GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

SUSTAINABLE FISHERIES COMMITTEE

Sandestin Golf and Beach Resort Miramar Beach, Florida

June 3, 2019

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TABLE OF MOTIONS

PAGE 31: Motion to direct staff to add a payback provision to the document to address carryover. The motion failed on page 35.

PAGE 36: Motion to direct staff to add a payback provision to the document to address carryover for stocks in rebuilding plans. The motion carried on page 38.

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The Sustainable Fisheries Committee of the Gulf of Mexico Fishery Management Council convened at the Sandestin Golf and Beach Resort, Miramar Beach, Florida, Monday afternoon, June 3, 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. First off, I want to mention the membership, and so the membership is myself as Chair, Mr. Swindell as Vice Chair, Mr. Banks, Mr. Anson, Ms. Bosarge, Mr. Boyd, Dr. Crabtree, Mr. Donaldson, Ms. Guyas, and Dr. Stunz.

First up on the agenda is the Adoption of the Agenda. It’s so moved by Mr. Banks and seconded by Mr. Swindell. Any opposition to adopting the agenda? No other business? The agenda is adopted.

Next up is the Approval of the April 2019 Minutes. Is there any additions to the minutes? Seeing none, is there any opposition to approving the minutes? Seeing none, the minutes are approved.

Item Number III is the Action Guide and Next Steps. Dr. Hollensead is going to go through just Item Number IV, and then we’re going to bring up our guest speaker. Dr. Hollensead.

DR. LISA HOLLENSEAD: Thank you, Mr. Chair. Agenda Item IV is we will be receiving a presentation from Ms. Stephanie Hunt of the National Marine Fisheries Service, and she will be presenting the Modernization of the Recreational Fisheries Management Act of 2018.

MODERNIZING RECREATIONAL FISHERIES MANAGEMENT ACT OF 2018

MS. STEPHANIE HUNT: Good afternoon. My name is Stephanie Hunt, and I am the Policy and Guidance Branch Chief at the Headquarters Office of Sustainable Fisheries in Silver Spring, Maryland. My branch covers things like tracking stock status around the country, preparing the Annual Status of Stocks Report to Congress, preparing National Standard 1 Guidelines and revisions, and tracking legislation, and so, as such, I’m here to talk to you today about the Modernizing Recreational Fisheries Management Act of 2018, otherwise known as the Modern Fish Act.
This is an overview of my presentation, and it’s the only photo in my slide deck, and so apologies to those that like photos. Soak this one in.

As most of you know, the Modern Fish Act was signed by the President in December of this year. The purpose is to expand recreational fishing opportunities through enhanced marine fisheries conservation and management and for other purposes, and the act requires a number of new reports and studies and guidelines, and it highlights the importance of a variety of fishery management measures for the recreational fisheries, and it reaffirms the Magnuson Act requirement for annual catch limits and accountability measures. The act also includes a number of provisions related to state recreational registry and data collection programs.

I am going to walk through the provisions of the Modern Fish Act and tell you a little bit about how we’re working with the Government Accountability Office, the National Academies, councils, commissions, and other stakeholders to implement it.

Section 2 adds a finding to the Magnuson Act that emphasizes that commercial and recreational fisheries are different, and it notes that our management approaches should be adapted, given these different characteristics, and this sets context for the bill.

Section 101 requires a Government Accountability Office report and a study and a report to Congress of allocation of fishing privileges in mixed-use fisheries in the South Atlantic and the Gulf Council, and so this study needs to -- The GAO report needs to recommend criteria that councils could use in allocating or reallocating fishing privileges.

In developing these recommendations, the GAO should consider the ecological, conservation, economic, and social factors of each component of a mixed-use fishery. The report needs to identify sources of information that could reasonably support the use of such criteria and allocation decisions. It needs to have an assessment of budget requirements for periodic allocation reviews in the Gulf and South Atlantic Council, and it needs to include recommendations for procedures for allocation reviews and potential adjustments in allocation.

NOAA had an entrance conference with the GAO in April. Among other things, we provided them with a 2016 procedural directive and various policy documents that we have created. As you know, the 2016 policy requires councils to identify triggers for their
allocation reviews, and the Gulf Council had already submitted
its triggers, and those are due in August, and so thanks for
doing that ahead of the deadline.

We think that the documents that we have already produced and
the ones that the councils are producing will provide a nice
foundation for the GAO study. Alyssa and Christa are here
today, and so, if anyone has questions about the scope of the
study or wants to provide some input to them, they are here
through Wednesday, and you’re welcome to sign up and go talk to
them.

Section 102 gives councils the authority to use fishery
management measures in a recreational fishery or a mixed-use
fishery such as extraction rates, fishing mortality targets,
harvest control rules, or traditional and cultural practices.
This section also clarifies that these measures need to comply
with existing Magnuson Act requirements. Many of these tools
are already being used by councils around the country, and our
National Standard 1 Guidelines describe how to use such things.

This section also requires us to produce a report to Congress by
the end of June, and the report is supposed to outline actions
that councils have taken pursuant to this particular provision.
Councils haven’t taken many actions pursuant to this law,
because it was recently enacted, but, as I mentioned, councils
have implemented a variety of measures that are outlined here,
and we will provide examples of those in our report to Congress,
and we hope to demonstrate that there is a variety of tools that
are being used and that can be used in recreational fisheries.

Section 103 requires a National Academy of Science study of
limited access privilege programs, or LAPPs. The study needs to
include an assessment of progress in meeting established LAPP
program goals and the goals of the Modern Fish Act. It needs to
provide an assessment of economic, social, and ecological
effects of LAPPs, and it needs to provide an assessment on
impacts on stakeholders in mixed-use fisheries and
recommendations of policies to address these stakeholder impacts
and factors to consider when designing and maintaining LAPPs in
mixed-use fisheries to mitigate these impacts.

The study does not apply to the Pacific and North Pacific
Council, except for the last part of it, which requires a review
of best practices and challenges in LAPPs in all eight councils,
and so we’ve reached out to the National Academies to try to set
up a scope of work for this study, so that it can be done by the
2020 deadline.
We also have a catch share policy, and our various allocation
documents do provide some background information that will be
helpful to the National Academies as they conduct this review.
As you all know, the Magnuson Act itself requires periodic
reviews of limited access privilege programs every five years
for a new program and at least every seven years thereafter,
and, in 2017, NMFS issued guidance on how to conduct these
allocation reviews, and our guidance aligns quite closely with
the requirements of the Modern Fish Act and what the NAS has to
look at, and so we think the results of these council
evaluations will be really helpful to the National Academies.

I know that you have conducted your reviews for red snapper and
grouper-tilefish already, and so that information should be
helpful as the NAS does this study. We also need to provide a
report to Congress when this study is complete.

The next section, Section 202, includes a number of provisions
that build on current recreational registry and data collection
programs outlined in Section 401 of the Magnuson Act. I am on
the wrong slide. Actually, this is 404, and so this one has a
couple of provisions too, and it builds on Section 404 of the
Magnuson Act, and that section requires NOAA to work with
councils on fishery research, and so there’s two things in this
section.

NOAA needs to submit a report to Congress, working in
consultation with the council SSCs and the commissions, on
facilitating greater incorporation of data from state agencies
and non-governmental agencies in fishery management decisions.
The report needs to identify data, especially concerning
recreational fishing, that could be used as a basis for fishery
management.

It needs to provide specific recommendations for collecting data
and performing analyses, to reduce the uncertainty and improve
the accuracy of future stock assessments, and it needs to
consider the extent to which the acceptance and use of such data
is practicable and compatible with the Magnuson standard of
using best scientific information available.

This report is due at the end of 2019, and our Headquarters
Office of Science and Technology is working with our centers and
our Chief Stock Assessment Scientist, Rick Methot, to come up
with a plan for how to engage with the councils and commissions
on this.
The next provision in this section requires a biennial report to Congress describing progress that NOAA has made in implementing the recommendations from the 2017 Marine Recreational Information Program, MRIP, and there’s a National Academy study on MRIP from 2017, and so, as you will recall, that study highlighted some potential issues with in-season management, of using MRIP for in-season management, and this biennial report to Congress requires us to describe how we have implemented those recommendations, and so we will produce the report to Congress, and it’s due at the end of next year, and then we need to produce a report every two years thereafter, and so our Office of Science and Technology is leading this one as well.

The next section, Section 202, includes a number of provisions that build on current recreational registry and data collection program requirements in Section 401 of the Magnuson Act, and so you may remember, in 2016, the Magnuson Act was reauthorized, and it included a new requirement for a federal angler registry, and it allowed states to become exempt from that registry if they had a compatible program, and, at this point, all states except Hawaii have implemented a compatible program, and so this provision really builds on trying to make improvements to those existing state programs.

It has a number of different parts. The first one is that we, NOAA, needs to establish state partnerships and develop best practices and guidance for implementing state recreational registry and data collection programs. We have a number of existing partnerships through MRIP, including the Fisheries Information Networks, or FINs, and we plan to build on these successful partnerships and work with the MRIP Regional Implementation Teams to fulfill this requirement.

The next provision in this section is a biennial report to Congress on the accuracy of information in these state registries and priorities for improving recreational data collection, and so the information in this report will pull from the priorities that have been identified in the MRIP Regional Implementation Plans. There is no deadline for the first report, but we will do it biennially after the first one.

The next provision provides us authority, but it does not require, a state grant program to improve recreational registry and data collection. Congress did not authorize funding for this state grant program, but MRIP has funded some projects to improve recreational data collection programs, and we plan to work with our regional implementation plans to figure out how to work on their priorities. The 2019 appropriations bill did
include an increase for MRIP for items similar to those outlined in the bill.

The next thing that this section does is it requires another National Academy study on using MRIP for in-season management, and so, as I mentioned before, there was a 2017 study on MRIP that brought up a variety of issues, one being in-season management, and this will be a follow-on study to that previous study, and we are working with the National Academies to develop a scope of work for this one as well.

Then the bill has a rule of construction, which says -- It reaffirms the Magnuson Act requirements, such as the National Standards, annual catch limits, accountability measures, and requirements for rebuilding, and that’s what the bill does.

As I outlined, it includes a number of new studies and reports and some guidance. It highlights options and flexibilities in managing recreational fisheries, and it also reaffirms current Magnuson Act requirements related to overfishing. It includes a number of provisions related to state recreational registry and data collection programs. The deadlines in the act are challenging for us, especially because it was signed right before the government was shut down, but we are working hard to get these projects off the ground.

We have reached out to the -- We have communicated with the Government Accountability Office and the National Academies, and we’re working on plans for reaching out to the councils and commissions and other stakeholders, as is required, and so that is the bill, in a nutshell, and I’m happy to answer any questions you have.

CHAIRMAN DIAZ: Thank you, Ms. Hunt. Any questions for Ms. Hunt? Mr. Anson.

MR. KEVIN ANSON: Thank you for your presentation, Ms. Hunt. I don’t know if this question necessarily goes to you, and it might go to Clay, but, on Slide 8, or page 8, cooperative data collection report to Congress, you say facilitating greater incorporation of data from state agencies and non-governmental sources into fishery management decisions, and so, I mean, that’s been an attempt for some time.

States have ideas, and have budgets, and they assign those funding to certain data collection projects and such, and, in the past, where those data collection efforts have been brought forward, or brought to the table, for consideration in federal
management, they have not been met, I guess, resoundingly, and so I can understand, and I recall some of the reasoning or rationale is that they cover a small geographic area, and they’re not compatible, because of the gears that were used relative to other gears that might be used in other regions, and so I’m just wondering, maybe to Clay, is there a thought forward, now that this Modernization Act has been passed, how that might be accomplished, so that those programs that have traditionally not be accepted, or well received, might be able to be well received? Is there a mechanism, going forward, that can help address that or kind of break out of that?

DR. CLAY PORCH: I don’t know if they were specifically targeting some of the items you were referring to, but it would still be the case if you have, for instance, a survey that gets a very tiny fraction of the entire Gulf of Mexico. It would be hard to just plug it in a stock assessment, if that’s what you’re referring to, and so there are challenges there.

The only way around that, really, would be to somehow combine that survey with other surveys or you have more spatial management, and so assessments that are structured spatially, but then you need to collect data like that everywhere, and it’s a very expensive proposition, and so it’s easy to say, in theory, we want to facilitate greater incorporation of data, but it requires a lot of new resources that haven’t been put on the table to do it right.

MS. HUNT: If I could add, I think the report that is required lets us outline some of the challenges and opportunities, but I don’t think it would be able to resolve all of these problems. Of course, it’s due at the end of the year, and so I think there are -- There is only a limited amount of time.

CHAIRMAN DIAZ: Dr. Stunz.

DR. GREG STUNZ: Thanks for a nice presentation summarizing that act. I have a little bit of a question more on the implementation side, rather than just sort of the act itself, and I guess, from your perspective, or maybe this is even for Clay or Roy, and I don’t know, but what do you envision this looks like for our management here in the Gulf, in terms of alternative measures?

I mean, is it species or what? I mean, obviously, the state has used these very successfully, and you pointed out there is obviously differences in these fisheries, but I was curious to see what your office might think something coming from the Gulf
would look like, in terms of alternate management.

**DR. ROY CRABTREE:** Well, I mean, I guess I would turn that back. What do you have in mind? What is it that you’re thinking of trying? We just changed the whole management of red snapper over the last year or two, and so, if you have ideas about alternative management paths you want to try, we can certainly explore those.

**DR. STUNZ:** I don’t have anything specifically to throw out here today, because I’m just hearing this, but, Roy, obviously, we heard the same things around this table many times, in terms of extraction rate management. In fact, several of them were pointed out in her presentation.

I am just wondering what are the steps to go there? I mean, so far, we haven’t even implemented regional management yet, and so, obviously, that’s still pending, after this EFP, but, really, where do we -- What is the next step? Does that just come from this council of, hey, we would like to look at this or look at that? I’m not real sure what the path forward is, Roy, and that’s what I am asking. If we have some of the ideas there, what is the next step?

**DR. CRABTREE:** Well, to me, it would be defining what the terms are on some of these. Extraction rate management, what exactly does that mean, in terms of how we would change things? I mean, our management currently is based on exploitation rates, and so what would be the difference, if we went down that path, and what exactly does that mean? I guess we can look at that, and this seems to give us a green light to go with some of those, but I don’t think it really defines exactly what something like extraction rate management and what specifically does that mean.

**DR. STUNZ:** I don’t want to get too hung up on just extraction rate right now, but that was just an example, because that was one of the ones used there, is alternatives that there might be, and I don’t know what those would look like, and that’s why I was kind of asking you, Stephanie, too about what’s the vision like coming from your levels outside of the Gulf, and so, I mean, I certainly have some ideas that we could throw forward and move forward with and things like that, and not today, certainly, but I’m just trying to get a general feel for how does that play out and what process do we get those, or do we just make a motion to move forward or have your group look at it, Roy, or what?

**CHAIRMAN DIAZ:** Dr. Porch.
DR. PORCH: One of the challenges though is that the act still requires ACLs, and it still requires us to achieve maximum sustainable yield as reduced by relevant economic and social and environmental considerations, and so it didn’t fundamentally change things, and it’s all well and good to look at alternative ways of managing the fishery, but, ultimately, they have to achieve the same end, and I think, from what I have seen anyway, a lot of people would like it to achieve a different end.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. LEANN BOSARGE: But, I mean, Greg, that doesn’t mean we can’t look at them, and so I think, if the recreational members around the council have an idea of how to manage your fishery a little differently, from a quantitative perspective, like that exploitation rate, maybe you could outline it for us one day in a presentation.

Then I think the step after that would probably be to send it to the SSC and let them dive into the nuts and bolts of it and say, okay, well, from a scientific perspective, this is what this is going to mean and that’s going to mean and do we have the data to do that and what would that mean as far as timeliness of management, and let us get some feedback and see if it’s feasible. I think, if we never start, we’ll never get there.

CHAIRMAN DIAZ: To that point, Dr. Stunz?

DR. STUNZ: To that point, I don’t -- I mean, I certainly don’t have anything to put out here today, and I don’t know. We haven’t even really had any discussion around the table about exactly what that would look like, but, Clay, to what you were mentioning, you read one part of the document, and it talks about -- Or other documents circulating regarding what this means and the constraints of poundage-based type management, or quotas or whatever you want to call it, and then you were just talking about, right out of the gate, it talks about the ACLs, and so I don’t know -- Maybe I just don’t have the understanding of how do you -- They’re almost mutually exclusive, and so I don’t know, and maybe that’s some guidance from you, or maybe it is the guidance, Leann, from the SSC, but I guess the point is we’ve just got to get something on the table, and I don’t really know what that is yet, assuming we even want to go there, but I’m just not real clear, is why I’m asking these questions.

CHAIRMAN DIAZ: Mr. Dyskow.

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MR. PHIL DYSKOW: Thank you, Mr. Chairman. My take on what I heard was slightly different than Greg’s. I think we all agree that the model, as laid out in MSA, works well, and it works well for recreational fishing, and it works well for commercial fishing, and working within those guidelines or constraints is probably a smart thing to do, but our experience with Amendment 50 is very much in its infancy, but, if that model works for red snapper, whereby recreational fishing is successfully managed by the states, and we stay within the guidelines and constraints of MSA, maybe an option would be to look at other species, particularly non-migratory species, where we can add other species to the state management environment, which I think recreational anglers are more comfortable with, because we keep butting heads that we don’t need to butt.

We have a successful red snapper program for commercial fishermen under the IFQ program, and hopefully we’ll have a successful program under Amendment 50, with state management, and maybe we expand the state management program. That way, we can stay within the guidelines, as specified in MSA, but still give the anglers what they want and presumably keep everybody happy.

CHAIRMAN DIAZ: Other questions for Ms. Hunt? Mr. Boyd.

MR. DOUG BOYD: Thank you for your presentation. Almost three years ago, a directive came out from National Marine Fisheries for each council to look at allocation triggers. In that, it specified that National Marine Fisheries would like to use adaptive management, and I think, a while ago, you said that there are some councils or that somewhere that adaptive management is being used, and could you tell me where that is in a mixed-use fishery?

MS. HUNT: I am not exactly following the triggers versus the adaptive management. Are you asking about two different things?

MR. BOYD: Well, National Marine Fisheries published two processes, or two suggestions, however you want to call it, to create triggers to review allocations. In that, they specified they would like to see adaptive management used, and I think you said that there was adaptive management policies, procedures, being used somewhere, and I just wondered if it was being done in a mixed-use fishery around the United States.

MS. HUNT: I am trying to parse it, and I was talking about adaptive management in terms of the recreational fishery management measures that we were just talking about, extraction
rates and harvest control rules, but I think maybe what you’re
talking about is the triggers document that suggested that
councils think ahead of time about how to set up their
allocations so that, when things change, they could be more
adaptable and flexible in the decisions, and is that what you’re
asking about?

MR. BOYD: Well, I think I’m just asking about the document and
the directive from National Marine Fisheries, as opposed to
mixed-use fisheries.

MS. HUNT: The trigger requirement, the requirement for councils
to produce triggers by August of this year, councils have done
that, for the most part, and I am not really aware of any -- I
think most councils have chosen time-based triggers, and so I
haven’t seen anything really different than that related to the
allocation triggers.

MR. BOYD: Okay. Thank you.

CHAIRMAN DIAZ: Any other questions for Ms. Hunt? I would like
to make a quick comment before we move on. I am encouraged
that, inside the Modern Fish Act, that state grants are
available, can be available, to improve state registry and
improve state data collection programs.

We just passed Amendment 50, which is state management of
recreational red snapper throughout the Gulf, and we couldn’t
have done that without every state in the Gulf stepping up to
implement data collection programs that enabled us to move that
document forward.

MRIP, for what it was designed to do, is probably pretty good,
but, for trying to manage in-season, it’s very tough. It’s in
two-month waves, and, by the time you get the data at the end of
the two-month wave, and that’s forty-five days or sixty days
later, and it’s just -- You can have problems while you’re
waiting on the data to come in, and it’s just not quick enough,
and I know that’s another study, but, each one of these states
that have data collection programs, and I can guarantee you that
each one of these states have things that they can do to improve
their data collection programs, but finding money to do these
data collection programs out of state budgets is pretty tough.

I could tell you about some improvements I can see that could be
made right now, but that’s a whole other topic, but I would
definitely encourage you and the rest of the NOAA staff, when
you have an opportunity to kind of pull, to help put some money
towards helping states out with these data collection programs, because there’s a lot more than can be done in that realm, and so any other questions or comments?

Thank you very much, Ms. Hunt. You did a good job, and we appreciate it. Next up, Dr. Hollensead is going to go over our action guide and talk about Agenda Item Number V, and we’re going to lead right into that discussion. Dr. Hollensead.

**COMMITTEE DISCUSSION ON ALLOCATION ISSUES**

**DR. HOLLENSEAD:** Thank you, Mr. Chair. The next agenda item is a discussion, specifically on allocation issues, and, in Ms. Hunt’s presentation, she had a slide sort of going over that in mixed-used fisheries, but, at this point in time, the committee can determine if any next steps are needed, as necessary, and begin that discussion.

**CHAIRMAN DIAZ:** Okay, and so I would open the floor up, if there’s anybody that would like to start that. Dr. Frazer.

**DR. TOM FRAZER:** I am the one that put this agenda item on, and the reason I did that is because I think everybody is -- During Ms. Hunt’s presentation of the Modern Fish Act, conspicuously identified in there is the issue of allocation, and Doug made a good point.

When we were looking at -- In past meetings, we’ve been guided by these policy and procedural directives, and, in those directives, Doug, you’re exactly right. It said they should be adaptive in character, or in nature, and that’s because fisheries are inherently dynamic.

The fish move, and the dynamics change, and the demographics change, and one of the things that we’re struggling with, I think, as a council is how do we deal with these types of allocation issues in a dynamic environment, where we’re just almost exclusively looking at historical data and catch records, and we don’t have very good records, in most cases, and so it’s difficult to move forward, and it’s not because people don’t have good ideas, or their intentions aren’t good, but it’s just inherently controversial.

What I wanted to do was to have some open discussion, a little bit unstructured, and it’s not typically what we do, and we’ve got about twenty-five minutes or so to deal with it, and I’m hoping that we can continue to do this in the council meetings moving forward, and I don’t think that we’re going to solve
allocation issues today, but, for me, it’s going to be helpful
to get an idea of where people are coming from and the way that
they think about the world, and so maybe, the next time that we
have this discussion, I can put a better outline together,
perhaps, and help start to structure this discussion.

When we talk about the policy, the policy is very vague, and it
has all of these things. We need to consider environmental
factors, or ecological factors, and we need to consider social
factors and economic factors, but all of those things mean
different things to different people, but they all essentially
reflect people’s values, and so it’s the values that ultimately
need to be stated. People need to understand what those values
are, because, until we do that, until we understand the whole
range, we can’t turn those values into metrics, something that
we can measure.

In order to manage things, we need to be able to measure stuff,
and so there’s two parts here that I think that would be helpful
for me, and I’m not committing anybody to anything in
particular, and I’m going to open the floor up here in a second,
but, when you think of things that are important in an
allocation arena, what things should we consider specifically in
those kind of categorical areas?

There are environmental considerations, and there are economic
considerations, and there are social considerations, but what
does that mean to people around this table? This is my big
experiment, and let’s see how it goes.

CHAIRMAN DIAZ: Ms. Boggs.

MS. SUSAN BOGGS: Well, I will start, from a different
perspective, from the charter-for-hire headboat. When you look
at the economics and socioeconomics of it, one of the things for
us, and maybe this is not what you’re looking for, but I am not
a scientist, and so I look at things a little differently, but
it's what can we provide to the recreational fishermen that fish
aboard the charter boats and headboats? How can we give them
more access?

As a business owner, how can we promote our business? How can
we create a business plan and market our business in these
unstable fishing seasons? I don’t know if that’s what you’re
looking for, but that’s what always comes to the forefront. Of
course, keeping in mind what’s best for the fishery as you do
that.
DR. FRAZER: I am making some notes, and I just want to make sure. When I hear that, what you’re saying, first and foremost, is what is the service that we can provide to the recreational community that doesn’t own a boat, perhaps, right, and so, when you try to quantify that, what would be a good service, for example? How would you know that you’re providing a good service to your clients?

MS. BOGGS: Well, I don’t know if it’s service, per se, because, when I think about service, it’s the quality, like when you go to a restaurant and how were you taken care of and was the waiter or waitress attendant and things like that, but I think it’s access. How can we help provide more access to the non-boat-owning recreational fishermen to this fishery, and how can, as a business owner, we build a business model around that, but, again, protecting the fishery is the most important thing.

I mean, I am not -- But I think there’s got to be a balance there somewhere, and we haven’t found that balance yet. I think there’s a lot of good ideas on the table of things that have been tested and tried and ideas, but we need to move forward with some of these things, and it seems like we keep stalling out. There is always a roadblock, and, hearing the conversation about the data collection, that’s important, and I hear about, and I’m just going to lay it out there, the funding for the states. Well, the federal government can’t get the funding to roll out a charter/for-hire reporting plan, and so how do we balance those types of things? I think it’s got to just -- There has got to be a balancing act, and I don’t know the answer to that.

CHAIRMAN DIAZ: Dr. Stunz.

DR. STUNZ: Well, one starting point, and, Kevin, I’m going to put you on the spot here, and I’m sorry. You made a motion, at the last meeting, or the meeting before that, regarding putting in some times -- Like a workshop that would then build in some time triggers for allocation and that kind of thing, and I am vaguely sort of recalling it, but we never really moved on that.

It was when we were discussing this letter, and maybe I’m just dreaming this up, Kevin, and I don’t know, but we had some discussion, and I thought it was you, Kevin, that brought up about having a workshop that maybe the Regional Office would put together or something, and then we would really begin to look at what this meant and what the triggers were like and then put some real timelines on that, and that may be the starting point, where we could do that, Tom, and I don’t know what that would
look like, and I am just trying to spur the discussion based on what we’ve already discussed.

Then that workshop could fill out what are the real needs and what are we talking and really develop this, because, to me, it seems like this is a real policy kind of thing, rather than coming up from a motion on a reallocation, because it’s such a difficult issue, and it’s got to come down to this is our policy, and we have some workshop that defines that letter better of what that really means, because I know there was a lot of discussion and differences of opinion, but that letter sort of set the overall framework, but we don’t have any real details of what that means, and so it seems like convening that -- Kevin, if I’m totally off, let me know, but, whatever your idea was, maybe talk about that further again to develop that workshop to get our heads around, like you’re saying, Tom, what this means.

**DR. FRAZER:** I don’t think you’re dreaming that up. It’s actually Kevin’s comments at the last meeting that kind of stimulated this discussion, and I would like, ultimately, to get to a more structured workshop, so we can talk about allocation issues in the future.

I mean, we’re certainly going to get some input moving forward with the GAO’s report, and a lot of other people are working on this as well, but, at the end of the day, those allocation decisions are going to have to be made around this table, and so those values need to reflect the values of the people that we represent here, and so they will be inherently kind of geographical in focus, I think, but I think, ultimately, we may get to a workshop, but I don’t think we have to do it tomorrow. These issues aren’t going away.

**CHAIRMAN DIAZ:** Dr. Stunz.

**DR. STUNZ:** To that point, with the activities that are all going on around us that are related, and I guess they’re going to report back to us at some -- I was talking about the GAO and other things going on related to the MSA and all that, and I guess we’ll be getting periodic updates here at this council or something?

For example, today, we got a general briefing of the act, and it has a whole variety of components, and one is what we’re discussing now, and, in other meetings and things going on, is the plan to give us periodic feedback, which would feed into that workshop or something?
DR. FRAZER: I don’t want to speak for the GAO, but they did indicate that they have a fairly aggressive timeline. They’ve got a report that’s due by December, and I don’t want to try to impose upon them to periodically report anything. I think we can anticipate a report from that entity down the road, right, and that will certainly, perhaps, play a role in how we develop our own process moving forward.

I think my goal here is to just -- I mean, we have such a long history of focusing on one particular species and recognizing how difficult those decisions are, and, again, and you’ve heard me say this before, but I think the difficulty there is we’re not forward-thinking, and we need, somehow, to get to a point where we can adopt a policy and processes that are associated with that policy that allow us to be much more flexible and nimble and respond to, again, a change demographic and changes in the ecology of fishes and changes in habitat and how climate might affect distributional shift in fishes.

All of those things affect access, which is important, but it’s a complicated issue, and we’re not going to get there in one day, and this is my opinion, and it’s one of the few times that we’ve just had an open discussion, and there is no agenda here, but it’s just for me to start gathering some information, so that I think that we can talk about it again, to start to have a little more structured conversations moving forward.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: I will focus on the value section that you were asking for, as it relates to allocation, and this is just my personal opinion, and I’m sure it’s not the will of the entire council, but, to me, we get into these allocation discussions a lot of times, and usually it’s for a fishery that is fully utilized, right, and we’re catching every bit of what we are allowed to catch plus some, usually.

Usually it’s a couple of different sectors that are involved and fish in different ways, and we manage them differently, just like our last presenter talked about. There is differences in commercial versus recreational, and, therefore, there should be differences in the way you manage them.

Then we get into the allocation discussions, and, to me, if one sector was managed very efficiently, and our ultimate goal of management is whether we stay inside that quota or not, right? From a biological perspective, that’s how we keep our stocks
healthy, and so successful management from that biological
perspective is staying within your quota, and so, if that’s
where we’re putting value on the health of the stock, is staying
within that biological quota, that value has to somehow also
transfer into our discussions on allocation.

You can’t punish a sector, and, when I say punish, you would
take allocation away, for staying within that quota, right, and
essentially having an effective management system, and then, on
the other side, if you are managing another sector in a way that
you’re not able to hit that goalpost the way you’re trying to,
and you have overruns, that shouldn’t be rewarded, right?

It would be like me having two kids and saying, you know,
hypothetically, and so it’s a two-income household, husband and
wife, and I’ve got two kids, two teenagers, and they both get an
allowance. Let’s say we make a lot of money and they both get
$250 a month, and I’ve got a girl and a boy.

My husband leaves me for some reason, and I don’t know, but he
just can’t put up with me anymore, and so now I’m a single mom,
and I’m trying to raise these kids on one income, and so we’ve
all got to make cutbacks, right, and our financial health is not
very healthy right now. I look at them, and I say, all right,
guys, we’ve got to make some sacrifices, and I’ve got to cut
your allowance, and you’re each going to get only $100 a month
each, and I’m going to take that extra money that I would have
given you in allowance and I’m going to pay down our house note,
and I’m going to pay off our cars, and then we’ll be in a better
situation financially, and I will be able to get you back up to
your $250.

I give my son a hundred-dollar bill and say, there you go,
there’s your allowance, and you stay within that hundred bucks,
and then I give my daughter a credit card without a limit, and I
say, now, you stay within that hundred dollars, baby, and, every
month, my son stays within his hundred, because, when he doesn’t
have any more money in his pocket, he just can’t spend anymore,
right, but my daughter spends about $150 a month, and there’s
another pair of shoes out there, and she might get $200. She is
trying, but I’m not managing her well. I gave a teenager a
credit card, right? What the heck was I thinking?

But I’m able to get the credit cards paid down, and I get the
car paid off and the house paid off, and I say, guess what, our
financial position is healthy again, and so you all did great,
and you all helped me out, and I’m going to make your allowance
back to $500 total for the both of you all, but then I look at
them, and I say, well, I don’t think I can go back to giving my
son $250 and my daughter $250, because, over the last few years,
I’ve seen that my daughter really needs more money, because she
never could stay within her $100.

She was spending $150 or $200, and so I look at my son and say,
babe, I’m sorry, but you’ve got to stick with the $100, because
your sister needs the rest, because she just seems to have
higher needs, budgetary needs, and I kind of feel like sometimes
that’s where we’re at on allocation, when we have a stock that
declines and everybody makes some sacrifices, but, when you look
at the goalpost of what will rebuild the stock, you’ve got to
quit killing so many fish.

That’s how you rebuild the stock, and so, if you manage to keep
one group to that hundred-dollar bill, but we don’t manage the
other one effectively, we’re just not doing it, and it’s our
fault and not theirs, but, when they have overruns, and then we
go back and we look at allocation based on landings history, we
reward it. We say, well, we’ve got to change this allocation
and shift more fish in this direction, and so, from a value
perspective, that is what has always bothered me about red
snapper allocation, in particular.

Now, so to get off that soapbox, let’s talk about a different
allocation, king mackerel. I think that this council has a lot
of room for our underutilized fisheries, where we’re not
catching the full ACL, recreationally and commercially, the
overall ACL, to try and share.

I know you all have heard me beat this drum before, but I think
that’s a value that we should put more emphasis on. If we can
keep from taking those recreational fish from those recreational
guys and hard-shifting them to the commercial sector — That’s a
tough pill for anybody to swallow, and I don’t blame them for
not wanting to do that, even though they’re not catching them.
I wouldn’t want to do it if the shoe was on the other foot, but
I think we need to put some emphasis on sharing in the
underutilized fisheries, where we’re not catching the whole
quota, and finding a way to share and land those fish. Those
are my two values.

DR. FRAZER: Thank you. Bob.

CHAIRMAN DIAZ: Dr. Shipp.

DR. BOB SHIPP: The Dalai Lama has some life principles, and one
of them is things change. I grew up in Fort Walton, and I moved
here when I was four years old, and having this meeting here
tells me something. I mean, look at what is here compared to
what was here in 1950.

I think Tom used a number of words, but the one I would like to
emphasize is the change in demographics. It’s just been
incredible, and it’s not just Destin and Fort Walton and Panama
City. It’s the entire coast, from the Keys all the way around
to Brownsville, and yet the allocations are based on thirty and
forty-year-old catch records, and I think a strong case can be
made that the demographics has changed immeasurably, but the
allocations have not, and they need to catch up,

CHAIRMAN DIAZ: Mr. Sanchez and then Dr. Stunz.

MR. JOHN SANCHEZ: Thank you. That is one way to look at
things. Then you could also arguably say, all right, perhaps
this stock of fish is much greater than we all anticipate and
its ability and its resilience to be overrun the way it’s been
recently, and we have had some de facto reallocations by keeping
the commercial guys to their level, and yet there is overruns
and there is overruns, and then, arguably, we don’t share in
this larger population of fish, both sectors, that apparently
seems to exist out there in the real world.

I think, as we look at reallocation, we should probably look at
how big this biomass really is and perhaps give some increases
to both sectors, which could surely use them, and I think the
biomass is probably big enough to do it, because it’s been
withstanding these overruns anyway.

CHAIRMAN DIAZ: Dr. Stunz.

DR. STUNZ: This isn’t what I was going to say, John, but that’s
exactly what teams of scientists are out doing right now, is
counting the snapper, and we’re a ways out on that still, but
what I wanted to say was to follow-up to Bob’s point about the
demographic shift, and, Bob, I’m assume you’re talking about
demographic shift of people, though we have this huge
demographic shift of fish as well.

I mean, we’ve heard things, and this is a little different than
reallocation, but the grouper guys are discarding enormous
amounts of fish, and I forgot what that number was, because
things aren’t set right, and you mentioned it, Tom, a little bit
in your opening remarks, is that having this proactive and
thinking-forward approach about not managing, Leann, or not
punishing what happened in the past or back and forth, and we’ve
got to be looking forward with what’s this fishery going to look like in ten years, or even beyond, much beyond, in fact, and setting those allocations based on that and the demographic changes not only to people, Bob, which is certainly the driving factor, but the fish and how that’s changing out there as well.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: Well, but, as you look at that, you have to understand that the demographics on the seafood-consuming public in the United States are changing too, and that can be evidenced by that lease price on red snapper. There are so many more people that want access to that on their plate in the middle of the country, and the lease price is up to $4.25, and so it’s not just the demographics of the recreational fishermen going out -- How many there are going out on the water that’s changing, but the same thing is happening in the middle of the country, and they want access to that fish too, and I think we forget that it’s not just demographics in one side, that those same demographic trends are occurring on the other side, and that’s what makes allocation battles in a fully-utilized fishery so difficult.

There is really not a good answer. You could give 100 percent of that red snapper quota to the commercial guys, and they could catch every bit of it. You could give 100 percent to the recreational guys, and they could catch every bit of it, and the seafood consumer wants it just as much as the recreational guy that wants to fish with his family, and I think that’s what makes this so tough, and so that’s why I think it’s so fundamental, like Tom said, to identify the values that we’re going to place on making these decisions.

CHAIRMAN DIAZ: Mr. Boyd.

MR. BOYD: Yes, sir. Thank you. I know this is elementary, but I would just like to make a small point. The objectives of the two sectors we always talk about, the recreational and the commercial sector, and I lump the for-hire industry in the commercial sector, personally I do, because it’s profit driven, but the two objectives are totally different.

The recreational sector wants to have experiences. They don’t necessarily have to kill a fish to have that experience. They’re out there on the water, and they’re out there running their boat, because they enjoy the boat, and they’re with their family, and so, as we’ve seen with the king mackerel fishery, not all of those fish are utilized back at the table. They’re
not all killed. A lot of them are released.

In the commercial industry, a dead fish is the only thing that’s valuable to the commercial industry. It has to be killed in order to be sold into commerce, in order to get to somebody’s table at some point, and so, as we consider allocations, we’ve got to understand that the purpose of each one of these sectors, or the desire for the recreational or for the commercial, are completely different.

**DR. FRAZER:** I appreciate that, and I think, ultimately, that will lead us into some discussions about kind of fairness and equitability and how you actually quantify those values, because, right now, the currency is much like the various MRIP things that we’re dealing with.

We’re not always dealing with the same currency, and that’s a challenge for the economists as well as the sociologists, and so I think I’ve taken up my thirty minutes of time, but I will maybe take one or two.

This was an experiment for me, because I do think it’s important to think forward, maybe, what a properly-allocated fishery might look like twenty years from now, and I think, if we have our eye on that endpoint, I think we’re going to be in a much better position to get there in a way that’s favorable to all parties involved, but we have a lot of work to do, recognizing and acknowledging the differences amongst the various stakeholder groups and, again, how do we quantify those values in a way that makes sense and how do we make decisions that, again, are consistent with those National Standards, and there’s a lot of them, and so I think there’s two more questions, because I want to go to break, but there’s Phil and then there’s Martha.

**MS. MARTHA GUYAS:** Just to follow-up on Doug. I mean, I feel like one of our major challenges is that the values within, I guess if we’re just talking recreational and commercial, within those sectors themselves, they’re vast. Like, for Doug’s example, we have from catch-and-release to I just want to go fish and have fun with my kids to I want to bring something home for dinner to who knows what else everybody’s values are, and it’s extremely diverse.

Even within commercial, we’ve been talking about this IFQ amendment and how we have issues with how that fishery is allocated within that sector, or at least some people would argue there is issues and others who would not feel that way, but it’s not just about recreational versus commercial, and I
don’t know that, even around this table, we can represent all of
the values that are out there.

CHAIRMAN DIAZ: Mr. Dyskow.

MR. DYSKOW: Thank you. I appreciate all those points of view,
and they’re all valid, and I think it’s great that we have this
discussion, but, going back to the GAO, they’re going to report
back to Congress. They’re going to report back on this issue,
and they’re going to take all of this input, and they’re going
to, presumably, come to some conclusions, because they are not
reporting just for the sake of reporting, I hope.

I think it’s very crucial that we understand the direction
they’re going to take this thing, because it’s going to affect
all of us, and so I think our opinions matter, and they are very
thoughtful, at least the ones we had today, but I think it’s
really important to provide the maximum input to the GAO
representatives, so that, when they report to Congress, they
don’t go out in left field one way or the other.

DR. FRAZER: Again, I agree with all of those points, and I
think all of the discussion that we had, again, just kind of
emphasizes the complexity of these issues. I am glad to have
the GAO here today, and I’m glad that they reached out to all of
the council members, and I would encourage everybody to go talk
to them, so they have the full benefits of everybody’s thoughts
and perspectives on the broad suite of allocation issues that we
talk about, right, and so we have all kinds of issues.

They are not just recreational or commercial, but they are
allocations among states, and they are allocations within the
recreational sector, all kinds of things, and so I appreciate
your comments, Phil, and I appreciate everybody taking the time
to have this discussion today, and we’ll have another one at the
next meeting, and hopefully I’ll be a little more focused on it,
but I wanted to start somewhere, and so we’ll take a break.

CHAIRMAN DIAZ: Let’s take a fifteen-minute break, and we will
come back at 2:45. Thank you.

(Whereupon, a brief recess was taken.)

CHAIRMAN DIAZ: I would like to call the Sustainable Fisheries
Committee back to order. The next agenda item is the Generic
Mr. Rindone.
FINAL ACTION: GENERIC AMENDMENT - CARRYOVER PROVISIONS AND
FRAMEWORK MODIFICATIONS

MR. RYAN RINDONE: Thank you, sir. This is another one that you
guys have had in development for a good long time now. The main
change from the last time that we met and talked about carryover
back in April was the SSC saw some updated simulations of the
effects of applying multiple overages and paybacks, in certain
circumstances, to the species, some of the species that we’re
looking at for this document.

They looked at it for triggerfish, red snapper, and greater
amberjack, and Dr. Kai Lorenzen is the Vice Chair of the SSC,
and he is in the audience, and he can speak to some of the SSC’s
discussion on that, and so, Mr. Chair, I think that’s probably
the most logical thing to get into, because the rest of the
document is largely unchanged from the last time.

CHAIRMAN DIAZ: Okay. Dr. Lorenzen. Then, after we hear from
Dr. Lorenzen, we’re going let Ms. Muehlstein go over the public
comments, and then we’ll come back to you with the document.
Dr. Lorenzen.

SSC RECOMMENDATIONS

DR. KAI LORENZEN: Thank you, Mr. Chairman. The scope of work
that we were given for this was the background was that,
previous to the last time the SSC considered this, we had looked
at simulations that demonstrated that, if you have a one-to-one
sort of combined carryover and payback provision on underages or
overages of up to 50 percent of the ABC, that would not
jeopardize the rebuilding timeline for red snapper or have a
deleterious effect on the status of king mackerel.

This started off by looking at just underages and what happens
if you allow carryover of underages and then was expanded to
underages and overages and a balanced carryover of underages and
payback of overages, but then the SSC had concerns that the
actual proposal in the generic amendment for fisheries that
suffer both underages and overages, but the amendment proposes
to allow some carryover of underages, but it doesn’t balance
that with a requirement to pay back overages.

Basically, the sense was this could be a situation a bit like
giving that teenager the credit card, in that you can go over
and you don’t have to pay back, but, if there is unused catch
left, you get to take that in the next year, and so the SSC made
that request, and the council agreed, and so the Science Center
provided further simulations that were looking particularly at
the situation of if you have underages and overages and you can
carry over some, but you are not required to pay back.

This is a very brief summary, and so this uses the latest SEDAR
assessments and then looked at twelve different scenarios of
underages and overages, both single years and sequences of
underages and overages, and it simulated perturbations, i.e.,
underages or overages, of up to 50 percent of the ABC, and it
used a one-to-one carryover of payback in the following year.

I have a little asterisk here. Remember that the one-to-one
carryover is larger than what would be allowed under National
Standard 1, in many cases, because you cannot have the quota
exceed the overfishing limit, and so the carryover would be
limited to a proportion of the difference between OFL and ABC in
the year where the carryover is applied, and, in fact, the
preferred alternative of the council is to allow only 50 percent
of that difference to be carried over anyway, and so the
simulations that were done here include larger carryover and
payback of underages and overages.

They showed that, basically, as long as you do both, you carry
over and you pay back at a one-to-one level, that will not
affect the long-term stock status, and no negative impact on the
spawning stock biomass or rebuilding timelines is expected from
those carryover and payback provisions.

The second part, the result for allowing carryover of unused
quota, but not requiring payback, that looked somewhat less
good, and, essentially, it shows that spawning stock biomass
declin ed relative to the base scenario when no overages
occurred. Under all overage scenarios, declines in spawning
biomass were sustained for extended periods, ten to twenty
years, following a single overage, and this resulted in delays
of rebuilding between one year for a sort of very small 1
percent single overage to six years for a 50 percent overage.

Repeated overages can be expected to have close to cumulative
effects, and, if overages are continually not paid back, it
cannot be expected that red snapper will rebuild in a reasonable
timeframe.

The SSC recommendations are that we recommend the simulation
analysis as the best available science for this purpose. If a
payback, in the case of a quota overage or a carryover, in the
case of a quota underage, is handled in a one-to-one fashion, in
the short term, there is little effect on rebuilding
 trajectories, but the emphasis here is you would have to do both.

The SSC also recommends that the council consider implementing paybacks for overages for stocks under a rebuilding schedule in light of the analyses here regarding what happens when you do not include payback for overages, and that’s it.

CHAIRMAN DIAZ: Thank you, Dr. Lorenzen. Any questions for Dr. Lorenzen? Dr. Frazer.

DR. FRAZER: Kai, it’s hard to look at this just in words, and it would be helpful for me, because I’m a little more visual, but so, if you have an extreme overage for a particular fishery, and maybe the next year or something you have an underage, how do you spread that overage, the payback of that overage, back? From an optimization schedule, I guess, is it better just to cram it all in one year? Mathematically, it might work that way, but, socioeconomically, it may be a really bad deal.

DR. LORENZEN: Right, and so the simulations here, as far as I know, consider only the following year payback or carryover, and so they haven’t looked at extended periods to pay back or carry over, and I guess, in terms of the carryover, the amount you can carry over and the timeframe are quite limited, whereas I think, with the payback, there is more leeway, because, at the moment, of course, payback is not technically required unless the fishery is in an overfished state, and so I presume that the council will have some leeway in deciding how the payback would be timed, but the simulations that we looked at, as far as I know, concerned only payback in the following year, and it’s a very short term.

CHAIRMAN DIAZ: Dr. Porch.

DR. PORCH: I would just add that it really just depends on how fast you want to get back on track and how much you’ll pay back when, and so, obviously, the sooner and the more you pay back, the faster you can get back on track, but the bottom line is if, for instance, you exceeded the OFL, and the stock is not yet rebuilt, then you would actually have to pay back more than what your overage was to ever get back on track.

CHAIRMAN DIAZ: All right. I don’t see any other questions. Thank you, Dr. Lorenzen.

DR. LORENZEN: Thank you.
CHAIRMAN DIAZ: Ms. Muehlstein, would you like to go over the public comments, and then we’ll get Ryan back on the document.

PUBLIC COMMENT SUMMARIES

MS. MUEHLSTEIN: Absolutely. Thank you, Mr. Chair. You might remember that, at our last meeting in April, we gave a summary of the public comments that we had heard up until then, and, just to remind you, we did host a webinar public hearing, and we did not get any comments through that public hearing.

Since that time period, we have received two additional public comments online, and we heard that the council should exclude stocks that are under a rebuilding plan from the carryover provision, to ensure that rebuilding targets are met, and then we also heard support for carryover, because it will give management and operators more flexibility and access to the resource, and that’s it.

CHAIRMAN DIAZ: Thank you, Ms. Muehlstein. Mr. Rindone.

REVIEW OF DOCUMENT

MR. RINDONE: Thank you, sir. All right. If you guys want to just review real quick what you have as preferred alternatives presently, in Action 1, which is on page 11 of the document, you guys -- This Action 1 establishes eligibility for carryover for managed reef fish and CMP stocks in the Gulf, and you guys currently prefer Alternative 2, which would establish a carryover provision for managed reef fish and CMP stocks.

It would apply to stocks and stock complexes with sector allocations, and unused portions of sector ACLs for the species managed under catch share programs are excluded, and you guys took that out last year. Carryover would not apply to the unused portion of the ACL for managed reef fish or CMP stocks or stock complexes which are currently overfished or which did have their fishing year closed as a result of the ACL and the quota being projected to be met.

CHAIRMAN DIAZ: Any questions for Mr. Rindone? Ryan, based off the SSC’s comments, if we wanted to add the payback provision, would this alternative be the place to do it right here, where it’s got carryover, but carryover/payback, every place there, or would there be a cleaner way to do it, if we decided we wanted to do something?

MR. RINDONE: I think there are a couple of different ways that
we could probably do it. A payback provision is -- It’s an accountability measure, and it’s kind of a big thing. Mara, do you have an opinion? I am just going to toss that grenade in your direction.

**MS. MARA LEVY:** I mean, I think we could look at the document and think about where the best place to add it is. If you want to add it, I would just make a motion to add a payback provision to the document to address the carryover/payback situation, and then staff can go back and see how to best word that and bring you whatever they come up with at the next meeting, in terms of alternatives or some modification to this alternative.

**CHAIRMAN DIAZ:** Dr. Crabtree.

**DR. CRABTREE:** Given the SSC’s comments, I think that’s what we need to do. I will make a motion to direct staff to add a payback provision to the document, and that would be a payback regardless of stock status, I guess.

**MR. RINDONE:** That would be either don’t do it or do it for everything?

**DR. CRABTREE:** Well, if a stock is going to be eligible for carryover, then it has to have a payback provision, would be my intent.

**CHAIRMAN DIAZ:** All right. We have a motion. Is there a second? It’s seconded by Ms. Bosarge. Is there discussion on the motion? Mr. Banks.

**MR. PATRICK BANKS:** I have a question. Would this force us to go back out for another public notice draft, because that seems like a pretty substantive change.

**MR. RINDONE:** We could. If you guys wanted us to hold another public hearing webinar, we could certainly do that. It’s really up to you all’s discretion.

**MR. BANKS:** I am not necessarily saying you have to, but it just seems like the law would dictate that we would probably have to go back to public notice draft, but --

**CHAIRMAN DIAZ:** Dr. Crabtree, to that point?

**DR. CRABTREE:** Well, you will have another public hearing at the next council meeting, before you vote it up, and I think that meets any legal requirements. Did I hear you say, Ryan, that
you had a webinar and that no one tuned in?

MR. RINDONE: That is correct.

DR. CRABTREE: I will leave that up to you guys, but I’m not sure that really indicates to me that we need to do anything more than bring it back to the next council meeting, which would be in New Orleans, and then we would hold a public hearing at that time.

CHAIRMAN DIAZ: Go ahead, Mr. Banks.

MR. BANKS: I was just going to say that this carryover provision is a great thing. We’re giving something. If you start talking about a payback, you start talking about taking something away, and so that may garner some more interest, but I’m fine to have the comments at the meeting.

CHAIRMAN DIAZ: For that reason, I think it’s real important for council members to think about this when we go through this document again, because the payback is pound-for-pound, no matter what you go over. The carryover is limited to -- Right now, with our current preferreds, it’s limited to 50 percent of the difference between the ABC and the OFL, and so you’ve got a limited potential gain, but you’ve got an unlimited potential payback, and I think Ryan has an example later in the document that he’s probably going to show that can illustrate that, but there could many scenarios, the way this can play out. Ms. Guyas.

MR. RINDONE: This is to the payback point. The way that we have the document set up right now is that the carryover applies to the smallest managed portion for that species that had their season cut short or whatever the circumstances were that resulted in them having a carryover.

The paybacks would be set up to apply the same way, and so, as an example, if a payback provision is approved, it would institute a payback provision for the for-hire component for recreational red snapper, because, in the document, they are eligible for carryover, if everything passed the way that it currently is, and so, if we added a payback provision, then, for recreational red snapper for the for-hire component, a payback provision would be added to their management, and so the same would be true for commercial and recreational triggerfish and recreational gag and recreational red grouper and commercial kingfish, unless something changes with the effort environment for recreational kingfish as well.
CHAIRMAN DIAZ: Ms. Guyas and then Ms. Beckwith.

MS. GUYAS: Just to clarify. The SSC’s motion looks like it was specifically about paybacks for overages for stocks under a rebuilding schedule, but am I understanding correctly that this would be for anything that’s eligible for carryover? Okay.

CHAIRMAN DIAZ: Ms. Beckwith.

MS. ANNA BECKWITH: I am sorry, and I haven’t read through this particular document, but I’m just curious. You guys would be conceivable putting a payback provision on recreational species based on MRIP numbers?

CHAIRMAN DIAZ: Mr. Rindone.

MR. RINDONE: Yes.

MS. BECKWITH: I can tell you that we’ve had those discussions, and we did not like that idea, and we have moved away from that. We also, I think, when we have been talking about carryover, we are not thinking about doing carryovers for species on rebuilding schedules or, obviously, that are overfished, and so we’ve got some similar concerns, but I -- It would certainly make me very nervous if I was at my council meeting thinking about doing a payback provision for all species under all circumstances in all sectors.

CHAIRMAN DIAZ: Dr. Crabtree.

DR. CRABTREE: Well, it might be that we could put in here for species that are not in rebuilding plans and that the payback would only apply if it exceeded the OFL, and I don’t know if that makes it any less painless or not, and my worry always with paybacks is that you get some really anomalously high year, which happens in the recreational survey periodically, and that it can create a really difficult time for you, but it’s just not clear to me, off the top of my head, how -- I mean, it seems like we’ve got constraints on the amount we can carry over, and so we might be able to put some constraints on how much we would pay back, in some cases, but I think it would be easier to do that in stocks that were not in rebuilding plans, but I think that would require some more thought to figure out.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: I think the SSC’s comments were largely to stocks
that were in a rebuilding plan or overfished, but I am not opposed to having some sort of payback on stocks that aren’t in that condition, so that they don’t get into that condition, but a lot of our paybacks, Ryan, they read that there will be a payback if there is an overage only if it exceeds the overall ACL, and so, for stocks that are not in a rebuilding plan and are not overfished, is that how we would implement a payback on them, that only if the overall ACL was exceeded?

Otherwise, you’re really not hurting the stock, right, and that’s the allowable catch, and, if one sector or the other has -- Say there’s a huge spike in recreational landings, and I’m thinking about king mackerel, because we had a spike that one year in recreational landings, but, as long as that spike doesn’t exceed the overall ACL, then they shouldn’t have to have a payback, because you’re still fishing sustainably at that point, as long as you’re not in a rebuilding plan or anything.

CHAIRMAN DIAZ: Mr. Rindone.

MR. RINDONE: To that, the OFL is set with a 50 percent probability that if you caught the OFL that you would not have -- That it would not have resulted in overfishing, and so every successive catch limit that we use that’s below that increases the probability that that harvest level has not resulted in overfishing, and so that’s something to think about when you guys are trying to figure out, for stocks that aren’t in a rebuilding plan, where you might want to say this has to be exceeded before we say we’re going to do a payback.

For stocks that are in rebuilding plans, you guys have a lot of precedent set up already with setting it at the annual catch limit, or whatever the harvest level is that you decide to use in that circumstance, but we don’t have it too often for species that are not in that sort of trouble, and so this is kind of uncharted ground, and you can do what you think is most appropriate.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Leann, just to -- I think what you’re getting at is the payback wouldn’t apply even if one of the -- Like the lowest component, right, the lowest common denominator, went over. If the total of whatever you’re measuring by didn’t get exceeded, the payback wouldn’t apply, and I think that’s probably okay. I mean, that’s how we’ve set up the carryover, right? The lowest component, or the lowest common denominator, could be under, but, if the rest of the parts went over enough that the ACL has
been met, nobody is getting a carryover.

I think, if we think about how we’re going to set it up -- The level at which you’re doing it I think is what Ryan was getting at, was we generally use the annual catch limit for the overfished stocks, but maybe you want to choose some higher level to trigger the payback, but it would still be the total, I think, is what would trigger it, and so that’s probably a good -- I think it’s a good discussion to have, and then maybe staff can go back and try and figure out what kind of alternatives to bring you that deal with all these different issues that are coming up.

CHAIRMAN DIAZ: Ms. Guyas.

MS. GUYAS: Really, the only two species that are affected by this right now are red snapper and triggerfish, but, for red snapper, the way we have state management set up, there’s a payback if the individual states go over, and I don’t think we have that say way for charter/for-hire, and I just kind of feel like, wherever we end up here, we probably need to keep that in mind, and so, if we end up doing something different for charter/for-hire, if we move forward with this, do we need to look at what we did for the states, and that gets a little bit complicated fast, but, looking back at Table 2.2.1, the margin that could be carried over is so small, and it’s like -- It’s a very insignificant amount. Triggerfish is a little bit of a different story, but I’m just thinking about loud here.

CHAIRMAN DIAZ: Just to clarify something. Dr. Crabtree, when you made your motion, you said that you wanted it to apply to every species that was eligible for a carryover, and I am hearing a few comments around the table, and I want to make sure that everybody understands that, when he made the motion, and it’s not specifically said in the motion, but it was implied that it’s for everything that’s eligible for a carryover, and so I just want to make sure that everybody understands that.

If there’s any other comments on the motion, we’ll discuss them. If not, we’ll vote it up or down. Can you all put the motion back up on the board? The motion is to direct staff to add a payback provision to the document to address carryover. I want to see a show of hands. All those in favor of the motion, raise your hands, two in favor; all those opposed like sign, four opposed. The motion fails. Ms. Levy.

MS. LEVY: Well, so you have some more time to consider this before Full Council, but, if you don’t address this at all, I
think there’s going to be a potential problem approving this. Meaning, if you come forward and submit a document that allows for carryover for a number of stocks that are still in a rebuilding -- Especially the ones that are still in rebuilding plans, but do not address an overage year, or paybacks, given the Science Center’s analysis, you’re asking the agency to approve something that doesn’t seem like it’s going to stay with the rebuilding schedules, potentially, and so I just ask you to think about that.

**CHAIRMAN DIAZ:** Dr. Crabtree.

**DR. CRABTREE:** All right. Let me try a revision of the motion, which would be to direct staff to add a payback provision to the document to address carryover for stocks in rebuilding plans. If I have a second -- Ms. Bosarge.

I am sympathetic to the notion that we lock ourselves into something that is going to result in paybacks that we can’t live with and that are unnecessary. I do think, somehow, we have to address the SSC’s comment, or we’re going to be stuck, and maybe that’s what we ought to do, is drop the whole idea, but it does seem to me, if a stock is not in a rebuilding plan, it’s less of a concern.

My worry with it is that we get in a situation where we have a large quota overrun, and it’s because we had really good recruitment and there’s lots of fish in the water, and, in a case like that, there’s really nothing to pay back, and so I guess, Ryan, if there are ways to further tailor this or narrow it some, that still meets the letter of the SSC’s comments, without tying us down, I would be interested in those ideas, but this would then only affect greater amberjack and red snapper, and is that correct, and gray triggerfish, at this time.

**CHAIRMAN DIAZ:** Dr. Simmons.

**EXECUTIVE DIRECTOR CARRIE SIMMONS:** Thank you, Mr. Chairman. I was just going to suggest, if we could go back to the document for a moment, in Action 1, Preferred Alternative 2, carryover provisions would not apply to the unused portion of the ACL for managed reef fish or CMP stocks or stock complexes which are currently under a rebuilding plan. If, instead of applying the paybacks, the council just decided not to apply the carryovers for stocks under a rebuilding plan, if that would ameliorate the issue, the concerns of the SSC.

To me, the overages, the accountability measures with the
overages with other stocks, have been addressed in individual
documents and accountability measures, and so, if that’s a major
issue, to me, the council could start another document to look
at the paybacks for those particular species.

CHAIRMAN DIAZ: Ms. Bosarge and then Ms. Levy.

MS. BOSARGE: I think that’s possible, Carrie, but I think the
elephant in the room is always red snapper, and I think that’s
why we started this document, was so that, if there were some
underages in red snapper for any sector, any state, whatever,
that you could carry it forward to the following year, because
you already have a payback state-by-state, and so the payback is
there for the elephant in the room for red snapper, and I would
think this would be something that the states would want.

I mean, you’re trying to hit a specific number, and that’s
tough. When you go over it, you’ve got to pay it back the next
year, and so if, next year, you manage it and you’re slightly
under it, at least this would let you carry a piece of that
forward to the following year. You’ve already got the payback.

I feel like we’ve already got the payback for red snapper, and
let’s carry on with this document and document that, these
paybacks. Yes, you will have to put it in there for those other
two species too, but so be it. Red snapper is the elephant in
the room, and at this would allow you to carry forward some if
you manage and you’re slightly under.

CHAIRMAN DIAZ: Ms. Levy. All right. Any further discussion on
this motion? The motion is to direct staff to add a payback
provision to the document to address carryover for stocks in
rebuilding plans. Again, a show of hands. Mr. Anson.

MR. ANSON: Thank you, Mr. Chair. I guess, is this enough
direction, the way it’s written, to address some of those
nuances relative to OFL and ABC, or would that not apply in this
case, for these particular stocks, Ryan?

MR. RINDONE: I would be inclined just to look to the ways that
we have established paybacks in the past for these species and
looking at the respective ACLs for the managed components,
whatever the smallest common denominator is, and so the paybacks
would be based on overages of that value, and you guys know
that, for some, you set the season based on whatever the ACT
might be. Like, for the for-hire component for red snapper, the
season is based on the ACT.
We would probably just look at what’s been done in the past and use the ACL. Unless you guys would like us to do something different from the norm, that’s what we’re going to put forward to you.

CHAIRMAN DIAZ: Okay. Any further discussion on the motion? Seeing none, all those in favor, raise your hand, seven; all those opposed, like sign. The motion carries. Mr. Rindone.

MR. RINDONE: Thank you, sir. We will go ahead and cruise on down to Action 2. Action 2 is an adjustment in the carryover provision allowing for management uncertainty, and Dale touched on this a little bit, and so did Kai.

This basically throttles how much can be carried over from the year when the underharvest occurred into the following year, and you guys currently prefer Alternative 2, which limits the amount of carryover to an amount that reduces the difference between the ABC and the OFL by 50 percent, and so the difference between the ABC and the OFL cannot be reduced by more than 50 percent.

We have an example that I have written into the document, and Dale had asked me to make it a table, and so that has been done. It’s Table 2.2.3, and I used the federal for-hire component for red snapper, since you guys passed 50, and so applause to you for that again, and that was a lot of work, and Ava.

You guys can see the example laid out here for the for-hire component. Assuming that a total carryover of 500,000 pounds existed in a given year, and so parsed out between the private angling and the federal for-hire -- I see what we did here now. It’s parsed out between the private angling and the federal for-hire component, and you can see the percent of the total for the recreational sector broken out there, and then you can also see the difference between the ABC and the OFL.

You guys approved an ACL increase for red snapper and hogfish in the same document last year, and that went final in April, or was implemented in April. Action 2 throttles the amount of the carryover based on the difference between the ABC and the OFL at 50 percent, and so, based on the percent of the total eligible carryover that comes from each component, you see what their actual carryover would be, and so that’s your demonstration of how the carryover could be proportional if both components are eligible.
CHAIRMAN DIAZ: Ms. Guyas.

MS. GUYAS: Thanks. I assume that this is in pounds, right? Does anybody know, off the top of their head, how much charter/for-hire harvests a day when they’re open? I am just trying to think of like what does this actually mean, in terms of opportunities.

MR. RINDONE: I don’t know, off the top of my head, what their daily harvest is. I don’t know if Sue might be lucky enough to be in some life tweet-in.

CHAIRMAN DIAZ: Martha, I don’t know the amount they can harvest in a day, but I wanted Ryan to put something in the document, for just an example, to drive the point home that there’s a limit on what you can carry over, but there’s not a limit on what you can pay back, and so, whatever number he would have put, the actual carryover would be limited to 50 percent of the difference between ABC and OFL, where, if they had exceeded the amount by 750,000 pounds, they would pay back 750,000 pounds.

MR. RINDONE: Just to be precise, the payback is limited by the following year’s OFL, essentially.

CHAIRMAN DIAZ: Dr. Crabtree.

DR. CRABTREE: Ryan, can you remind me why we reduce with this buffer and how much we would carry over to 25 percent, and where does that come from?

MR. RINDONE: Sure. The council is required to prevent overfishing from occurring, and all management actions are supposed to bear that in mind, and so, if we had a carryover that resulted in the ABC being increased to be equal to the OFL, because it cannot exceed it, but it could be equal to it, and we caught one pound more than that value, then the Secretary of Commerce would have to assume that overfishing occurred, and then the council would get a letter that said that overfishing has occurred and you guys need to take immediate action to end overfishing, which would prompt us to have to do something immediately to reduce harvest. I see Mara raising her hand, and so I may have not said that perfectly.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Well, that’s true, but it’s also true that the National Standard 1 Guidelines say that, if you have an ACL that equals an ABC that equals an OFL, and you don’t provide
justification for how that’s going to prevent overfishing, then
the presumption is that it will, and so then there’s the chance
that the Secretary is going to disapprove this, meaning you can
set up a system where they’re all equal, but then you’re going
to need to provide some sort of justification for how that’s
going to prevent overfishing in the years when everything is
equal, and that’s going to be somewhat difficult to do, given
the fact that we have these recreational fisheries that we’re
not always exactly constraining harvest to the ACL.

CHAIRMAN DIAZ: Mr. Banks.

MR. BANKS: If I remember correctly, we use a 20 percent buffer
normally, and so I’m trying to figure out why we chose 50
percent and why we couldn’t increase that to be able to use 80
percent of it, of the difference.

CHAIRMAN DIAZ: Mr. Rindone.

MR. RINDONE: You guys had actually had a discussion about this.
In the past, we had some other options in here that were to
allow the ABC to be increased within 10 percent of the OFL, as
opposed to 50 percent, and you guys had talked about being risk-
averse, or more liberal or conservative with how you were going
to go about dealing with this difference, and you ultimately
settled on 50 percent, and this is a measure to address
management uncertainty, because you could, if you could justify
it, set the ACL equal to the ABC equal to the OFL, as Mara
described, but, if you can’t justify why that prevents
overfishing, then you could be in trouble.

You also need to think about the accuracy of how we set seasons
and when we close things down, and it’s -- We are getting better
with time, with some things, but others are lagging behind, and
so there would be definite risk with other species, as far as
trying to be accurate with closing the season before the managed
catch limit was exceeded.

CHAIRMAN DIAZ: Mr. Banks.

MR. BANKS: That’s sort of what I figured, is that we were
worried about management uncertainty. Well, we’ve established
that we are worried about management uncertainty in the red
snapper fishery, and so we’ve set that at a 20 percent buffer,
and we’ve done that based on all of the things that Mr. Rindone
has already said, and so it just seems to me that we’re worried
about management uncertainty, and we feel like 20 percent will
address that, but, here, we feel like we need 50 percent to
address that, and that was my point there.

CHAIRMAN DIAZ: Ms. Gerhart and then Ms. Levy. Ms. Levy.

MS. LEVY: Well, I mean, just to say that they’re serving a little bit different points, right? The 20 percent buffer was between the annual catch limit and the ACT, and it’s where we set the season for red snapper. That is below already the OFL, and it’s equal to the ABC, but there’s already that buffer with the OFL.

If you raise the ABC and the ACL up, the closer you are to the OFL, the more likelihood, when it’s all combined, that it will go over. I mean, I’m not dictating what buffer you use, but this was just about having some method to decide how close you should be getting to the OFL, based on the fact that these different stocks have different buffers between the OFL and the ABC, and so I’m just saying that, across the board, you can get to 50 percent closer, no matter what that buffer is.

If you want to look at them each individually, and be like, well, this one has a 90 percent buffer, and this one has a 5 percent buffer, and decide on an individual basis, maybe that’s somewhere to go, but the 20 percent was red snapper specific, and it was to address what the season should be, and so I guess I would just be careful about equating them in that way.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: Ryan, just to close the circle on what Patrick was describing, it’s the 140,000 for the private recreational applying -- Just assume that was the quota then for next year. Applying the buffer, you would essentially be taking 80 percent of that and setting your season against 80 percent of 140,000, correct?

MR. RINDONE: Not under Amendment 50, you wouldn’t, no. The way that this is described is the private angling component as a whole, and so assume no state-by-state allocation in this example. That 140,000 pounds would be added to the private angling component’s ACL in the following year, which would, by default, adjust the ABC value.

The federal for-hire component would be -- Their ACL would be increased by 60,000 pounds, which would further adjust the ABC, and that’s throttled by the preferred alternative in Action 2, which limits the change in the ABC such that the difference between the ABC and the OFL can’t be decreased by more than 50
percent.

If you do it in -- Thinking about state management and that line
that’s for private angling, that one line becomes five, and so
carryover would apply to each state individually, because each
state represents the smallest denominator, if you will, at that
point, and so some states, in a given year, may be eligible for
carryover, while others may not be, but, combined, for
everything, the ABC can’t be -- The difference between the ABC
and the OFL can’t be reduced by more than 50 percent, and this
is absolutely a management uncertainty situation.

That 50 percent was one that you guys picked from 25 percent, 50
percent, 75 percent, and 90 percent. Those were the options
that you guys have seen over the last eight months, or whatever
it was, a year, since we started talking about this particular
action. If you think it should be something different, you
simply need to justify why you think it should be that way, for
the record anyway, and we can certainly make a change.

CHAIRMAN DIAZ: Dr. Crabtree. Ms. Gerhart.

MS. GERHART: I want to put this a little in perspective
relative to a question that was asked earlier about catch rates.
For the for-hire component, the catch rates, which have been
fairly steady for the past three years, are about 46,000 pounds,
and so, with this carryover, you would get one more day,
maximum. I am working on the private angling number.

MR. RINDONE: Please also bear in mind that this is just an
example, and so it could be different for different species and
different years, and this is something that I literally just --
It’s like throwing spaghetti at the wall, and that’s what it
looked like.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: As Ryan mentioned, you do have other options in
Action 2 of 25, 50, and 75 percent. I think the Table 2.2.1
that was up there before is really what you should be looking
at. I mean, this is an example, but that table shows you what
the current difference is and then what each one of those
options would actually reduce that difference to, so that you
can see, if you choose to reduce it by 75 percent, the
difference between the red snapper OFL and ABC is going to be
0.65 percent, and so that table is helpful, so you can see how
close your buffers are going to be.
If you do decide that you’re going to be a little more risk-averse and allow for a 75 percent reduction in that buffer, you do that knowing that, if you exceed the OFL, then you’re undergoing overfishing, and you’re going to get the whole thing about ending it immediately and all that stuff, and so that’s the way that essentially has to be done.

CHAIRMAN DIAZ: Mr. Rindone, do you have anything else?

MR. RINDONE: No, sir, not for this action.

CHAIRMAN DIAZ: Any further comments on this action? Then that’s it for this document, Mr. Rindone?

MR. RINDONE: We have one more action, and it’s Action 3.

CHAIRMAN DIAZ: Okay.

MR. RINDONE: This is our paperwork fine print action for you guys. This action would modify the framework procedures for the Reef Fish, CMP, Coral and Coral Reefs, and Spiny Lobster FMPs, and you guys currently prefer Alternative 2, which allows the carryover provision to operate in an automated fashion, and so, once the provisional landings come in for a fishing year, then the Fisheries Service can look at those and determine whether or not a component or sector or whatever that smallest pie slice is eligible for carryover for that year. Then they can make that adjustment accordingly, through the closed framework procedure.

Preferred Alternative 3 would modify the listed FMPs there to allow the ABC to be specified as recommended by the SSC after a stock assessment is reviewed and found to be best available science.

Right now, we do this when we change the ACLs, as the result of getting a stock assessment. We list in there that the SSC recommends this OFL and this ABC, and that’s how it’s specified, and so this would allow that to happen automatically through an abbreviated documentation process, instead of having to wait for that framework action to change the ACLs to come through, which could be a benefit if a species is an overfished or undergoing overfishing condition.

Then Preferred Alternative 4 would revise the framework procedures for the listed FMPs just to have consistent terminology and format, but also to include, in the standard framework procedure for Coral and Coral Reefs and Spiny Lobster,
those highlighted accountability measures. Of course, we have no take for corals and coral reefs, and so this would -- At least in practice, this would apply more to spiny lobster, in some respects. You guys currently prefer Alternatives 2, 3, and 4.

CHAIRMAN DIAZ: Any questions or comments on Action 3? Ms. Bosarge.

MS. BOSARGE: If there’s no comments on that action, I have a comment that is unrelated to that action, but it’s in the document.

CHAIRMAN DIAZ: Go ahead.

MS. BOSARGE: All right, and this is really probably better in the SEDAR Committee to come up, but, because this table is in this document, if you don’t mind, I will just kind of address it here. If staff could turn to page 20, and that’s paper document page 20, and so where it actually says “20” at the bottom of the page, and I don’t know what PDF page that is, but it’s Table 2.2.2. Clay, this is probably going to be aimed your way. I was wondering -- You know, that gray triggerfish, we’ve got a buffer between OFL and ACL of 76 percent, and so that’s scientific uncertainty. I remember we got that last stock assessment, and it had mixed reviews, let’s just say, and it was blessed as the best science available, but then it went on to say that it might not be real useful for management.

I know we’re working on -- We have an upcoming gray trigger assessment coming up, and I hear maybe there is some things with ageing that we’re looking at and considering, and is gray triggerfish something that maybe we should try some other type of assessment for? Are we trying to put it into a box that requires a lot of real certainty in a lot of categories that we don’t have, and maybe we should put it in more of a -- I don’t know, and I don’t want to say data poor, because we have some data on it, but should we do some different type of assessment? Would we get a better result that way, do you think?

CHAIRMAN DIAZ: Dr. Porch.

DR. PORCH: That was loaded. We did look at some data-limited analyses, and, depending on which ones you apply, yes, you will get some different answers. What the plan is at this point is to review those issues with the ageing, and it basically has to
do with the fact that, in the middle of the spine, the area is
highly vascularized, and you lose one of those annual rings that
you count, and so we’re looking to moving towards otoliths, to
basically get better ages on the animals, and we are looking to
some alternative ways to incorporate the information we do have
in the stock assessment model, and so we may have to change the
model a little bit, because of the issues you’re talking about.

At the same time, we can look at some other techniques, but,
inevitably, when you have the potential to roll out the Cadillac
and you roll out the Volkswagen, people are dissatisfied, and so
we’ll do the best we can. Again, the ageing issue is important,
and we need to get to the bottom of it, and we’ll be looking at
that very seriously in the next assessment.

We can look at, while we’re doing that, some alternative
techniques that use only a portion of the data, basically data-
limited techniques, but, again, by data-limited, it also means
basically less precise, and maybe less accurate, advice, and so
it may or may not give you an answer that would say a higher
ABC.

CHAIRMAN DIAZ: Thank you for that, Ms. Bosarge. Any other
comments on the document? Dr. Crabtree.

DR. CRABTREE: I guess I am -- When we started working on this,
we had the 20 percent buffer that we were dealing with on red
snapper, and we have since -- With the state management, we’re
effectively letting the states use whatever buffer they think is
appropriate, and we’ve changed the buffer on the for-hire side
now.

I would question, I guess at this point, whether this is all
worth it. It seems awfully complicated and convoluted, and I
think everybody is getting confused by all of it, and it seems
to me that the potential amount of fish that we’re talking about
carrying over probably doesn’t amount to a day in the red
snapper season, and so I guess I would encourage everybody to
think about this between now and Full Council, as to whether or
not we have just created an overly complicated situation that is
fraught with complications, but really isn’t going to have a
whole lot of benefit to it at this point.

CHAIRMAN DIAZ: Okay. I tend to agree with a lot of what you
said, Dr. Crabtree. As of right now, Ryan is going to rework
the document based on the motion we passed earlier, and, unless
something happens between now and Full Council, we’ll see this
document again in August, and is that correct?
MR. RINDONE: That’s correct.

CHAIRMAN DIAZ: All right. That takes us through this agenda item, and Mr. Rindone is going to handle our next agenda item, which is Item Number VII, and that’s Discussion on a Two-Day Possession Limit on Federal For-Hire Trips. Mr. Rindone.

DISCUSSION: TWO-DAY POSSESSION LIMIT ON FEDERAL FOR-HIRE TRIPS

MR. RINDONE: Thank you, sir. Some of you have been approached about this topic as well, about the issue with two-day possession limits on federal for-hire trips, and so Mara gave me the codified address of where to start looking for where this is in the regulations, so you guys could see the bits that are in question here.

The point of contention is that, the way that a lot of the multiday for-hire trips work is that they begin their trip, and these are trips that are anywhere from twenty-nine hours -- They are longer than twenty-four hours, but most of them are twenty-nine hours and up, and the way that they have practiced fishing largely, for the last few decades, as they have communicated, is that they will target a certain species at a certain time during the trip, and then they will get the two days’ worth of possession limits for that particular species, and then they will avoid that species for the duration of the rest of the trip.

If they were ten hours into a thirty-nine-hour trip, and they caught everyone’s two-day possession limit of X species, and it doesn’t matter what it is, then they would avoid that species, to the extent they could, the rest of the time, and the goal being that they don’t have to worry about catching and discarding any more of it.

However, in 622.11 Part (a), that highlighted sentence there, it says that, unless otherwise specified, possession limits applied to a person on a trip after the first twenty-four hours of that trip. The way that that is interpreted is to say that you’re allowed one bag limit up until twenty-four hours of your twenty-four-hour-plus trip have passed.

After twenty-four hours and one minute, if you’re still on this multiday trip and it has two captains and you’ve got your receipt and all the other requirements, then you can possess two bag limits, and that is expounded upon further in 622.38, which is the second highlighted portion, where you can see the
requirements for the for-hire operators and the fishermen on those vessels.

The issue at hand is how fishing has been conducted against what the regulations actually say, like what was codified into law, and that’s where the consternation that you guys have been approached with has come from, and so that does that make sense? Does everyone understand the problem? Okay.

**CHAIRMAN DIAZ:** Mr. Sanchez.

**MR. SANCHEZ:** Mr. Chairman, I’m not on your committee, but this seems to be Dylan’s issue, and he happens to be in the audience. If it’s appropriate, I would kind of like to see him be able to approach the podium and kind of give us some background on this issue and how it affects him and his family’s operation.

**CHAIRMAN DIAZ:** That would be okay. Mr. Hubbard.

**MR. DYLAN HUBBARD:** Thank you. I appreciate the time to come and speak with you guys and you guys adding this to the agenda. I will keep this brief. Basically, we’re all here working together to mitigate barotrauma and discard mortality, and this issue that has arisen goes completely against the goals that we seem to be working towards as a council.

As a for-hire operator, we try to be leaders, showing the private anglers on our trips the importance of barotrauma mitigation and the importance of venting tools, how to use them, when to use them, and please don’t force us to become part of the problem and exponentially increase discards and discard mortality in our fishery.

This is a very huge issue for a very small portion of the fleet who operate multiday trips along the west coast of Florida. I’m not the only one in this room who this is an issue for. Those operating in this fishery are very large, slow-moving boats, and they have very long runs to our fishing grounds, making us easily accessible and enforceable for law enforcement. We’re all very long-standing participants in the fishery as well.

If we can hit the dock legally with a two-day limit, why does it matter when we land that two-day limit? Why not operate efficiently and minimizing discards? This is how we have operated historically, to promote efficiency, but also avoid discarding fish. We would like to change the rule, or change whatever we need to, to allow low discard numbers and not change any landings. The landings would be the same, and then, also, a
more efficient fishing fleet to conserve fuel and preserve that
historic access and low discard rate.

The issue, to me, is we have a very unclear amendment, or
unclear rule, and let’s make it more clear and concise and
prevent any misuse or abuse while keeping minimized discards and
high efficiency. A lot of the issue that I see with this is
that a lot of people don’t realize that highlighted requirement.
I have a lot of people that, multiple times in a month, will ask
me, well, how do I get a two-day bag limit on my boat, and I’m
leaving Friday night at midnight and coming back Saturday at
five o’clock, and how can I get a two-day bag limit? You can’t.
The answer is you can’t.

This is very unclear, and it needs to be more clear, and it
needs to be made to where we’re operating efficiently and not
c discarding fish. With VMS and GPS on the horizon, there is no
reason that we should be time-stamping our fish. We can hit the
dock with those fish, and we should be able to catch them at any
time throughout the trip. That way, we can avoid catching these
fish, especially with red snapper.

A lot of times in our area with red snapper, we’re running
seventy, eighty, or ninety miles to catch those fish, and you
catch a lot of small fish, or you have a guy that’s already
limited out, and so we’re discarding fish at a very high rate
with fifty people on the boat.

Fifty people on the boat in 200 foot of water, and we’re
discarding undersized fish, and we don’t want to do that
multiple times in a trip. Let us do it once, and let us avoid
those fish. Greater amberjack, the same thing. If you catch a
small amberjack, thirty-two inches or thirty-three inches, we
have to release that fish, and we don’t want to keep doing that
multiple times during the trip, and so the same people, the same
trip, and let’s go get those fish and get away from those fish.
That’s efficiency, and that’s preventing discard mortality, and
that’s what we would like to continue doing. I appreciate your
time.

CHAIRMAN DIAZ: Thank you, Mr. Hubbard. Ms. Bosarge.

MS. BOSARGE: I just want to make sure that I understand the
issue, and I think I do, because Dylan talked about it, I think,
at the last meeting, and so, essentially, they go out, and first
they hit the snapper, let’s say, and they’re going to catch
their limit of snapper, where they have already declared that
they’re going to be on a two-day trip, or more than twenty-four
hours, and so they can keep two bag limits, but, the way the rule was written, the way it was codified, they actually can only keep one bag limit of red snapper when they leave out and hit that spot, and then they’ve got to go do something else, fish for something else or whatever, and, once they hit the twenty-four-hour mark of that trip and they’re into the second day, then they can come back and get the second bag limit of the red snapper, right?

I am kind of with Dylan. I mean, what does it -- If you’re allowed to keep two bag limits, because you’re on a multiday trip, and you have declared that trip, and you’re playing by the rules, and you’re going to have a VMS on your boat pretty soon, if you don’t already, and you have to do your logbooks, and it’s a pretty accountable fishery, and I don’t see that it matters which day you catch the fish.

If you came in early, I could see where you could have an issue if you came in early, and you had only been out for one day, but you’ve got two bag limits, but, at that point, you’re in violation, and you were only out for one day, and you’ve got to know that going into it, that you’re going to be in violation if you bring that boat in early, and I think, as long as that’s understood, I don’t see the problem with it.

CHAIRMAN DIAZ: I agree with everything you said, but it doesn’t have to be snapper specifically. It could be amberjack, or it could be triggerfish or a host of species. Dr. Stunz.

DR. STUNZ: That was my question, and I probably should have asked Dylan. I really have two questions. One is, if you did come back in early, and all of a sudden you have a boat full of people that are in violation, and I don’t know how often that occurs, but I can imagine a situation with boat trouble, or someone is very, very ill or something, where you have to come back, and then I don’t know how you account for extra fish, and so that would be one.

I am still not following how that reduces the discard mortality or bycatch or whatever. You are still, theoretically, exhibiting the same amount of effort to catch those fish, and so the discard rate, at least in my mind, unless I’m missing something, should be about the same, and I’m not seeing how you save on the discards, and I’m not necessarily opposed to this, but I’m just wondering how you avoid having a boat full of fifty passengers that have double limits and you’re back early.

MR. HUBBARD: As far as coming back early, we had a situation
about a year-and-a-half ago where we were on a thirty-nine-hour trip, and we were expecting rough weather, but we weren’t expecting the weather we got, and it ended up being close to fourteen-foot seas, and the boat turned around and come inshore, because we were seventy, eighty, ninety miles out. We came around and came inshore, and we had a two-day limit on the boat, and they anchored up at the sea buoy a mile from shore and waited for four hours, until we were past the twenty-four-hour minimum, and then we hit the dock.

We were aware that we would be in violation. I mean, we’ve been doing this for over ninety years, and we wouldn’t risk our reputation and our permits and our livelihood on trying to break the rules, especially on a boat that goes seven to nine knots and that takes eight hours to get out to the fishing grounds. Even if I wanted to go out there and catch a two-day limit and come back in inside of twenty-four hours, it would be very hard to do so with a seven to nine-hour ride out and a seven to nine-hour ride back. It’s tough to catch that many fish that quickly.

As far as your second question about it would prevent discards and lower discard mortality, throughout a trip, for example a thirty-nine-hour trip, and we run forty-four-hour and sixty-three-hour trips, and so our shortest trip that keeps a two-day limit is thirty-nine hours.

What we do is we leave the dock -- For example, a Friday trip, we leave the dock at 3:00 p.m. on a Friday, and we start fishing around midnight, 1:00 a.m. or 2:00 a.m., depending on our distance of our run. We start by fishing red snapper. In the morning, we start fishing for grouper.

Then, throughout the day, we’ll fish for amberjack or red snapper. It’s very easy to avoid an amberjack once we’ve caught our limit or gotten close to our limit. We just stop fishing wrecks or springs or big ledges. It’s very easy to -- Well, not so much anymore, because you’ve done such a good job with conservation, but, with red snapper, it’s fairly easy to avoid by looking at the fish show, and you can tell what’s down there.

We are pretty good at what we do, and we’re able to have areas that we know hold a certain type of fish historically. With things like mangrove snapper, the two-day limit for our mangrove is twenty, and so it’s very difficult for a person to limit out on those, and we don’t have to avoid that type of fish as much.

The main two fish that we would avoid, because their bag limit
is so low, would be amberjack and red snapper, and it’s pretty
easy to go out and catch that limit and avoid them the rest of
the trip, and that’s what we want to be efficient doing and not
discard dead fish, and especially with red snapper and
amberjack. They’re both very fragile fish, in my opinion.

That barotrauma is more likely to occur in those fish, and so,
when you discard those fish, the discard mortality rate is
higher, and so fishing efficiently and going out there and
targeting that fish, and then, once we’re satisfied, moving away
from that fish, and that’s how we’ve historically operated,
because the health of the fishery is our number-one concern, and
I would like to be able to continue doing that.

**CHAIRMAN DIAZ:** Dr. Stunz.

**DR. STUNZ:** To that point, Dylan, I’m not trying to put you on
the spot, but I’m just trying to understand better, and it’s not
getting through to me. If you go out and you catch your one-day
limit of snapper, and then, currently, theoretically, you leave
and go do whatever else, the other fish, and then you come back
and catch another two-day limit at a different time, how is the
discard not collectively the same over sitting on there one
period and catching double?

**MR. HUBBARD:** When you have fifty people on the boat, and you
get anchored up on a spot that has a good show of whatever
you’re fishing for, if you start dropping baits in the water and
catching fish, the regurgitating fish, the frenzy occurs, and
that frenzy takes a long time to get, and it takes a good spot
to find it, and, once you get it, you’re typically satisfied
with your limit.

We’re not going out there and limiting out the entire boat every
trip. I would like to think we could, but it doesn’t happen,
and so we just get satisfied with that limit, and then we move
on to another species. If I was having to come back to that
same area and do it again, my range, my efficiency, is much
decreased, and then having to get to that point where that good
bite occurs and we start catching fish takes some time.

If you were able to go out and target a fish and move away from
it, your total fishing time targeted at that species is lower.
Less fishing time targeted at that species means lower discard
numbers. If I was having to come back and do that again later,
I would be fishing longer for red snapper or amberjack or
whatever it might, and I would have more discards. I have seen
it happen.
Now, since we found out this, in my opinion, ridiculous thing is happening, we have changed the way we’ve done or trips, and changed the way we’ve done business, and it’s a night-and-day difference, the amount of fish we’re discarding over the boat, and it just doesn’t make sense, from an angler standpoint or a conservation standpoint.

CHAIRMAN DIAZ: Mr. Banks.

MR. BANKS: Do we have anybody from law enforcement that could give us an idea of whether this type of thing is an issue for law enforcement? It seems like, to me, that, to go with something like this, we’re, number on, making an assumption that, if we force them to fish in two different twenty-four-hour periods, that they would, absolutely for sure, catch their limit both days, and we have to assume that, by allowing this.

If we do assume that, then it is totally a law enforcement issue at that point, and it’s not a conservation one, because you’re going to catch four fish no matter what. Nobody assumes that I can shoot six ducks every day for sixty days, 360 ducks a year, and they would be right, because I can’t shoot that well, but that’s what we’re assuming here, is that they’re going to catch two fish today and two fish tomorrow, no matter what, and so we might as well let them catch four fish on the first day, and, if that’s what we’re assuming, then it becomes just an enforcement issue and not a conservation one, and that’s why I think it would be helpful to hear from enforcement.

CHAIRMAN DIAZ: Martha and then Roy.

MS. GUYAS: I was just going to say that Captain Scott Pearce from FWC Law Enforcement will be here on Wednesday, and I think he could probably speak to that issue. He’s pretty well-versed in this.

LT. ZANOWICZ: I will just say, at least from the Coast Guard side, our boarding officers are aware of this, and are aware to look for paid receipts for trips that are greater than twenty-four hours when you’re keeping two daily bag limits, but I haven’t seen any violations of this provision, at least in the past several years. Before that, I’m not sure, but, in the past several years, I know there haven’t been any, and so I don’t see this as a huge issue for us. Either everybody is abiding by it or our guys aren’t catching it, but it doesn’t seem to be a large issue, at least for the Coast Guard side.
CHAIRMAN DIAZ: Officer Harwell, if you would, if you would come up to the mic. While he’s coming up, Dr. Crabtree, did you have a comment? Okay. Go ahead, Officer Harwell.

MR. PETE HARWELL: Good afternoon, council members. Pete Harwell, right here in Panama City, with law enforcement. I don’t have much that I can input in this situation, other than we enforce the regulations that are currently in effect. I don’t know the enforcement outcomes, but, since I’ve transferred to the Southeast Division four-and-a-half years ago, I believe we’ve made three cases specifically regarding this regulation, but I don’t know the enforcement outcomes of those. It goes to the General Counsel attorneys for assessment.

CHAIRMAN DIAZ: Dr. Crabtree and then Mr. Banks.

DR. CRABTREE: Just some history on this provision. This was put in the regulations in Amendment 1, and so back in 1990. As best I can tell, there was little or no discussion at the council level about the first twenty-four hours or what that meant, and I don’t find anything in the regulations in 1990 indicating that you had to catch one bag limit in the first twenty-four hours and wait to catch the second bag limit.

Long about 1995 or 1996, the regulations were consolidated, meaning we used to have regulations separate for each fishery management plan, and they were all consolidated into one packaged rule, and that’s when this statement about after the first twenty-four hours appears in the regulation. We have since deconsolidated the regulations and are back to having regs for each FMP, but the twenty-four-hour language carried over, and so this is not a new provision. It’s been in the regulations I think since about 1996, but I can’t find anything to indicate one way or the other where exactly it came from or what the council’s intent is.

I am assuming that, because the bag limits were daily bag limit, that the thought was that, if you’re going to allow them to keep two daily bag limits, that would be one bag limit the first day and another the second day, but it’s hard to get around the fact that, if they’re going to catch it anyway, what difference does it make, and that’s the best I can give you on history on this.

I am not aware that there has been a fine issued or a summary settlement or a case made off of this. I have asked the enforcement attorneys. I think there have been some warnings and some cases on it, but I don’t know that one has ever been pushed through the system or pursued by the NOAA Office of
General Counsel.

CHAIRMAN DIAZ: Thank you, Dr. Crabtree. Mr. Banks.

MR. BANKS: I appreciate the information. I certainly respect that you guys are going to enforce it however it’s written. What I was really meaning with my question was, if we allow what has been described, for boats to catch double their daily creel limit on the first day, because they’re going to be out for multiple days, what kind of enforcement issue does that give to you and your officers on the water when you come upon something like that?

MR. HARWELL: I don’t feel like it would change very much, other than -- I mean, we’re going to get on there and we’re going to count fish, no matter what the situation is. It would come back to that, and they have to have the receipt in their possession, and they would have to have the two captains, licensed captains, onboard, and the burden of proof would be on us, to prove that they didn’t stay out there for twenty-four hours, and so it’s still enforceable, but, again, we just go off of the regulations that come out, and I don’t see how it would be a big deal from an enforcement standpoint. A bag limit is a bag limit.

CHAIRMAN DIAZ: Mr. Sanchez.

MR. SANCHEZ: Thank you. I view ourselves, this body, as part of the rulemaking process, and, if there is a rule that maybe needs a little bit of tinkering with to address something like this that was maybe an issue that is clearly now before us, I would like to hear if Dylan has a suggestion, a way out. Is there a way out, in terms of what you think this rule should read to address this, maybe to the comfort of everybody’s concerns involved?

MR. HUBBARD: To me, it’s really easy to add, before this paragraph that is specifying otherwise, what’s listed above, and to make it more clear and concise and add -- Where it states a person or a vessel, the part about twenty-four hours -- Sorry.

The third sentence down, a trip is on a vessel that is operating as a federally-permitted charter vessel or headboat with GPS/VMS affixed to the vessel. By the time we make this a rule -- I mean, I was hoping that we would be -- That that SEFHER program would be up and running by October, but, by the time this becomes a rule, and I was thinking by October, the SEFHER program would be up.
I mean, right now, as it stands, I’ve got two GPS units and a VMS on my boat, and I can pull the history of the vessel up for the last year, and anybody can view it, and it’s very clear that our vessel is being tracked, and we’re a part of three different pilot programs testing these units.

I mean, we wanted to do electronic reporting for a long time in this industry. We want to give that data, and we want to be more accountable, and we want to help promote barotrauma mitigations and proper fishing and best practices, and we want to be the best leaders of this industry that we can, to help preserve the health of our fishery, and so I feel that adding and specifying otherwise and making this more clear, by adding that it has to be a federally-permitted vessel.

To ease anybody’s mind about enforcement, we’re going to have GPS and VMS affixed to the vessel. Let us hail-out as a two-day trip, and then it’s very easy, as Officer Harwell said, as far as burden of proof. All they have to do is, if they see that we have a two-day bag limit on the boat, check that we hailed-out as a multiday trip and look at our VMS track.

CHAIRMAN DIAZ: Mr. Robinson.

MR. LANCE ROBINSON: To that point, Dylan, you’re saying adding the language referencing the VMS system and leaving the rest of that the same, having the two captains and all of that onboard, as well?

MR. HUBBARD: Yes. As a Coast-Guard-inspected vessel, I have to have two captains operating longer than two hours, and so having the two captains doesn’t bother me. The part about the receipts seems kind of stupid to me, but we’ve always done it, and so everybody on the boat has a receipt, and it’s a little difficult to keep them dry, but, to me, making this more clear and adding the part about federally-permitted vessel.

That way, it’s very clear that you have to be a charter boat or partyboat acting as a federally-permitted charter boat or partyboat, and then you could add that secondary part about the VMS or GPS affixed to the vessel.

Basically, this has evolved since this was implemented in 1990. I have been reading meeting minutes from 1989 and 1990 and 1991 until my eyes bled, and, like Dr. Crabtree said, there is nothing in there when they were originally making this rule about the first twenty-four hours of the trip or anything. This somehow evolved later. Like he said, in 1995 or 1996 is the
first time that you’re able to find anything like this.

When they originally made the rule, they specifically, in the meeting minutes, mention the boat from Madeira Beach that fishes the Middle Grounds, and that’s my vessel. This rule was built around how we operate, and I just don’t understand how this has become an issue, and operating efficiently and promoting best practices should be our goal, and that’s why I feel that changing this in that way would be an easy fix, and it would make it clear, and it would lower the possibility of abuse or misuse.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: I just want to follow-up with Dr. Stunz. Dylan, you have just explained it and such, but I’m still a little fuzzy as to how making this change would really effectively or substantially reduce the amount of discards. That notwithstanding, then, just to follow-up on Patrick’s comment too, I tend to agree with him that now we’re putting the fish at a disadvantage, I guess, and I’m trying to reconcile that, or put it in my mind what the best way to describe it is.

We have a fishing opportunity, and a fishing opportunity is based on a day, and that’s how we’ve kind of set it up, at least in this context, and now that one day might be different from the next, and so, if they’re being caught easily on the first day of the trip, you could fill both day’s bag limits, and the next day, however, it might be difficult to catch. I mean, that’s fishing. The current could be bad, or the waves could -- The weather can change, and now you’re fighting seas and such, and so your catch rates go down.

I am just a little -- In the end, we may end up with more harvest, versus the amount of discards, which still, in my mind, is yet to be determined as to what the quantitative impact of that would be.

MS. LEVY: Just a couple of things. I don’t know that we should be looking at the regulations and deciding how they need to be written right now. I think we should be focusing in on what you want the change to be, because I heard a potential change to be getting rid of the idea that you have to be on the first twenty-four hours of the trip before you can keep the possession limit.

Then I heard some idea about adding “federally-permitted”, which, to me, has no relation to that change, and so I think what would be helpful is, to the extent the council wants to
make changes, what are those changes, and then we can figure out
how to write the regulation or how to do what the council wants
to look at doing or giving you options, but I kind of heard a
mixed bag, and I didn’t get how the adding “federally-permitted”
was going to get at keeping the possession limit within the
first twenty-four hours.

**MS. BOSARGE:** I guess it sounds to me like we had a regulation,
and it was intended to be one way, and, just through
administrative consolidation, it changed, and that wasn’t done
by the council, and so I would like to see -- I don’t see where
there is really a -- I mean, he’s a professional fisherman. I
am pretty sure that he can catch two snapper today and two
snapper tomorrow, and that’s allowed. That’s four fish per
person, and so what does it matter if he catches them all today
or if he catches them all tomorrow?

I am kind of like him. I would rather see you get out there and
get in the fish and get the hell away from them. Then I know
you’re not going to be having bycatch of that species, right?
That seems pretty reasonable. If you know how to get out of
them, you’re going to get out of them.

I really see this as kind of a minor deal, and I would love to
see staff come back with a -- I guess it would be an abbreviated
framework, one of those things where you don’t even have
options, really, and you just come in and say this will be the
change, and you bless it up or down, and the only change, to
keep this streamlined, in my mind, would be to just put the
verbiage back the way it was before, which would take out that
“apply to a person on a trip after the first twenty-four hours
of that trip”, and that’s the part that got added.

If you could bring some sort of abbreviated framework that would
let us look at that and get this regulation back the way the
council originally intended it to be, I think that would be
something we should look at.

**CHAIRMAN DIAZ:** Mr. Rindone, to that point?

**MR. RINDONE:** Yes, we can do it via a framework.

**CHAIRMAN DIAZ:** Ms. Levy.

**MS. LEVY:** Just a couple of things. Again, I think it’s good to
know what you want to do, and then maybe staff can figure out
how to do it, but know that that general applicability provision
-- That’s in the general applicability provision, and so it
applies not only to Gulf reef fish, and snapper grouper has a
possession limit, and CMP, king mackerel and Spanish mackerel,
have a possession limit that that language applies to.

Now, it says “unless specified otherwise”, and so we can
certainly specify in the Gulf provision that something is
different than the general applicability part, but I think you
also need to think about if you’re going to change it or want to
look at changing it for reef fish, and do we want to also then
change it for CMP, and then I don’t know -- I haven’t gone back
in the history of the South Atlantic stuff, but I don’t know if
that language was in a South Atlantic amendment or not, and so
then you’ve got a snapper grouper issue, which is their issue,
but I’m just saying that provision applies to more than reef
fish, and so, again, it would be helpful to know what you want
to do.

If it’s to remove that restriction for reef fish, and Gulf CMP
maybe, then let us know that, and then let staff figure out how
to change the regulations, potentially, and what kind of
document you need and whether you need alternatives. I mean, I
am not going to make a pronouncement on any of that at this
point.

CHAIRMAN DIAZ: Next up, we have Ms. Guyas. After that, we’re
going to start working towards wrapping this agenda item up.
We’re over our time limit. Ms. Guyas.

MS. GUYAS: I guess I just wanted to put the other side of the
coin out there, because I hear this from time to time, well
before this whole issue came up, Dylan’s specific issue, and I
hear where you’re at.

The thing that kind of gets people on this, particularly for a
trip that’s maybe twenty-five or twenty-six hours, is that boat
is probably really only fishing one day, and the question is why
can those people keep two limits when they are fishing one day,
and I don’t know the answer to that, and I don’t know the
history.

I have read the history of some of the discussion, but the
rationale for that is tough, and I think it’s hard for some
people that aren’t part of this group to swallow, because there
is lots of people that run seventy to ninety miles or whatever
out, and it takes them a good part of the day, and then they
fish, but they don’t have the luxury of being able to do this,
and I’m just putting that out there.
CHAIRMAN DIAZ: Thank you, Ms. Guyas. We’ve had a lot of discussion, and there is no motions that we’re currently working on on the board. I would encourage folks, if they would like to make a motion, that maybe they could talk with folks on breaks over the next couple of days, and this could be -- If somebody wants to do anything, it could be done at Full Council. Seeing no further hands up, we’re going to wrap this agenda item up for the time being. Mr. Rindone, do you have anything else?

MR. RINDONE: I do not. Thank you.

CHAIRMAN DIAZ: Is there any other business to come before the Sustainable Fisheries Committee? Seeing none, Mr. Chair, I will turn it back over to you.

(Whereupon, the meeting adjourned on June 3, 2019.)

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