

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

SUSTAINABLE FISHERIES COMMITTEE

Hyatt Centric French Quarter New Orleans, Louisiana

AUGUST 12, 2019

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 Leann Bosarge.....Mississippi
 Roy Crabtree.....NMFS
 Dave Donaldson.....GSMFC
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 Chris Schieble (designee for Patrick Banks).....Louisiana
 Greg Stunz.....Texas
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 Tom Frazer.....Florida
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STAFF

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25
26

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TABLE OF MOTIONS

PAGE 18: Motion in Action 1 to make Alternative 2, Option 2b the preferred. Alternative 2 is the onboard possession limit for federal for-hire trips in the Gulf exceeding a given trip duration (Options 2a-2c) will be two daily bag limits per angler (or vessel for speckled hind and warsaw grouper), excluding captain and crew. The second daily bag limit can be retained anytime during a trip with a minimum trip duration of: Option 2b, which is greater than thirty hours. The motion carried on page 20.

PAGE 28: Motion to accept the revised language from the SSC in Action 1, Sub-Action 1.1, Alternative 3. The motion carried on page 28.

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1 The Sustainable Fisheries Committee of the Gulf of Mexico
2 Fishery Management Council convened at the Hyatt Centric French
3 Quarter, New Orleans, Louisiana, Monday morning, August 12,
4 2019, and was called to order by Chairman Dale Diaz.

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

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

15
16 First up on the agenda is the Adoption of the Agenda. There's a
17 motion to accept the agenda. Is there a second? It's seconded
18 by Dr. Stunz. Any opposition to adopting the agenda? The
19 agenda is adopted.

20
21 Next up on the agenda is Approval of the Minutes. Ms. Guyas
22 makes a motion to approve the minutes. Is there a second?
23 Second by Mr. Donaldson. Any opposition to approving the
24 minutes? The minutes are adopted.

25
26 Next on the agenda is the Action Guide and Next Steps, and I'm
27 going to ask the staff to go through the Action Guide and Next
28 Steps for each agenda item as we come to those agenda items, and
29 so we're going to take up the action guide and the next steps
30 for the first agenda item, which is the Draft Framework Action
31 to Modify Federal For-Hire Trip Limits. Mr. Rindone is going to
32 be handling that agenda item, as far as the action guide and
33 next steps. Mr. Rindone.

34
35 **DRAFT FRAMEWORK ACTION TO MODIFY FEDERAL FOR-HIRE TRIP LIMITS**
36

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

41
42 You guys will be reviewing the options presented to modify the
43 possession limits for anglers on for-hire vessels exceeding --
44 On trips exceeding twenty-four hours in duration, and a trip is
45 defined as the time that passes between a vessel leaves the dock
46 and then returns to the dock.

47
48 Presently, anglers on these types of trips may possess two daily

1 bag limits for species in the Reef Fish and Coastal Migratory
2 Pelagic FMPs, but they have to wait until after twenty-four
3 hours has passed, while on that same trip, before they can
4 retain that second bag limit, per the way the regulations are
5 currently written.

6
7 You guys will need to review the proposed management options,
8 and you can recommend something as preferred, if you so choose,
9 or you can tell us that you want to see some more options and
10 give us some feedback and let us know where you would like the
11 document to go. Right now, we're planning to bring a revised
12 draft back to you guys at the October meeting in Texas. Mr.
13 Chair.

14
15 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. Any questions about the
16 action guide and next steps? All right. Mr. Rindone, you can
17 go ahead and take it away and review the document.

18
19 **MR. RINDONE:** Thank you, sir. This is Tab E, Number 4,
20 Modification of For-Hire Multiday Trip Possession Limits. We
21 will go on down to page 9 in the document, which is the
22 introduction, and so you guys may remember, from a previous
23 meeting, we heard from a charter captain that had expressed some
24 concern about the way that the regulations were written against
25 the way that the fleet has been operating and outline some other
26 concerns that the fleet has about how it does these extended
27 trips.

28
29 You guys directed staff to take a look at resolving this issue,
30 but also to look at some additional options for the requirement
31 for how long a vessel needed to be on a trip to allow that
32 multiday possession limit to count.

33
34 Just to give you an idea of the universe of effort that we're
35 talking about here, if you look at Table 1.1.1, this is a
36 summary of the federal for-hire headboats that are in the
37 Southeast Region Headboat Survey that made trips exceeding
38 twenty-four hours by year and the number of trips made by those
39 vessels combined for each year.

40
41 It is important to remember that not all headboats are included
42 in the Southeast Region Headboat Survey, and so this should give
43 you an idea though of generally how many trips are being made,
44 because a good number of the headboats are part of that survey,
45 and so, on average, the Southeast Region Headboat Survey is
46 recording anywhere from thirty-six to forty-eight headboats as
47 having made at least one trip in excess of twenty-four hours
48 during a given year, and some vessels make many trips, and some

1 may only make one.

2
3 If we move on down to Figure 1.1.1, you can see these data over
4 time, and so the number of vessels in the survey that have been
5 making -- Again, this is just headboats and not charter boats,
6 but the number of vessels that have been making these trips has
7 increased marginally over the ten-year reference period, and I
8 only went back ten years, because, going back to like 1986, I
9 didn't think that that would be very informative for what's
10 going on right now.

11
12 Anyhow, you can see that, over the last ten years, we've had a
13 marginal increase in the number of vessels, which is the blue
14 line, but a considerable increase in the total number of trips
15 those vessels are making that are in excess of twenty-four
16 hours, and so this practice is becoming more popular, if you
17 will.

18
19 **CHAIRMAN DIAZ:** Mr. Swindell.

20
21 **MR. ED SWINDELL:** I guess I am looking at the number of trips
22 for the charter boats. The headboats have been in a program for
23 a number of years, and I don't know how many years it's been,
24 and so you have good data on them about how many trips they've
25 made, but, for the headboats, how are determining back in 2009
26 and 2012, let's say, when they really popped up? Have we been
27 getting good data about the time that they've taken to do a trip
28 for headboats during that time, I mean for charter vessels?

29
30 **MR. RINDONE:** We're going to get to the charter vessels and the
31 differences between the headboats and the charter boats. If I
32 can just get through the headboat information first, I will talk
33 about the charter boats, and is that acceptable?

34
35 **MR. SWINDELL:** I guess what I'm looking at now, as I see this,
36 is this is just a headboat chart.

37
38 **MR. RINDONE:** This is just headboats that we're talking about
39 right now, and we'll get to the charter boats next. Is that
40 okay?

41
42 **MR. SWINDELL:** Yes.

43
44 **MR. RINDONE:** All right. There are trip categories that are
45 used in the Southeast Region Headboat Survey to differentiate
46 between trip duration, and we looked at four trip categories for
47 this particular analysis, and that's the two-day category, and
48 two days counts as any trip from twenty-four hours to thirty-

1 five-hours-fifty-nine minutes in duration, three days, which is
2 thirty-six hours, to just under forty-eight hours, four days,
3 which is forty-eight hours, to just under sixty hours, and five
4 days is sixty hours to just under seventy-two hours.

5
6 The reason why we didn't go anything further than that is the
7 number of vessels and trips making trips that are longer than
8 seventy-two hours falls off dramatically after that, and so this
9 encompasses the majority of the universe of effort that's in the
10 Southeast Region Headboat Survey for what we're examining for
11 this document.

12
13 We're looking now at Figure 1.1.2, and you guys can see the
14 number of trips, which is the blue bar, made by the number of
15 vessels, which is the red bar, for each of the trip types, and
16 this is aggregated for that 2009 to 2018 period, and I didn't
17 show this by state, because of confidentiality reasons, and I
18 thought that this would tell the story, if you will, pretty
19 well.

20
21 You can see that, for the two day, which is twenty-four to
22 thirty-six hours, and the three-day, which is thirty-six to
23 forty-eight hours, that's where the bulk of the effort that's
24 coming out of the Southeast Region Headboat Survey is coming
25 from, in terms of the number of vessels and the number of trips
26 that are being made in those trip categories, and, again, it's
27 important to remember that this is aggregated for a ten-year
28 period, but also telling is that -- The total number of trips
29 that fell within these categories for this ten-year period was
30 2,359, which is approximately 2.6 percent of all headboat trips
31 made throughout the Gulf of Mexico for the same ten-year period,
32 and so there were like 89,626 trips from 2009 to 2018, and so,
33 of those, 2,359 fell within these trip categories. I left that
34 large bar off of there, because the rest of this would be
35 illegible with it. Again, that's just headboats.

36
37 If we move on down to Table 1.1.2, you guys can see the MRIP
38 intercepts for 2014 to 2018 in the Gulf that captured reef fish
39 or CMP species for charter and private vessels, and the
40 important thing to remember with these intercepts is that the
41 survey records hours fished and not the amount of time that has
42 passed between when the vessel left the dock and when it
43 returned to the dock.

44
45 It can be difficult to surmise exactly how long that particular
46 time period is, and we don't have the information to tell us,
47 and so, for instance, for the charter vessels, some of those
48 intercepts that fell within that zero to six hours fished could

1 be trips that were longer than twenty-four hours in duration.
2 We don't have a way to know that.

3
4 Again, trips that fell in the eighteen-to-twenty-four-hour
5 category could be trips that were less than twenty-four hours in
6 duration, total, and so I know we've left the dock before and
7 started fishing a mile away from the dock, and so it just
8 depends on what's going on with a particular trip.

9
10 The same is true of the private vessels. It's just we don't
11 have that particular datapoint to tell us how long it's been
12 since that vessel left the dock, or how long it was between when
13 the vessel left the dock and when it returned. Mr. Swindell,
14 does that answer your question a little bit? Okay.

15
16 The Texas Parks and Wildlife data is a little bit different.
17 They do record trip duration, which is dock to dock, and so
18 Table 1.1.3 shows TPWD intercepts between 2013 and 2017, because
19 2018 data weren't available when we were writing everything up,
20 and the TPWD survey is recording reef fish and CMP species, and
21 they record trip duration to the nearest half-hour, and no
22 charter or private angling trips were recorded with a duration
23 exceeding twelve hours, and so you can see the data there for
24 TPWD in Table 1.1.3, and that's dock to dock.

25
26 I will cover the purpose and need, which is Section 1.2. The
27 purpose of this action is to modify the requirement for the
28 multiday possession limit for persons aboard federal for-hire
29 vessels, and so that's headboats and charter boats, and the need
30 for this action is to promote efficiency in the utilization of
31 reef fish and CMP resources and a potential decrease in
32 regulatory discards by providing the owners and operators of
33 these federally-permitted for-hire vessels with greater
34 flexibility in determining when to allow passengers to retain
35 the possession limit on multiday trips.

36
37 Again, it's important to remember the difference between bag
38 limit and possession limit. Bag limit is referring to a single
39 day's take, and a possession limit is referring to the amount of
40 fish that a person is allowed to have in their possession at a
41 point in time.

42
43 **MS. MARTHA GUYAS:** I feel like part of our conversation about
44 this, and some of the reason why this bubbled up, is because,
45 really, there is a lot of confusion about the regulations. I
46 feel like part of our purpose, even if we don't go so far as to
47 do some of these things, is to clarify what the regulations
48 actually are and make them easy for folks to follow and

1 understand what the rules are, and so I would like to see that
2 included in here somehow.

3
4 **MR. RINDONE:** In the history of management, we talk about it a
5 little bit. We talk about the way that it was originally
6 written in Amendment 1 for like the Reef Fish FMP, and, if you
7 look at the way that it was written, it was in such a way that
8 the bag limit could be possessed on a trip exceeding twenty-four
9 hours in duration, or the possession limit could be possessed
10 basically at any point.

11
12 In 1996, there was a consolidation of eleven of the CFR parts
13 into one, and, in the consolidation process, and sometimes when
14 you take that much information and condense it down, there was a
15 change in the way that everything was summarized in there and
16 written, and so that is where that change from Amendment 1 came
17 from, or at least that's where we think it came from, based on
18 the information that we have.

19
20 That part of what's going on in the document is one component of
21 this. the other component of it is what you guys asked to be
22 considered, which was an evaluation of how long is long enough
23 for a vessel to be away from the dock and still allow them to
24 possess that two daily bag limits.

25
26 **CHAIRMAN DIAZ:** Ms. Levy.

27
28 **MS. MARA LEVY:** Thank you. Well, just to say that the
29 regulations are not unclear, and so, if you want to change the
30 regulatory requirement, or modify them, then that's part of the
31 purpose and need, but the regulations are very clear that the
32 possession limit does not apply until after the first twenty-
33 four hours of the trip, and that applies to more than Gulf reef
34 fish. It applies to South Atlantic snapper grouper, and so
35 that's not something that I think we're going to change or that
36 should be in the purpose and need.

37
38 Again, if you're trying to address a particular problem about
39 the way the regulations are written and want to change them for
40 some reason, then that should be reflected, but they are pretty
41 clear right now, and they have been like that since 1996.

42
43 **CHAIRMAN DIAZ:** Mr. Rindone.

44
45 **MR. RINDONE:** Thank you, sir. You guys can review everything in
46 the history of management about how it was all originally set
47 up, also. If you want to just head to our single action in
48 Chapter 2, that is on page 17, and this is modification of the

1 for-hire multiday trip possession limits for Gulf reef fish and
2 CMP species.

3
4 Action 1 is our current environment, which is that the onboard
5 possession limit for federal for-hire trips exceeding twenty-
6 four hours in duration in the Gulf will be two daily bag limits
7 per angler, or vessel for speckled hind and warsaw grouper,
8 excluding captain and crew, and the second daily bag limit
9 cannot be retained until twenty-four hours have elapsed since
10 the vessel left the dock.

11
12 It's also important to remember that all of the applicable Coast
13 Guard requirements still apply, and so we didn't include all of
14 that additional language in the alternatives.

15
16 Alternative 2 says that the onboard possession limit for federal
17 for-hire trips in the Gulf exceeding a given trip duration,
18 which is outlined in Options 2a through 2c, will be two daily
19 bag limits per angler, or vessel for speckled hind and warsaw
20 grouper, excluding captain and crew, and the second daily bag
21 limit may be retained any time during a trip with a minimum
22 duration of -- Option 2a is greater than twenty-four hours and
23 Option 2b is greater than thirty hours and Option 2c is greater
24 than thirty-six hours.

25
26 A distinction between Alternative 1 and Alternative 2, Option
27 2a, is that, under Alternative 1, which is our status quo, you
28 still would have to be at-sea for more than twenty-four hours to
29 be able to retain that second daily bag limit, and you would not
30 be able to retain it until after twenty-four hours had passed.

31
32 Under Alternative 2, Option 2a, that second daily bag limit
33 could be retained at any point during that trip with a trip
34 duration of greater than twenty-four hours, so long as the
35 vessel doesn't return to the dock sooner than the time that is
36 outlined. Does that make sense? Thoughts?

37
38 **CHAIRMAN DIAZ:** Mr. Sanchez.

39
40 **MR. JOHN SANCHEZ:** Thank you. I'm not on the committee, but
41 thoughts I have is I wanted to, I guess, say that at some point
42 it seems irrelevant that in Amendment 1 -- It seems like they
43 were allowed to do this, which is at question now, and then, in
44 the mid-1990s, there were some changes, procedural, that kind of
45 -- Now here we are.

46
47 We fast-forward this many years to today's date, and it seems
48 like, somewhere in Alternative 2, we can find something that

1 addresses this, and we can fix this and put it to bed, and so I
2 would be in support of Alternative 2 and some option there. I'm
3 a middle-of-the-road person, and so probably 2b would be my
4 preference moving into that in Full Council.

5
6 **CHAIRMAN DIAZ:** Thank you, Mr. Sanchez. Any other comments
7 about Action 1? Mr. Dyskow.

8
9 **MR. PHIL DYSKOW:** Thank you. I also am in favor of Option 2b,
10 but I have a question in addition to that. How enforceable is
11 this? Are the law enforcement people comfortable with this
12 change, that they have a tool that they can utilize to enforce
13 this, because, if I catch a two-day limit within the first
14 twenty-four hours, and I have a -- If I have filed a trip that
15 says that I'm going to be out for two days, how do they make
16 sure that people don't just turn around and go back to the dock?
17 Are they comfortable that they have an enforcement methodology?

18
19 **MR. RINDONE:** I would think that law enforcement probably would
20 be best to answer that.

21
22 **LT. MARK ZANOWICZ:** The way the regulations are currently
23 written is each customer onboard needs to have a paid receipt
24 showing they paid for a trip that exceeds twenty-four hours, and
25 so my understanding of this amendment is we would still keep
26 enforcing it the same way. In fact, in some respects, this
27 would make enforcement easier, because we don't have to check to
28 see if they've been underway for twenty-four hours if they have
29 two daily bag limits onboard.

30
31 **MR. RINDONE:** We can also put this on the agenda for the Law
32 Enforcement Technical Committee in October to discuss.

33
34 **CHAIRMAN DIAZ:** I think that's a good idea, Ryan. Ms. Guyas.

35
36 **MS. GUYAS:** I agree with that, too. One, and this is not
37 necessarily dealing with action, but it might be helpful, when
38 the rule language for this is put together, to actually
39 reference those Coast Guard regulations that they're supposed to
40 be following, like they have to have a sleeping berth and all
41 that, and that's not named or mentioned here, because I think
42 that also is a point of confusion, and that's just some little
43 bit of nuggets of information that I've gotten since this has
44 come out, is that there are people that are running those trips
45 that probably would not qualify under Coast Guard regulations,
46 but that's not clear when they read the federal regulations for
47 fishing.

1 **MR. RINDONE:** For the Coast Guard regulations, there's like a
2 general requirements section that's at the head of the CFRs, and
3 those Coast Guard regulations and the requirements for two
4 captains and sleeping berths, et cetera, are all in that
5 section, and then the CFRs from there on are broken down into
6 fishery management plans, essentially, by region, and so you
7 kind of have to start at the beginning, and then you get that
8 overarching requirement that it doesn't matter what FMP it's
9 for, but you have to have two captains, and you have to sleeping
10 berths, and you have to have all of these other things that are
11 not directly relevant to which species is being retained, but
12 more safety-at-sea.

13
14 That is in there, and I guess clearly stated, and I guess it is,
15 because it's at the beginning, but it's not at the head of every
16 portion, and so I'm just trying to figure out a way to capture
17 what you're asking for.

18
19 **CHAIRMAN DIAZ:** Ms. Levy.

20
21 **MS. LEVY:** I mean, I think, when the agency does the rulemaking,
22 they can look at what to say, but I will say that we have
23 different authorities for different things, meaning that NMFS is
24 not going to get into telling people what their requirements to
25 run a charter or headboat business and what the U.S. Coast Guard
26 requires them to do. NMFS is going to tell them what is
27 required to do for the permit they have, and part of the risk of
28 trying to get into what you're required to do everywhere else is
29 that we're going to miss something.

30
31 We certainly don't want to, in our rulemaking, specify
32 everything that's required under every other law or regulation
33 that these folks have to comply with. They're the business
34 owners, and they have the permit, and they have the business,
35 and it's their duty to know what they need to comply with to run
36 their business.

37
38 **CHAIRMAN DIAZ:** Ms. Guyas.

39
40 **MS. GUYAS:** I was just looking for a simple cross-reference,
41 but, if that's impossible, then I get it, but, if we can make it
42 happen, that would be awesome.

43
44 **CHAIRMAN DIAZ:** Ryan, I've got a question about the document
45 itself, and it's in relation to the timeline, and so I noticed,
46 in the action guide and next steps, it says we may pick
47 preferreds, and so that means we don't have to pick preferreds,
48 and you said we would send this to the Law Enforcement Committee

1 in October, which I think is a good idea. What is the timeline
2 for this document? Have you all talked about that any?

3
4 **MR. RINDONE:** We've talked about it a little bit, and, with
5 having the Law Enforcement Technical Committee weigh-in, I don't
6 think that that slows it down any, but staff workload is
7 dependent on everything, and so Dr. Simmons is probably better
8 for that.

9
10 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. I think
11 it depends on how much of a priority the council sees this
12 document, but I think it's pretty straightforward, and I believe
13 we can try to finalize it by October, but I'll need to work with
14 Dr. Froeschke and Ms. Gerhart on priorities.

15
16 **CHAIRMAN DIAZ:** Thank you. Okay. If we did want to finalize it
17 by October, we would need to pick preferreds no later than
18 October, but we're going to have to get some public comment, and
19 it would be good to let the public know which way we're going.
20 Mr. Anson.

21
22 **MR. KEVIN ANSON:** It would fall under that type of discussion
23 for timeline, but, Ryan, I'm just curious. It's my recollection
24 that the Mississippi/Alabama/Florida participates in the
25 telephone survey for charter boats, and, on that, it has
26 information as to trip duration, and that might be something
27 else -- Again, if we're trying to get this done in October, you
28 probably couldn't do the analysis, but it might have a little
29 bit more specific information relative to the time than the MRIP
30 surveys provide, and that's just something to think about, for
31 the charter boats at least.

32
33 **MR. RINDONE:** Okay. We'll look into that. Our understanding
34 was that, for trip duration, it was in the hours that were
35 fished and not necessarily the dock-to-dock time, and so, if
36 that's different, then we'll investigate that further.

37
38 **CHAIRMAN DIAZ:** Mr. Sanchez.

39
40 **MR. SANCHEZ:** Thank you. Whatever we do, it would be nice to be
41 mindful to try to have it done by June of 2020. That would be
42 ideal.

43
44 **CHAIRMAN DIAZ:** Lieutenant Commander Zanowicz.

45
46 **LT. ZANOWICZ:** Thank you, Mr. Chairman. As I mentioned, right
47 now, I don't see any major enforcement issues with this action,
48 but I do see a potential safety-at-sea issue arising that I

1 wanted to bring to the council's attention before this moves
2 forward.

3
4 With this action, where you set a minimum limit for how long a
5 vessel needs to stay underway, I could foresee that causing some
6 safety-at-sea issues. Just to provide an example that
7 illustrates this, if you have a vessel that gets underway and
8 intends to make a trip greater than say twenty-four hours and
9 catches his two daily bag limits, now, if they pull in before
10 twenty-four hours, they are conceivably committing a violation,
11 but there are definitely circumstances where they might need to
12 pull in before twenty-four hours, for example when there's
13 inclement weather or a medical issue onboard.

14
15 I think that might need to be addressed in this amendment in
16 some fashion, and I don't know what the solution for that is,
17 but I don't think it would be ideal to have a circumstance where
18 you could have a vessel underway where it needs to pull in, but
19 it has a dilemma where it either gets a violation for pulling in
20 or it stays at-sea in an unsafe condition.

21
22 **CHAIRMAN DIAZ:** Go ahead, Ryan.

23
24 **MR. RINDONE:** Thank you, Mr. Chair. We received public comment
25 at the last meeting on this very topic, and the council had
26 asked this very question then as well, and the feedback that we
27 got was a couple of examples. There was an example given where
28 storms had popped up, and it was no longer safe for the vessel
29 to be offshore, and the vessel came in and anchored around the
30 sea buoy and waited the storm out there, until the requisite
31 time had passed, and then they came back into the dock.

32
33 It was talked about as this is something that happens to these
34 vessels every now and again, and their current MO is just to
35 pull into a safe harbor, and not into the dock, but pull into
36 the safe harbor and anchor and wait it out until twenty-four
37 hours has passed and then terminate the trip at that point and
38 pull back up to the dock.

39
40 Then, for health issues, we've talked with a couple of the
41 captains about this, and there have been instances where they
42 have pulled, again, into safe harbor and then had another boat
43 come out, and then they have offloaded the ill person onto a
44 smaller vessel and had that vessel, smaller vessel, go ashore
45 with the person, and the larger vessel that is under requirement
46 to stay offshore for a certain amount of time just has to wait
47 it out, and so they have figured out some ways to make it work.
48 That's just the feedback that we've received.

1
2 **CHAIRMAN DIAZ:** Dr. Frazer.

3
4 **DR. TOM FRAZER:** This question is for the Lieutenant Commander.
5 I mean, I would just assume that safety-at-sea would override
6 any regulation, right, and I would assume that the law
7 enforcement officers have the discretion to do that, and is that
8 true?

9
10 **LT. ZANOWICZ:** No, that's absolutely correct. I guess, from my
11 perspective on this, is I'm not sure if the council would prefer
12 to have it work into the amendment, where there is some waiver
13 process or some way to grant an exception, or if we want to rely
14 on the discretion of the law enforcement officers.

15
16 **CHAIRMAN DIAZ:** Dr. Crabtree.

17
18 **DR. ROY CRABTREE:** I think your choices are assume officer
19 discretion will be involved or leave it the way it is, because
20 that sets it up so that that situation doesn't happen, and that
21 may well be why this is how it was set up back in the 1990s, but
22 I wouldn't want to get into trying to set up a waiver or any
23 kind of process like that.

24
25 **CHAIRMAN DIAZ:** Dr. Frazer.

26
27 **DR. FRAZER:** I just want to circle back as well on one of the
28 points that Mara made earlier on. I mean, the regulation, as
29 it's written now, is very clear, but you mentioned that you have
30 to revise the purpose and need, right? No? Go ahead.

31
32 **MS. LEVY:** I think the purpose and need reflects what you all
33 said at the last meeting. When Martha had suggested revising it
34 in some way to add about clarifying the regulations, my only
35 point was the regulation is pretty clear right now, meaning that
36 people might be misunderstanding it, but it's very clear that
37 this only applies after the first twenty-four hours. It
38 specifically says that.

39
40 **DR. FRAZER:** I just wanted to make sure, from your perspective,
41 that the purpose and need, as it's written now, is sufficient.

42
43 **CHAIRMAN DIAZ:** Ms. Levy.

44
45 **MS. LEVY:** I just wanted to say one more thing about the whole
46 history of this. I mean, it is true that Amendment 1 was kind
47 of silent on this issue, and so Amendment 1 set up the bag
48 limits, generally, for reef fish, and, as part of setting up the

1 bag limits, recognized that some of these trips for these for-
2 hire vessels extend more than twenty-four hours and wanted to
3 allow them, and the people on those trips, to get two daily bag
4 limits when they were out on those trips.

5
6 It didn't specifically say it only applies after the first
7 twenty-four hours, but it also didn't specifically say that you
8 can take it whenever you want on those trips, and so I don't
9 think it was very clear what it meant, and then the regulations,
10 the way they were originally written, said a person subject to
11 the bag limit may not possess, during a single day, regardless
12 of the number of trips or the duration of a trip, any reef fish
13 in excess of the bag limit, except a person who is on a trip
14 that spans more than twenty-four hours may possess no more than
15 two daily bag limits.

16
17 There was a prohibition about possessing at any time more than
18 the bag limit, unless you're on these trips that are over
19 twenty-four hours, and then you can possess two daily bag
20 limits, and so, again, it wasn't expressed, but you could read
21 that as saying that you get two daily bag limits, one each day,
22 and so I think there was some ambiguity back when it was first
23 put in the regulations.

24
25 When that consolidation happened, there is no explanation about
26 why this specific language about this doesn't apply until after
27 the first twenty-four hours came into effect, but it could have
28 been that there was confusion and it was a way to clarify that.
29 I just don't want to make it seem like it was crystal clear that
30 this was not the intent when this first went in place in
31 Amendment 1. It was fairly unclear, I think, at that time.

32
33 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Any other comments? Ms.
34 Bosarge.

35
36 **MS. LEANN BOSARGE:** I'm not sure if this would be for Dr.
37 Crabtree or Dr. Simmons. If we were to take final action in
38 October, would it be implemented by June of the following year,
39 and then the same question for, if we didn't take final action
40 until January, which is our next meeting after our October
41 meeting. Would it be implemented in time for June if we don't
42 take final action until January?

43
44 **CHAIRMAN DIAZ:** Dr. Crabtree.

45
46 **DR. CRABTREE:** Well, I think, if you take final action in
47 October, it certainly should be implemented by June 1. January,
48 probably we can get it in place by June 1. It is a framework

1 action, and so it should be possible, but things are
2 unpredictable these days.

3
4 **CHAIRMAN DIAZ:** Ms. Bosarge.

5
6 **MS. BOSARGE:** So then -- Right. I guess, if we have another
7 shutdown or something, then you may get a backlog in January,
8 and it may be a tight one for you, and I understand, and so
9 then, in that case, I would hope that maybe we could pick some
10 preferreds today, so that we could get some public comment on
11 this, if we're thinking that we may go final on it in October.
12 I would rather pick preferreds and make sure the public is aware
13 of what we're thinking about, so we can get as much feedback as
14 possible before October, in case we go final in October.

15
16 **CHAIRMAN DIAZ:** Okay. Ms. Bosarge.

17
18 **MS. BOSARGE:** Then, if nobody wants to make a motion, I will
19 make a motion. I guess I'm just going to start with a motion to
20 make Alternative 2 the preferred, because I'm not positive where
21 to land on the options just yet, on the Option 2a, 2b, or 2c.
22 We would need to pick a preferred there as well, but I would
23 like to hear more discussion on that. **I would like to make a**
24 **motion, in Action 1, to make Alternative 2 the preferred**
25 **alternative.**

26
27 **CHAIRMAN DIAZ:** Mr. Rindone.

28
29 **MR. RINDONE:** Just procedurally, Mr. Chair. For Alternative 2,
30 an option does have to be selected, because the information in
31 Alternative 2 hinges on which option is selected. Without it,
32 it's not complete.

33
34 **MS. BOSARGE:** Okay, and so you're suggesting that I need to put
35 that in this motion? Okay. **Then, if I had to pick one, I think**
36 **I would go with the Option 2b.** We have had some discussion on
37 it, and I'm still flexible and open to changing that, but, if I
38 need to pick a preferred at this point, that would be my
39 preferred for Option 2b, which is greater than thirty hours.

40
41 **CHAIRMAN DIAZ:** All right. We have a motion by Ms. Bosarge, and
42 it's seconded by Mr. Anson. Any discussion on the motion? Ms.
43 Levy.

44
45 **MS. LEVY:** Not to the substance of it, but just to point out
46 that -- Remember that these possession limits and the way that
47 all of this is worded applies to the South Atlantic as well, and
48 so just consider vessels that may be down in the Keys and the

1 implications of changing the Gulf side without the South
2 Atlantic also changing the South Atlantic side, and I have no
3 idea what the South Atlantic would do with this, but just, as
4 you're moving forward, and we've talked a lot at different
5 council meetings on both sides about consistency down in the
6 Keys, and you may end up having a situation where these
7 possession limits are then vastly inconsistent.

8
9 **CHAIRMAN DIAZ:** Dr. Crabtree.

10
11 **DR. CRABTREE:** Yes, and I would ask that Chester -- If you would
12 flag this as an issue for the South Atlantic Council meeting,
13 when you report back to them, because I think this will create
14 some confusion down in the Keys, and I think it would be
15 worthwhile for the South Atlantic to consider whether they would
16 want to take this issue up, to make it consistent.

17
18 **MR. CHESTER BREWER:** Are you going to be at our next meeting?

19
20 **DR. CRABTREE:** Yes, but I believe you're the liaison, and we
21 want to get some work out of you, since you're getting paid.

22
23 **CHAIRMAN DIAZ:** Thank you, Dr. Crabtree. Ms. Guyas.

24
25 **MS. GUYAS:** I was just going to say that this is definitely
26 happening in the Keys, and so right around the border of the
27 South Atlantic and the Gulf, and so we need to pay attention to
28 this and make sure everybody is on the same page.

29
30 **CHAIRMAN DIAZ:** All right. We have a motion. The motion is, in
31 Action 1, to make Alternative 2, Option 2b, the preferred. Any
32 further discussion on the motion? Mr. Swindell.

33
34 **MR. SWINDELL:** I have no problem at all with the motion of 2b,
35 and I think it's good. It does definitely require then the
36 charter boat to stay out beyond the twenty-four-hour limit.
37 However, I cannot imagine a charter boat, if you're going to
38 stay out for -- If we're going to require two days, just any
39 time greater than twenty-four hours, would make a two-day period
40 very acceptable. They're not going to leave at four o'clock in
41 the morning and wait until four o'clock in the morning the next
42 day just to be out for two days, and so either one. It just
43 forces them to have to make certain that you are at least a two-
44 day minimum limit that you're definitely going to be out.

45
46 I do have a problem with this -- Why we're not making the vessel
47 responsible for what they're doing here, rather than individuals
48 on the number of fish, and I assume the South Atlantic has

1 already addressed this in this proposal. This wording, did that
2 come from the South Atlantic, the way this thing is worded? No?

3
4 Then I don't know why we're not requiring the vessel to come up
5 with the right amount of fish for the number of passengers that
6 he has aboard, rather than do it by angler. It seems to me a
7 lot simpler to get it done by vessel, but I'm not making a
8 recommendation at this time to change the motion any, and so I
9 will stay with it as it is. Thank you.

10
11 **CHAIRMAN DIAZ:** Thank you, Mr. Swindell. I will just note that
12 I did talk to a charter boat fisherman that regularly attends
13 these meetings, and he's actually out on one of these trips
14 right now, and he did tell me that he thought that thirty hours
15 was the proper preferred option. All right. Any further
16 discussion? **Seeing none, is there any opposition to the motion?**
17 **Seeing no opposition, the motion carries.** Mr. Rindone, do you
18 have anything else?

19
20 **MR. RINDONE:** I do not, sir. Thank you. I guess I will just
21 drop a nugget that we are going to talk about this at the Reef
22 Fish AP on October 2, also, which is an in-person meeting in
23 Tampa.

24
25 **CHAIRMAN DIAZ:** Thank you. Dr. Frazer.

26
27 **DR. FRAZER:** We're about fifteen minutes ahead of schedule.
28 Good job, Dale. We'll go ahead and take our break now, and
29 we'll come back at ten o'clock.

30
31 (Whereupon, a brief recess was taken.)

32
33 **CHAIRMAN DIAZ:** Next up on the agenda, we have Agenda Item
34 Number V, which is the Draft Reef Fish Amendment 48/Red Drum 5:
35 Status Determination Criteria, Optimum Yield for Reef Fish and
36 Red Drum. Dr. Froeschke is going to lead us in that discussion,
37 but, first, Dr. Froeschke, will you go over the action guide and
38 next steps and talk a little bit about the timeframe for this
39 amendment? Thank you.

40
41 **DRAFT AMENDMENT REEF FISH 48/RED DRUM 5: STATUS DETERMINATION**
42 **CRITERIA AND OPTIMUM YIELD FOR REEF FISH AND RED DRUM**
43

44 **DR. JOHN FROESCHKE:** Yes, sir. Good morning, everyone. What
45 I'm going to be talking about now is this Reef Fish 48/Red Drum
46 5 Amendment, and we'll just start with the timeline part of
47 this. We have worked on this document off and on for a very
48 long time, and it dates back to 2014, I believe.

1
2 If you don't know, you will soon see that it's a very complex
3 document with a lot of options and alternatives and things, and
4 it's hard to understand, and so what we're trying to do now is -
5 - We've been on pause for this, and we sort of hoped that going
6 through the gray snapper document that has some similar status
7 determination criteria actions and alternatives would help us
8 kind of figure out some directions.
9

10 Steven Atran, as you all know, was the staff lead on this. Upon
11 his retirement, it was gifted to me, and so I've kind of taken
12 this up, and I have worked closely with our NMFS counterparts in
13 order to condense and simplify this document, to the extent that
14 we could, and so what we have today is a revised set of actions
15 and alternatives.
16

17 In terms of the action guide, if you will, what we're hoping to
18 get your feedback on is the structure of the document and the
19 range of alternatives within each action. Hopefully, going
20 forward, we could, over this meeting and by the end of the next
21 meeting, have a set of actions and alternatives that we're
22 comfortable with, such that we could develop the document into a
23 public hearing draft by January and hopefully take final action
24 sometime in 2020, after that.
25

26 **CHAIRMAN DIAZ:** Any questions about where we're going with this
27 document? All right, Dr. Froeschke. If you would like, why
28 don't you start with the next agenda item?
29

30 **DR. FROESCHKE:** Okay, and so the way we have done this is --
31 Just a little bit of background. We did take this draft
32 document to the SSC at their most recent meeting, and they spent
33 a long time discussing this, as well as some scientific
34 information about MSY and things, and so, essentially, the whole
35 first day of the SSC meeting was relevant to this amendment.
36

37 What we've done is we have essentially three things that I hope
38 to go back and forth between. We have the document, which is on
39 the screen now, and we also prepared a summary PowerPoint
40 presentation that I plan to go through as the bulk of this
41 information, and we can refer to the document as we need.
42

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

1 in that.

2
3 This is the document. If you're okay, we can move to the
4 PowerPoint presentation now, which is Tab E, Number 5(a), and so
5 what I was hoping to do with this is -- This does have some
6 information from a presentation we gave to you last October
7 about the status determination criteria in general, and so I was
8 going to kind of go through this and orient you to the
9 background information for the pertinent action, and then we can
10 go over the alternatives and take the SSC input and move forward
11 in that way.

12
13 The status determination criteria, what are they? These,
14 essentially, are specific criterion that establish overfished
15 and overfishing status for each stock that we manage, and the
16 FMPs are required to define overfishing and overfished status
17 for each stock, and the councils are instructed to use
18 measurable and objective criteria to do this.

19
20 The MSY is the first one that we do in the document, and the
21 maximum sustainable yield is the long-term average catch or
22 yield that can be taken from a stock or a stock complex. You
23 can think of a stock as something like the Gulf red snapper
24 stock that we manage as a unique entity in the complex, and it's
25 a single species. A stock complex is something that may be a
26 group of similar species, either similar in terms of the way
27 that the fishery is prosecuted and life history and the biology
28 of the stock, and so we can get a little bit into that, but both
29 of those are addressed in here.

30
31 In terms of the maximum, this is sort of long fisheries dogma
32 that maximum is sort of hard to define, and it may not work well
33 from a management perspective in the long term, but it is useful
34 in terms of a limit, perhaps, and, certainly in the Gulf, the
35 maximum is difficult to pin down, because of the way that our
36 fisheries are prosecuted and the amount of information we know
37 about the biology of the stocks.

38
39 Most of the time, in practice, for the species that we conduct
40 stock assessments on, we use an MSY proxy, and the reason that
41 we do that is, in order to estimate an MSY, you need to know
42 things about the stock-recruitment relationship, which we
43 usually don't have that information, based on the data that we
44 have.

45
46 Most of the time, the proxies that we have are based on the
47 spawning potential ratio, and you've seen this before, but,
48 essentially, a spawning potential ratio assumes a certain number

1 of fish survive and spawn, and we try to get SPRs that are what
2 we feel are sustainable, and the spawning potential ratio ranges
3 from one to zero, and so one assumes that the eggs have a --
4 Essentially, that you have an unfished population.

5
6 Then, when the MSY cannot be estimated, we try to use a spawner-
7 recruit curve, but, essentially, this boils down to you have a
8 ratio of the egg production of the spawning stock that actually
9 exists in the water divided by the production of the stock if
10 there was no fishing, and so, typically, this value ranges, in
11 practice, between 20 and 50 percent, meaning, the lower the
12 number, the more productive we think the stock is, if something
13 is very productive and can support adequate recruitment at a low
14 stock size, whereas something that has a longer life span and
15 limited growth capacity is likely to have a higher SPR value
16 associated with it, and so something like goliath grouper we
17 think might require a higher SPR value. Something that is short
18 lived and fast growing, perhaps a lower SPR value is
19 appropriate. In general, 30 percent is a commonly-used value in
20 the Gulf.

21
22 Since you have seen this document in the past, we have included
23 some information that the South Atlantic Council -- There is
24 some stocks, black grouper and mutton snapper and yellowtail and
25 goliath, that are included in the document. They are jointly-
26 managed stocks, and so we've tried to include this information
27 in here, such that we, ultimately, can establish SDC that is
28 compatible in both regions.

29
30 We have removed tilefish as a potential indicator species, and
31 we had this in Action -- It's what you will see as Action 1.2
32 now, and, at one point, it was considered, but the assessment
33 was not approved for the species, and so we have removed that.
34 The alternatives now address criteria definitions for both
35 stocks and stock complexes in Action 1.2 and in Action 4 with
36 the OY, and so you'll see that.

37
38 This is where we kind of pivot back to the document. Action 1.1
39 addresses MSY proxies for four assessed stocks, and these are --
40 Essentially, these are stocks that we've had accepted stock
41 assessments for in the past. The stock assessments were based
42 on the yield at F 30 percent SPR. However, the MSY proxy was
43 not -- There was nothing written down as an accepted MSY proxy
44 for this, and so, essentially, what we would do here is we would
45 -- Alternative 1 would do no action.

46
47 Alternative 2 would specifically define the MSY proxy at the
48 yield at 30 percent SPR, and then Alternative 3 would also use

1 this yield at 30 percent SPR, but it would add the extra
2 language of, for future assessments of these species, the MSY
3 proxy equals the yield produced by FMSY or F proxy recommended
4 by the council's SSC and subject to approval by the council
5 through a plan amendment.

6
7 Essentially, this would allow the council to update their MSY
8 proxy based on new information from a stock assessment, if we
9 ever got it, through a streamlined process. It would not yield
10 your ability to do this to the SSC or any other body, and so the
11 council would retain the ability to determine the MSY proxy, and
12 it would just make it a little bit easier, and this would apply
13 for the black grouper, yellowedge, mutton snapper, and
14 yellowtail snapper, that we do have approved stock assessments,
15 and so, at this point, I want to stop and then give it to Dr.
16 Barbieri, so he can provide the SSC's input on this action.

17
18 **CHAIRMAN DIAZ:** Thank you, John. While Dr. Barbieri is coming
19 up, I'm going to try to help keep us focused here. As he is
20 discussing this, and as John discussed it, trying to go back to
21 what we talked about in the action guide and next steps and see
22 if this action -- If the structure of this action is appropriate
23 and if the range of alternatives is sufficient. Dr. Barbieri.

24
25 **DR. LUIZ BARBIERI:** Thank you, Mr. Chairman. If we could
26 actually switch to the other presentation, the other PowerPoint,
27 just so you have that in writing in front of you, but John just
28 reviewed all the alternatives in Action 1, Sub-Action 1.1, and
29 this is really for -- Let's go to the next slide.

30
31 There is a little review of what John just talked about. Action
32 1 is really identifying MSY proxies and defining them, and Sub-
33 Action 1.1 is addressing MSY proxies for assessed stocks. In
34 this case, you establish the MSY proxy for those species that
35 are listed up there for which there has been a stock assessment
36 that determines what MSY proxies were, but those recommendations
37 from the SSC have not yet been incorporated into FMPs.

38
39 Looking at those alternatives that John presented, the SSC
40 decided to go with Alternative 3, to set the MSY proxy as the
41 yield at F 30 percent SPR, but, as John pointed out, there was
42 an option there in Alternative 3 to give the SSC a little more
43 flexibility to make recommendations for reef fishes, for red
44 drum, and for any other species managed by the council, to
45 recommend -- The SSC could recommend an MSY proxy based on the
46 results of the most recent assessment for the stock in question,
47 and that would still be subject to your review for final
48 consideration.

1
2 **CHAIRMAN DIAZ:** Any questions for Dr. Barbieri? Dr. Froeschke.

3
4 **DR. FROESCHKE:** Just one point here. For black grouper, mutton
5 snapper, and yellowtail, again, these are jointly-managed stocks
6 with the South Atlantic, and they do have the MSY proxy for
7 their region at F 30 percent SPR for those stocks.

8
9 **CHAIRMAN DIAZ:** Ms. Levy.

10
11 **MS. LEVY:** Two things. I think jointly-managed is a little bit
12 imprecise, meaning they have joint assessments, and so they're
13 not jointly managed, meaning you have your own management of the
14 stocks, but they are jointly assessed, and so to have different
15 MSY proxies would be odd, and probably not supportable, and then
16 the other thing was, with respect to the SSC's recommendation,
17 it was to change that alternative to be less specific to changes
18 for -- Because, right now, it reads that, for future assessments
19 of black grouper, yellowedge grouper, mutton snapper, and
20 yellowtail snapper, the MSY proxy would equal what's
21 recommended, if approved by the council, but the SSC's
22 recommendation was to make that more generic, right?

23
24 **DR. BARBIERI:** That's correct, yes. So we conceptually agree
25 with what was described in Alternative 3, but expand it a little
26 more, make it a bit more generic, to include other reef fish
27 species as well as red drum, as assessments come online.

28
29 **CHAIRMAN DIAZ:** Dr. Crabtree.

30
31 **DR. CRABTREE:** John, the list of species here, black grouper,
32 yellowedge, mutton, and yellowtail, is that because they are
33 indicator species in the group, or why are those singled out?

34
35 **DR. FROESCHKE:** These are the stocks that have accepted stock
36 assessments already, and so, in the past, the SSC has made a
37 recommendation for harvest levels based on the F 30 percent SPR
38 for these stocks.

39
40 **DR. CRABTREE:** My understanding though, with black grouper, is
41 we have now decided we can't assess black grouper, and so I
42 don't think we have a stock assessment for black grouper at this
43 point. Well, we do, but, if we decide we can't do a stock
44 assessment, that sort of applies to the previous assessment, and
45 so I would say we don't have a stock assessment, aside from the
46 fact that it's old.

47
48 Where I'm coming at is, in the shallow-water grouper complex,

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

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

19
20 **MS. LEVY:** Well, I mean, we haven't gotten to that action yet,
21 but, for the complexes, you could choose, if you have doubts
22 about the black grouper assessment, you could just choose the
23 proxy for the complex at this point, and, when the scamp
24 assessment comes, evaluate it and decide whether you're going to
25 then have an indicator for that complex, and so we don't have to
26 have an indicator. We can just have an MSY proxy for the
27 complex if you feel like a potential indicator isn't
28 appropriate.

29
30 **CHAIRMAN DIAZ:** Dr. Froeschke.

31
32 **DR. FROESCHKE:** We did talk about black grouper at the SSC
33 meeting, and just a bit of background, and so there was a
34 subsequent assessment of black grouper after this 2011
35 assessment, I believe, but it was not an accepted assessment.
36 There are problems in the catch history in distinguishing
37 between gag and black grouper in the landings history.

38
39 Black grouper are a small proportion of the landings, and so
40 having gag mixed in with the landing history is more problematic
41 than having a few black grouper mixed in with the gag landings,
42 in terms of assessing gag, and so those issues have not been
43 resolved, but, based on the stock status for black grouper, it's
44 my understanding that it is currently determined based on this
45 original assessment that was not overfished or undergoing
46 overfishing. The SSC did discuss, well, should this stock
47 status be unknown, rather than overfished or overfishing and
48 things, but I don't believe that has been resolved, to my

1 knowledge.

2
3 **DR. BARBIERI:** If I may, I think Ms. Levy can weigh-in on the
4 unknown stock status versus stock status that is based on the
5 last black grouper assessment, and you clarified it for us at
6 the SSC meeting, that the stock status that exists, even though
7 this latest stock assessment had to be aborted -- It started,
8 but, during the data workshop, there were issues with the data
9 that were identified that caused the assessment to be
10 interrupted, but there is a stock status that is still from the
11 previous assessment.

12
13 **CHAIRMAN DIAZ:** Go ahead, Ms. Levy.

14
15 **MS. LEVY:** The stock status that is on the report to Congress
16 isn't going to change until the agency changes it, and so,
17 regardless of what happened with an ongoing assessment, at some
18 point, NMFS needs to make a determination about whether the
19 stock status is still known, based on the last assessment, or
20 it's now unknown, but, until that has happened, it's whatever is
21 on the report to Congress.

22
23 **CHAIRMAN DIAZ:** Ms. Bosarge.

24
25 **MS. BOSARGE:** I was just going to weigh-in on the SSC's
26 recommendation that there is a process to update these proxies
27 going forward, when we get new stock assessments, and that that
28 be done for any stock, and it just seemed -- I was just
29 wondering, and I wanted to ask, I guess Dr. Froeschke, and I
30 know we have that option also in a different amendment for the
31 gray snapper, and we added it in, and so we're putting that
32 option in for every single species, every time we go through,
33 and is there a cleaner, more efficient way to just add an action
34 item in this document that essentially says, for any of our
35 stocks that we have these proxies set for, as we get new
36 assessments, if the SSC recommends an alternative proxy, and the
37 council approves it, then it would be implemented through a plan
38 amendment? It just seems like it would be more streamlined,
39 rather than doing it one-by-one in all these different
40 documents.

41
42 **CHAIRMAN DIAZ:** Dr. Froeschke.

43
44 **DR. FROESCHKE:** It seems to me, if we adopted the language the
45 SSC has recommended, it would accomplish that, because it says
46 it would apply for reef fish stocks and red drum, and so it
47 would seem that it would take care of that.

1 **CHAIRMAN DIAZ:** Ms. Bosarge.
2
3 **MS. BOSARGE:** Do you need a motion from us to do that?
4
5 **DR. FROESCHKE:** Motions are helpful for us.
6
7 **MS. BOSARGE:** Well, if you need a motion, you're going to have
8 to help me with the motion, and so if you could help me craft a
9 motion, and, if you want to work on that, I will offer it up in
10 a minute, for efficiency.
11
12 **DR. FROESCHKE:** Essentially, it could be to accept the revised
13 language from the SSC for Alternative 3 in Action 1.
14
15 **MS. BOSARGE:** Such a man. Straight to the point. I like it.
16 All right. That would be my motion then. Thank you for the
17 help.
18
19 **CHAIRMAN DIAZ:** We have a motion. Is there a second to the
20 motion? It's seconded by Ms. Guyas. Any discussion on the
21 motion? Seeing none, is there any opposition to the motion?
22 The motion carries. Dr. Froeschke.
23
24 **DR. FROESCHKE:** Just to swing full circle on this, the question
25 about why is black grouper in this action, it's in there because
26 we do have an accepted stock assessment, and we have not changed
27 the stock status, or NMFS has not changed the stock status, and
28 so it is currently in there. Do you want us to keep it in
29 there?
30
31 **CHAIRMAN DIAZ:** Can we go back to the motion for just a minute?
32 Just to clean the motion up a little bit, it's going to be in
33 Action 1, Sub-Action 1.1. Thank you. Ms. Levy.
34
35 **MS. LEVY:** Just to the black grouper question, I mean, you don't
36 have to keep it there, but the fact that there was a prior
37 assessment and it did use this proxy of 30 percent, I mean, it
38 at least gives you some basis to say that that's what the MSY
39 proxy is right now. If it changes with a new assessment, then
40 you've got the language in Alternative 3 that would allow you to
41 update that, but, without any other information, it seems like
42 it's reasonable to rely on what was used, at least, in the prior
43 assessment for the MSY proxy at this point.
44
45 **CHAIRMAN DIAZ:** Dr. Crabtree.
46
47 **DR. CRABTREE:** The only thing that's confusing to me is then we
48 get to the -- One of these options, and is it the next one,

1 where it says we have an option to use black grouper as the
2 indicator species. Well, we say we have an assessment for it in
3 the previous option, but the fact is we don't have an assessment
4 for black grouper.

5
6 I mean, we've decided that we couldn't assess it, and so I don't
7 think we do, but we're going to get a scamp assessment, and so,
8 if we were to come in here and -- Do we have to indicate what
9 species is going to be the indicator species? If we do,
10 wouldn't it make more sense to indicate scamp, rather than black
11 grouper?

12
13 **CHAIRMAN DIAZ:** Dr. Simmons.

14
15 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. I was
16 just looking at the stock assessment schedule, and it looks like
17 the council may not get management advice on scamp, and this is
18 a joint assessment with both the Gulf and South Atlantic, it
19 looks like until the middle of 2022, and so I think, when we
20 were revising this document, we were looking at that and
21 thinking that there was an assessment for black grouper, and it
22 was approved, and we tried to do another assessment, and that
23 was aborted, but we still understood that that assessment that
24 was done, even though it is old, is still an accepted assessment
25 for black grouper, and that is what the South Atlantic Council
26 has, I believe, put in their document as the MSY proxy.

27
28 **CHAIRMAN DIAZ:** All right, Dr. Froeschke. I think we -- Any
29 other discussion on this action item? Let's proceed to the next
30 action item.

31
32 **DR. FROESCHKE:** Okay. Just to summarize what we've done here
33 for the next time you see this document, presumably in October,
34 we will revise the language in Alternative 3 for this, and,
35 again, today, we're not asking you to select preferred
36 alternatives or anything. We're just trying to get you to think
37 about the range of alternatives within each action, and so, for
38 this one alone, as of right now, that's what we're planning to
39 do.

40
41 Sub-Action 1.2 deals with MSY proxies for stocks and stock
42 complexes, which we'll talk about in just a moment, that we do
43 not have stock assessments for, and so, most of these, we would
44 consider our data-poor stocks that we dealt with in the Generic
45 ACL/AM Amendment in 2011.

46
47 Let's talk a little bit about the stock complexes. I am just
48 going to scroll down and skip ahead here for just a minute, if I

1 can. Again, this is MSY proxies for stocks and stock complexes,
2 and there are kind of three groups of this, if you will, and so
3 Alternative 1 would be not do anything.

4
5 Alternatives 2 and 3 address these stock complexes, and these,
6 essentially, are groups comprised of data-poor species, but also
7 a species, one species, that we would call a potential indicator
8 that is an assessed stock. For the shallow-water grouper
9 complex, we have in the document to use black grouper as an
10 indicator species, and then, for the deepwater grouper complex,
11 we would use yellowedge, which also has an accepted stock
12 assessment.

13
14 For these alternatives, both of these include MSY proxies of
15 either 20 percent, 30 percent, or 40 percent SPR. As we recall,
16 the indicators are either using -- If we use black grouper or
17 yellowedge, they have a 30 percent SPR, and so there's an option
18 that you will see to use the indicator species, and so, if that
19 were to change, you would just change the stock complex MSY
20 proxy based on that or just to set the proxy as 30 percent and
21 leave it alone, and so, if you change something with black
22 grouper or yellowedge, it wouldn't necessarily change this
23 complex, unless you elected to do that.

24
25 Let's go back, and so these stock complexes, and there are
26 several of them. There are five, and I think there are five
27 complexes that we'll go through, two with indicators, and then
28 the other ones don't have an indicator or complex. These were
29 developed during the generic -- When we developed the Generic
30 2011 ACL/AM Amendment.

31
32 There was an action in there, and it was based on an analysis by
33 Dr. Farmer at the Southeast Regional Office and some colleagues,
34 and they took -- For these species that essentially we don't
35 know much about, they took landings data and life history data,
36 depth and area fished and all this kind of information, and
37 essentially tried to group these stocks based on similar
38 characteristics into these complexes, and so that's what was
39 done then.

40
41 We have retained those complexes for this document, and so, if
42 we chose to do it like this, the MSY proxy could be established
43 on a complex-by-complex basis for these stocks, and then we have
44 some other ones that are individual, but that's sort of to get
45 you started on this.

46
47 Again, for Alternatives 2 and 3, these complexes would use these
48 indicators, and then there are three other complexes for

1 tilefish, jacks, and midwater snapper that do not have an
2 indicator, but they have the same three options of the MSY proxy
3 at 20 percent, 30 percent, or 40 percent SPR. I will stop
4 there, and do you want to go over your section of this?

5
6 **CHAIRMAN DIAZ:** Dr. Barbieri.

7
8 **DR. BARBIERI:** Yes. Thank you, Dr. Froeschke. If we can go
9 then over to the other slide. This would be Slide Number 3 in
10 the presentation. To clarify, on the issue of stock complexes,
11 as Dr. Froeschke just explained to you and showed all the
12 criteria that was taken into account and all the analysis that
13 was done, actually development of the stock complexes is a very,
14 very complicated, convoluted process that took quite a bit of
15 analysis and evaluation, several years actually for the SSC
16 looking into this, and so this is something that we did not want
17 to mix, really, with the stock status determination criteria and
18 the MSY proxies.

19
20 We basically did not weigh-in on the composition of the stock
21 complexes. We left that issue to be revisited later, if you so
22 desire, and so we are really just making recommendations based
23 on the existing stock complexes as they are structured right
24 now, including the indicator species, and making recommendations
25 on the MSY proxies, with the understanding that, if you wanted
26 us to go further, we would go there.

27
28 For Alternatives 2 through 8, and this represents those groups
29 of species there of shallow-water groupers, deepwater groupers,
30 tilefish, jacks, mid-water snappers, cubera snapper, and lane
31 snapper, the SSC just recommended an FMSY proxy of 30 percent
32 SPR. Basically, this would be sort of like a default value
33 that, as new assessments come up and new information comes up,
34 based on that previous motion that you just approved, we will
35 have the opportunity to revisit what the data inputs and the
36 outcomes of that analysis was producing to advise you
37 differently. Otherwise, we are recommending 30 percent for
38 those groups of species in Alternatives 2 through 8.

39
40 Then, for Alternative 9, for goliath grouper, we are going with
41 a higher a proxy, given the well-identified vulnerability of
42 that species to fishing and the fact that it's more
43 susceptibility to fishing the species, and so we can raise the
44 bar on the MSY for that species from 30 to 40 percent.

45
46 We did have some discussion about black grouper as an indicator
47 or not, and, I mean, this discussion did come up during the
48 meeting, but we just felt that we didn't have enough information

1 in front of us, enough time, to actually dig into that and break
2 those groupings, the stock complexes, and restructure them now,
3 and so we are making this more general recommendation of the
4 idea that we can come back from that.

5
6 **CHAIRMAN DIAZ:** Dr. Crabtree.

7
8 **DR. CRABTREE:** Basically, the 30 percent is kind of a default
9 recommendation that the SSC believes has a general
10 applicability, although there may be specific cases where some
11 alternative is warranted, and that would be the case whether
12 it's for a complex or for an individual species, and is there
13 any particular reason why we would want to deal with assessed
14 stocks differently than unassessed stocks, in terms of the
15 proxy? In most cases, even with the assessed stocks, we're not
16 really able to estimate MSY, and so we're kind of falling back
17 on a general proxy anyway, right?

18
19 **DR. BARBIERI:** Right, and this might be more a question to Dr.
20 Froeschke. I mean, the structure of the amendment is really
21 independent of how the SSC discussed this issue. We basically
22 made recommendations according to the existing structure of the
23 amendment, which had sorted out those things already that way.

24
25 **DR. CRABTREE:** Would it make sense, generally -- I don't think
26 any of us want to revisit the composition of these complexes,
27 but, if you have a complex with four species in it, and would it
28 make sense, rather than naming a particular species as the
29 indicator species, to say that, whichever of those four species
30 in the complex has the most recent stock assessment, that would
31 then be the indicator species, or the best indication of the
32 status of that complex?

33
34 **DR. BARBIERI:** That makes sense to me, because, obviously, the
35 idea of having an indicator species is to have a species where
36 you have more data, but you have an actual assessment, so you
37 can actually base the management of the other species on that
38 species, and so that makes sense. There might be some
39 particular stocks for which that might be complicated, given the
40 quality of the assessment and the amount of data and likewise,
41 but, other than that, I think that your recommendation and
42 suggestion is valid.

43
44 **DR. CRABTREE:** Where I'm kind of thinking, John and folks, about
45 this it seems to me that this is more complicated than it
46 really needs to be. It seems to me that what we're doing is
47 we're setting a kind of default proxy of 30 percent that we're
48 going to apply to most all of these, with, at least at this

1 point, goliath grouper being an exception, and then we have a
2 couple of other species that are exceptions.

3
4 Red snapper, which is the most studied species, by far, that we
5 have, and there it's 26 percent, and I guess gray snapper we're
6 going towards modeling that after red snapper, but, by and
7 large, the SSC is recommending 30 percent as kind of a rule-of-
8 thumb or a general applicability, rather than 40 percent.

9
10 It does seem to me that the potential is there to combine this
11 action with the previous action and simplify the number of
12 alternatives in it, and then it does seem to me that there is
13 some merit in, rather than naming specific species as
14 indicators, as just applying our -- Whichever species we have
15 the most recent analysis, whether it's an assessment or some
16 other type of analysis from the Center, that gives us an
17 indication of stock status, and that then is the one we'll use
18 to give us the best guidance on the status of that complex, and
19 so that's just a thought. There may be reasons why
20 restructuring it like that is a bad idea, but it does seem to me
21 that there's more alternatives here than we really need.

22
23 **CHAIRMAN DIAZ:** Okay. I've got three people on the list. First
24 is Mr. Sanchez and then Dr. Froeschke and Ms. Levy.

25
26 **MR. SANCHEZ:** Thank you. Just a question for Luiz. Luiz, would
27 you be more comfortable if we get you a chair and you can sit up
28 here in the corner?

29
30 **DR. BARBIERI:** I probably would, but not that I should, because
31 I'm using this as kind of like a standing desk kind of thing and
32 forcing myself to stand up, but thank you for the thought.

33
34 **CHAIRMAN DIAZ:** Dr. Froeschke.

35
36 **DR. FROESCHKE:** We could reorganize the document, and the way I
37 would see it is 1.1 and 1.2 would be collapsed, with the
38 exception perhaps of you would treat goliath grouper as a
39 different sub-action and then retain red drum, which we'll get
40 to, as a different sub-action.

41
42 Then, for the revised -- You would just have the 20, 30, 40 SPRs
43 as options, and you could do it like that and just note that it
44 would encompass the stocks and stock complexes essentially that
45 are in this document that have not been defined elsewhere in
46 another document.

47
48 My only thought on using the complexes and having the most

1 recent one would be in a situation where you had multiple
2 assessed species in a complex that had different stock status,
3 and so, for example, we used red grouper as an assessment for
4 shallow-water grouper or something, and it was say overfished,
5 and then you got an assessment on black grouper, and it was
6 fine, and so, every time, that perhaps could have cascading
7 effects to this that would be complicated.

8
9 **CHAIRMAN DIAZ:** All right. Ms. Levy and then Dr. Barbieri.

10
11 **MS. LEVY:** The only thing is with the indicator stocks is I feel
12 like you need to identify the appropriate indicator. If you
13 don't want an indicator, then don't use an indicator, but,
14 without identifying the appropriate indicator and just saying
15 it's the most recently-assessed stock, I don't know, and that
16 would still leave then black grouper as an indicator for
17 shallow-water groupers, until you got another assessment, but,
18 if you really think that's not an appropriate indicator, then
19 don't have an indicator.

20
21 **CHAIRMAN DIAZ:** Dr. Barbieri.

22
23 **DR. BARBIERI:** Thank you, Mr. Chairman. To the point that John
24 just made about potential issues with being the latest species
25 to be assessed, or any species in that general group, like
26 snappers or groupers that would serve as an indicator, there are
27 some constraints about assigning an indicator species, and this
28 is in the analysis that Dr. Farmer conducted a few years back,
29 working with other staff from the Science Center and SERO that,
30 for some of the more heavily-exploited species, like red grouper
31 and gag and some of these other species, it becomes difficult to
32 use them as indicator species, because of the magnitude of their
33 landings and the exploitation for those stocks is really at a
34 different level than it is for this one. I don't remember all
35 the details right now, but this is something that we will have
36 to look at and get back to you.

37
38 **CHAIRMAN DIAZ:** Dr. Frazer.

39
40 **DR. FRAZER:** I think, listening to what Roy had to say, and also
41 what Mara had to say, in an effort, perhaps, to kind of
42 generalize this moving forward, I think you could simply reword
43 that Option a to say something, for example, in Alternative 2 to
44 use black grouper or other appropriate indicator species that is
45 identified by the SSC. Then, when you get to the Option c,
46 which has to go with the 30 percent SPR, I don't think you need
47 a qualifier. You just say do not use an indicator species, and
48 I think that would serve its purpose.

1
2 **CHAIRMAN DIAZ:** Mr. Swindell.

3
4 **MR. SWINDELL:** One of the problems that I am always having with
5 the SSC is that what I want to hear from you is the best
6 scientific information available, and I don't want you to make
7 judgments as to whether it's best or what. That's for us to do,
8 but I want to know exactly -- I have no scientific way of
9 analyzing this stuff, except from the SSC, and so please provide
10 that as best you can. Thank you.

11
12 **CHAIRMAN DIAZ:** All right. Dr. Froeschke, are you clear on
13 where we're going right now?

14
15 **DR. FROESCHKE:** I think so. Let's put up the document and just
16 the Action 1.2. I would like to show everyone the complexes,
17 the stocks in those, and then we can go down to the individual
18 stocks, just so it's clear what stocks are being addressed.

19
20 Alternative 2, again, this would be the shallow-water grouper
21 complex, the black grouper, scamp, yellowmouth grouper.
22 Alternative 3 is the deepwater grouper, and this is the other
23 one that we do have a potential indicator species, and so
24 yellowedge, warsaw, snowy grouper, and speckled hind.

25
26 Then Alternatives 4, 5, and 6 are the other complexes that we
27 haven't talked about yet, but this is the tilefish complex and
28 the jacks complex, which are some of these stocks we're talking
29 about more now, based on changes in the fishery, and then the
30 mid-water snapper complex, and so these are all five complexes
31 that we're talking about.

32
33 Alternatives 7, 8, and 9, these are individual stocks that were
34 not included in a complex, but, again, we don't have an MSY
35 proxy for them, and so cubera snapper, lane snapper, and then
36 goliath grouper, which is a single stock in the South Atlantic,
37 and they are managed separately, but it's a single stock, and I
38 misspoke earlier about that, but it is a single stock, and,
39 again, it doesn't make sense that you would define different
40 portions of the stock differently, in terms of their MSY proxy.

41
42 Then, as we have discussed, the life history of goliath grouper
43 likely would make it appropriate for a different SPR, perhaps
44 more conservative than some of the other stocks, and so that's
45 sort of the scope of this action, just so everyone is sort of
46 clear. If we're good on that, we could move to Action 1.3.

47
48 **CHAIRMAN DIAZ:** One more comment from Ms. Bosarge.

1
2 **MS. BOSARGE:** Okay, and so you asked us to give feedback on the
3 range of alternatives, and I was a little confused. We've been
4 talking about the black grouper, which is Alternative 2, and
5 black grouper is in Alternative 2, and whether to use it as an
6 indicator species.

7
8 In the SSC report, it says that the SSC was hesitant to use
9 black grouper as an indicator species for shallow-water grouper,
10 since recent examination of the landings data indicate that the
11 previous assessment may have some accuracy issues.

12
13 Should we go ahead and remove that Option a in Alternative 2, to
14 streamline the document? I have heard some discussion around
15 the table about not wanting to use black grouper as the
16 indicator species, and the SSC gave some indication of that as
17 well, and I'm just thinking about analysis. This is a long
18 document as it is, and so, if that's not the route we want to
19 go, do we want to remove that Option a?

20
21 **CHAIRMAN DIAZ:** Mr. Anson.

22
23 **MR. ANSON:** Well, we may. To answer your question, Leann, we
24 may want to remove it, but I was more curious, before we went on
25 further in the document, to hear a summary from Dr. Froeschke as
26 to what he proposes, based on the conversation, to come back
27 with, because I have kind of heard some competing things here,
28 and it doesn't quite line up to a kind of concise motion, in my
29 mind, and so, if Dr. Froeschke could do that, I could probably
30 answer your question.

31
32 **CHAIRMAN DIAZ:** Go ahead, Dr. Froeschke.

33
34 **DR. FROESCHKE:** I don't propose to have it all worked out in my
35 head here, but, essentially, we have talked about leaving it the
36 same with some wordsmithing on one part of this or collapsing
37 Sub-Actions 1.1 and 1.2 into a single sub-action, and I guess I
38 was kind of thinking about this.

39
40 What maybe we could do is collapse all of that down and just
41 have something in them, a tag, some text about goliath grouper,
42 if we wanted to treat that one differently. We could do that.

43
44 When I inherited this document, one thing that was difficult for
45 me was just to figure out the scope of stocks that we were
46 actually dealing with, and so that was sort of the challenge
47 about collapsing it into it, is it was no longer clear which
48 stocks you were actually addressing without really digging, and

1 you will see this when we get to the OY action, that the stocks
2 are not identical to this, just because of the long and storied
3 history of how we've done SDC in the Gulf, and so it doesn't
4 matter to me.

5
6 **CHAIRMAN DIAZ:** Mr. Anson.

7
8 **MR. ANSON:** Just to expand on that a little bit, I mean, in my
9 mind, based on what I'm hearing from Dr. Barbieri, is that I
10 think part of the confusion is that we have these stock
11 complexes, and then there are unassessed and assessed stocks
12 within a stock complex, and then we have unassessed stocks that
13 are just out there, unassessed species, and so we can still have
14 a stock complex, but, since we're getting scientific advice or
15 recommendation that the SPR generally should be 30 percent among
16 all species, except when they are assessed they might change, is
17 to just keep it as a stock complex -- Here's the stock complexes
18 and here's our unassessed species that we're going to be -- If
19 you want to identify them as individual species, but, generally,
20 they're going to be 30 percent until they are otherwise
21 assessed, and they might still be 30 percent or otherwise, and,
22 if they're assessed, then they just kind of get removed from
23 this particular action, or this particular document, and then
24 just leave it at that, and then, whenever there is new
25 information, based on an assessment, that species will have its
26 own SPR proxy, and just do it that way.

27
28 **CHAIRMAN DIAZ:** Dr. Froeschke.

29
30 **DR. FROESCHKE:** Based on that, could you do something that
31 essentially says, unless otherwise stated or defined somewhere
32 else, all stocks and stock complexes are -- The alternatives
33 could be SPR 20, 30, and 40, and then you could then just deal
34 with that, and that would address all of these except for
35 goliath grouper, and then you would have to put something else
36 in there, perhaps an option or something, that you wanted to do
37 it that way.

38
39 **CHAIRMAN DIAZ:** Ms. Guyas.

40
41 **MS. GUYAS:** I think you could do that. Then, to deal with
42 goliath and some of these other ones, where the South Atlantic
43 has already set this -- I mean, we have to match what they do,
44 right, because we're using the same assessment for the same
45 stock, and maybe that's a way you can structure it, is, for
46 these shared stocks, where there's another parameter set by the
47 South Atlantic, we need to match that.

1 **CHAIRMAN DIAZ:** Dr. Froeschke.

2
3 **DR. FROESCHKE:** For this action, I think it would be not
4 problematic, because their definitions are compatible with what
5 we're discussing. As you will see when we get to the OY, that's
6 not always the case, and so there's always -- This is like a
7 thriller novel. There's a lot of twists and turns.

8
9 **CHAIRMAN DIAZ:** Ms. Levy.

10
11 **MS. LEVY:** I am just trying to -- Were you saying not set status
12 determination criteria for the complex and just for the stocks
13 or -- I kind of got -- Just because the guidelines talk about
14 stock complexes, and there's a couple of ways to do it, but I
15 think, if you don't have an indicator, then you should have
16 status determination criteria for the complex, and we have ACLs
17 for the complex, and we have OFLs for the complex, and so I just
18 wanted to make sure.

19
20 **CHAIRMAN DIAZ:** Mr. Anson.

21
22 **MR. ANSON:** I was thinking of that, and I don't know what the
23 language provides then for having a fluid definition of a stock
24 complex, i.e., what species are in there, and so, if you can
25 have a stock complex today where there is five species listed,
26 but, as soon as there is an assessment done for one of those
27 five species, that species then just gets taken out of the stock
28 complex relative to a 30 percent, if that's chosen, for the MSY
29 proxy.

30
31 Does it always have to remain as a stock complex that will then
32 be covered under this definition of SPR, or can it be -- Can it
33 kind of change over time, where it's dropped out of the stock
34 complex for definition of a generalized SPR proxy and has its
35 own SPR proxy through an assessment?

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

38
39 **MS. LEVY:** I mean, I think you would have to do that, right, and
40 so you've developed the complexes, and so, if you decide that
41 you want to change the complex and remove some species that is
42 in there out, then you could do that, but you would have to do
43 it. I don't know that it can happen automatically.

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

46
47 **MR. ANSON:** Unless we wrote it into this document that it could
48 do that.

1
2 **MS. LEVY:** I guess I would have to think about that, because
3 what is -- Without knowing what species and what the assessment
4 is going to say and what proxy -- I mean, I guess we would have
5 to think about what the basis for doing it without having any
6 further information would be. Automatically, it's not going to
7 be in the complex.

8
9 I mean, we sort of have a difficulty, because, like I said, you
10 have annual catch limits and overfishing limits that are set
11 based on the complex, and so, if you remove a species, that
12 implicates a lot more things, and so I'm not sure that we could
13 just do it in here and it happen automatically. I would have to
14 look more into that.

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

17
18 **MR. ANSON:** Just my point is that there's a default already
19 there, and so, I mean, it's not like you are -- You would have
20 no mechanism in there for still identifying MSY proxies for
21 those other species that wouldn't be assessed. It's just that
22 one particular species then just doesn't get grouped in there,
23 because it had already had an assessment done, and now that
24 assessment -- It may be still SPR 30, but at least an assessment
25 was done, and that is its mark, and it's not covered under this
26 any more in a generalized concept of a group or a species
27 complex SPR.

28
29 **CHAIRMAN DIAZ:** Dr. Barbieri.

30
31 **DR. BARBIERI:** Just real quickly, to Mr. Swindell's point, this
32 is -- You will notice that, when I went through my presentation,
33 this is one of the reasons why the SSC did not want to weigh-in
34 too heavily into the structure of this document, and so how you
35 organize your stock status determination criteria and how you
36 organize what goes into complexes or not and how you subdivide
37 the structure, we left that really to you, and so we just tried
38 to provide our advice and recommendations based on the biology
39 of the species, the data availability, the availability of a
40 stock assessment or any other information, and this is sometimes
41 confusing that we are presenting the way we're presenting, but
42 we kind of left that part, as you mentioned, to you to make
43 those decisions.

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

46
47 **MR. ANSON:** I didn't bring it up, but Dr. Barbieri brings up a
48 good point that I was thinking of, is the way I described it, at

1 least, is that you would pull out that species from a species
2 complex with its own assessment, is that the science about the
3 other species still remains, generally.

4
5 I mean, you kind of lumped it, because of catch history and some
6 life history stuff, but you will have a lot of unknowns there
7 for those species, and so you're still defaulting to the
8 information that you had before that's going into the decision
9 right now to make an SPR 30 recommendation, and so it doesn't
10 preclude any more discussion or any other extra information. It
11 still stays the same for those species.

12
13 **CHAIRMAN DIAZ:** All right, Dr. Froeschke. First, I want to
14 thank the committee. There's a lot of good discussion on this,
15 and we're doing exactly what we're supposed to do, and we're
16 trying to figure out the proper structure for this document, the
17 range of alternatives, and that's exactly what we're doing, and
18 so thanks for the discussion. Dr. Froeschke.

19
20 **DR. FROESCHKE:** Just so I'm clear, my plan would be to
21 communicate to the IPT that we collapse and simplify Actions 1.1
22 and 1.2 into a single action, the best we can, and bring that
23 back next time, sort of more in a condensed form and not
24 necessarily a stock and complex basis.

25
26 **CHAIRMAN DIAZ:** I concur with that.

27
28 **DR. FROESCHKE:** Okay.

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

31
32 **MS. BOSARGE:** So, if we do that, then we won't pick indicator
33 species for these complexes, right, and we'll just be setting it
34 to, generally speaking, to the 30 percent, possibly, that we've
35 been talking about, and we won't pick indicators, and is that
36 how it would be lined up then, Dr. Froeschke?

37
38 **DR. FROESCHKE:** That would be my understanding, is that we
39 wouldn't have an option to use an indicator for any of those.
40 My thinking is that we would have -- The options would be the 20
41 percent SPR, 30 percent, or the 40 percent.

42
43 **CHAIRMAN DIAZ:** Mr. Swindell.

44
45 **MR. SWINDELL:** What we're going to do is we're going to be
46 guessing as to what we want to do, right? I mean, if you want
47 to go with 20 percent, you're saying, okay, we believe you have
48 enough stock there, and we don't know what stock we have on

1 these resources.

2
3 We've got to work this thing so that we make damned certain that
4 we have enough stock to sustain whatever fishing takes place,
5 and that's why I look to the Scientific and Statistical
6 Committee to tell me just -- Should we manage all of this
7 shallow-water grouper complex with one recommendation from the
8 Scientific and Statistical Committee to give us their best
9 scientific information available? What should we do? Should we
10 manage it as one group or manage it as different species, which
11 they don't have enough information to do, and so it seems to me
12 like managing it as a group is probably the right thing to do,
13 and so that's why I think I would like to know, from Dr.
14 Barbieri, just what is -- What option should we use for this
15 group of the shallow-water groupers?

16
17 **CHAIRMAN DIAZ:** Dr. Frazer.

18
19 **DR. FRAZER:** We'll go back to the original point that I tried to
20 make. I think that there is -- I think it's a good idea to try
21 to streamline and generalize these two sub-actions, I guess,
22 right, but I think that, if there is an appropriate indicator
23 species, to get to Mr. Swindell's point, that is identified so
24 by the SSC, that would be the best available information that we
25 have, and we should probably retain it as an option in here.

26
27 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. All right, Dr.
28 Froeschke. Let's move on to the next action. We've had a lot
29 of good discussion on this action, and let's proceed with the
30 document.

31
32 **DR. FROESCHKE:** Okay. We'll put back up the presentation. If
33 you recall in the title of this, it's a reef fish amendment, and
34 it's a red drum amendment. Red drum is managed under its own
35 fishery management plan, and the management of this stock is
36 quite different than the reef fish, and so it's heavily targeted
37 in state waters. It's been closed in federal waters for a long
38 time.

39
40 In general, there is no federal stock assessments, although I do
41 believe many states have done their own assessment relative to
42 the status in their state waters, but, essentially, we treat
43 this stock as an unassessed species. The way that this is
44 managed is that the MSY -- It's managed based on an escapement
45 rate, and so each of the states have established a goal of 30
46 percent escapement, and we could spend a very long time on how
47 that is done in each state, however, and I'm not the right
48 person to do that, but, in general, that's how they manage it in

1 their own state waters.

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

9
10 **CHAIRMAN DIAZ:** All right. Seeing no questions --

11
12 **DR. FROESCHKE:** Okay, and the SSC didn't really provide guidance
13 on this, if I recall. Is that correct?

14
15 **DR. BARBIERI:** Right. I mean, the guidance that we provided is,
16 given all the confusion associated with how to really relate --
17 Because different states actually estimate, calculate,
18 escapement rates differently, and then how those escapement
19 rates actually relate to a spawning potential ratio differs, and
20 the devil is in the details there in how the formulation of that
21 process is put in place for the estimation of the escapement
22 rates.

23
24 There was a lot of discussion about that, that these differences
25 are difficult to reconcile, and then how do you reconcile that
26 management in state waters with what is going on in federal
27 waters?

28
29 At first, we thought, well, we can give that 30 percent SPR for
30 the stock as a whole, and that will encompass both federal and
31 state waters, but there was some disagreement on proceeding with
32 that until we looked into more of the details of the escapement
33 rates that are estimated differently by each one of the Gulf
34 states and then how you wanted to proceed, in terms of using a
35 broader type of SPR-based proxy, and so we punted on providing
36 any recommendation at this point.

37
38 **CHAIRMAN DIAZ:** Ms. Bosarge.

39
40 **MS. BOSARGE:** There was a lot of discussion, I guess, on the
41 different management targets that are used by the different
42 states, but was there a discussion on the biology and life
43 history of that particular fish, of that stock, and what would
44 be the right proxy, given those parameters, the biological
45 parameters, regardless of what different management we have
46 right now, federal or state or otherwise, based on the biology?

47
48 **DR. BARBIERI:** Based on the biology, if you look at the stock as

1 a whole, and, by this, I mean when you encompass federal and
2 state waters, something like a 30 percent SPR for a maximum
3 sustainable yield, and so this is a proxy for MSY, and this is a
4 limit reference point and not a target, we believe would be
5 appropriate, and we had this discussion at the meeting.

6
7 The issue was how to reconcile this management in federal waters
8 with what is already going on in state waters, and that was the
9 difficulty that we found, but, overall, looking at the stock as
10 a whole, the committee had discussed, and I think, if we look at
11 the meeting notes, we can find this there, that the F 30 percent
12 SPR proxy would be appropriate for this species.

13
14 **CHAIRMAN DIAZ:** Ms. Bosarge.

15
16 **MS. BOSARGE:** Well, and I asked because I was wondering if that
17 30 percent came up because it matches what we just condensed on
18 all the other ones, and I was just wondering if you could
19 condense the document even further and put this in the one
20 action that we're going to have for the others, and it may not
21 possibly match exactly what the states are doing, but we don't
22 have a stock assessment on red drum, and so it's really not
23 going to impact the states. I mean, they're managing it, and
24 there is no fishing in federal waters, and there is no stock
25 assessment in federal waters, and so I don't see where just
26 going ahead and putting it in that one action -- It seems like
27 it would be more efficient.

28
29 **CHAIRMAN DIAZ:** All right, Dr. Froeschke.

30
31 **DR. FROESCHKE:** Okay. I think we can work on that. I guess I
32 should have been more clear when I was introducing this action
33 on the escapement rate, just for everyone's understanding, and
34 so, for this species, there is no federal harvest. Based on
35 their biology, this species occurs in inshore waters until about
36 age-four, and then this species typically migrates out into the
37 Gulf for the rest of their lives, coming back nearshore to
38 spawn, but ignoring that point.

39
40 The escapement rate, what that means is, assuming that there was
41 no inshore fishery, there is a fixed number or some number of
42 animals that would complete their portion of their life history
43 in inshore waters and then move out. Based on the harvest
44 inshore, a percentage of those don't make it to the offshore,
45 and so the management, the escapement, essentially says that
46 we're trying to manage such that 30 percent of the animals make
47 it offshore, as compared to what would make it if there were no
48 fishing in inshore waters, and so that's how that is -- That's

1 what that means, and so hopefully that is helpful.

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

9
10 Essentially, the panel on my left addresses the MFMT, and so
11 this the maximum fishing mortality threshold, and it's
12 essentially, on an annual basis, the maximum fishing mortality,
13 based on how many fish you can harvest, and, essentially, on
14 this, you see it's a curved plot, and, on the apex, we would
15 define that as the FMSY and the yield at the percentage of FMSY
16 on the Y-axis, and so, essentially, if you're on the descending
17 curve of this, you would be considered overfishing, and so
18 defining this would -- We want to define this, essentially, that
19 you're not above that rate, and so that's what the MFMT is.

20
21 Based on the science of this, this is obviously closely related
22 to the MSY proxy, and so the FMSY -- If the F rate is above the
23 MSY proxy, then you would be on the descending limb of this
24 curve, and so the alternatives in here are fairly streamlined,
25 and then, just while this panel is up here, when we get to the
26 MSST, and so the minimum stock size threshold, you will see the
27 biomass to support MSY, and so, essentially, this would be the
28 biomass consistent with the MSY, or the MSY proxy, and what you
29 will see though in this is the MSST is actually to the left of
30 this, meaning that we allowed the biomass to decline below this,
31 such that, if there were ever a decline based on environmental
32 conditions or some variable that isn't related to the fishing,
33 that we wouldn't constantly be bouncing in and out of overfished
34 status, but the panel on the right is more of a long-term
35 measure, and so we'll come to that in Action 3.

36
37 This slide is just sort of a summary that we've talked about
38 before, and so the fishing mortality is on the vertical Y-axis,
39 and this is sort of an annual thing, and so the MFMT -- There is
40 that horizontal black line, and so we would like to be below
41 that, and, on the X-axis, that minimum stock size threshold, we
42 would like to be above that, and so, if you think of it as a
43 quadrant, where we would like to be is in that bottom-right
44 quadrant, and we would consider that not overfished, meaning
45 we're above the MSST, and not overfishing, meaning we're below
46 the MFMT. This document would define those specific -- Where
47 those horizontal and vertical black lines correspond to the
48 fishery.

1
2 This action, defining MFMT, there are three alternatives.
3 Essentially, no action would not define MFMT, with the exception
4 that this document would not modify or address the stocks that
5 we already have an MFMT for, and this would be red and gray
6 snapper, gray snapper being finalized hopefully at this meeting,
7 of F 26 percent SPR. Goliath grouper is F 50 percent SPR, F max
8 for gag, which is a yield per recruit, and then F 26 percent for
9 all of the reef fish stocks and red drum. That should be 30
10 percent. I'm not sure if that's a typo.

11
12 Alternative 2, for stocks where MSY proxy has not been defined,
13 we would set the -- Essentially, all those stocks and stock
14 complexes in Actions 1.1, 1.2, and 1.3, we would set the MFMT
15 equal to the MSY proxy, and so, if you chose F SPR 30, we would
16 set the MFMT equivalent to that, and so that part is
17 conceptually much more streamlined than the other actions.

18
19 Alternative 3, and we can talk about this one, essentially would
20 apply in a rebuilding plan, and, if you think about a rebuilding
21 plan, you would have to set the F, the fishing mortality, below
22 the maximum level, such that you would allow the biomass to
23 increase over time, and so, if the stock is in a rebuilding
24 plan, you would set the MFMT equal to the fishing mortality rate
25 that is projected to rebuild the stock to the biomass at MSY
26 within a rebuilding time period.

27
28 Then, after the stock is recovered, the MFMT is equal to the
29 fishing mortality of the stock's MSY proxy, and so, if a stock
30 is not in a rebuilding plan, it would have no effect. If it did
31 have -- If a stock was in a rebuilding plan, then it would lower
32 the MFMT to the F rebuild, which is usually an output of a stock
33 assessment.

34
35 When we discussed this at the SSC meeting, the Science Center,
36 and Dr. Calay can help us with this, but she indicated this is
37 more conservative than what is required to be done, and this
38 differs in practice from what they actually do, and so it was
39 discussed that this perhaps was not something that the council
40 may need to do in order to manage the stock sustainably. I will
41 stop there, in case there are comments from the SSC.

42
43 **CHAIRMAN DIAZ:** Dr. Barbieri.

44
45 **DR. BARBIERI:** Thank you, Mr. Chairman. As Dr. Froeschke
46 pointed out, this MFMT should be very much aligned with the MSY
47 and MSY proxies discussions that we had earlier, and so that
48 would be a fairly easy decision to make, based on the

1 recommendations that we presented previously, but then a
2 curveball came up about Alternative 3, and we felt that, until
3 we have a better understanding of what is really required, in
4 terms of defining what is the maximum fishing mortality
5 threshold, because this would define overfishing, and so having
6 a clarification on this issue for rebuilding stocks, which would
7 be the Alternative 3 in your draft document right now, we just
8 did not want to weigh-into this.

9
10 The questions were how do we define, if a stock is rebuilding,
11 the maximum fishing mortality threshold? Is this at F rebuild,
12 or is it still at FMSY or a proxy? If you are fishing, and
13 suppose it is a stock that's in a rebuilding plan, and, for
14 whatever reason, you determine, during your stock assessment,
15 that there has been fishing above the F rebuild, which could
16 delay your rebuilding plan, but does that actually formally
17 represent overfishing? Because that definition is tied to MFMT,
18 the committee decided to wait until that discussion is had and
19 we had clarification on this issue before weighing-in, Mr.
20 Chairman.

21
22 **CHAIRMAN DIAZ:** All right. I am looking around for any comments
23 from the committee. Seeing none, Dr. Froeschke, do you have any
24 words of wisdom?

25
26 **DR. FROESCHKE:** No, and I guess -- Again, at this time, we're
27 just trying to get some feedback on the range of alternatives
28 and, if you feel that these three alternatives are adequate,
29 then we can move forward and bring it back to you next time,
30 but, otherwise, if you don't have any changes, I'm okay.

31
32 **CHAIRMAN DIAZ:** Ms. Bosarge.

33
34 **MS. BOSARGE:** I guess my question would be, if we're trying to
35 figure out what to do with that third alternative, what do we
36 set our quotas off of, F rebuild? To me, in my mind, you
37 overfish when you overshoot your quota, and I know that's not
38 how the Act is written, but, so for me to understand this, are
39 we looking at F rebuild and setting quotas and things with F
40 rebuild or the other F?

41
42 **CHAIRMAN DIAZ:** Dr. Crabtree.

43
44 **DR. CRABTREE:** Well, it has varied from species to species. For
45 example, with the for-hire sector of red snapper right now, the
46 quota is set based on the target that we have. Other species,
47 it's not, and I can tell you that we have not viewed F rebuild
48 as being the fishing mortality, the overfishing threshold, in

1 the past. It's always been that the MFMT has been associated
2 with FMSY and not with the F rebuild when we have redefined it.

3
4 Part of the trouble with F rebuild is it changes all the time.
5 If you shorten the rebuilding period, you get a different F
6 rebuild. If you lengthen it, it's a different F rebuild. Every
7 time you redo the projections, you're going to get a different F
8 rebuild, and so it gets kind of confusing with that, and so it's
9 sort of a floating kind of number that would change depending on
10 how you set up the rebuilding plan, and so that's not typically
11 how we've done it, but you can't just say exceeding the quota is
12 overfishing. It might be and it might not be.

13
14 **CHAIRMAN DIAZ:** Dr. Barbieri.

15
16 **DR. BARBIERI:** To your point before, and to Dr. Froeschke's
17 point, since we have time with this document, and I think this
18 is why the SSC did not feel rushed to weigh-in on this issue
19 right now, and basically either the agency, the Fisheries
20 Service, either the Sustainable Fisheries Office up there, that
21 has broader guidelines tying to NS 1 and the Act and all those
22 definitions, that we can get some more direct guidance that is
23 applied at a national level, and then we can contextualize that
24 for our region and our council. That's why we decided that
25 waiting a little bit was the best option for now.

26
27 **CHAIRMAN DIAZ:** Dr. Froeschke.

28
29 **DR. FROESCHKE:** I guess there are two options. One is we could
30 just leave it in there. I mean, the council is not obligated to
31 select that as a preferred alternative. You could select it.
32 Alternative 2 and 3 could be selected concurrently, or you could
33 select Alternative 2 and leave Alternative 3 in there and just
34 not select it as a preferred and no harm, no foul. I mean, I
35 guess we could remove it from the document, if you felt like
36 that wasn't a reasonable range of alternatives.

37
38 **CHAIRMAN DIAZ:** Dr. Calay.

39
40 **DR. SHANNON CASS-CALAY:** I just wanted to be clear that,
41 according to the National Standards and to the Magnuson Act, the
42 overfishing occurs when you exceed the MFMT, which is currently
43 linked to FMSY or its proxy, and so it is separated in the
44 guidance from F rebuild, which would correspond to something
45 like ABC, but not to OFL, and so the guidance is actually clear.
46 You don't need to do something more precautionary than the
47 guidance, but I assume it is your prerogative to do so.

1 **CHAIRMAN DIAZ:** All right. I am not seeing any hands come up,
2 Dr. Froeschke. With no further guidance from the committee, I
3 guess we'll leave it like it is for the time being, and it can
4 be changed in the future, or we can do like you said and just
5 not select it. All right. Let's proceed, if there's no other
6 comments on this, proceed to the next action.

7
8 **DR. FROESCHKE:** Okay. Thank you.

9
10 **CHAIRMAN DIAZ:** Dr. Crabtree.

11
12 **DR. CRABTREE:** Just one thing. Now that you have the
13 presentation up, because you may give this presentation again,
14 John, I think in Alternative 1 there is a typo in there. It
15 says F 26 percent for all of the reef fish stocks, and that
16 should be F 30 percent.

17
18 One other thing I would point out is, in the no action, we
19 specify F max for gag, and I suspect that's an anomaly that
20 won't carry over and won't be used again in gag assessments.
21 That, I am not clear why we ever used F max on it. We have not
22 usually used that for much of anything, and I don't know where
23 that will leave us when we get the next gag assessment, if that
24 means we'll have to amend the plan to change from F max to F 30
25 percent, or if we ought to address that upfront. I think you
26 would have to do some digging on that, but I would lay money on
27 it that, when you get a gag assessment, F max will not be the
28 reference point the scientists will advise we use.

29
30 **CHAIRMAN DIAZ:** Dr. Froeschke.

31
32 **DR. FROESCHKE:** Yes, you are correct on the 26 percent on the
33 bottom there. That should be 30 percent, and we saw that when
34 we put it up on the screen, but, unfortunately, not before we
35 put it up on the screen. We are happy to do some digging on the
36 gag. For our purposes, we were just trying to mirror what's
37 currently on the books, and so that's why we presented it that
38 way.

39
40 Action 3 deals with, again, this minimum stock size threshold,
41 and so this is what you can think of as the long-term
42 culmination of fishing at whatever rate you are. Ideally, you
43 would want to be at the biomass to support MSY, and so, this
44 little infographic on the left panel here, you can see on the
45 bottom there, sort of between the green and yellowish portion,
46 the biomass at MSY, and so this is where we would like to be at
47 or above this, in terms of a biomass, because the stock would be
48 capable of producing the yield associated with MSY on an ongoing

1 basis.

2
3 However, we have -- There are many reasons why the biomass may
4 fall below that that are unrelated to fishing, and it could be
5 poor recruitment or have a red tide or something like this, or
6 just our imprecision in our ability to measure this in a stock
7 assessment, and so, in the past, we have defined a minimum stock
8 size threshold that allows the biomass to fall below this level
9 by a prescribed amount, such that we're not doing rebuilding
10 plans. When it falls below that, the stock would be considered
11 overfished, and we would have to do a rebuilding plan.

12
13 A buffer between the biomass at MSY and the biomass at the MSST
14 level would allow some fluctuation, such that the stocks are not
15 constantly flip-flopping in and out of overfished status, just
16 based on some variability in the stock or in our ability to
17 assess the stock biomass, and so, in the past, we have done this
18 different ways, not surprisingly, and so we've done this in a
19 couple of amendments.

20
21 In Reef Fish 44, you looked at seven stocks, and then we
22 addressed this in Reef Fish 51 for gray snapper, but,
23 essentially, the council has the ability -- They can establish
24 MSST from the biomass equal to the MSY all the way down to 50
25 percent of BMSY, which is on the far left, and so, essentially,
26 the way this works is, the lower the MSST level is on the
27 percentage, the less likely you are to end up in an overfished
28 condition based on factors unrelated to the fishery.

29
30 However, when you allow that -- The farther you allow that to
31 drop before you enact a rebuilding plan, it means you have
32 farther to rebuild the stock, and so the goal is that you want
33 to be at the MSY biomass and not just above the MSST, because
34 the stock is more productive at the MSY level.

35
36 Just those are kind of guiding principles, and so we've set up
37 the document, and we have five alternatives, and so Alternative
38 1 would not define MSST for stocks that don't have it. As I
39 indicated, we do have several stocks that have an MSST done
40 either in Reef Fish Amendment 44, and, most recently, you guys
41 are taking up Reef Fish Amendment 51 for gray snapper, and, in
42 those amendments, you defined the MSST as 50 percent of biomass
43 at MSY or proxy, which would be consistent with Alternative 4.

44
45 Again, this is the most risk-tolerant approach. Essentially,
46 you are less likely to fall into an overfished status, but, if
47 you did, you would likely have farther to go on rebuilding.

1 Alternative 2 is a formula-based approach, where you will see
2 MSST equals one minus M times BMSY. This M bit is the natural
3 mortality of a stock. For most reef fishes, this falls between
4 0.1 and 0.2, I would say, and so, for example, I think on gray
5 snapper, the M was estimated in the stock assessment as 0.15,
6 and so one minus M would be 0.85.

7
8 In the past, as historically has been done for several reef fish
9 stocks, and, more recently, I have noted that it's done more the
10 50 percent BMSY way. Alternative 3, if you think about M being
11 below 0.25, and so it could vary by stock or stock complex, I
12 guess, but this would sort of be an intermediate MSST value.

13
14 Then, in Alternative 5, it would set the MSST equal to the 0.5
15 BMSY for all stocks and stock complexes in Sub-Actions 1.1
16 through 1.3, with the exception of the stocks assessed by the
17 South Atlantic, and I will get to that in just a minute, but
18 this is Sub-Actions 1.1 to 1.3, and so the idea of this is that
19 we wouldn't be considering stocks that are not part of this
20 document, and so, for things that already have established
21 MSSTs, we wouldn't be taking those up again here.

22
23 Then, with the last part of this, with the exception of stocks
24 assessed across the South Atlantic and Gulf Council's
25 jurisdiction, and so this would be goliath, mutton, yellowtail,
26 and black grouper, MSST for these species would use the existing
27 definitions of MSST by the South Atlantic Council, and that is
28 75 percent BMSY. I will stop there for questions.

29
30 **CHAIRMAN DIAZ:** Ms. Levy.

31
32 **MS. LEVY:** Just a couple of things with respect to this action.
33 First, it seems like the language in Alternative 5 about setting
34 the proxy for the complexes in this document would apply to all
35 of them, right, meaning we're not reevaluating all the ones that
36 you list in Alternative 1, I think, just to clarify that, and
37 then, also, I think Alternative 5 should just be a stand-alone
38 that is an alternative to use the South Atlantic's MSST for
39 those species identified, meaning it shouldn't be linked to the
40 0.5 BMSY, because you could pick it with Alternative 2, 3, or 4,
41 and so I think those are just a few sort of housekeeping things
42 with this action that we should probably do.

43
44 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Any other comments? Dr.
45 Froeschke.

46
47 **DR. FROESCHKE:** Alternative 3, we didn't put that language in
48 there, and the reason we didn't is because they were already at

1 that, and so, if we -- If the council selected MSST equals 0.75,
2 it would just be equal on its own, and so that's why we did it,
3 but we can certainly try to clarify this, based on your
4 comments.

5
6 **CHAIRMAN DIAZ:** Ms. Levy.

7
8 **MS. LEVY:** What would be equal to the 0.75?

9
10 **DR. FROESCHKE:** The stocks that are defined already by the South
11 Atlantic, except for goliath, are defined as 0.75 times BMSY.

12
13 **MS. LEVY:** Right, and so there is goliath. I mean, if you have
14 it as a stand-alone to just no matter what you pick, even if
15 it's duplicative if you happen to pick Alternative 3, it just
16 makes it clearer that, for the stocks that already have an MSST,
17 as defined by the South Atlantic, that's what you're picking.

18
19 **DR. FROESCHKE:** Noted. Fair enough.

20
21 **CHAIRMAN DIAZ:** Okay. Any other questions on this action? Dr.
22 Barbieri, did you want to weigh-in on this one?

23
24 **DR. BARBIERI:** Well, not necessarily weigh-in, Mr. Chairman, but
25 just present the recommendations, comments and recommendations,
26 from the SSC. The SSC discussed an analysis conducted by the
27 Southeast Fisheries Science Center that really showed that, as
28 far as that simulation study was concerned, that it wasn't
29 likely that most stocks that are characteristic of our region,
30 the Gulf of Mexico, would decline below 75 percent of BMSY due
31 to just fluctuations in natural mortality or environmental
32 parameters. There would have to be some higher level of fishing
33 going on to push those stocks below, in the results of those
34 simulations, below the 75 percent of BMSY.

35
36 Based on that, on the fact that the more conservative MSST leads
37 to more stable catches over the long term, and, also, as Dr.
38 Froeschke explained, avoid longer, painful rebuilding times for
39 stocks that fall below 50 percent of BMSY, the committee decided
40 to recommend that, in Action 3, Alternatives 4 and 5, and those
41 would have to do with the MSST set at 50 percent of BMSY and not
42 be your preferred alternatives, that you consider some other
43 alternatives as your preferred, but with that reasoning in mind.

44
45 **CHAIRMAN DIAZ:** Thank you, Dr. Barbieri. Ms. Bosarge.

46
47 **MS. BOSARGE:** Based on that, can we just go back over to Dr.
48 Froeschke's presentation, your Slide 16, and I am wondering if,

1 since the SSC says that they really don't recommend that
2 Alternative 4 and 5 -- I mean, one option is to remove it from
3 the document, although we have chosen it for some other stocks,
4 but I have to say that I was not in favor of that, and I do
5 think it's a little too risky.

6
7 Maybe we can either get rid of those two or we can replace them
8 with something that is slightly more conservative and not go all
9 the way to that 50 percent. Maybe we could replace it with a
10 65, and we can possibly end up with a consensus around the
11 table, at some point, without going to that 50 percent. Can we
12 go back to that slide of Dr. Froeschke's?

13
14 I guess I can see why the SSC says that they don't really
15 recommend going to that 50 percent of BMSY, because, if you look
16 at that picture, if you were to fish it down to that point,
17 essentially, the green, yellow, and the two orange bars, you
18 have fished all that down. It's gone, and the only thing that
19 you're left with is that little sliver on the far left, the red
20 sliver, that triangle. You are fishing it down to that point
21 before you say, well, I think we have a problem.

22
23 Now, hopefully, you would prevent overfishing before you get
24 down to that overfished status, but, as we know, sometimes
25 that's just not the case, and so I would be more comfortable
26 with removing the 50 percent altogether as an alternative, but,
27 if people aren't comfortable with that, I would consider
28 replacing it with a 65 percent option, if I could get some
29 discussion.

30
31 **CHAIRMAN DIAZ:** Dr. Crabtree.

32
33 **DR. CRABTREE:** Just one way to think about this is, I mean, if
34 you don't have a stock assessment, then you don't know where you
35 are relative to any of that anyway, because you don't have a
36 biomass estimate, and so, whether you had a conservative MSST or
37 didn't, if you get a stock assessment that shows you have fished
38 the stock down, that's what you are stuck with.

39
40 If you did set a 50 percent MSST, and you get a stock assessment
41 that shows you're halfway there, you still have to take
42 corrective action, because you can't -- Overfishing can't occur,
43 and so you're going to -- There seems to be an implication that,
44 if you don't have the MSST and trigger a rebuilding plan, you're
45 not going to do anything, and that's just not true.

46
47 Overfishing is not allowed by the statute, and you're going to
48 take corrective action if you're fishing down the stock either

1 way, and so, I mean, don't look at this as if setting the MSST
2 low means we're just not going to do anything if we're fishing a
3 stock down, because that's just not correct.

4
5 **CHAIRMAN DIAZ:** Ms. Levy.

6
7 **MS. LEVY:** Well, I will just say that it is a reasonable
8 alternative. You have done it before, and it is something that
9 you can consider. I wouldn't remove it. If you want to add
10 something else between 75 and 50, or you don't want to select it
11 as preferred, I mean, that's perfectly fine, but I think it's
12 reasonable to have it in there as an alternative.

13
14 **CHAIRMAN DIAZ:** Dr. Calay.

15
16 **DR. CALAY:** Thank you. It certainly is a legal alternative, and
17 we have used it in a few circumstances already, but I just
18 wanted to circle back to the original analysis that was
19 conducted by the Science Center. We examined, in simulation
20 studies, the probability that you would reach certain thresholds
21 from 50 percent of BMSY, 75, 85, and 90, and how frequently you
22 would reach these thresholds if you were not in fact
23 overfishing, but just through recruitment variability and
24 natural mortality.

25
26 At 75 percent, you only actually were overfishing between 7 and
27 15 percent of the time. Well, not overfishing, but you only
28 reached those thresholds due to variability 7 to 15 percent of
29 the time, and the other times you reached that threshold was due
30 to overfishing.

31
32 Now, when you get to 50 percent, the probability of actually
33 reaching that level through environmental variability in
34 recruitment or mortality was zero, and it happened because of
35 overfishing in the simulation and not because of recruitment
36 variability.

37
38 Furthermore, in the analysis, when you get to MSST at 50
39 percent, you can recover the stock within three to ten years at
40 F equals zero. If you look at values of MSST that are more
41 conservative than that level, the rebuild time at F equals zero
42 is shorter, and you could have rebuild scenarios that might not
43 be as severe as it would be, and so it is a legal value, 50
44 percent of MSST. The implications are that larger catch
45 reductions may be required to rebuild the stock within a ten-
46 year timeframe.

47
48 **CHAIRMAN DIAZ:** All right. We've had a lot of discussion. Any

1 further comments on this action item? Seeing none, Dr.
2 Froeschke.

3
4 **DR. FROESCHKE:** I guess I'm just not clear. Are we to add a new
5 alternative, or we're not to add a new alternative?
6

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

10
11 **MS. BOSARGE:** I will make a motion.

12
13 **CHAIRMAN DIAZ:** Ms. Bosarge.

14
15 **MS. BOSARGE:** I will make a motion, in Action 3, which is the
16 minimum stock size threshold action, that we add an alternative
17 that sets MSST equal to 0.65 percent of BMSY (or proxy).
18

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

24
25 **DR. FROESCHKE:** Okay. I will move on to Action 4, optimum
26 yield. Optimum yield, and so this is the last of the status
27 determination criterion that we'll be discussing today. In
28 general, this is the allowable harvest that will provide the
29 greatest overall benefit to the nation, and it's based on the
30 maximum sustainable yield that we've been discussing, and it's
31 as reduced by economic, ecological, or social factors.

32
33 The goal is this would maintain the long-term biomass near or
34 above the biomass at MSY, and I included these two charts that,
35 again, you've seen before, to sort of frame this in the two
36 things that we've been talking about, in terms of fishing
37 mortality and biomass, and so the left panel addresses the
38 fishing mortality, and, again, that green dot at the top of the
39 apex of the curve is the FMSY, and, to the right of that, you
40 would see, with the red dot, you would be overfishing, and so,
41 to the left of that, this would be -- Somewhere to the left of
42 that would be the fishing mortality at optimum yield based on
43 the definition above, as reduced from FMSY, and so anything to
44 the left of that could be defined as the optimum yield, with the
45 idea that some level below the mortality at FMSY would provide
46 some buffer and provide the greatest overall benefit to the
47 nation.
48

1 The panel on the right is corresponding to the biomass, and so
2 this one -- The biomass, again, BMSY is at the apex of the
3 curve. However, the biomass, you want above that line, and so
4 meaning to the right, and the biomass below that, at some
5 predefined level, which we just discussed, would be the MSST or
6 below that, which would be overfished, and so, if the biomass at
7 the optimum yield is above BMSY, the fishing mortality for
8 optimum yield is below FMSY.

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

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

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

35 Alternatives 7 through 13 have the same options, the 50, 75, or
36 90, but it would apply to individual stocks of cubera snapper,
37 lane snapper, goliath grouper, mutton snapper, yellowtail,
38 hogfish, and red drum. I will stop there, and we may need to go
39 to the document if we want to dive into the details, but that
40 sort of roughs out the action as we have it right now.

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

45 **DR. BARBIERI:** Yes, Mr. Chairman. Thank you. I don't think we
46 even need to go to the other slide, but, if you have already,
47 thank you, Bernie. Basically, the SSC had a lot of good
48 discussion on this, but we couldn't really get anywhere, in

1 terms of making a recommendation that we felt was well-informed.

2
3 This is basically because, looking at some of those options
4 there, the percentages, the reductions from yield at MSY, and so
5 to reduce that by 50, 75, or 90 percent of that value, what
6 would that mean in terms of socioeconomic and ecological and
7 ecosystem value?

8
9 OY, optimum yield, is really a target reference point, and so
10 the whole framework of fisheries management, globally and
11 historically, is structuring to limit and target reference
12 points. The limit reference points, like MSY, come out of stock
13 assessments, kind of almost automatically, and they get
14 translated into catch advice.

15
16 Target reference points try to take into account broader
17 societal benefits that transcend just the basic biology of the
18 species, and they can provide as well stability for industry
19 over time, because, if you build the stock at a certain level
20 above BMSY, you really have much more stable catches, and so
21 supply to whatever industries that need that, and it avoids
22 buffers against environmental parameters, things like red tides,
23 et cetera.

24
25 Basically, what we would like to do is, instead of weighing-in
26 on this right now, in terms of OY, is to invite you to engage
27 into a longer, broader discussion, where you can start
28 articulating what your long-term management goals are for some
29 of these stocks, what you see as a way to fit OY into this
30 framework, and then lean on us to provide whatever technical and
31 scientific advice we can provide to inform that discussion, and
32 there is a fairly large component of socioeconomics that needs
33 to be integrated into this, in terms of what people value and
34 what they get now, or defer getting now to get more later, and
35 that's very complex.

36
37 We just did not feel that, looking at the document as it is
38 right now, that we could provide that objective, scientific
39 advice in a way that would be well-informed, Mr. Chairman.

40
41 **CHAIRMAN DIAZ:** Thank you, Dr. Barbieri. Ms. Guyas.

42
43 **MS. GUYAS:** A question for Luiz. Did you all talk about how to
44 go about doing that? Sometimes, bouncing between council and
45 SSC meetings, we're not the most effective communicators.

46
47 **DR. BARBIERI:** Well, correct, and some ideas -- I mean, over the
48 last couple of decades or so, we have been discussing this on

1 and off between SSCs and councils, is to establish a working
2 group or some kind of cooperative group that would integrate SSC
3 members, Science Center, SERO, with council members as well, and
4 form something like this that would start developing a framework
5 for a broader, more informed discussion of OY.

6
7 I know it's a complicated thing to do it like this, because it
8 takes people's time, and it's a time commitment to be engaged
9 into something like this, but this is one of those topics that
10 is very difficult without the SSC having much more direct
11 discussion with the council.

12
13 **CHAIRMAN DIAZ:** Ms. Levy.

14
15 **MS. LEVY:** I understand what's coming from the SSC, and I am all
16 for a process that gets you to a more informed decision or with
17 more information, but, for now, we have to use what we know and
18 what we have to start coming to some decisions on defining an
19 OY, and I get that there's not perfect information, and there
20 might not be much of any information, but you did have a
21 discussion, with respect to Amendment 51 and gray snapper, about
22 what an appropriate OY would be for that species, and you had
23 similar alternatives, and you decided on one based on some
24 reasoning about that species and how it's used and where it's
25 at, and so I don't think it's impossible to happen here.

26
27 I will also say that some staff members have been talking about
28 potentially other ways to help you define OY, and it may be one
29 of those things where it would be helpful for staff to go back
30 and talk about it based on some things that the SSC said, as
31 well as what we've been talking about, and maybe see if there
32 are other ways to get at this, rather than just the percentages
33 like this of MSY, but I really don't want this and the lack of
34 information to hold up actually specifying it.

35
36 I mean, the Act is very clear that we need it, and the
37 guidelines are very clear that, even if you don't have a whole
38 lot of information, you still need to have some specification of
39 it, based on the best you have, and so I don't want the
40 discussion to keep being that we don't know enough and so we're
41 just going to keep punting it down the road. I would like us to
42 be able to move forward on this one.

43
44 **CHAIRMAN DIAZ:** Dr. Froeschke.

45
46 **DR. FROESCHKE:** Okay. Well, as Ms. Levy has stated, we have had
47 discussions, and, just as a bit of background, this document has
48 been a pretty heavy lift, and our timeline was very aggressive,

1 and so not everyone has had a chance to get their ideas heard
2 and evaluated, from an IPT standpoint, and so I guess my
3 proposition would be that we will retain the current
4 alternatives.

5
6 After this meeting, we will have an IPT meeting and discuss your
7 recommendations here, and there may be additional alternatives
8 that are offered. If there is consensus at that level, we may
9 introduce them into the next document for your consideration,
10 and is that reasonable?

11
12 Just, in general, thank you, guys, for the discussion on this.
13 To summarize, we'll revise the document based on the best we can
14 from this, and we'll bring it back to you in October.
15 Hopefully, by then, we can come to some agreement on the range
16 of actions and alternatives, and we can develop it further into
17 a public hearing draft document at that time.

18
19 **CHAIRMAN DIAZ:** Thank you, Dr. Froeschke. Ms. Bosarge.

20
21 **MS. BOSARGE:** As you all meet and talk about that, maybe you
22 could have some discussion on the Option a that's listed for
23 each alternative, where it's 50 percent of FMSY, or MSY proxy,
24 just based on what Dr. Barbieri was saying, where, if you get
25 that OY too low, you may actually have catch recommendations
26 that end up higher than your OY at some point, and that is kind
27 of in opposition with each other, at times, and so you might
28 want to evaluate that 50 percent, and maybe we shouldn't go
29 quite that low.

30
31 **CHAIRMAN DIAZ:** Dr. Froeschke.

32
33 **DR. FROESCHKE:** We have talked about that, and one thing that is
34 a little bit difficult is there isn't currently a way to link
35 catch level recommendations to a specific OY scalar, and so I
36 think that is a little bit hard, and maybe Ms. Levy could
37 comment on this, but the South Atlantic has linked, more
38 explicitly, their OYs with their ACLs in some of their stocks,
39 and it's my understanding that we have been advised not to do
40 that, and so that -- We'll have to think about how to do that,
41 but we certainly could remove the 50 percent, if that's your
42 intent.

43
44 **CHAIRMAN DIAZ:** Ms. Bosarge.

45
46 **MS. BOSARGE:** I just don't want to get in a situation where
47 we're in a conundrum, where we have an OY at one level and we're
48 recommending that we kill more fish than that, and so, if we're

1 having trouble with what's the right number, I certainly don't
2 want to go too far with it and get down to that 50 percent, and
3 so I hope you all consider maybe bumping that up.

4
5 **CHAIRMAN DIAZ:** All right. I think we've had a lot of good
6 discussion on this document, and I appreciate the committee's
7 hard work, and I do think the document is in a lot better shape
8 than before we started today. This is a heavy lift, as it's
9 been described several times, and so Dr. Froeschke is going to
10 clean it up and bring it back to us again, and we'll just keep
11 plowing away on it. I am not seeing any more comments, and so
12 I'm going to turn it over to Dr. Frazer.

13
14 **DR. FRAZER:** Okay. I think we're right on schedule here, and
15 we're scheduled to have a lunch break until 1:30, and so I will
16 see everybody at 1:30.

17
18 (Whereupon, the meeting recessed for lunch on August 12, 2019.)

19
20 - - -

21
22 August 12, 2019

23
24 MONDAY AFTERNOON SESSION

25
26 - - -

27
28 The Sustainable Fisheries Committee of the Gulf of Mexico
29 Fishery Management Council reconvened at the Hyatt Centric
30 French Quarter, New Orleans, Louisiana, Monday afternoon, August
31 12, 2019, and was called to order by Chairman Dale Diaz.

32
33 **CHAIRMAN DIAZ:** Next is the Research and Monitoring Priorities
34 for 2020 through 2024. Mr. Rindone is going to lead us through
35 that discussion. Mr. Rindone.

36
37 **DISCUSSION OF COUNCIL RESEARCH AND MONITORING PRIORITIES FOR**
38 **2020-2024**

39
40 **MR. RINDONE:** Thank you, Mr. Chair. Can we pull up the action
41 guide for this? My computer had emotional problems and needed
42 to restart, and so I don't have it up. It's E-3. This is
43 Agenda Item VI, and this is a discussion of the council research
44 and monitoring priorities, and so you guys are going to take a
45 look at the draft of the -- The draft of the monitoring
46 priorities is provided as background information for this, and
47 we weren't going to actually go through them. If there's
48 anything in particular that a committee member wants to

1 recommend, by all means, make that known.

2
3 The SSC was able to go through these priorities and make some
4 edits, but they're going to give it some more consideration at
5 their next meeting in September before providing their final
6 recommendations to the committee and the council in October. In
7 October, the committee will need to recommend the finalized
8 research and monitoring priorities to the council, so we can get
9 those submitted.

10
11 Once these are approved, they will be posted on the website and
12 submitted to the Southeast Regional Office, and they generally
13 help the council's collaborative partners, academic institutions
14 and the states, et cetera, identify the most pressing challenges
15 facing the council's marine resource management obligations.

16
17 We can just go to the portion of the SSC report. If Dr.
18 Barbieri wants to -- I don't see him. Does he have a
19 presentation for this? If you just want to pull that up, I will
20 run through it, in his absence. It's in the same presentation
21 as the status determination criteria, and so it's E-5(c). While
22 Bernie is going through that, essentially, the SSC was -- There
23 is Luiz.

24
25 **DR. BARBIERI:** Some people tell me, and, of course, it's untrue,
26 but some people tell me that I'm long-winded, and just between
27 the elevator and -- I came down the elevator with two council
28 members, but, between there and here, I get caught in
29 conversations, and so, anyway. It was productive conversation.

30
31 Anyway, thank you, Mr. Chairman. Here is the set of comments
32 from the SSC. The research recommendations, that was a very
33 broad, very inclusive document, and, of course, we have a whole
34 variety of stocks that we manage in different groups and
35 different levels of science quality and assessment quality, and
36 so research and monitoring priorities are expected to be
37 extensive, but we tried to synthesize here what we felt were
38 points that needed to be highlighted for improvements or focus
39 as we go forward.

40
41 Recreational discards, as you know, is a very important
42 component, and it's one of the largest uncertainties we now have
43 identified for stock assessment and fisheries management, and so
44 this is something the committee felt that more quantity and
45 quality, as well as timely data on the size composition of
46 recreational discards would be helpful.

47
48 Also, a better, more coordinated effort on evaluating the

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

11
12 Another thing that we felt is that, right now, the amount and
13 number of recommendations is very large and very complete, but
14 it's difficult to search, and so one of the things that the
15 committee discussed was potentially having some other
16 repository, like the SEDAR repository of research
17 recommendations, that is a database that would be searchable,
18 and so easier to find when we are looking for specific points or
19 to find out when some of these research recommendations have
20 already been addressed and that the database needs to be
21 updated. I think Mr. Rindone checked into that, or at least
22 discussed some of this with the SEDAR staff and made some
23 progress in that direction.

24
25 **CHAIRMAN DIAZ:** Thank you, Dr. Barbieri.

26
27 **DR. BARBIERI:** That pretty much completes my presentation, Mr.
28 Chairman, and we're going to have, again, this same set of
29 revised research and monitoring priorities put in front of us at
30 the next September meeting, but, other than that, we kept our
31 recommendations short and sweet.

32
33 **CHAIRMAN DIAZ:** Thank you. Ryan, do you have anything further
34 to add?

35
36 **MR. RINDONE:** Just that I talked with the SEDAR folks, and they
37 do keep a repository of species-specific recommendations that
38 come from the assessments, and those recommendations are largely
39 reflected in what is in the non-tweet-length version of our
40 current research recommendations, and so we can excise those
41 portions out, to the extent that it's appropriate to do so.

42
43 There might be a couple of things that are not reflected in
44 there, and we can characterize those appropriately within our
45 version, but the bulk of the species-specific stuff can be
46 curated and maintained by SEDAR, and it's available on the SEDAR
47 website.

1 **CHAIRMAN DIAZ:** Does anybody have any additions or deletions or
2 changes for the research recommendations as they exist? Seeing
3 none, I think that completes this agenda item. I'm sorry. Mr.
4 Dyskow.

5
6 **MR. DYSKOW:** Thank you. I would like someone to refresh my
7 memory. Our current position on the council is to encourage the
8 use of descending devices and venting tools in the recreational
9 fishery. I wasn't on the council at the time, but I think there
10 might have also been some discussion about making their use
11 mandatory in federal waters, and particularly in the reef
12 fishery, and why was that not pursued further?

13
14 **CHAIRMAN DIAZ:** Dr. Stunz.

15
16 **DR. GREG STUNZ:** I can maybe shed some light on that, and maybe
17 Roy too, and there was probably more than discussion, Phil.
18 There was actually work towards motions to require that, which
19 ultimately didn't -- I don't know if we didn't take a vote or
20 they didn't pass, because of what Dr. Barbieri brought up, that
21 there is \$30 million in this NRDA fund.

22
23 That money can't be spent on regulations that are already in
24 place, and so, if we would have made that regulation, then that
25 money would not have been available to fund projects to do some
26 of these research priorities and things, and so we chose, at the
27 time, to then back off of that to pursue more of an educational
28 awareness campaign that Emily is leading now, and that's sort of
29 how we -- At least my personal opinion, and there was others
30 around the table, would like to see it mandatory eventually, but
31 we didn't want to compromise the availability of those funds.

32
33 **CHAIRMAN DIAZ:** That is precisely what I was going to say. I
34 remember it just like Dr. Stunz did. Chester.

35
36 **MR. BREWER:** Thank you, sir. We have had long discussions about
37 this at the South Atlantic Council, and we are currently working
38 on our best practices amendment, and we had a lot of discussions
39 about whether or not we should make the use of these devices
40 mandatory, and ours was not a funding issue, per se, but it was
41 more enforceability and whether you -- We got down to the
42 difference between mandatory use and mandatory possession.

43
44 Where we eventually came down was that there are a lot of
45 variables, number one, that are in place as to whether you are
46 going to need to use a descending device, and there was a lot of
47 talk about venting and whether venting would be a proper
48 alternative, and so where we eventually came down is, well,

1 you're going to have a heck of a time trying to enforce the
2 mandatory use, whereas you can fairly easily enforce mandatory
3 possession. In other words, you have to have the device
4 onboard, and "rigged and ready" was the words that we used.

5
6 That's where we're going to be headed. I am like Greg, and I
7 would love to see the, quote, mandatory use. Whether you're
8 ever going to get there, I don't know, but I do believe that the
9 peer pressure may be your best enforcement tool there and have
10 everybody understand that it's good for the resource, and it
11 helps you have more fish, and, in our situation, we've still got
12 -- We are still struggling with red snapper, and we may be doing
13 that until god knows when, but a recognition that, until we get
14 a better handle on release mortality, we're not going to have a
15 significant red snapper fishery, or significant red snapper
16 season, and so we're hoping to push the -- Really, not the
17 mandatory use, but the peer pressure and get better use of those
18 devices in that fashion.

19
20 **CHAIRMAN DIAZ:** Thank you, Mr. Brewer. Mr. Rindone.

21
22 **MR. RINDONE:** Thank you, Mr. Chair. Just to that point,
23 Chester, is that for recreational and commercial, or just one
24 sector?

25
26 **MR. BREWER:** I think it's across-the-board. I would have to go
27 check to make sure, but it's definitely for all, quote, sectors
28 within the recreational, because one of the problems that we had
29 is we did it on headboats, and those guys are coming in to us
30 and saying, hey, if we get into the fish, we're liable to have
31 thirty or forty fish come up at one time, and how are we going
32 to send all those things down with descending devices, but we
33 already know how to vent them, and we can vent them very
34 effectively and get them back into the water, and you're going
35 to have less mortality venting, and so we had all those
36 discussions, and where we came down is you're required to have
37 them. It is mandatory that you have the device onboard. You
38 don't have to use it. If you want to use as an alternative --
39 If you know how to vent, then you can vent the fish, and you're
40 still going to be in compliance.

41
42 **CHAIRMAN DIAZ:** Dr. Stunz.

43
44 **DR. STUNZ:** Dale, just briefly, since we're on this subject, and
45 I don't want to get too far outside of your agenda, but it's
46 related to the use of these devices. As many of you know, we're
47 doing this red snapper count, and part of it was tagging
48 thousands of snapper from Key West to Brownsville, which we have

1 done, and they are out there.

2
3 Each one of those fish was descended on a descending device, and
4 we're talking about red snapper, and we're getting back a 20
5 percent return rate, which is unheard of. 6 percent is very,
6 very high, and so they're actually breaking the bank, because
7 we're offering a high reward for those, but that's a good
8 problem to have, but I think that's really starting to see that,
9 if anyone is not a believer, that these devices -- You can catch
10 and release red snapper, and there you go.

11
12 **CHAIRMAN DIAZ:** All right. I am not seeing any other hands up,
13 and so we're going to bring this agenda item to a close. Thank
14 you, Mr. Rindone. Next up, we have Agenda Item Number VII,
15 National Marine Fisheries Service Southeast Regional Strategic
16 Plan. Mr. Strelcheck.

17
18 **NMFS SOUTHEAST REGIONAL STRATEGIC PLAN**
19

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

25
26 Just as a way of background, four or five years ago, both the
27 Southeast Fisheries Science Center and the Southeast Regional
28 Office prepared strategic plans, and they were done separately,
29 and they were done at a time where there was also a national
30 strategic plan developed. Since that time, the Science Center's
31 plan has run its course and expired or finished up, and the
32 Regional Office plan, as of right now, will continue through
33 2020.

34
35 Just last month, the National Marine Fisheries Service released
36 our new national strategic plan, and this is something that I
37 believe you had an opportunity to comment on and provide input
38 earlier in the year, and that plan is now released to the
39 public, and, essentially, there is about a one-year time lag, in
40 terms of the election cycle for the government, and so it's
41 supposed to be a four-year plan, and then, as the administration
42 is either reelected or changes, then a new four-year plan will
43 be developed at that time.

44
45 The intent of the national plan then is to allow regional
46 strategic plans to be developed around the country, and so we
47 are working toward developing five regional strategic plans that
48 tier off of that national plan, and, just to give you a visual

1 of what that would look like, right now, including the national
2 plan, there is actually ten, quote, unquote, regional plans that
3 existed, because the Science Centers and Regional Offices were
4 doing separate plans. That will be no longer.

5
6 Our intent is to merge the Science Center's planning efforts
7 with the Regional Office planning efforts and create one plan
8 for the Southeast, and then four other plans will be developed
9 around the country in other regions of NOAA Fisheries'
10 jurisdiction.

11
12 Why are we doing this? Why should you care? It provides a
13 deeper level of detail for us to kind of drill down into, in
14 terms of the regional needs that we have specific to our region,
15 the challenges that we're facing, and it gives us an ability to
16 also prioritize the work that we're going to be doing with the
17 environment of relatively flat budgets and operational costs
18 increasing.

19
20 We are continuously looking to prioritize the work we are doing,
21 and these strategic plans are allowing us to kind of look
22 forward and make decisions about what our highest priorities are
23 and what we need to focus on in the future, and so these will
24 guide our planning efforts within the region and allow us to
25 really put the resources toward what is most important for all
26 of the managed fisheries and resources that we have in the
27 Southeast.

28
29 The key, with regard to this planning process, is that it's
30 going to unify that planning effort, not just with the Regional
31 Office and the Science Center, but also other partners, like
32 Highly Migratory Species and the Restoration Center, that's
33 doing a tremendous amount of work on Gulf restoration here in
34 the Gulf of Mexico, and so all of these partners within the
35 agency will be contributing to this regional strategic plan.

36
37 It will also clearly indicate not only the unique mission
38 challenges that we're facing, but some of the strategies that
39 we're working on to try to overcome some of those challenges and
40 issues, and it will also help us to provide an integrative
41 approach to stakeholder engagement, because we are all working
42 off of this same planning effort.

43
44 What does it look like? I will go over the schedule here
45 shortly, but it's fairly straightforward, and it's going to
46 mirror the national plan and look very similar to the national
47 plan. There will be a joint letter from both Clay Porch and Dr.
48 Roy Crabtree, and we'll summarize our mission and mandates as

1 specific to our own geography and the issues that we're working
2 on here in the region.

3
4 We will also have just a summation of how we're structured, our
5 facilities, our employees, just some background information, so
6 people can understand more of the lay of the landscape, so to
7 speak, and the facilities we have, as well as the work that
8 we're doing and who is working on what activities.

9
10 As I mentioned, the strategic landscape is really intended to
11 focus on regional issues, challenges, and risks to the agency
12 and to the partners that we work with, and then the biggest
13 component to this, and this is one of the things that we've
14 actually shared with council staff already for review, is the
15 strategic goals and strategies, and, rather than go through ten
16 or twelve pages of various strategies that we're working
17 towards, in terms of prioritizing work within the region, we
18 have shared that with council staff, over the last month or
19 month-and-a-half, and asked for input on those particular
20 approaches that we're going to be working toward going forward.

21
22 Once again, all of this is intended to tie together the work
23 that our Southeast Region is doing with the Southeast Fisheries
24 Science Center, as well as HMS and the Restoration Center.

25
26 Just as a reminder, in terms of the national plan, these are the
27 three strategic goals that are outlined in the national plan,
28 and these will also be in our regional strategic plan, and so
29 these form the basis, essentially, for the work that we're going
30 to be doing going forward, but, just to give you kind of a
31 little bit of a summation of some of the key characteristics of
32 these strategies, for instance, with amplifying the economic
33 value of commercial and recreational fisheries, some of the
34 things that we have focused on in the plan pertain to the need
35 for additional socioeconomic research for fisheries management.

36
37 For increasing production of U.S. marine aquaculture, supporting
38 the design and permitting of pilot studies, like we're doing
39 currently and that might arise in the future.

40
41 Modernizing fishery information data collection through
42 development and implementation of the electronic reporting
43 program, and so that's just a flavor of some of the activities
44 that we would be doing as part of the plan.

45
46 With regard to conserving and recovering protected species, and
47 so that's Goal 2, one of the primary activities that we are
48 continuing to focus on, and focus on for quite some time, is

1 developing new technologies and gear configurations to reduce or
2 eliminate incidental capture of protected species, and then,
3 with the third one that pertains to organizational excellence,
4 just a couple of things that might be of interest to the
5 council.

6
7 One is reviewing agency regulations and removing or modifying
8 rules that unnecessarily burden businesses and economic growth,
9 and so we're interested, obviously, in looking at our rules and
10 regulations and making modifications or changes based on what's
11 on the books currently, and then another key activity, which I'm
12 excited about, with the Science Center's work and our partners,
13 is how we can institutionalize and use innovative technology.

14
15 One example is I know the stock assessment process has always
16 been a major topic with the council and not doing enough stock
17 assessments, and the Science Center, working with some of our
18 other Science Centers in the agency, is exploring near infrared
19 spectroscopy to estimate fish ages, and, if it's successful, it
20 could cut the time to age fish by 50 percent or more, which is
21 significant when it comes to stock assessment throughput, and so
22 those are just some of the activities that we put in the plan
23 and we have allowed council staff an opportunity to provide
24 input to.

25
26 That's just a small smattering of a much larger number of
27 activities that we have in the plan, but we're certainly open
28 to, obviously, sharing the rest of it with you, and so, just to
29 give you an idea of where we're at in the process, we began
30 drafting the plan in May and June, and we shared an initial few
31 sections of the plan in early July, and we received council
32 input three weeks later.

33
34 Right now, we're addressing that council input and finishing the
35 drafting of our plan, including some other sections that you
36 have not seen, and our goal is to get that back out to the
37 council for review, as well as Headquarters programs, in the
38 next week or week-and-a-half. Then give an opportunity for a
39 two-week review of that final draft plan before we move it
40 forward for approval and finalization by the end of the year. I
41 will stop there and answer any questions.

42
43 **CHAIRMAN DIAZ:** I have a question for you, Andy. Who is the
44 final approval body?

45
46 **MR. STRELCHECK:** It will be approved through our Headquarters
47 Office, and so Chris Oliver and Sam Rauch, our leadership team.

1 **CHAIRMAN DIAZ:** Any questions for Mr. Strelcheck? Ms. Bosarge.

2
3 **MS. BOSARGE:** Thanks, Andy. That was an excellent presentation.
4 I noticed, on the map that you had, that the Southeast Region is
5 by far, it looks like, the largest region of all of those up
6 there. I mean, it goes from the Atlantic all the way to New
7 Mexico and from the Gulf of Mexico all the way up to Iowa, but I
8 am kind of encouraged by that. I know that's probably a load on
9 you all, but I'm encouraged by it, because one of the things
10 that we talk about sometimes is the hypoxic zone in the Gulf of
11 Mexico, and I think, with this Southeast Region going that far
12 up the Mississippi River -- I beat this drum when the
13 restoration folks come and talk to us, and I haven't made much
14 headway, but the squeaky wheel gets the grease, and so maybe, if
15 you all could highlight that as one of our regional issues here
16 in the Southeast -- If you keep running that up the pole,
17 somebody may pay attention one day.

18
19 I mean, I really think that that's a great way to meet your goal
20 of amplifying the economic value of commercial and recreational
21 fisheries. If you have more fish to go around and more
22 structure and more ecosystem out there to fish on, that would be
23 great, if we could have that come back to life again, and so you
24 also said that you will be collaborating -- This plan will
25 collaborate somewhat with the restoration work, and so maybe, if
26 we could just highlight that somewhere, that would be excellent.
27 I appreciate it.

28
29 **MR. STRELCHECK:** Thanks, Leann. We have been engaging the
30 Restoration Center and the Highly Migratory Species section in
31 the development of a plan, and so they're contributing to it
32 directly, and you're right. I just kind of glossed over a lot
33 of the information in the plan, and there is extensive
34 information about supporting habitat, restoration, habitat
35 protection, as well as water resource management.

36
37 That's a significant component for our region that the council
38 doesn't deal a lot with, but we do address a number of issues,
39 whether it's fish passage through dams and other structures, or
40 above dams and other structures, or the Mississippi River
41 hypoxic zone or diversions in Louisiana, and so, yes, there's a
42 number of issues facing the Southeast Region that we work on.

43
44 **CHAIRMAN DIAZ:** Ms. Bosarge.

45
46 **MS. BOSARGE:** Thanks, and, just as a quick follow-up, I guess,
47 going to some of the CCC meetings in the past, the thing that
48 always stuck out in my mind when it came to ecosystem management

1 was a comment that was made by the Western Pacific Council,
2 their Executive Director, and she was speaking mainly about the
3 Hawaiian Islands and saying how we manage from the top of the
4 mountain all the way down, and, yes, that's a little easier
5 there, and it's an island, and so it's a little easier to do and
6 follow that all the way down and mitigate any issues that you
7 have when it comes out in the saltwater, any freshwater coming
8 down and any runoff from farms or this or that, but I really
9 hope that, one day, here in the Southeast, we can get to that
10 point, where we can have some of those conversations, where the
11 fish people can talk to the farm people, and all the right
12 people can be in the room, and maybe make some progress. We
13 sure would appreciate it down here on this end of the coast.

14
15 **CHAIRMAN DIAZ:** Any other questions for Mr. Strelcheck? Thank
16 you, Andy. Good presentation. We're going to move into our
17 next agenda item, and the next one is a presentation on the
18 Endangered Species Act listing of the Bryde's whale. Ms.
19 Zoodsma is going to be doing our presentation. Take it away.

20
21 **PRESENTATION ON ENDANGERED SPECIES ACT LISTING OF BRYDE'S WHALE**

22
23 **MS. BARB ZOODSMA:** I am a marine mammal person that has come to
24 talk to the fish people, and I am here to talk about Bryde's
25 whales, but, before I do that, I will introduce myself. I am
26 Barb Zoodsma, and I work in the Protected Resources Division, in
27 the Marine Mammal Branch specifically, and Jessica Powell back
28 here works with me in the Marine Mammal Branch, and we both are
29 happy to be here. If any Bryde's whale challenges come up,
30 questions come up, feel free to reach out to us at any time.

31
32 Let's talk about that name, to begin with. It looks like
33 Bryde's whale. In my opinion, it should be Bryde's whale, but
34 there's this Norwegian guy that set up some whaling camps in
35 South Africa, and that's how he spelled his name, and so that's
36 how this whale got its name, and so it's pronounced Bryde's,
37 sort of like Popeye and Brutus, only with a "d" Bryde's.

38
39 That was the most important thing that I had to deliver today,
40 and now we'll get into the other stuff that may or may not be so
41 interesting. Basically, I just wanted to come here and
42 introduce the whale to you guys and go over a little bit about
43 it, just so it doesn't completely surprise you, and then I will
44 talk a little bit about some of our listing considerations.

45
46 I am not going to go through the whole process, because I think
47 that's just above and beyond what we need to go into, but I do
48 want to also emphasize that this whale is so new to us, and

1 we're learning so much about it, almost on a daily basis, that
2 what I am providing to you today is basically the best available
3 information that we have.

4
5 That doesn't mean that, when I get back to the office, there
6 isn't some more new information that came in. I mean, it's that
7 unbelievable. Every time our Science Center goes out for a
8 cruise, I feel like I need to kind of rewrite the books on
9 things, and so just sort of keep that in mind, and, in fact, so
10 many things are changing that even the name may change. We have
11 somebody who is working on the genetics right now, and she is
12 preparing a paper to submit to the Marine Mammal Science
13 Commission, or the Society for Marine Mammology, and she is
14 going to propose a name, and so it may be different, or it may
15 be the same, but there you go. There you have it.

16
17 Here is the milestones that we went through in listing this
18 species, and I am not going to go through this, because you have
19 all of this right in front of you, but the most important thing
20 is that, in April, earlier this year, is when NMFS published the
21 final rule listing the Gulf of Mexico Bryde's whale as an
22 endangered species, and so that happened all of four months ago,
23 and here I am talking to you guys, and so it's important for us
24 to just work together and continue to partner on things.

25
26 One of the other things that we went through in looking at this
27 listing and considering the listing was is this actually a
28 species? Like I said, so very little is known about this
29 animal, and the species description of the animal itself looks,
30 for all intents and purposes, like other Bryde's whales in the
31 world.

32
33 They are a baleen whale, and Bryde's whales are found throughout
34 the world. They have a sleek body. I usually work with right
35 whales, and so I haven't quite gotten over how they are kind of
36 eel-like looking, to me, but they have a large falcate dorsal
37 fin. The most prominent thing, I think, is there are three
38 ridges on the rostrum right there, and that is a characteristic
39 feature of Bryde's whales, and so those are -- You can see
40 where, if that's how you identify that that's the animal, that's
41 kind of hard to do out in the open ocean. The adults can get to
42 be just over eleven meters, and all of this is information that
43 is basically typical to all Bryde's whales worldwide.

44
45 Now, what makes them distinct from all other Bryde's whales is
46 that, genetically, they are very distinct. In fact, these
47 animals are so different from all of the other Bryde's whales in
48 the world that the amount of difference there is between them

1 and other Bryde's whales is more different than any other
2 Bryde's whale population in the world, and so these guys are
3 really, really very different. Under the Endangered Species,
4 that did qualify them to actually be designated a species.

5
6 Just to continue on with just a little intro into Bryde's
7 whales, they are found in the Gulf of Mexico. Historically,
8 they were found throughout the Gulf of Mexico, and we know this
9 through whaling records and then also stranding records.
10 Recently, they have been -- I will just say that, presently,
11 they are in a much more restricted range, and that's that --
12 Here's where I reveal that I am color blind. Is that yellow or
13 tan or something like that, but it's kind of a gummy-bear-
14 looking thing, and that's where we see Bryde's whales most
15 frequently and where we expect to find them.

16
17 Because they are in that restricted area, it makes them very,
18 very susceptible to environmental events. In fact, the
19 Deepwater Horizon oil spill covered approximately 48 percent of
20 their biologically-important area, and I think it was like 22
21 percent of the females were compromised in a reproductive
22 perspective, and so they were really impacted by that event.

23
24 They're the only year-round baleen whale in the Gulf of Mexico,
25 and another way to state that is they don't have any place else
26 to go, and so we think this is it for these animals. There are
27 a few extralimital occurrences, very, very rare events, where
28 they have been found stranded on the east coast, but those are
29 thought to be extremely rare events.

30
31 A little bit about the life history. Like other marine mammals,
32 they are long-lived, and it takes a long time, nine or ten
33 years, for them to become reproductively mature, and their
34 calving interval is two to three years, and so it takes a while
35 for them to produce a calf, and they have low productivity, and
36 that is, again, typical of marine mammals.

37
38 This population, there are -- We conservatively say there are
39 likely fewer than 100 individuals. There are likely fewer than
40 fifty that are mature, and the best estimate out there is --
41 There are some considerable error bars around this, but the best
42 estimate is that there are thirty-three individuals.

43
44 When I speak with our Science Center personnel, and they go on
45 cruises offshore, they are telling me they constantly see the
46 same individuals again and again. They are just repeating the
47 same sightings.

1 Behavior and diet, they are semi-social, and they can be seen
2 alone or with others, and the foraging thing is kind of an
3 important thing that, if you guys want another take-home message
4 besides how to pronounce the name, the foraging behavior is kind
5 of interesting.

6
7 They appear to feed on small, schooling fish, and this is also
8 information that's just coming in from the cruises, but it seems
9 that they feed on small, schooling fish deep down, at depth,
10 during the day, and then these fish, the prey species, migrate
11 up to the surface of the water at night, and the whales may feed
12 on them at night as well.

13
14 I think what's really compelling about this species is, when you
15 look at this graphic again, this panel shows you day and night,
16 and so the dark boxes is night, and the light is day, and these
17 are dives that the whale took, and so you see, just about all
18 day long, it's making these repeated dives, and these whales are
19 working really hard to feed during the day.

20
21 They get down to the bottom, and it seems that they may circle
22 around some fish a couple of times and execute a lunge into the
23 middle of the fish and do those lunges a couple of times and
24 come back up and grab some air and go back down again, and so
25 they're all business. They are feeding constantly.

26
27 Again, back to the listing, and so part of the process is to go
28 through this Section 4 factor analysis, and I'm not going to get
29 into the nitty and gritty about this, but, basically, a number
30 of things were looked at to see if those things were affecting
31 these animals.

32
33 There is the present or threatened destruction of habitat, et
34 cetera, et cetera, and, down at the bottom, in E, other natural
35 or manmade factors affecting its continued existence, that's
36 where fisheries were considered, and so you can see that it's
37 not as high of a concern or considered to be as high of a threat
38 as habitat-related events, but it's still listed as a concern
39 risk.

40
41 The most serious threats to this population, this species, is
42 the small population size, and we kind of went through that,
43 energy exploration, development, and production, and I talked
44 about the DWH oil spill. Vessel collisions, you would think
45 that there wouldn't -- If there aren't so many of these animals
46 out there, that vessel collisions would not be a threat, but
47 guess what? They are. In fact, that's a picture of a Bryde's
48 whale that was brought into Tampa Bay. Noise is a problem, and

1 then fishing gear was also listed as a threat.

2
3 Fishing gear entanglement, just to get into that a little bit,
4 whales have been hooked, trapped, and entangled, and you all are
5 aware of that, and bycatch rates we think are underestimated for
6 a number of reasons, primarily because these animals occur
7 offshore quite far, and so we don't tend to see carcasses or the
8 animals themselves.

9
10 We do know that there have been some events with this species.
11 In 1974, there was a Florida animal that was entangled in
12 polypropylene line, and there was also a longline entanglement,
13 and, in 2003, and this is one of those extralimital animals that
14 was found stranded off of North Carolina in trap/pot gear.

15
16 There is a scientific review team that evaluated all of these
17 different threats to the animals, and they looked at -- They
18 considered twelve Gulf of Mexico fisheries and found that five
19 of them overlapped, or possibly overlapped, with Bryde's whales
20 and used gear types that pose entanglement risk to whales, and
21 so you can see those five species, or five fisheries, listed
22 there, and, just because this is what you guys do, the reef fish
23 fishery is also listed there.

24
25 What was the scientific review team thinking about relative to
26 the reef fish fishery, and what did they consider? Well,
27 basically, it was a lot of spatial overlap, in terms of areal
28 overlap, but also kind of the vertical overlap, and so, in other
29 words, the fishery can be prosecuted in the same area where
30 Bryde's whales are thought to be and have been observed, and
31 there is also a vertical buoy line associated with the fishery,
32 and so that presents an opportunity for whales to become
33 entangled, and, also, I mentioned that whole feeding and
34 foraging behavior of Bryde's whales, where they go down to the
35 bottom and feed on small schools of fish at the bottom, and, of
36 course, that's where longline gear can be as well, and so those
37 are just some of the things that the scientific review team
38 brought up in the report that you have in your briefing books.

39
40 Effects of this species being listed as endangered, I'm not
41 going to go into all of these details either, but, obviously,
42 Section 7 consultations for any federal agency that is going to
43 propose any activities in the area, and there is a prohibition
44 on taking these animals, and there are some MMPA-specific
45 concerns, and we'll be looking at establishing critical habitat
46 and then also developing a recovery plan to try and map out how
47 we're going to help this species come back.

1 I read this in that status review report that you all have in
2 your notebooks, and it just really grabbed me. It said that
3 small-scale incremental impacts over time or a single
4 catastrophic event could result in extinction of the species,
5 and that just really -- I don't know, but that just really kind
6 of resonated with me. Because I'm just kind of a person that
7 likes to share, I thought I would share that with you guys.

8
9 The neat thing that I think that we all have an opportunity
10 before us is that, together, we all work, and we can make a
11 difference with this species, I believe, and so I do want to
12 just bring out that partnerships are going to be important, and
13 so I do look forward to working with you all on recovering
14 Bryde's whales, or whoever they are in the future, but that's
15 pretty much all I have.

16
17 If you have any questions, feel free to ask them. I'm not a
18 Section 7 expert, and so I can't help you out with a lot of that
19 nitty and gritty technical stuff, but Jenny Lee is on the phone,
20 and I'm sure she can help you out, or Dr. Crabtree is a pro, and
21 he can handle those as well.

22
23 **CHAIRMAN DIAZ:** Thank you, Ms. Zoodsma, for that presentation.
24 It was a very good presentation. I thought the material was
25 very interesting, too. I started reading through it, and I
26 looked down, and I had been reading it for two hours, and it
27 didn't seem like I was looking at it for very long. I realize,
28 based on the new classification for the species, that new
29 regulations are going to have to meet a different standard.
30 What about current regulations?

31
32 **MS. ZOODSMA:** Let's go right for the hard questions, right?
33 Technically, under the ESA -- Now you're getting into Section 7,
34 and so Jenny probably should pipe in here and bail me out here
35 pretty quickly, but, technically, if something has changed,
36 then, yes, a consultation would be reinitiated, technically.

37
38 **CHAIRMAN DIAZ:** Ms. Gerhart.

39
40 **MS. SUSAN GERHART:** Just to let you know that we actually have
41 reinitiated the consultation, which is creating the biological
42 opinions, for all of the fisheries that the council manages.
43 Most of them were reinitiated before now, because of some other
44 listings, that were like the Nassau grouper and the giant manta
45 ray and the whitetip shark, and there were various other things
46 that have been listed that have reinitiated, and so we were
47 already working on those bi-ops, and this will just be added to
48 those.

1
2 **CHAIRMAN DIAZ:** Are there questions for Ms. Zoodsma? Mr. Anson.

3
4 **MR. ANSON:** Thank you for coming. I think I know what some of
5 the answers might be, but I'm just curious if you could
6 summarize, briefly, some of the things that caused the rating
7 for the factor analysis in the present or threatened destruction
8 or modification or curtailment of habitat and range to be listed
9 as high.

10
11 **MS. ZOODSMA:** I think the biggest threats that the scientific
12 review team listed were basically the impacts from energy
13 exploration and development. That was the biggest.

14
15 **CHAIRMAN DIAZ:** Go ahead, Mr. Anson.

16
17 **MR. ANSON:** In the critical range or habitat, it was in that
18 area that you said it was 100 meters to 400 meters, and is that
19 correct?

20
21 **MS. ZOODSMA:** You're going back to -- Yes, the area where the
22 Bryde's whales have been seen most often is in the 100 to 400-
23 meter range, yes.

24
25 **CHAIRMAN DIAZ:** Just to let the committee know, Ms. Jenny Lee is
26 also on the phone, and she's able to answer questions related to
27 Section 7 questions. Any other questions? Dr. Frazer.

28
29 **DR. FRAZER:** I enjoyed the presentation as well, and just a
30 couple of biology things. There is only thirty-three, and
31 that's the best estimate, and I realize that there's a lot of
32 pretty wide confidence intervals around that, but, when you get
33 a plot, for example, of their diving behavior, how many animals
34 does that come from? I mean, how representative do you think
35 this is?

36
37 **MS. ZOODSMA:** That's a really good question. Thank you for
38 asking that, in fact. That came from one animal that was fitted
39 with a kinematic tag, and so they were watching pitch and roll
40 and dive behavior. However, having said that, it's not very
41 different from other Bryde's whales worldwide.

42
43 **CHAIRMAN DIAZ:** All right. Thank you very much. I'm not seeing
44 any other questions, and we appreciate your presentation.

45
46 **MS. ZOODSMA:** Thank you very much, and, if anybody has any
47 questions, feel free to just email me or Dr. Crabtree, and he's
48 a pro, too.

1
2 **CHAIRMAN DIAZ:** Okay, and so that's going to bring us to our
3 final committee agenda item, which is a discussion on allocation
4 issues, and Dr. Frazer is going to lead that discussion. Dr.
5 Frazer.

6
7 **COMMITTEE DISCUSSION ON ALLOCATION ISSUES**
8

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

18
19 Luiz alluded to it a little bit as well, when he was giving the
20 SSC summary, talking about optimum yield, and that's essentially
21 trying to achieve a target, but based on values, and values that
22 haven't necessarily been quantified, or there is no metric
23 available, and so then I just saw, in the strategic planning
24 effort, that one of the goals was to amplify the economic value
25 of commercial and recreational fisheries.

26
27 Again, that points to this issue that, in order to make a
28 decision, an informed decision, we have to put numbers on
29 things, and so my big question to the group today is, for some
30 of those values, other than perhaps just the price of a fish,
31 what are they, and can we put them into words, and what would a
32 metric look like? Don't all jump in at once.

33
34 All right, and so I anticipated this. I will give you an
35 example. Oftentimes, people would -- We have heard public
36 testimony that said that there is value for keeping a fish in
37 the water, right, because it's an encounter rate that is
38 important to a particular stakeholder group, and so my question
39 would be, for those of you that are so quantitatively inclined,
40 how would you put a value on that encounter rate? This is going
41 exactly how I thought it was going to go. Dr. Shipp.

42
43 **DR. SHIPP:** I would like to bail you out, and I will try, but
44 there is -- As far as encounter rates are concerned, there is a
45 recently-published book that some of you may have read called
46 *Gulf* by Jack Davis from the University of Florida, and one
47 entire section of that book has to do with the history of tarpon
48 fishing in the southeastern Gulf of Mexico, and the thing about

1 tarpon, of course, is people don't eat them, and so this was
2 strictly an encounter issue.

3
4 Several presidents and all of the millionaires in the early part
5 of the 20th century converged on Tampa and Collier County and
6 that area, Marco Island, just to encounter tarpon, and
7 translating that into dollars is a very difficult thing, but the
8 author claims that part of the history of the development of
9 southwestern Florida was because of encounter rates with tarpon,
10 and so I just throw that out, and I will end by highly
11 recommending that book. Any council member would find it
12 extremely valuable, because so much of the book deals with the
13 history of fishing in the Gulf of Mexico.

14
15 **DR. FRAZER:** Thanks. I appreciate that. Other than that, the
16 reason I bring this up is because we have, right now, at our
17 disposal, a policy and a procedural directive that gives us some
18 things that we should consider, and a lot of those things are
19 socioeconomic, I guess, in nature, and we're going to have a
20 hard time doing that.

21
22 I suspect that we're going to get a GAO report that says, hey,
23 you know what, you should consider these things that are in
24 front of you, and, by the way, you should establish or develop a
25 process that incorporates these things, and we're going to be
26 forced to do that, and, as part of that process -- I don't mind
27 trying to develop that process, but, at the end of the day, we
28 have to have things that we can measure, and it's pretty hard,
29 at this point.

30
31 We also have a working group that is going about their business
32 in parallel with the GAO, and that working group is going to
33 provide, again, some information, but I suspect that there is
34 going to be gaps in the information that's provided, and it
35 would be nice to have this information, but we don't, and so
36 maybe that's going to guide our research priorities or data
37 needs, moving forward, but we still need to know what types of
38 things that we actually want to measure and that might go into
39 the formula. Chester.

40
41 **MR. BREWER:** Thank you. I don't know exactly where you are in
42 this process, but it sounds like you're just beginning it, and
43 we have been struggling with this as well, and I think the
44 requirement, as I understand it, is that we be working on this
45 process, and not that we have completed it by any specific date,
46 and I think that applies across the board for the councils.

47
48 We have been working on this for three-quarters of a year or a

1 year, and you're always going to have a great deal of trouble
2 with exactly what criteria are going to be put into allocations,
3 are to be put in and which ones -- How they're going to be
4 weighted and all of that.

5
6 We got started by saying, okay, what we're going to do first is
7 we will come up with a series of -- I hate to use the word
8 "trigger", because of some of the things that I have heard
9 recently on the news, but what is going to trigger the need to
10 allocate or to look at the allocation in a fishery, and we have
11 got a series of criteria that we're working on, and one of the
12 big ones is time. How long has it been since that particular
13 fishery has been looked at from the standpoint of allocation?

14
15 Other ones have to do with what's the performance of the fishery
16 and are you continuously overfishing in that particular fishery,
17 and there's a -- There is a list of different sort of
18 alternatives, I will call them, that we have put together, and
19 we're still working on it, but I think that we're moving towards
20 something, and I'm not sure exactly where it will end up, but we
21 are moving.

22
23 **DR. FRAZER:** Right, and I think all the councils are in the same
24 boat, and so we have to identify what triggers we're going to --
25 What will trigger the review, and we also are at that stage. I
26 guess I'm trying to figure out -- I anticipate, again, that,
27 when we get into the nuts-and-bolts of trying to develop a
28 process, that we are not going to have the type of information
29 that we need to make decisions that are fair and equitable, and
30 we will often default to the best available data, which are
31 classic kind of economic data, but I am trying to move us
32 forward, so we can start thinking about what information we
33 might have the opportunity to collect, or what data we might
34 collect that would help us make a more informed decision.

35
36 I don't suspect that I'm going to get it at this table today,
37 and I may not get it for quite a while, but these are the things
38 that I am thinking about, and, in the absence of having those
39 types of data, that type of information, we get into some of the
40 things that we heard earlier before, like this is a horse-
41 trading exercise, and it may in fact be a horse-trading exercise
42 for some period of time, but, if it is, is it -- Are we invoking
43 the best process to do the horse trading?

44
45 Is that really a facilitated discussion, perhaps, by somebody
46 outside of this group that can help us come to a more reasoned
47 decision, I guess, and that may in fact be what happens, but I
48 wanted people around here to have an opportunity to say that we

1 should measure this, and you don't have to tell me today. You
2 can tell me offline, and I'm accumulating information to try to
3 steer us towards an endpoint down the road, and so go ahead,
4 Greg.

5
6 **DR. STUNZ:** Well, Tom, we've got the letter that we did a few
7 meetings ago, and we have expertise on our SSC, in terms of
8 socioeconomics, and I don't know what that would look like to
9 us, but maybe there is some need to have a presentation or where
10 are the real data needs, because, obviously, that's where we
11 would fall to help guide us, and so I don't know what that would
12 look like, because, obviously, we don't have a lot of economists
13 sitting around this table, but then you mentioned that we have
14 this workgroup working in parallel, and what is that? I don't
15 recall what that workgroup is.

16
17 **DR. FRAZER:** I think that group is comprised of individuals from
18 the Southeast Science Center and SERO and council staff, and
19 they are trying to identify the types of data that we have that
20 are available to us that would allow us to make these decisions,
21 and I do think that it will come in front of the SSC, and I
22 think it will involve the socioeconomic group of the SSC, and,
23 when they're done, I think we'll get a summary of that, for
24 sure, and I don't think we will, but we will, and that will help
25 us. Go ahead.

26
27 **DR. STUNZ:** Obviously, we want to measure this, and I think
28 that's why we're having this discussion, but do you know what
29 the general timeline for that is?

30
31 **DR. FRAZER:** I would refer to the NMFS folks over there. Roy,
32 do you know, or Shannon? Dr. Simmons.

33
34 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Ava just
35 reminded me that this is for the review, the allocation review,
36 and so you've set up when you're going to do the reviews, how
37 often, and so this working group is coming up with criterion to
38 establish a framework, and I don't know if this will be separate
39 for different species, but things you might look at to complete
40 a review, like at least an outline or a framework, I believe is
41 what they are working towards, and so they have met twice, I
42 believe, and so they're going to come up with some information
43 to present to the SSC in September. That would come to you, at
44 least where they are currently, in October, and I will let --
45 Maybe Dr. Lasseter or Dr. Freeman can fill in more information,
46 if needed.

47
48 **CHAIRMAN DIAZ:** Go ahead, Matt.

1
2 **DR. MATT FREEMAN:** Just to add to that, the working group has
3 had two conference calls on this, discussing these issues, and
4 our socioeconomic group for the Gulf and South Atlantic Councils
5 will be meeting with SERO staff and Science Center socioeconomic
6 staff in early September, and this is going to be one of the
7 agenda items that gets brought up. After that, I believe Dr.
8 Diagne will be discussing some of those items with the council
9 in October.

10
11 **DR. FRAZER:** Thanks, Matt. Mr. Dyskow.

12
13 **MR. DYSKOW:** I appreciate the steps that have already been
14 taken, but where we could perhaps contribute, or at least learn,
15 is I hear this term "socioeconomic factors", and I think we need
16 to define what those are, because the only economic factor that
17 I'm aware of is the mighty dollar.

18
19 As far as social factors, I don't know that we've gone very far
20 to define those. The low-hanging fruit, when you talk about
21 social factors, are tarpon, bonefish, species that nobody wants
22 to keep, but they enjoy fishing for, but, when you get into the
23 Gulf fishery, the offshore fishery, there is not a lot of fish
24 that fit that category, and so how do we proceed? I think it
25 would be useful to spend a few minutes to talk about what these
26 socioeconomic factors are and what are the ones that we have
27 already identified.

28
29 **DR. FRAZER:** I agree, and, if I wasn't clear, that's where I was
30 trying to get to.

31
32 **MR. DYSKOW:** Do I get a gold star for that?

33
34 **DR. FRAZER:** You get two. Mr. Anson.

35
36 **MR. ANSON:** That was a good comment, Phil, and something that
37 you asked specifically, I guess, is to what things, what data,
38 could be brought forward to aid in that discussion. Hearing Dr.
39 Shipp's comment about the southeast Gulf of Mexico, southwest
40 Florida, I presume, and where the tarpon fishery was and its
41 prominence and such, relative to the coastline at that time, and
42 then, thinking of our conversation at lunch, Susan, regarding
43 the type of boats that are pulling up to get fuel these days,
44 there is people that are investing hundreds of thousands of
45 dollars in a boat, three and four engines, and they are taking
46 that as their vehicle to go offshore, and so it comes down to
47 the dollar, and so how we best, I think, can identify datasets
48 that capture the dollar, if you will, and so vessel registration

1 information that the states have, potentially, could be a source
2 to try to identify or quantify the amount of dollars that are
3 being spent.

4
5 Now, that also has to have some information to determine what
6 types of recreational activities those vessels are primarily
7 being used for, but certainly, if someone is going out to access
8 snapper in a \$300,000 or \$400,000 or \$500,000 boat, that has got
9 to be -- As far as the socioeconomic side of things, that's got
10 to be accountable or attributed to something relative to what
11 the value is and what the worth is to that individual, at least,
12 and then cumulatively for the recreational fishing community as
13 a whole.

14
15 **DR. FRAZER:** Ms. Levy.

16
17 **MS. LEVY:** Well, just to remind you that NMFS came out with a
18 number of policy documents a few years ago related to
19 allocation, and one of those is what led you to those triggers,
20 and so there is a policy that deals with the process for making
21 allocation decisions, and that document does identify several
22 ecological, social, and economic factors to consider in doing
23 that, and so I just want you all to be aware that there is that,
24 and it does describe that.

25
26 I mean, it doesn't tell you how to do it, necessarily, and it
27 certainly doesn't like quantify things, but there is definitely
28 some agency guidance on the type of ecological, social, and
29 economic factors to consider in making allocation decisions.

30
31 **DR. FRAZER:** Yes, I agree, and those are certainly -- They are
32 out there, and we've talked about them before, but your point is
33 well taken that these are all the things that are out there, but
34 there is no direction at all, and understandably so, on how to
35 use that information to the best of our ability. Dr. Crabtree.

36
37 **DR. CRABTREE:** It probably would be worthwhile having a review
38 discussion from someone about the way economists look at
39 allocations and those kinds of things, and so you have just
40 economic activity dollars spent, but, generally speaking, that's
41 very different than economic value and net benefits and the
42 kinds of things that economists look at when they are trying to
43 find efficient allocations and optimal allocations, and so there
44 is a lot of difference between just generating economic
45 activity.

46
47 A hurricane can generate a lot of economic activity, and it
48 spurs a lot of spending on construction, and Home Depot makes a

1 killing of it, but no one would argue that hurricanes add any
2 real benefit or value to anyone, and so I think that would be
3 worthwhile having some discussion about.

4
5 **DR. FRAZER:** That's a good comment as well, and I'm wondering if
6 there is any appetite around the table for perhaps inviting
7 somebody to come give a talk about natural resource valuation
8 more generally and how things are allocated, and perhaps not
9 even in the fisheries arena. I am looking around. Is anybody
10 opposed to that? Okay, and so might try to line that up here in
11 the very near future. Okay. Ms. Bosarge.

12
13 **MS. BOSARGE:** I think my comment kind of piggybacks on yours a
14 little bit. For quite a while, I've been thinking about what
15 are the other social factors that we hear at the podium a lot,
16 and, of course, I'm thinking about it, at this point, from a
17 commercial perspective, and I've heard a lot of recreational
18 talk around the table, but we hear a lot about continuing that
19 or preserving that fishing heritage, and, in our documents, we
20 probably refer to that as fishing communities.

21
22 In my mind, commercial fishermen provide food for our people,
23 for our country, and you could argue that some of it may go
24 overseas, but, by and large, the bulk of it stays here, and so,
25 in my mind, they are very similar to farmers, and that's where
26 it kind of ties into what you were saying, but what you're
27 wanting us to get at is how do we put a dollar, or a value, on
28 that.

29
30 Well, if fishermen and farmers are somewhat synonyms for each
31 other, and one is getting it out of the water and one is taking
32 it from the land, growing it from the land, but our country has
33 put some sort of value on farmers already, because we have lots
34 of subsidies and things like this that come through our federal
35 government, and so surely there is some mechanism they have used
36 to put a value on providing that food and ensuring that that
37 continues for our country, and so maybe that is something that
38 we can look at and see if it applies to commercial fishing and
39 putting a value on making sure that we continue that heritage,
40 and, as you shift allocation from commercial to some other
41 sector, the commercial industry will have to right-size.

42
43 There is less fish for them to kill, if you do that, and so some
44 people would have to drop out of the industry, at some point,
45 for everybody to keep making a living, and so what's the value
46 that you place on that fisherman leaving the industry? Do you
47 see what I'm saying? In that whole community, because, as the
48 industry right-sizes, you start to lose some of your dockside

1 infrastructure, if there's not enough production there to
2 support it, and so maybe that's a way we can -- That's an
3 industry, the farming industry, that we have some valuations on
4 already, as far as, intrinsically, how much of our taxpayer
5 dollars are we willing to pump into it to keep it going and make
6 sure we have that for domestic security.

7
8 **DR. FRAZER:** Again, that's a good suggestion as well. I mean, I
9 think, at some point, when I think about the negotiation, or the
10 horse-trading, those are inevitably the types of things that
11 come up, and it's hard to place a value on, and so, ultimately,
12 I want to be able to say what are those things that we value,
13 whether it's kind of the cultural heritage of a particular
14 fishing industry or a fleet somewhere and how you put a dollar
15 on that, and so those are two things, and we don't have the full
16 list of things that we want to quantify, and I don't think we
17 have that right now, and nor how would we actually generate the
18 dollars to go with it.

19
20 I think this is good for me today, and so I think what I'm going
21 to try to do is speak with some natural resource economists,
22 some people that do natural resource valuation, and give them
23 some guiding kind of questions, or topical area, and have them
24 come stimulate some discussion at one of our upcoming council
25 meetings. Unless there is anything else to say at this point, I
26 think we will take a fifteen-minute break. Mr. Diaz. Sorry
27 about that.

28 29 **OTHER BUSINESS**

30
31 **CHAIRMAN DIAZ:** I just wanted to ask the committee if there was
32 any other business to come before the committee, because of the
33 agenda. Seeing none, Mr. Chairman, we're ten minutes early.

34
35 (Whereupon, the meeting adjourned on August 12, 2019.)
36
37

- - -