the MSY all the way down to 50 percent of BMSY, which is on the far left, and so, essentially, the way this works is, the lower the MSST level is on the percentage, the less likely you are to end up in an overfished condition based on factors unrelated to the fishery.

However, when you allow that -- The farther you allow that to drop before you enact a rebuilding plan, it means you have farther to rebuild the stock, and so the goal is that you want to be at the MSY biomass and not just above the MSST, because the stock is more productive at the MSY level.

Just those are kind of guiding principles, and so we’ve set up the document, and we have five alternatives, and so Alternative 1 would not define MSST for stocks that don’t have it. As I indicated, we do have several stocks that have an MSST done either in Reef Fish Amendment 44, and, most recently, you guys are taking up Reef Fish Amendment 51 for gray snapper, and, in those amendments, you defined the MSST as 50 percent of biomass at MSY or proxy, which would be consistent with Alternative 4.

Again, this is the most risk-tolerant approach. Essentially, you are less likely to fall into an overfished status, but, if you did, you would likely have farther to go on rebuilding.
Alternative 2 is a formula-based approach, where you will see MSST equals one minus M times BMSY. This M bit is the natural mortality of a stock. For most reef fishes, this falls between 0.1 and 0.2, I would say, and so, for example, I think on gray snapper, the M was estimated in the stock assessment as 0.15, and so one minus M would be 0.85.

In the past, as historically has been done for several reef fish stocks, and, more recently, I have noted that it’s done more the 50 percent BMSY way. Alternative 3, if you think about M being below 0.25, and so it could vary by stock or stock complex, I guess, but this would sort of be an intermediate MSST value.

Then, in Alternative 5, it would set the MSST equal to the 0.5 BMSY for all stocks and stock complexes in Sub-Actions 1.1 through 1.3, with the exception of the stocks assessed by the South Atlantic, and I will get to that in just a minute, but this is Sub-Actions 1.1 to 1.3, and so the idea of this is that we wouldn’t be considering stocks that are not part of this document, and so, for things that already have established MSSTs, we wouldn’t be taking those up again here.

Then, with the last part of this, with the exception of stocks assessed across the South Atlantic and Gulf Council’s jurisdiction, and so this would be goliath, mutton, yellowtail, and black grouper, MSST for these species would use the existing definitions of MSST by the South Atlantic Council, and that is 75 percent BMSY. I will stop there for questions.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Just a couple of things with respect to this action. First, it seems like the language in Alternative 5 about setting the proxy for the complexes in this document would apply to all of them, right, meaning we’re not reevaluating all the ones that you list in Alternative 1, I think, just to clarify that, and then, also, I think Alternative 5 should just be a stand-alone that is an alternative to use the South Atlantic’s MSST for those species identified, meaning it shouldn’t be linked to the 0.5 BMSY, because you could pick it with Alternative 2, 3, or 4, and so I think those are just a few sort of housekeeping things with this action that we should probably do.

CHAIRMAN DIAZ: Thank you, Ms. Levy. Any other comments? Dr. Froeschke.

DR. FROESCHKE: Alternative 3, we didn’t put that language in there, and the reason we didn’t is because they were already at
that, and so, if we -- If the council selected MSST equals 0.75, it would just be equal on its own, and so that’s why we did it, but we can certainly try to clarify this, based on your comments.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: What would be equal to the 0.75?

DR. FROESCHKE: The stocks that are defined already by the South Atlantic, except for goliath, are defined as 0.75 times BMSY.

MS. LEVY: Right, and so there is goliath. I mean, if you have it as a stand-alone to just no matter what you pick, even if it’s duplicative if you happen to pick Alternative 3, it just makes it clearer that, for the stocks that already have an MSST, as defined by the South Atlantic, that’s what you’re picking.

DR. FROESCHKE: Noted. Fair enough.

CHAIRMAN DIAZ: Okay. Any other questions on this action? Dr. Barbieri, did you want to weigh-in on this one?

DR. BARBIERI: Well, not necessarily weigh-in, Mr. Chairman, but just present the recommendations, comments and recommendations, from the SSC. The SSC discussed an analysis conducted by the Southeast Fisheries Science Center that really showed that, as far as that simulation study was concerned, that it wasn’t likely that most stocks that are characteristic of our region, the Gulf of Mexico, would decline below 75 percent of BMSY due to just fluctuations in natural mortality or environmental parameters. There would have to be some higher level of fishing going on to push those stocks below, in the results of those simulations, below the 75 percent of BMSY.

Based on that, on the fact that the more conservative MSST leads to more stable catches over the long term, and, also, as Dr. Froeschke explained, avoid longer, painful rebuilding times for stocks that fall below 50 percent of BMSY, the committee decided to recommend that, in Action 3, Alternatives 4 and 5, and those would have to do with the MSST set at 50 percent of BMSY and not be your preferred alternatives, that you consider some other alternatives as your preferred, but with that reasoning in mind.

CHAIRMAN DIAZ: Thank you, Dr. Barbieri. Ms. Bosarge.

MS. BOSARGE: Based on that, can we just go back over to Dr. Froeschke’s presentation, your Slide 16, and I am wondering if,
since the SSC says that they really don’t recommend that
Alternative 4 and 5 -- I mean, one option is to remove it from
the document, although we have chosen it for some other stocks,
but I have to say that I was not in favor of that, and I do
think it’s a little too risky.

Maybe we can either get rid of those two or we can replace them
with something that is slightly more conservative and not go all
the way to that 50 percent. Maybe we could replace it with a
65, and we can possibly end up with a consensus around the
table, at some point, without going to that 50 percent. Can we
go back to that slide of Dr. Froeschke’s?

I guess I can see why the SSC says that they don’t really
recommend going to that 50 percent of BMSY, because, if you look
at that picture, if you were to fish it down to that point,
essentially, the green, yellow, and the two orange bars, you
have fished all that down. It’s gone, and the only thing that
you’re left with is that little sliver on the far left, the red
sliver, that triangle. You are fishing it down to that point
before you say, well, I think we have a problem.

Now, hopefully, you would prevent overfishing before you get
down to that overfished status, but, as we know, sometimes
that’s just not the case, and so I would be more comfortable
with removing the 50 percent altogether as an alternative, but,
if people aren’t comfortable with that, I would consider
replacing it with a 65 percent option, if I could get some
discussion.

CHAIRMAN DIAZ: Dr. Crabtree.

DR. CRABTREE: Just one way to think about this is, I mean, if
you don’t have a stock assessment, then you don’t know where you
are relative to any of that anyway, because you don’t have a
biomass estimate, and so, whether you had a conservative MSST or
didn’t, if you get a stock assessment that shows you have fished
the stock down, that’s what you are stuck with.

If you did set a 50 percent MSST, and you get a stock assessment
that shows you’re halfway there, you still have to take
corrective action, because you can’t -- Overfishing can’t occur,
and so you’re going to -- There seems to be an implication that,
if you don’t have the MSST and trigger a rebuilding plan, you’re
not going to do anything, and that’s just not true.

Overfishing is not allowed by the statute, and you’re going to
take corrective action if you’re fishing down the stock either
way, and so, I mean, don’t look at this as if setting the MSST low means we’re just not going to do anything if we’re fishing a stock down, because that’s just not correct.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Well, I will just say that it is a reasonable alternative. You have done it before, and it is something that you can consider. I wouldn’t remove it. If you want to add something else between 75 and 50, or you don’t want to select it as preferred, I mean, that’s perfectly fine, but I think it’s reasonable to have it in there as an alternative.

CHAIRMAN DIAZ: Dr. Calay.

DR. CALAY: Thank you. It certainly is a legal alternative, and we have used it in a few circumstances already, but I just wanted to circle back to the original analysis that was conducted by the Science Center. We examined, in simulation studies, the probability that you would reach certain thresholds from 50 percent of BMSY, 75, 85, and 90, and how frequently you would reach these thresholds if you were not in fact overfishing, but just through recruitment variability and natural mortality.

At 75 percent, you only actually were overfishing between 7 and 15 percent of the time. Well, not overfishing, but you only reached those thresholds due to variability 7 to 15 percent of the time, and the other times you reached that threshold was due to overfishing.

Now, when you get to 50 percent, the probability of actually reaching that level through environmental variability in recruitment or mortality was zero, and it happened because of overfishing in the simulation and not because of recruitment variability.

Furthermore, in the analysis, when you get to MSST at 50 percent, you can recover the stock within three to ten years at F equals zero. If you look at values of MSST that are more conservative than that level, the rebuild time at F equals zero is shorter, and you could have rebuild scenarios that might not be as severe as it would be, and so it is a legal value, 50 percent of MSST. The implications are that larger catch reductions may be required to rebuild the stock within a ten-year timeframe.

CHAIRMAN DIAZ: All right. We’ve had a lot of discussion. Any
further comments on this action item? Seeing none, Dr.

DR. FROESCHKE: I guess I’m just not clear. Are we to add a new alternative, or we’re not to add a new alternative?

CHAIRMAN DIAZ: I think, if somebody wanted to add an alternative, we would make a motion to add an alternative, and somebody could do that, if they wanted to, at this time.

MS. BOSARGE: I will make a motion.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: I will make a motion, in Action 3, which is the minimum stock size threshold action, that we add an alternative that sets MSST equal to 0.65 percent of BMSY (or proxy).

CHAIRMAN DIAZ: We will take just a minute to get that on the board. While they’re putting it on the board, is there a second to this motion? I don’t see a second to the motion. Going once, going twice. The motion fails for lack of a second. Dr. Froeschke.

DR. FROESCHKE: Okay. I will move on to Action 4, optimum yield. Optimum yield, and so this is the last of the status determination criterion that we’ll be discussing today. In general, this is the allowable harvest that will provide the greatest overall benefit to the nation, and it’s based on the maximum sustainable yield that we’ve been discussing, and it’s as reduced by economic, ecological, or social factors.

The goal is this would maintain the long-term biomass near or above the biomass at MSY, and I included these two charts that, again, you’ve seen before, to sort of frame this in the two things that we’ve been talking about, in terms of fishing mortality and biomass, and so the left panel addresses the fishing mortality, and, again, that green dot at the top of the apex of the curve is the FMSY, and, to the right of that, you would see, with the red dot, you would be overfishing, and so, to the left of that, this would be -- Somewhere to the left of that would be the fishing mortality at optimum yield based on the definition above, as reduced from FMSY, and so anything to the left of that could be defined as the optimum yield, with the idea that some level below the mortality at FMSY would provide some buffer and provide the greatest overall benefit to the nation.
The panel on the right is corresponding to the biomass, and so this one -- The biomass, again, BMSY is at the apex of the curve. However, the biomass, you want above that line, and so meaning to the right, and the biomass below that, at some predefined level, which we just discussed, would be the MSST or below that, which would be overfished, and so, if the biomass at the optimum yield is above BMSY, the fishing mortality for optimum yield is below FMSY.

There are lots of alternatives in this action, and so I will just preface you with this. The idea is we tried to -- For the presentation, we tried to group them together. We can refer to the document if you want to go through these sort of one-by-one. Sort of the overarching statements is, again, this is linked to the MSY, and, many of these stocks, we don’t know a tremendous amount about, and so defining the OY is challenging.

In the past, we have done this for stocks by applying scalars to the MSY proxy. In general, 50 percent, 75, or 90 percent, meaning associated with the yield, and so the yield, if you think of it as 100 percent for the MSY, the OY would be some percentage less than that, and so, for example, in gray snapper, the preferred alternative is 90 percent of FMSY. It’s fairly aggressive, but the yield at 90 percent is greater than the yield at 75 or 50. That’s the way it works, in general.

For Alternatives 2 through 6, each has three options for defining OY, 50 percent, 75 percent, or 90 percent FMSY, and, the higher up you go, it assumes that the optimum yield is closer to that MSY level, meaning that you’re fairly comfortable with a fairly small buffer, and so this would be applied for each stock complex, for the shallow-water grouper, deepwater grouper, tilefish, jacks, and mid-water snapper.

Alternatives 7 through 13 have the same options, the 50, 75, or 90, but it would apply to individual stocks of cubera snapper, lane snapper, goliath grouper, mutton snapper, yellowtail, hogfish, and red drum. I will stop there, and we may need to go to the document if we want to dive into the details, but that sort of roughs out the action as we have it right now.

CHAIRMAN DIAZ: All right. Dr. Barbieri, are you prepared to weigh-in on the SSC’s comments?

DR. BARBIERI: Yes, Mr. Chairman. Thank you. I don’t think we even need to go to the other slide, but, if you have already, thank you, Bernie. Basically, the SSC had a lot of good discussion on this, but we couldn’t really get anywhere, in
terms of making a recommendation that we felt was well-informed.

This is basically because, looking at some of those options there, the percentages, the reductions from yield at MSY, and so to reduce that by 50, 75, or 90 percent of that value, what would that mean in terms of socioeconomic and ecological and ecosystem value?

OY, optimum yield, is really a target reference point, and so the whole framework of fisheries management, globally and historically, is structuring to limit and target reference points. The limit reference points, like MSY, come out of stock assessments, kind of almost automatically, and they get translated into catch advice.

Target reference points try to take into account broader societal benefits that transcend just the basic biology of the species, and they can provide as well stability for industry over time, because, if you build the stock at a certain level above BMSY, you really have much more stable catches, and so supply to whatever industries that need that, and it avoids buffers against environmental parameters, things like red tides, et cetera.

Basically, what we would like to do is, instead of weighing-in on this right now, in terms of OY, is to invite you to engage into a longer, broader discussion, where you can start articulating what your long-term management goals are for some of these stocks, what you see as a way to fit OY into this framework, and then lean on us to provide whatever technical and scientific advice we can provide to inform that discussion, and there is a fairly large component of socioeconomics that needs to be integrated into this, in terms of what people value and what they get now, or defer getting now to get more later, and that’s very complex.

We just did not feel that, looking at the document as it is right now, that we could provide that objective, scientific advice in a way that would be well-informed, Mr. Chairman.

CHAIRMAN DIAZ: Thank you, Dr. Barbieri. Ms. Guyas.

MS. GUYAS: A question for Luiz. Did you all talk about how to go about doing that? Sometimes, bouncing between council and SSC meetings, we’re not the most effective communicators.

DR. BARBIERI: Well, correct, and some ideas -- I mean, over the last couple of decades or so, we have been discussing this on
and off between SSCs and councils, is to establish a working group or some kind of cooperative group that would integrate SSC members, Science Center, SERO, with council members as well, and form something like this that would start developing a framework for a broader, more informed discussion of OY.

I know it’s a complicated thing to do it like this, because it takes people’s time, and it’s a time commitment to be engaged into something like this, but this is one of those topics that is very difficult without the SSC having much more direct discussion with the council.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: I understand what’s coming from the SSC, and I am all for a process that gets you to a more informed decision or with more information, but, for now, we have to use what we know and what we have to start coming to some decisions on defining an OY, and I get that there’s not perfect information, and there might not be much of any information, but you did have a discussion, with respect to Amendment 51 and gray snapper, about what an appropriate OY would be for that species, and you had similar alternatives, and you decided on one based on some reasoning about that species and how it’s used and where it’s at, and so I don’t think it’s impossible to happen here.

I will also say that some staff members have been talking about potentially other ways to help you define OY, and it may be one of those things where it would be helpful for staff to go back and talk about it based on some things that the SSC said, as well as what we’ve been talking about, and maybe see if there are other ways to get at this, rather than just the percentages like this of MSY, but I really don’t want this and the lack of information to hold up actually specifying it.

I mean, the Act is very clear that we need it, and the guidelines are very clear that, even if you don’t have a whole lot of information, you still need to have some specification of it, based on the best you have, and so I don’t want the discussion to keep being that we don’t know enough and so we’re just going to keep punting it down the road. I would like us to be able to move forward on this one.

CHAIRMAN DIAZ: Dr. Froeschke.

DR. FROESCHKE: Okay. Well, as Ms. Levy has stated, we have had discussions, and, just as a bit of background, this document has been a pretty heavy lift, and our timeline was very aggressive,
and so not everyone has had a chance to get their ideas heard
and evaluated, from an IPT standpoint, and so I guess my
proposition would be that we will retain the current
alternatives.

After this meeting, we will have an IPT meeting and discuss your
recommendations here, and there may be additional alternatives
that are offered. If there is consensus at that level, we may
introduce them into the next document for your consideration,
and is that reasonable?

Just, in general, thank you, guys, for the discussion on this.
To summarize, we’ll revise the document based on the best we can
from this, and we’ll bring it back to you in October.
Hopefully, by then, we can come to some agreement on the range
of actions and alternatives, and we can develop it further into
a public hearing draft document at that time.

CHAIRMAN DIAZ: Thank you, Dr. Froeschke. Ms. Bosarge.

MS. BOSARGE: As you all meet and talk about that, maybe you
could have some discussion on the Option a that’s listed for
each alternative, where it’s 50 percent of FMSY, or MSY proxy,
just based on what Dr. Barbieri was saying, where, if you get
that OY too low, you may actually have catch recommendations
that end up higher than your OY at some point, and that is kind
of in opposition with each other, at times, and so you might
want to evaluate that 50 percent, and maybe we shouldn’t go
quite that low.

CHAIRMAN DIAZ: Dr. Froeschke.

DR. FROESCHKE: We have talked about that, and one thing that is
a little bit difficult is there isn’t currently a way to link
catch level recommendations to a specific OY scalar, and so I
think that is a little bit hard, and maybe Ms. Levy could
comment on this, but the South Atlantic has linked, more
explicitly, their OYs with their ACLs in some of their stocks,
and it’s my understanding that we have been advised not to do
that, and so that -- We’ll have to think about how to do that,
but we certainly could remove the 50 percent, if that’s your
intent.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: I just don’t want to get in a situation where
we’re in a conundrum, where we have an OY at one level and we’re
recommending that we kill more fish than that, and so, if we’re
having trouble with what’s the right number, I certainly don’t want to go too far with it and get down to that 50 percent, and so I hope you all consider maybe bumping that up.

CHAIRMAN DIAZ: All right. I think we’ve had a lot of good discussion on this document, and I appreciate the committee’s hard work, and I do think the document is in a lot better shape than before we started today. This is a heavy lift, as it’s been described several times, and so Dr. Froeschke is going to clean it up and bring it back to us again, and we’ll just keep plowing away on it. I am not seeing any more comments, and so I’m going to turn it over to Dr. Frazer.

DR. FRAZER: Okay. I think we’re right on schedule here, and we’re scheduled to have a lunch break until 1:30, and so I will see everybody at 1:30.

(Whereupon, the meeting recessed for lunch on August 12, 2019.)

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August 12, 2019

MONDAY AFTERNOON SESSION

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The Sustainable Fisheries Committee of the Gulf of Mexico Fishery Management Council reconvened at the Hyatt Centric French Quarter, New Orleans, Louisiana, Monday afternoon, August 12, 2019, and was called to order by Chairman Dale Diaz.

CHAIRMAN DIAZ: Next is the Research and Monitoring Priorities for 2020 through 2024. Mr. Rindone is going to lead us through that discussion. Mr. Rindone.

DISCUSSION OF COUNCIL RESEARCH AND MONITORING PRIORITIES FOR 2020-2024

MR. RINDONE: Thank you, Mr. Chair. Can we pull up the action guide for this? My computer had emotional problems and needed to restart, and so I don’t have it up. It’s E-3. This is Agenda Item VI, and this is a discussion of the council research and monitoring priorities, and so you guys are going to take a look at the draft of the -- The draft of the monitoring priorities is provided as background information for this, and we weren’t going to actually go through them. If there’s anything in particular that a committee member wants to
recommend, by all means, make that known.

The SSC was able to go through these priorities and make some edits, but they’re going to give it some more consideration at their next meeting in September before providing their final recommendations to the committee and the council in October. In October, the committee will need to recommend the finalized research and monitoring priorities to the council, so we can get those submitted.

Once these are approved, they will be posted on the website and submitted to the Southeast Regional Office, and they generally help the council’s collaborative partners, academic institutions and the states, et cetera, identify the most pressing challenges facing the council’s marine resource management obligations.

We can just go to the portion of the SSC report. If Dr. Barbieri wants to -- I don’t see him. Does he have a presentation for this? If you just want to pull that up, I will run through it, in his absence. It’s in the same presentation as the status determination criteria, and so it’s E-5(c). While Bernie is going through that, essentially, the SSC was -- There is Luiz.

**DR. BARBIERI:** Some people tell me, and, of course, it’s untrue, but some people tell me that I’m long-winded, and just between the elevator and -- I came down the elevator with two council members, but, between there and here, I get caught in conversations, and so, anyway. It was productive conversation.

Anyway, thank you, Mr. Chairman. Here is the set of comments from the SSC. The research recommendations, that was a very broad, very inclusive document, and, of course, we have a whole variety of stocks that we manage in different groups and different levels of science quality and assessment quality, and so research and monitoring priorities are expected to be extensive, but we tried to synthesize here what we felt were points that needed to be highlighted for improvements or focus as we go forward.

Recreational discards, as you know, is a very important component, and it’s one of the largest uncertainties we now have identified for stock assessment and fisheries management, and so this is something the committee felt that more quantity and quality, as well as timely data on the size composition of recreational discards would be helpful.

Also, a better, more coordinated effort on evaluating the
efficacy of improvements in release mortality reduction methods
and how much they are being adopted by the recreational angling
community, and I am glad to tell you that, and several of you
around the table know, that, through the NRDA Open Ocean Trustee
Implementation Group, there is a potential $30 million research
effort being developed, and it’s in cooperation with several
partners, academia, the Fisheries Service, as well as states, to
try and evaluate the use of descending devices and have a more
solid evaluation of these methodologies for release mortality
reduction.

Another thing that we felt is that, right now, the amount and
number of recommendations is very large and very complete, but
it’s difficult to search, and so one of the things that the
committee discussed was potentially having some other
repository, like the SEDAR repository of research
recommendations, that is a database that would be searchable,
and so easier to find when we are looking for specific points or
to find out when some of these research recommendations have
already been addressed and that the database needs to be
updated. I think Mr. Rindone checked into that, or at least
discussed some of this with the SEDAR staff and made some
progress in that direction.

CHAIRMAN DIAZ: Thank you, Dr. Barbieri.

DR. BARBIERI: That pretty much completes my presentation, Mr.
Chairman, and we’re going to have, again, this same set of
revised research and monitoring priorities put in front of us at
the next September meeting, but, other than that, we kept our
recommendations short and sweet.

CHAIRMAN DIAZ: Thank you. Ryan, do you have anything further
to add?

MR. RINDONE: Just that I talked with the SEDAR folks, and they
do keep a repository of species-specific recommendations that
come from the assessments, and those recommendations are largely
reflected in what is in the non-tweet-length version of our
current research recommendations, and so we can excise those
portions out, to the extent that it’s appropriate to do so.

There might be a couple of things that are not reflected in
there, and we can characterize those appropriately within our
version, but the bulk of the species-specific stuff can be
curated and maintained by SEDAR, and it’s available on the SEDAR
website.
CHAIRMAN DIAZ: Does anybody have any additions or deletions or changes for the research recommendations as they exist? Seeing none, I think that completes this agenda item. I’m sorry. Mr. Dyskow.

MR. DYSKOW: Thank you. I would like someone to refresh my memory. Our current position on the council is to encourage the use of descending devices and venting tools in the recreational fishery. I wasn’t on the council at the time, but I think there might have also been some discussion about making their use mandatory in federal waters, and particularly in the reef fishery, and why was that not pursued further?

CHAIRMAN DIAZ: Dr. Stunz.

DR. GREG STUNZ: I can maybe shed some light on that, and maybe Roy too, and there was probably more than discussion, Phil. There was actually work towards motions to require that, which ultimately didn’t -- I don’t know if we didn’t take a vote or they didn’t pass, because of what Dr. Barbieri brought up, that there is $30 million in this NRDA fund.

That money can’t be spent on regulations that are already in place, and so, if we would have made that regulation, then that money would not have been available to fund projects to do some of these research priorities and things, and so we chose, at the time, to then back off of that to pursue more of an educational awareness campaign that Emily is leading now, and that’s sort of how we -- At least my personal opinion, and there was others around the table, would like to see it mandatory eventually, but we didn’t want to compromise the availability of those funds.

CHAIRMAN DIAZ: That is precisely what I was going to say. I remember it just like Dr. Stunz did. Chester.

MR. BREWER: Thank you, sir. We have had long discussions about this at the South Atlantic Council, and we are currently working on our best practices amendment, and we had a lot of discussions about whether or not we should make the use of these devices mandatory, and ours was not a funding issue, per se, but it was more enforceability and whether you -- We got down to the difference between mandatory use and mandatory possession.

Where we eventually came down was that there are a lot of variables, number one, that are in place as to whether you are going to need to use a descending device, and there was a lot of talk about venting and whether venting would be a proper alternative, and so where we eventually came down is, well,
you’re going to have a heck of a time trying to enforce the
mandatory use, whereas you can fairly easily enforce mandatory
possession. In other words, you have to have the device
onboard, and “rigged and ready” was the words that we used.

That’s where we’re going to be headed. I am like Greg, and I
would love to see the, quote, mandatory use. Whether you’re
ever going to get there, I don’t know, but I do believe that the
peer pressure may be your best enforcement tool there and have
everybody understand that it’s good for the resource, and it
helps you have more fish, and, in our situation, we’ve still got
-- We are still struggling with red snapper, and we may be doing
that until god knows when, but a recognition that, until we get
a better handle on release mortality, we’re not going to have a
significant red snapper fishery, or significant red snapper
season, and so we’re hoping to push the -- Really, not the
mandatory use, but the peer pressure and get better use of those
devices in that fashion.

CHAIRMAN DIAZ: Thank you, Mr. Brewer. Mr. Rindone.

MR. RINDONE: Thank you, Mr. Chair. Just to that point,
Chester, is that for recreational and commercial, or just one
sector?

MR. BREWER: I think it’s across-the-board. I would have to go
check to make sure, but it’s definitely for all, quote, sectors
within the recreational, because one of the problems that we had
is we did it on headboats, and those guys are coming in to us
and saying, hey, if we get into the fish, we’re liable to have
thirty or forty fish come up at one time, and how are we going
to send all those things down with descending devices, but we
already know how to vent them, and we can vent them very
effectively and get them back into the water, and you’re going
to have less mortality venting, and so we had all those
discussions, and where we came down is you’re required to have
them. It is mandatory that you have the device onboard. You
don’t have to use it. If you want to use as an alternative --
If you know how to vent, then you can vent the fish, and you’re
still going to be in compliance.

CHAIRMAN DIAZ: Dr. Stunz.

DR. STUNZ: Dale, just briefly, since we’re on this subject, and
I don’t want to get too far outside of your agenda, but it’s
related to the use of these devices. As many of you know, we’re
doing this red snapper count, and part of it was tagging
thousands of snapper from Key West to Brownsville, which we have
done, and they are out there.

Each one of those fish was descended on a descending device, and we’re talking about red snapper, and we’re getting back a 20 percent return rate, which is unheard of. 6 percent is very, very high, and so they’re actually breaking the bank, because we’re offering a high reward for those, but that’s a good problem to have, but I think that’s really starting to see that, if anyone is not a believer, that these devices -- You can catch and release red snapper, and there you go.

CHAIRMAN DIAZ: All right. I am not seeing any other hands up, and so we’re going to bring this agenda item to a close. Thank you, Mr. Rindone. Next up, we have Agenda Item Number VII, National Marine Fisheries Service Southeast Regional Strategic Plan. Mr. Strelcheck.

NMFS SOUTHEAST REGIONAL STRATEGIC PLAN

MR. ANDY STRELCHECK: Thanks, Dale. I know the first thing you guys wanted to talk about after lunch is strategic planning. We wanted to bring this forward to you and just to let you know what we’re working on within the National Marine Fisheries Service and how the council is being engaged in the process.

Just as a way of background, four or five years ago, both the Southeast Fisheries Science Center and the Southeast Regional Office prepared strategic plans, and they were done separately, and they were done at a time where there was also a national strategic plan developed. Since that time, the Science Center’s plan has run its course and expired or finished up, and the Regional Office plan, as of right now, will continue through 2020.

Just last month, the National Marine Fisheries Service released our new national strategic plan, and this is something that I believe you had an opportunity to comment on and provide input earlier in the year, and that plan is now released to the public, and, essentially, there is about a one-year time lag, in terms of the election cycle for the government, and so it’s supposed to be a four-year plan, and then, as the administration is either reelected or changes, then a new four-year plan will be developed at that time.

The intent of the national plan then is to allow regional strategic plans to be developed around the country, and so we are working toward developing five regional strategic plans that tier off of that national plan, and, just to give you a visual
of what that would look like, right now, including the national plan, there is actually ten, quote, unquote, regional plans that existed, because the Science Centers and Regional Offices were doing separate plans. That will be no longer.

Our intent is to merge the Science Center’s planning efforts with the Regional Office planning efforts and create one plan for the Southeast, and then four other plans will be developed around the country in other regions of NOAA Fisheries’ jurisdiction.

Why are we doing this? Why should you care? It provides a deeper level of detail for us to kind of drill down into, in terms of the regional needs that we have specific to our region, the challenges that we’re facing, and it gives us an ability to also prioritize the work that we’re going to be doing with the environment of relatively flat budgets and operational costs increasing.

We are continuously looking to prioritize the work we are doing, and these strategic plans are allowing us to kind of look forward and make decisions about what our highest priorities are and what we need to focus on in the future, and so these will guide our planning efforts within the region and allow us to really put the resources toward what is most important for all of the managed fisheries and resources that we have in the Southeast.

The key, with regard to this planning process, is that it’s going to unify that planning effort, not just with the Regional Office and the Science Center, but also other partners, like Highly Migratory Species and the Restoration Center, that’s doing a tremendous amount of work on Gulf restoration here in the Gulf of Mexico, and so all of these partners within the agency will be contributing to this regional strategic plan.

It will also clearly indicate not only the unique mission challenges that we’re facing, but some of the strategies that we’re working on to try to overcome some of those challenges and issues, and it will also help us to provide an integrative approach to stakeholder engagement, because we are all working off of this same planning effort.

What does it look like? I will go over the schedule here shortly, but it’s fairly straightforward, and it’s going to mirror the national plan and look very similar to the national plan. There will be a joint letter from both Clay Porch and Dr. Roy Crabtree, and we’ll summarize our mission and mandates as
specific to our own geography and the issues that we’re working
on here in the region.

We will also have just a summation of how we’re structured, our
facilities, our employees, just some background information, so
people can understand more of the lay of the landscape, so to
speak, and the facilities we have, as well as the work that
we’re doing and who is working on what activities.

As I mentioned, the strategic landscape is really intended to
focus on regional issues, challenges, and risks to the agency
and to the partners that we work with, and then the biggest
component to this, and this is one of the things that we’ve
actually shared with council staff already for review, is the
strategic goals and strategies, and, rather than go through ten
or twelve pages of various strategies that we’re working
towards, in terms of prioritizing work within the region, we
have shared that with council staff, over the last month or
month-and-a-half, and asked for input on those particular
approaches that we’re going to be working toward going forward.

Once again, all of this is intended to tie together the work
that our Southeast Region is doing with the Southeast Fisheries
Science Center, as well as HMS and the Restoration Center.

Just as a reminder, in terms of the national plan, these are the
three strategic goals that are outlined in the national plan,
and these will also be in our regional strategic plan, and so
these form the basis, essentially, for the work that we’re going
to be doing going forward, but, just to give you kind of a
little bit of a summation of some of the key characteristics of
these strategies, for instance, with amplifying the economic
value of commercial and recreational fisheries, some of the
things that we have focused on in the plan pertain to the need
for additional socioeconomic research for fisheries management.

For increasing production of U.S. marine aquaculture, supporting
the design and permitting of pilot studies, like we’re doing
currently and that might arise in the future.

Modernizing fishery information data collection through
development and implementation of the electronic reporting
program, and so that’s just a flavor of some of the activities
that we would be doing as part of the plan.

With regard to conserving and recovering protected species, and
so that’s Goal 2, one of the primary activities that we are
continuing to focus on, and focus on for quite some time, is
developing new technologies and gear configurations to reduce or
eliminate incidental capture of protected species, and then,
with the third one that pertains to organizational excellence,
just a couple of things that might be of interest to the
council.

One is reviewing agency regulations and removing or modifying
rules that unnecessarily burden businesses and economic growth,
and so we’re interested, obviously, in looking at our rules and
regulations and making modifications or changes based on what’s
on the books currently, and then another key activity, which I’m
excited about, with the Science Center’s work and our partners,
is how we can institutionalize and use innovative technology.

One example is I know the stock assessment process has always
been a major topic with the council and not doing enough stock
assessments, and the Science Center, working with some of our
other Science Centers in the agency, is exploring near infrared
spectroscopy to estimate fish ages, and, if it’s successful, it
could cut the time to age fish by 50 percent or more, which is
significant when it comes to stock assessment throughput, and so
those are just some of the activities that we put in the plan
and we have allowed council staff an opportunity to provide
input to.

That’s just a small smattering of a much larger number of
activities that we have in the plan, but we’re certainly open
to, obviously, sharing the rest of it with you, and so, just to
give you an idea of where we’re at in the process, we began
drafting the plan in May and June, and we shared an initial few
sections of the plan in early July, and we received council
input three weeks later.

Right now, we’re addressing that council input and finishing the
drafting of our plan, including some other sections that you
have not seen, and our goal is to get that back out to the
council for review, as well as Headquarters programs, in the
next week or week-and-a-half. Then give an opportunity for a
two-week review of that final draft plan before we move it
forward for approval and finalization by the end of the year. I
will stop there and answer any questions.

CHAIRMAN DIAZ: I have a question for you, Andy. Who is the
final approval body?

MR. STRELCHECK: It will be approved through our Headquarters
Office, and so Chris Oliver and Sam Rauch, our leadership team.
CHAIRMAN DIAZ: Any questions for Mr. Strelcheck? Ms. Bosarge.

MS. BOSARGE: Thanks, Andy. That was an excellent presentation. I noticed, on the map that you had, that the Southeast Region is by far, it looks like, the largest region of all of those up there. I mean, it goes from the Atlantic all the way to New Mexico and from the Gulf of Mexico all the way up to Iowa, but I am kind of encouraged by that. I know that’s probably a load on you all, but I’m encouraged by it, because one of the things that we talk about sometimes is the hypoxic zone in the Gulf of Mexico, and I think, with this Southeast Region going that far up the Mississippi River -- I beat this drum when the restoration folks come and talk to us, and I haven’t made much headway, but the squeaky wheel gets the grease, and so maybe, if you all could highlight that as one of our regional issues here in the Southeast -- If you keep running that up the pole, somebody may pay attention one day.

I mean, I really think that that’s a great way to meet your goal of amplifying the economic value of commercial and recreational fisheries. If you have more fish to go around and more structure and more ecosystem out there to fish on, that would be great, if we could have that come back to life again, and so you also said that you will be collaborating -- This plan will collaborate somewhat with the restoration work, and so maybe, if we could just highlight that somewhere, that would be excellent. I appreciate it.

MR. STRELCHECK: Thanks, Leann. We have been engaging the Restoration Center and the Highly Migratory Species section in the development of a plan, and so they’re contributing to it directly, and you’re right. I just kind of glossed over a lot of the information in the plan, and there is extensive information about supporting habitat, restoration, habitat protection, as well as water resource management.

That’s a significant component for our region that the council doesn’t deal a lot with, but we do address a number of issues, whether it’s fish passage through dams and other structures, or above dams and other structures, or the Mississippi River hypoxic zone or diversions in Louisiana, and so, yes, there’s a number of issues facing the Southeast Region that we work on.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: Thanks, and, just as a quick follow-up, I guess, going to some of the CCC meetings in the past, the thing that always stuck out in my mind when it came to ecosystem management
was a comment that was made by the Western Pacific Council, their Executive Director, and she was speaking mainly about the Hawaiian Islands and saying how we manage from the top of the mountain all the way down, and, yes, that’s a little easier there, and it’s an island, and so it’s a little easier to do and follow that all the way down and mitigate any issues that you have when it comes out in the saltwater, any freshwater coming down and any runoff from farms or this or that, but I really hope that, one day, here in the Southeast, we can get to that point, where we can have some of those conversations, where the fish people can talk to the farm people, and all the right people can be in the room, and maybe make some progress. We sure would appreciate it down here on this end of the coast.

CHAIRMAN DIAZ: Any other questions for Mr. Strelcheck? Thank you, Andy. Good presentation. We’re going to move into our next agenda item, and the next one is a presentation on the Endangered Species Act listing of the Bryde’s whale. Ms. Zoodsma is going to be doing our presentation. Take it away.

PRESENTATION ON ENDANGERED SPECIES ACT LISTING OF BRYDE’S WHALE

MS. BARB ZOODSMA: I am a marine mammal person that has come to talk to the fish people, and I am here to talk about Bryde’s whales, but, before I do that, I will introduce myself. I am Barb Zoodsma, and I work in the Protected Resources Division, in the Marine Mammal Branch specifically, and Jessica Powell back here works with me in the Marine Mammal Branch, and we both are happy to be here. If any Bryde’s whale challenges come up, questions come up, feel free to reach out to us at any time.

Let’s talk about that name, to begin with. It looks like Bryde’s whale. In my opinion, it should be Bryde’s whale, but there’s this Norwegian guy that set up some whaling camps in South Africa, and that’s how he spelled his name, and so that’s how this whale got its name, and so it’s pronounced Bryde’s, sort of like Popeye and Brutus, only with a “d” Bryde’s.

That was the most important thing that I had to deliver today, and now we’ll get into the other stuff that may or may not be so interesting. Basically, I just wanted to come here and introduce the whale to you guys and go over a little bit about it, just so it doesn’t completely surprise you, and then I will talk a little bit about some of our listing considerations.

I am not going to go through the whole process, because I think that’s just above and beyond what we need to go into, but I do want to also emphasize that this whale is so new to us, and
we’re learning so much about it, almost on a daily basis, that
what I am providing to you today is basically the best available
information that we have.

That doesn’t mean that, when I get back to the office, there
isn’t some more new information that came in. I mean, it’s that
unbelievable. Every time our Science Center goes out for a
cruise, I feel like I need to kind of rewrite the books on
things, and so just sort of keep that in mind, and, in fact, so
many things are changing that even the name may change. We have
somebody who is working on the genetics right now, and she is
preparing a paper to submit to the Marine Mammal Science
Commission, or the Society for Marine Mammology, and she is
going to propose a name, and so it may be different, or it may
be the same, but there you go. There you have it.

Here is the milestones that we went through in listing this
species, and I am not going to go through this, because you have
all of this right in front of you, but the most important thing
is that, in April, earlier this year, is when NMFS published the
final rule listing the Gulf of Mexico Bryde’s whale as an
endangered species, and so that happened all of four months ago,
and here I am talking to you guys, and so it’s important for us
to just work together and continue to partner on things.

One of the other things that we went through in looking at this
listing and considering the listing was is this actually a species? Like I said, so very little is known about this
animal, and the species description of the animal itself looks,
for all intents and purposes, like other Bryde’s whales in the
world.

They are a baleen whale, and Bryde’s whales are found throughout
the world. They have a sleek body. I usually work with right
whales, and so I haven’t quite gotten over how they are kind of
eel-like looking, to me, but they have a large falcate dorsal
fin. The most prominent thing, I think, is there are three
ridges on the rostrum right there, and that is a characteristic
feature of Bryde’s whales, and so those are — You can see
where, if that’s how you identify that that’s the animal, that’s
kind of hard to do out in the open ocean. The adults can get to
be just over eleven meters, and all of this is information that
is basically typical to all Bryde’s whales worldwide.

Now, what makes them distinct from all other Bryde’s whales is
that, genetically, they are very distinct. In fact, these
animals are so different from all of the other Bryde’s whales in
the world that the amount of difference there is between them
and other Bryde’s whales is more different than any other
Bryde’s whale population in the world, and so these guys are
really, really very different. Under the Endangered Species,
that did qualify them to actually be designated a species.

Just to continue on with just a little intro into Bryde’s
whales, they are found in the Gulf of Mexico. Historically,
they were found throughout the Gulf of Mexico, and we know this
through whaling records and then also stranding records.
Recently, they have been -- I will just say that, presently,
they are in a much more restricted range, and that’s that --
Here’s where I reveal that I am color blind. Is that yellow or
tan or something like that, but it’s kind of a gummy-bear-
looking thing, and that’s where we see Bryde’s whales most
frequently and where we expect to find them.

Because they are in that restricted area, it makes them very,
very susceptible to environmental events. In fact, the
Deepwater Horizon oil spill covered approximately 48 percent of
their biologically-important area, and I think it was like 22
percent of the females were compromised in a reproductive
perspective, and so they were really impacted by that event.

They’re the only year-round baleen whale in the Gulf of Mexico,
and another way to state that is they don’t have any place else
to go, and so we think this is it for these animals. There are
a few extralimital occurrences, very, very rare events, where
they have been found stranded on the east coast, but those are
thought to be extremely rare events.

A little bit about the life history. Like other marine mammals,
they are long-lived, and it takes a long time, nine or ten
years, for them to become reproductively mature, and their
calving interval is two to three years, and so it takes a while
for them to produce a calf, and they have low productivity, and
that is, again, typical of marine mammals.

This population, there are -- We conservatively say there are
likely fewer than 100 individuals. There are likely fewer than
fifty that are mature, and the best estimate out there is --
There are some considerable error bars around this, but the best
estimate is that there are thirty-three individuals.

When I speak with our Science Center personnel, and they go on
cruises offshore, they are telling me they constantly see the
same individuals again and again. They are just repeating the
same sightings.
Behavior and diet, they are semi-social, and they can be seen alone or with others, and the foraging thing is kind of an important thing that, if you guys want another take-home message besides how to pronounce the name, the foraging behavior is kind of interesting.

They appear to feed on small, schooling fish, and this is also information that’s just coming in from the cruises, but it seems that they feed on small, schooling fish deep down, at depth, during the day, and then these fish, the prey species, migrate up to the surface of the water at night, and the whales may feed on them at night as well.

I think what’s really compelling about this species is, when you look at this graphic again, this panel shows you day and night, and so the dark boxes is night, and the light is day, and these are dives that the whale took, and so you see, just about all day long, it’s making these repeated dives, and these whales are working really hard to feed during the day.

They get down to the bottom, and it seems that they may circle around some fish a couple of times and execute a lunge into the middle of the fish and do those lunges a couple of times and come back up and grab some air and go back down again, and so they’re all business. They are feeding constantly.

Again, back to the listing, and so part of the process is to go through this Section 4 factor analysis, and I’m not going to get into the nitty and gritty about this, but, basically, a number of things were looked at to see if those things were affecting these animals.

There is the present or threatened destruction of habitat, et cetera, et cetera, and, down at the bottom, in E, other natural or manmade factors affecting its continued existence, that’s where fisheries were considered, and so you can see that it’s not as high of a concern or considered to be as high of a threat as habitat-related events, but it’s still listed as a concern risk.

The most serious threats to this population, this species, is the small population size, and we kind of went through that, energy exploration, development, and production, and I talked about the DWH oil spill. Vessel collisions, you would think that there wouldn’t -- If there aren’t so many of these animals out there, that vessel collisions would not be a threat, but guess what? They are. In fact, that’s a picture of a Bryde’s whale that was brought into Tampa Bay. Noise is a problem, and
then fishing gear was also listed as a threat.

Fishing gear entanglement, just to get into that a little bit, whales have been hooked, trapped, and entangled, and you all are aware of that, and bycatch rates we think are underestimated for a number of reasons, primarily because these animals occur offshore quite far, and so we don’t tend to see carcasses or the animals themselves.

We do know that there have been some events with this species. In 1974, there was a Florida animal that was entangled in polypropylene line, and there was also a longline entanglement, and, in 2003, and this is one of those extralimital animals that was found stranded off of North Carolina in trap/pot gear.

There is a scientific review team that evaluated all of these different threats to the animals, and they looked at -- They considered twelve Gulf of Mexico fisheries and found that five of them overlapped, or possibly overlapped, with Bryde’s whales and used gear types that pose entanglement risk to whales, and so you can see those five species, or five fisheries, listed there, and, just because this is what you guys do, the reef fish fishery is also listed there.

What was the scientific review team thinking about relative to the reef fish fishery, and what did they consider? Well, basically, it was a lot of spatial overlap, in terms of areal overlap, but also kind of the vertical overlap, and so, in other words, the fishery can be prosecuted in the same area where Bryde’s whales are thought to be and have been observed, and there is also a vertical buoy line associated with the fishery, and so that presents an opportunity for whales to become entangled, and, also, I mentioned that whole feeding and foraging behavior of Bryde’s whales, where they go down to the bottom and feed on small schools of fish at the bottom, and, of course, that’s where longline gear can be as well, and so those are just some of the things that the scientific review team brought up in the report that you have in your briefing books.

Effects of this species being listed as endangered, I’m not going to go into all of these details either, but, obviously, Section 7 consultations for any federal agency that is going to propose any activities in the area, and there is a prohibition on taking these animals, and there are some MMPA-specific concerns, and we’ll be looking at establishing critical habitat and then also developing a recovery plan to try and map out how we’re going to help this species come back.
I read this in that status review report that you all have in your notebooks, and it just really grabbed me. It said that small-scale incremental impacts over time or a single catastrophic event could result in extinction of the species, and that just really -- I don’t know, but that just really kind of resonated with me. Because I’m just kind of a person that likes to share, I thought I would share that with you guys.

The neat thing that I think that we all have an opportunity before us is that, together, we all work, and we can make a difference with this species, I believe, and so I do want to just bring out that partnerships are going to be important, and so I do look forward to working with you all on recovering Bryde’s whales, or whoever they are in the future, but that’s pretty much all I have.

If you have any questions, feel free to ask them. I’m not a Section 7 expert, and so I can’t help you out with a lot of that nitty and gritty technical stuff, but Jenny Lee is on the phone, and I’m sure she can help you out, or Dr. Crabtree is a pro, and he can handle those as well.

CHAIRMAN DIAZ: Thank you, Ms. Zoodsma, for that presentation. It was a very good presentation. I thought the material was very interesting, too. I started reading through it, and I looked down, and I had been reading it for two hours, and it didn’t seem like I was looking at it for very long. I realize, based on the new classification for the species, that new regulations are going to have to meet a different standard. What about current regulations?

MS. ZOODSMA: Let’s go right for the hard questions, right? Technically, under the ESA -- Now you’re getting into Section 7, and so Jenny probably should pipe in here and bail me out here pretty quickly, but, technically, if something has changed, then, yes, a consultation would be reinitiated, technically.

CHAIRMAN DIAZ: Ms. Gerhart.

MS. SUSAN GERHART: Just to let you know that we actually have reinitiated the consultation, which is creating the biological opinions, for all of the fisheries that the council manages. Most of them were reinitiated before now, because of some other listings, that were like the Nassau grouper and the giant manta ray and the whitetip shark, and there were various other things that have been listed that have reinitiated, and so we were already working on those bi-ops, and this will just be added to those.
CHAIRMAN DIAZ: Are there questions for Ms. Zoodsma? Mr. Anson.

MR. ANSON: Thank you for coming. I think I know what some of the answers might be, but I’m just curious if you could summarize, briefly, some of the things that caused the rating for the factor analysis in the present or threatened destruction or modification or curtailment of habitat and range to be listed as high.

MS. ZOODSMA: I think the biggest threats that the scientific review team listed were basically the impacts from energy exploration and development. That was the biggest.

CHAIRMAN DIAZ: Go ahead, Mr. Anson.

MR. ANSON: In the critical range or habitat, it was in that area that you said it was 100 meters to 400 meters, and is that correct?

MS. ZOODSMA: You’re going back to -- Yes, the area where the Bryde’s whales have been seen most often is in the 100 to 400-meter range, yes.

CHAIRMAN DIAZ: Just to let the committee know, Ms. Jenny Lee is also on the phone, and she’s able to answer questions related to Section 7 questions. Any other questions? Dr. Frazer.

DR. FRAZER: I enjoyed the presentation as well, and just a couple of biology things. There is only thirty-three, and that’s the best estimate, and I realize that there’s a lot of pretty wide confidence intervals around that, but, when you get a plot, for example, of their diving behavior, how many animals does that come from? I mean, how representative do you think this is?

MS. ZOODSMA: That’s a really good question. Thank you for asking that, in fact. That came from one animal that was fitted with a kinematic tag, and so they were watching pitch and roll and dive behavior. However, having said that, it’s not very different from other Bryde’s whales worldwide.

CHAIRMAN DIAZ: All right. Thank you very much. I’m not seeing any other questions, and we appreciate your presentation.

MS. ZOODSMA: Thank you very much, and, if anybody has any questions, feel free to just email me or Dr. Crabtree, and he’s a pro, too.
CHAIRMAN DIAZ: Okay, and so that’s going to bring us to our final committee agenda item, which is a discussion on allocation issues, and Dr. Frazer is going to lead that discussion. Dr. Frazer.

COMMITTEE DISCUSSION ON ALLOCATION ISSUES

DR. FRAZER: All right. This is our thirty minutes of unstructured discussion time, and a couple of things that have come to mind today. Last time, we had a brief discussion, and we appreciated that there is a number of different values that underly allocation decisions, and the problem is quantifying a lot of those values and turning them into something that’s measurable and then putting them in a currency that allows us to make comparisons, so we can make informed decisions and we can optimize things.

Luiz alluded to it a little bit as well, when he was giving the SSC summary, talking about optimum yield, and that’s essentially trying to achieve a target, but based on values, and values that haven’t necessarily been quantified, or there is no metric available, and so then I just saw, in the strategic planning effort, that one of the goals was to amplify the economic value of commercial and recreational fisheries.

Again, that points to this issue that, in order to make a decision, an informed decision, we have to put numbers on things, and so my big question to the group today is, for some of those values, other than perhaps just the price of a fish, what are they, and can we put them into words, and what would a metric look like? Don’t all jump in at once.

All right, and so I anticipated this. I will give you an example. Oftentimes, people would -- We have heard public testimony that said that there is value for keeping a fish in the water, right, because it’s an encounter rate that is important to a particular stakeholder group, and so my question would be, for those of you that are so quantitatively inclined, how would you put a value on that encounter rate? This is going exactly how I thought it was going to go. Dr. Shipp.

DR. SHIPP: I would like to bail you out, and I will try, but there is -- As far as encounter rates are concerned, there is a recently-published book that some of you may have read called Gulf by Jack Davis from the University of Florida, and one entire section of that book has to do with the history of tarpon fishing in the southeastern Gulf of Mexico, and the thing about
tarpon, of course, is people don’t eat them, and so this was strictly an encounter issue.

Several presidents and all of the millionaires in the early part of the 20th century converged on Tampa and Collier County and that area, Marco Island, just to encounter tarpon, and translating that into dollars is a very difficult thing, but the author claims that part of the history of the development of southwestern Florida was because of encounter rates with tarpon, and so I just throw that out, and I will end by highly recommending that book. Any council member would find it extremely valuable, because so much of the book deals with the history of fishing in the Gulf of Mexico.

DR. FRAZER: Thanks. I appreciate that. Other than that, the reason I bring this up is because we have, right now, at our disposal, a policy and a procedural directive that gives us some things that we should consider, and a lot of those things are socioeconomic, I guess, in nature, and we’re going to have a hard time doing that.

I suspect that we’re going to get a GAO report that says, hey, you know what, you should consider these things that are in front of you, and, by the way, you should establish or develop a process that incorporates these things, and we’re going to be forced to do that, and, as part of that process -- I don’t mind trying to develop that process, but, at the end of the day, we have to have things that we can measure, and it’s pretty hard, at this point.

We also have a working group that is going about their business in parallel with the GAO, and that working group is going to provide, again, some information, but I suspect that there is going to be gaps in the information that’s provided, and it would be nice to have this information, but we don’t, and so maybe that’s going to guide our research priorities or data needs, moving forward, but we still need to know what types of things that we actually want to measure and that might go into the formula. Chester.

MR. BREWER: Thank you. I don’t know exactly where you are in this process, but it sounds like you’re just beginning it, and we have been struggling with this as well, and I think the requirement, as I understand it, is that we be working on this process, and not that we have completed it by any specific date, and I think that applies across the board for the councils.

We have been working on this for three-quarters of a year or a
year, and you’re always going to have a great deal of trouble with exactly what criteria are going to be put into allocations, are to be put in and which ones -- How they’re going to be weighted and all of that.

We got started by saying, okay, what we’re going to do first is we will come up with a series of -- I hate to use the word “trigger”, because of some of the things that I have heard recently on the news, but what is going to trigger the need to allocate or to look at the allocation in a fishery, and we have got a series of criteria that we’re working on, and one of the big ones is time. How long has it been since that particular fishery has been looked at from the standpoint of allocation?

Other ones have to do with what’s the performance of the fishery and are you continuously overfishing in that particular fishery, and there’s a -- There is a list of different sort of alternatives, I will call them, that we have put together, and we’re still working on it, but I think that we’re moving towards something, and I’m not sure exactly where it will end up, but we are moving.

DR. FRAZER: Right, and I think all the councils are in the same boat, and so we have to identify what triggers we’re going to -- What will trigger the review, and we also are at that stage. I guess I’m trying to figure out -- I anticipate, again, that, when we get into the nuts-and-bolts of trying to develop a process, that we are not going to have the type of information that we need to make decisions that are fair and equitable, and we will often default to the best available data, which are classic kind of economic data, but I am trying to move us forward, so we can start thinking about what information we might have the opportunity to collect, or what data we might collect that would help us make a more informed decision.

I don’t suspect that I’m going to get it at this table today, and I may not get it for quite a while, but these are the things that I am thinking about, and, in the absence of having those types of data, that type of information, we get into some of the things that we heard earlier before, like this is a horse-trading exercise, and it may in fact be a horse-trading exercise for some period of time, but, if it is, is it -- Are we invoking the best process to do the horse trading?

Is that really a facilitated discussion, perhaps, by somebody outside of this group that can help us come to a more reasoned decision, I guess, and that may in fact be what happens, but I wanted people around here to have an opportunity to say that we
should measure this, and you don’t have to tell me today. You
can tell me offline, and I’m accumulating information to try to
steer us towards an endpoint down the road, and so go ahead,
Greg.

DR. STUNZ: Well, Tom, we’ve got the letter that we did a few
meetings ago, and we have expertise on our SSC, in terms of
socioeconomics, and I don’t know what that would look like to
us, but maybe there is some need to have a presentation or where
are the real data needs, because, obviously, that’s where we
would fall to help guide us, and so I don’t know what that would
look like, because, obviously, we don’t have a lot of economists
sitting around this table, but then you mentioned that we have
this workgroup working in parallel, and what is that? I don’t
recall what that workgroup is.

DR. FRAZER: I think that group is comprised of individuals from
the Southeast Science Center and SERO and council staff, and
they are trying to identify the types of data that we have that
are available to us that would allow us to make these decisions,
and I do think that it will come in front of the SSC, and I
think it will involve the socioeconomic group of the SSC, and,
when they’re done, I think we’ll get a summary of that, for
sure, and I don’t think we will, but we will, and that will help
us. Go ahead.

DR. STUNZ: Obviously, we want to measure this, and I think
that’s why we’re having this discussion, but do you know what
the general timeline for that is?

DR. FRAZER: I would refer to the NMFS folks over there. Roy,
do you know, or Shannon? Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Ava just
reminded me that this is for the review, the allocation review,
and so you’ve set up when you’re going to do the reviews, how
often, and so this working group is coming up with criterion to
establish a framework, and I don’t know if this will be separate
for different species, but things you might look at to complete
a review, like at least an outline or a framework, I believe is
what they are working towards, and so they have met twice, I
believe, and so they’re going to come up with some information
to present to the SSC in September. That would come to you, at
least where they are currently, in October, and I will let --
Maybe Dr. Lasseter or Dr. Freeman can fill in more information,
if needed.

CHAIRMAN DIAZ: Go ahead, Matt.
**DR. MATT FREEMAN:** Just to add to that, the working group has had two conference calls on this, discussing these issues, and our socioeconomic group for the Gulf and South Atlantic Councils will be meeting with SERO staff and Science Center socioeconomic staff in early September, and this is going to be one of the agenda items that gets brought up. After that, I believe Dr. Diagne will be discussing some of those items with the council in October.

**DR. FRAZER:** Thanks, Matt. Mr. Dyskow.

**MR. DYSKOW:** I appreciate the steps that have already been taken, but where we could perhaps contribute, or at least learn, is I hear this term “socioeconomic factors”, and I think we need to define what those are, because the only economic factor that I’m aware of is the mighty dollar.

As far as social factors, I don’t know that we’ve gone very far to define those. The low-hanging fruit, when you talk about social factors, are tarpon, bonefish, species that nobody wants to keep, but they enjoy fishing for, but, when you get into the Gulf fishery, the offshore fishery, there is not a lot of fish that fits that category, and so how do we proceed? I think it would be useful to spend a few minutes to talk about what these socioeconomic factors are and what are the ones that we have already identified.

**DR. FRAZER:** I agree, and, if I wasn’t clear, that’s where I was trying to get to.

**MR. DYSKOW:** Do I get a gold star for that?

**DR. FRAZER:** You get two. Mr. Anson.

**MR. ANSON:** That was a good comment, Phil, and something that you asked specifically, I guess, is to what things, what data, could be brought forward to aid in that discussion. Hearing Dr. Shipp’s comment about the southeast Gulf of Mexico, southwest Florida, I presume, and where the tarpon fishery was and its prominence and such, relative to the coastline at that time, and then, thinking of our conversation at lunch, Susan, regarding the type of boats that are pulling up to get fuel these days, there is people that are investing hundreds of thousands of dollars in a boat, three and four engines, and they are taking that as their vehicle to go offshore, and so it comes down to the dollar, and so how we best, I think, can identify datasets that capture the dollar, if you will, and so vessel registration
information that the states have, potentially, could be a source
to try to identify or quantify the amount of dollars that are
being spent.

Now, that also has to have some information to determine what
types of recreational activities those vessels are primarily
being used for, but certainly, if someone is going out to access
snapper in a $300,000 or $400,000 or $500,000 boat, that has got
to be -- As far as the socioeconomic side of things, that’s got
to be accountable or attributed to something relative to what
the value is and what the worth is to that individual, at least,
and then cumulatively for the recreational fishing community as
a whole.

DR. FRAZER: Ms. Levy.

MS. LEVY: Well, just to remind you that NMFS came out with a
number of policy documents a few years ago related to
allocation, and one of those is what led you to those triggers,
and so there is a policy that deals with the process for making
allocation decisions, and that document does identify several
ecological, social, and economic factors to consider in doing
that, and so I just want you all to be aware that there is that,
and it does describe that.

I mean, it doesn’t tell you how to do it, necessarily, and it
certainly doesn’t like quantify things, but there is definitely
some agency guidance on the type of ecological, social, and
economic factors to consider in making allocation decisions.

DR. FRAZER: Yes, I agree, and those are certainly -- They are
out there, and we’ve talked about them before, but your point is
well taken that these are all the things that are out there, but
there is no direction at all, and understandably so, on how to
use that information to the best of our ability. Dr. Crabtree.

DR. CRABTREE: It probably would be worthwhile having a review
discussion from someone about the way economists look at
allocations and those kinds of things, and so you have just
economic activity dollars spent, but, generally speaking, that’s
very different than economic value and net benefits and the
kinds of things that economists look at when they are trying to
find efficient allocations and optimal allocations, and so there
is a lot of difference between just generating economic
activity.

A hurricane can generate a lot of economic activity, and it
spurs a lot of spending on construction, and Home Depot makes a
killing of it, but no one would argue that hurricanes add any real benefit or value to anyone, and so I think that would be worthwhile having some discussion about.

DR. FRAZER: That’s a good comment as well, and I’m wondering if there is any appetite around the table for perhaps inviting somebody to come give a talk about natural resource valuation more generally and how things are allocated, and perhaps not even in the fisheries arena. I am looking around. Is anybody opposed to that? Okay, and so might try to line that up here in the very near future. Okay. Ms. Bosarge.

MS. BOSARGE: I think my comment kind of piggybacks on yours a little bit. For quite a while, I’ve been thinking about what are the other social factors that we hear at the podium a lot, and, of course, I’m thinking about it, at this point, from a commercial perspective, and I’ve heard a lot of recreational talk around the table, but we hear a lot about continuing that or preserving that fishing heritage, and, in our documents, we probably refer to that as fishing communities.

In my mind, commercial fishermen provide food for our people, for our country, and you could argue that some of it may go overseas, but, by and large, the bulk of it stays here, and so, in my mind, they are very similar to farmers, and that’s where it kind of ties into what you were saying, but what you’re wanting us to get at is how do we put a dollar, or a value, on that.

Well, if fishermen and farmers are somewhat synonyms for each other, and one is getting it out of the water and one is taking it from the land, growing it from the land, but our country has put some sort of value on farmers already, because we have lots of subsidies and things like this that come through our federal government, and so surely there is some mechanism they have used to put a value on providing that food and ensuring that that continues for our country, and so maybe that is something that we can look at and see if it applies to commercial fishing and putting a value on making sure that we continue that heritage, and, as you shift allocation from commercial to some other sector, the commercial industry will have to right-size.

There is less fish for them to kill, if you do that, and so some people would have to drop out of the industry, at some point, for everybody to keep making a living, and so what’s the value that you place on that fisherman leaving the industry? Do you see what I’m saying? In that whole community, because, as the industry rightsizes, you start to lose some of your dockside
infrastructure, if there’s not enough production there to support it, and so maybe that’s a way we can -- That’s an industry, the farming industry, that we have some valuations on already, as far as, intrinsically, how much of our taxpayer dollars are we willing to pump into it to keep it going and make sure we have that for domestic security.

DR. FRAZER: Again, that’s a good suggestion as well. I mean, I think, at some point, when I think about the negotiation, or the horse-trading, those are inevitably the types of things that come up, and it’s hard to place a value on, and so, ultimately, I want to be able to say what are those things that we value, whether it’s kind of the cultural heritage of a particular fishing industry or a fleet somewhere and how you put a dollar on that, and so those are two things, and we don’t have the full list of things that we want to quantify, and I don’t think we have that right now, and nor how would we actually generate the dollars to go with it.

I think this is good for me today, and so I think what I’m going to try to do is speak with some natural resource economists, some people that do natural resource valuation, and give them some guiding kind of questions, or topical area, and have them come stimulate some discussion at one of our upcoming council meetings. Unless there is anything else to say at this point, I think we will take a fifteen-minute break. Mr. Diaz. Sorry about that.

OTHER BUSINESS

CHAIRMAN DIAZ: I just wanted to ask the committee if there was any other business to come before the committee, because of the agenda. Seeing none, Mr. Chairman, we’re ten minutes early.

(Whereupon, the meeting adjourned on August 12, 2019.)

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