

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

REEF FISH MANAGEMENT COMMITTEE

Astor Crowne Plaza New Orleans, Louisiana

JANUARY 30-31, 2017

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Kevin Anson...Alabama
Patrick Banks...Louisiana
Leann Bosarge...Mississippi
Doug Boyd...Texas
Roy Crabtree...NMFS, SERO, St. Petersburg, Florida
Pamela Dana...Florida
Dale Diaz...Mississippi
Tom Frazer...Florida
Martha Guyas (designee for Nick Wiley)...Florida
Kelly Lucas (designee for Jamie Miller)...Mississippi
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Dave Donaldson...GSMFC

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- Steven Atran...Senior Fishery Biologist
Matt Freeman...Economist
Douglas Gregory...Executive Director
Morgan Kilgour...Fishery Biologist
Ava Lasseter...Anthropologist
Mara Levy...NOAA General Counsel
Emily Muehlstein...Public Information Officer
Ryan Rindone...Fishery Biologist/SEDAR Liaison
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PAGE 10: Motion in Action 2 to move Options 4a and 4c in Alternative 4 to the Considered but Rejected Appendix. [The motion carried on page 10.](#)

PAGE 24: Motion to instruct staff to develop a white paper outlining the changes necessary to include red snapper, gag, gray triggerfish, greater amberjack and red grouper in the management program for charter/for-Hire allocation-based management consistent with the Charter/For-Hite AP recommendations and joint Charter/For-Hire/Headboat AP consensus. This should explore: required changes to current amendment, including purpose and need, title, et cetera; method for determining charter/for-hire ACL for gray triggerfish, gag, red grouper, and greater amberjack; develop mechanisms for trading different species to accommodate regional differences; and scenarios illustrating how initial allocation of shares would change through cyclical redistribution (discussed at length during joint For-Hire AP meeting) based on reported landings methodology chosen. [The motion carried on page 36.](#)

PAGE 43: Motion in Action 1 to make Alternative 3 the Preferred Alternative. [The motion carried on page 44.](#)

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PAGE 59: Motion to send Amendment 36A out for public hearings. [The motion carried on page 60.](#)

PAGE 94: Motion to direct staff to add carryover provisions in the ABC control rule amendment and modify the framework procedure to allow for NMFS to update the appropriate quotas once landings data are available. [The motion carried on page 96.](#)

PAGE 120: Motion to include in Amendment 36B a use-it-or-lose-it provision. [The motion failed on page 125.](#)

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1 The Reef Fish Management Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Astor Crowne Plaza, New
3 Orleans, Louisiana, Monday afternoon, January 30, 2017, and was
4 called to order by Chairman Johnny Greene.

5
6 **ADOPTION OF AGENDA**
7 **APPROVAL OF MINUTES**
8

9 **CHAIRMAN JOHNNY GREENE:** We are going to go ahead and get
10 started. We are going to be jumping around in the agenda, and
11 so we are going to try to get as much done as we can today.
12 With the adoption of the agenda, we are going to take care of
13 Items I, II, and III. Then we're going to go to Tab B-14, and
14 we will see how much time we have left after that. Now, this is
15 a committee of the whole, and so there is any objections to what
16 I have just laid out before you? Seeing none, we will consider
17 the agenda adopted.

18
19 The next item will be Approval of the Minutes. Is there any
20 changes or additions or deletions? Mr. Anson.

21
22 **MR. KEVIN ANSON:** On page 37, line 26, there are two "after" and
23 there should just be one "after". Thank you.

24
25 **ACTION GUIDE AND NEXT STEPS**
26

27 **CHAIRMAN GREENE:** Thank you. Any further changes? Seeing none,
28 Item Number III is your Action Guide and Next Steps, and so I
29 would encourage you to refer to that as to what we're trying to
30 do in each section, as we get to that. With that, we will move
31 into Item Number XIV, Draft Framework Action - Mutton Snapper
32 ACL and Management Measures and Gag Commercial Size Limit, Tab
33 B, Number 14. Mr. Rindone.

34
35 **DRAFT FRAMEWORK ACTION - MUTTON SNAPPER ACL AND MANAGEMENT**
36 **MEASURES AND GAG COMMERCIAL SIZE LIMIT**
37

38 **MR. RYAN RINDONE:** Thank you, Mr. Chairman. I will give you
39 guys the brief synopsis of where we were and where we're going
40 with this. You guys have seen this a couple of times, but,
41 essentially, this framework action comes about from the south
42 Florida management issues that we divided up into a whole bunch
43 of separate framework actions to more efficiently address those
44 issues.

45
46 For mutton snapper, the most recent stock assessments show that
47 the stock was neither overfished, nor undergoing overfishing.
48 However, the spawning stock biomass was a smaller value than

1 previously estimated, and so some reduction in harvest is going
2 to be necessary, to make sure that everything remains copacetic
3 with that particular stock.

4
5 The State of Florida has taken some actions to address some of
6 this catch reduction, including establishing an eighteen-inch
7 minimum size limit, which was effective on January 1 of this
8 year, and the South Atlantic Council has also selected an
9 eighteen-inch total minimum size limit as their preferred
10 alternative in Snapper Grouper Amendment 41, which is
11 anticipated to be implemented sometime in 2017.

12
13 We also have the gag commercial minimum size limit, which is
14 currently twenty-two inches, and the recreational minimum size
15 limit is twenty-four inches. Obviously this has been something
16 that has changed, from a regulatory nature, several times in the
17 past with gag, and so the council is currently considering
18 increasing the commercial minimum size limit to twenty-four
19 inches, to be consistent with the recreational sector, but also
20 to be consistent with the regulations in adjoining waters with
21 the South Atlantic and the State of Florida.

22
23 We will just blaze right on through to Chapter 2, which starts
24 on PDF page 16 or document page 9 in Tab B, Number 14. Action 1
25 would establish Gulf of Mexico apportioned mutton snapper annual
26 catch limits. Alternative 1 wouldn't change our current ACLs,
27 and the currently the Gulf ACL is 18 percent of the stock ABC,
28 based on the Gulf and South Atlantic Council apportionment,
29 which is based on 50 percent of the catch history from an
30 extended time series and 50 percent from a recent time series.
31 That was used in the Generic ACL/AM Amendment.

32
33 Alternative 2 would establish the overfishing limit and
34 acceptable biological catch recommended by the Gulf and South
35 Atlantic SSCs from 2017 through 2020, and the Gulf apportionment
36 of the ACL would still be equal to 18 percent of the stock ABC,
37 and you can see all of those values there.

38
39 Option 2a would remove the Gulf ACT as a management target, and
40 this is preferred by the Gulf Reef Fish AP, and Option 2b would
41 apply the ACL/ACT control rule to establish a 12 percent buffer
42 between the Gulf ACL and the Gulf ACT.

43
44 Alternative 3 would accept the OFLs and ABCs recommended by the
45 SSCs through 2020 and establish the Gulf apportionment equal to
46 18 percent of the stock ABC. It would apply the ACL/ACT control
47 rule to this apportionment and set the Gulf ACL equal to 88
48 percent, and it would not establish a Gulf ACT. I know I am

1 cruising, and so stop me if you have questions, but I will pause
2 here, since we're at the end of the alternatives for Action 1.
3
4 **CHAIRMAN GREENE:** Ms. Guyas.
5
6 **MS. MARTHA GUYAS:** I will start with a question. Ryan, we don't
7 have accountability measures associated with the ACTs for mutton
8 snapper, right?
9
10 **MR. RINDONE:** Not with the ACTs, no. The ACTs are not currently
11 being used as a management benchmark, if you will. Like the AMs
12 don't trigger based on the ACT. They trigger based on the ACL,
13 which is that 18 percent.
14
15 **CHAIRMAN GREENE:** Are there further questions or discussion?
16 Dr. Simmons.
17
18 **DR. CARRIE SIMMONS:** Thank you, Mr. Chair. Ryan, just to get us
19 all up to speed, we just really need to make sure that we're
20 happy with the range of alternatives in this action, so that we
21 can move this to complete Sections 3 and 4 for the next council
22 meeting, and is that the plan currently?
23
24 **MR. RINDONE:** Yes.
25
26 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
27 Anson.
28
29 **MR. ANSON:** Ryan, on Alternative 2a, that's the Gulf Reef Fish
30 AP recommended, and has that been discussed in the South
31 Atlantic? Do they have any heartburn over that, or do you have
32 a sense for that?
33
34 **MR. RINDONE:** I don't know that. I don't know if Mr. Brown has
35 anything to say.
36
37 **CHAIRMAN GREENE:** Ms. Guyas.
38
39 **MS. GUYAS:** It wouldn't impact the South Atlantic. We do have a
40 shared stock ABC, but it's split between the two jurisdictions
41 and then sub-split into recreational and commercial from there.
42
43 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
44 Rindone.
45
46 **MR. RINDONE:** Thank you, sir. Moving on to Action 2 -- I guess,
47 before we do, is everybody okay with what is listed in Action 1
48 so far? Nobody wants to remove anything or add anything?

1 Everything looks great? Awesome.
2
3 Action 2 is modify the Gulf mutton snapper recreational bag
4 limit. Alternative 1 would leave it as part of the aggregate
5 ten snapper recreational bag limit. Alternative 2 would retain
6 mutton snapper within the aggregate ten snapper recreational bag
7 limit in the Gulf, but specify a bag limit for mutton snapper
8 during the spawning months, which are listed here as April
9 through June, with options for two, three, four, and five fish
10 per person per day.
11
12 Alternative 3 would retain mutton snapper within the aggregate
13 in the Gulf, but modify the bag limit for the regular season, or
14 the non-spawning months, also with options for two, three, four,
15 and five fish per person per day.
16
17 Alternative 4 would retain mutton within the aggregate, but
18 would specify a bag limit for mutton year-round within that
19 aggregate, with options for two, three, four, and five fish per
20 person per day. In Option 4d, the five fish per person per day,
21 is what is recommended by the Gulf Reef Fish AP. Mr. Chair.
22
23 **CHAIRMAN GREENE:** Thank you. Is there discussion? Ms. Guyas.
24
25 **MS. GUYAS:** Are we looking to cut this one down more or do we
26 need motions or what do you need?
27
28 **MR. RINDONE:** If you guys want to thin the herd on the options,
29 we certainly won't stop you.
30
31 **MS. GUYAS:** I can cut a lot. If the intent here, which we've
32 talked about, is to go along with what the State of Florida has
33 done and what now the South Atlantic has approved -- They have
34 approved it, but it hasn't been implemented yet, but, really,
35 the only set of alternatives you would be dealing with are what
36 is in Alternative 4, because both the state and the South
37 Atlantic Council -- They did not opt to do different bag limits
38 for spawning versus not spawning months. **On that note, I will**
39 **make a motion to move Alternatives 2 and 3 and all the options**
40 **that go along with them to Considered but Rejected.**
41
42 **CHAIRMAN GREENE:** Thank you. We have a motion going on the
43 board to move Alternatives 2 and 3 to Considered but Rejected.
44 Is there a second for this motion?
45
46 **MR. ANSON:** I'll second it for discussion.
47
48 **CHAIRMAN GREENE:** It's seconded by Mr. Anson for discussion. Is

1 there further discussion? **Seeing no further discussion, is**
2 **there any opposition to the motion before you? Seeing no**
3 **opposition, the motion carries.** Mr. Gregory.

4
5 **EXECUTIVE DIRECTOR DOUGLAS GREGORY:** I have a question. Would
6 it make sense to reduce the options and just have three fish or
7 five fish? Those seem to be the two numbers that I have heard
8 bandied about the most. Two to three is not much of a
9 difference, and four to five is -- It just seems like we've got
10 numbers there just to have numbers there.

11
12 **MS. GUYAS:** I'm good with that, and I can make the motion. I
13 think that is true. I will make the motion and then I can
14 explain more. **I will make another motion in Action 2 to move**
15 **Alternative 4, Option 4a and 4c, to Considered but Rejected.**

16
17 **CHAIRMAN GREENE:** We have a motion going up on the board. Let's
18 make sure that we get it right, and it has been seconded by Mr.
19 Sanchez. Is there discussion?

20
21 **MS. GUYAS:** Doug is right, and I think John can probably speak
22 to this as well. In all of our south Florida meetings, people
23 seemed to hone in on three and five as the options that people
24 were interested in, and, once you look at the analysis that Ryan
25 has in there, there really isn't a lot of difference between two
26 and three and four and five, and so it makes sense, what we're
27 doing here, and it really doesn't change the substance of the
28 document all that much.

29
30 **CHAIRMAN GREENE:** Thank you. Any further discussion? We have a
31 motion on the floor. It has been seconded. **Is there any**
32 **opposition to the motion on the board before you? Seeing no**
33 **opposition, the motion carries.** Mr. Atran.

34
35 **MR. STEVEN ATRAN:** I just have a question, maybe for Mara. Do
36 we have sufficient justification to have just two alternatives
37 in this section?

38
39 **MS. MARA LEVY:** I think you would have three, right? You would
40 have the no action and then establish the other smaller bag
41 limit, and you would have three and five. I mean, ultimately,
42 you're considering no action and two other alternatives. It's
43 just that you've made them options under an alternative.

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

47
48 **DR. SIMMONS:** Just real quick, just to remind everyone, all of

1 this analysis is based on the South Atlantic Council's landings.
2 We have very little landings that are recreational in the Gulf,
3 and so we would really be just mimicking what the South Atlantic
4 Council is doing, and we're really using their analysis for the
5 recreational sector in this document, and so we could add that
6 to the justification as well.

7
8 **CHAIRMAN GREENE:** Thank you, and I believe there was some other
9 rationale, at a previous meeting, about having similar size
10 limits between the South Atlantic and the Gulf. Is that
11 correct? I am seeing some nodding of heads, and so any further
12 discussion? Seeing no further discussion, Mr. Rindone.

13
14 **MR. RINDONE:** Thank you, Mr. Chair. Just to briefly expand on
15 what Dr. Simmons said, the recreational landings in the Gulf are
16 in the thousands of pounds for mutton snapper. Action 3 is to
17 modify the mutton snapper minimum size limit in the Gulf.
18 Alternative 1 would leave it where it is, at sixteen inches
19 total length, and Alternative 2 would increase that to eighteen
20 inches for both the commercial and recreational sectors.
21 Alternative 3 would do the same, but go to twenty inches total
22 length.

23
24 The Gulf AP currently prefers sixteen inches total length. Just
25 as a reminder, the State of Florida has increased it to eighteen
26 inches total length, effective January of this year, and the
27 South Atlantic has also voted to increase it to eighteen inches
28 total length, and they have submitted that amendment to the
29 Secretary, and it ought to be implemented at some point this
30 year. Mr. Chair.

31
32 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr. Fischer.

33
34 **MR. MYRON FISCHER:** This might be for Martha, but how do you get
35 your fish to the dock if Florida has an eighteen-inch limit and
36 if you have a sixteen-inch federal limit?

37
38 **MS. GUYAS:** As long as you don't stop in state waters, if you
39 catch your sixteen in federal and come straight back in, but I
40 will say the -- We went up to eighteen on the Atlantic side and
41 in state waters because, on the Atlantic side, they were facing
42 -- With these cuts that came with this new stock assessment,
43 when we realized that the stock was smaller, that was going to
44 impact their harvest, and they really need to make some changes
45 if they weren't going to have ACL overages or -- Either that or
46 shortened seasons, and so the increase in the minimum size limit
47 got them part of the way and the reduction in the bag limit got
48 the rest of the way for the recreational side, and there were

1 also some issues that needed to be addressed on the commercial
2 side. Over there, it's only hook-and-line. There is no
3 longline fishery.

4
5 **CHAIRMAN GREENE:** Thank you. Is there further discussion? I
6 don't see any further discussion. Mr. Rindone.

7
8 **MR. RINDONE:** Thank you, Mr. Chair. I will go ahead and move on
9 to Action 4 then, which is modify the commercial gag minimum
10 size limit in the Gulf. We only have two alternatives for this.
11 Alternative 1 is to keep the commercial size limit for gag at
12 twenty-two inches total length, and Alternative 2 would be to
13 increase it to twenty-four inches total length, which is
14 preferred by the Gulf Reef Fish AP.

15
16 We are only considering two here because the scope of why we
17 were addressing this in the first place was compatibility with
18 adjacent regulations and with our current recreational
19 regulations. Mr. Chair.

20
21 **CHAIRMAN GREENE:** Thank you. Any discussion? I don't see any
22 further discussion. Mr. Rindone.

23
24 **MR. RINDONE:** Mr. Chair, if the committee is pleased with the
25 current suite of alternatives, as modified, then the IPT would
26 continue development of Chapters 3 and 4 and whatnot and bring
27 that back to you guys perhaps in April to consider for final
28 action. Does that timeline sound acceptable?

29
30 **CHAIRMAN GREENE:** Thank you. Is there discussion by the
31 committee on the timeline? Seeing some thumbs-up and some
32 nodding of some heads, is there anything else with mutton
33 snapper?

34
35 **MR. RINDONE:** No, sir. It shall be done.

36
37 **CHAIRMAN GREENE:** Okay. With that, we still have twenty-five
38 minutes to go.

39
40 **MS. LEANN BOSARGE:** It doesn't really look like we have anything
41 else that we can do right now that will fit into our twenty-
42 five-minute window that we have all the people onsite that we
43 need to do those, and so we are going to call it a day, and we
44 will pick back up tomorrow morning at 8:30 A.M. with the
45 continuation of our Reef Fish Management Committee.

46
47 (Whereupon, the meeting recessed on January 30, 2017.)

48

1 - - -

2
3 January 31, 2017

4
5 TUESDAY MORNING SESSION

6
7 - - -

8
9 The Reef Fish Management Committee of the Gulf of Mexico Fishery
10 Management Council reconvened at the Astor Crowne Plaza, New
11 Orleans, Louisiana, Tuesday morning, January 31, 2017, and was
12 called to order by Chairman Johnny Greene.

13
14 **CHAIRMAN GREENE:** Good morning. We will pick up where we left
15 off yesterday, and the first item on our agenda for today will
16 be the SEDAR Gag Update Assessment. That will be a Review of
17 the Assessment and the SSC Recommendations. Dr. Powers, if
18 you're ready, we will put you in the hot seat right off the bat.

19
20 **SEDAR GAG UPDATE ASSESSMENT**

21
22 **DR. JOE POWERS:** Good morning. What I'm going to be talking
23 about is the SSC's review of the gag grouper assessment and some
24 of the key points and conclusions that we came to. I wasn't
25 going to go through the whole assessment document. The Center
26 scientists who did that, I believe they're on the phone, and so,
27 if we have any questions about it later on, then we can deal
28 with it.

29
30 One of the things I wanted to note though is kind of the
31 background of where we were as the SSC and in terms of what the
32 assessment is doing. First off, the gag assessment, the last
33 benchmark assessment, was 2013, SEDAR 33, and so, obviously,
34 since then, you have additional catches that were available,
35 2013 through 2015.

36
37 Remember, this update was done last summer, in 2016, but there
38 was also revisions to some of the older datasets, revisions to
39 the recreational catches and in regards to MRIP and differences
40 in discard estimates and a few other things like that.
41 Basically, the ground rules for an update assessment is
42 essentially that you're using new data, but the old models.

43
44 A little back of background, again, about the life history of
45 gag. They are protogynous. That means they change sexes from
46 female to male. In terms of what we understand right now, we're
47 talking about 50 percent female maturity at three-and-a-half
48 years, and then 50 percent of the fish transition from females

1 to males at 10.7 years, but there is lots of scientific debate
2 about transitioning females to males and what causes it. Is it
3 because they reach a certain age or is it because there is a
4 lack of males and so on? These have some very large
5 implications, in terms of the interpretation of the assessment.

6
7 They live a relatively long period of time. The natural
8 mortality rate is about 12 percent a year when they're older and
9 then higher when they're younger, and so they're fairly long-
10 lived.

11
12 One of the key points, in terms of this assessment, was to try
13 to incorporate, and I am referring to the SEDAR 33 assessment,
14 was to try to incorporate the red tide event that was in 2005.
15 Basically, there was information about the quantity of fish
16 killed and then this was modeled in the assessment model, and so
17 what it amounts to is this is an added natural mortality that's
18 done with this, and so this was sort of a unique thing, in terms
19 of the assessment, per se.

20
21 Again, remember the ground rules are that an update assessment
22 is basically using the new data and the old models. Then we
23 often use the term "continuity model", meaning the model that
24 was used before, so there is continuity in terms of this.

25
26 This is basically the results of the spawning stock biomass time
27 series. The blue line was the older benchmark assessment, SEDAR
28 33, and the red line is the continuity model, or the update, for
29 this.

30
31 You can see a couple of things there. One, there isn't a lot of
32 trend. In most recent years, the biomass is going up,
33 regardless of which model you are talking about, but there is
34 also some real concerns in terms of the uncertainty associated
35 with this. You can see, by just using a new set of data, you go
36 from the blue line, in the last year or so, to the red line, and
37 so that's indicative of some of the uncertainty.

38
39 This can be shown as a retrospective pattern, and what that
40 means is what you do is you redo the assessment pretending like
41 you don't have the data for the last year, don't have the data
42 for the two last years, don't have the data for three last
43 years, and then look at the pattern of what your estimates are
44 and is there a trend, and, in fact, there is a trend with gag,
45 and these sorts of retrospective patterns show up a lot in stock
46 assessments.

47
48 A number of things can cause them, just about anything. One of

1 them would be if the discards were not correctly estimated or
2 maybe there's something about the life history, like the
3 transition of the females to males, that would cause this sort
4 of thing.

5
6 There is a lot of uncertainty in the assessment and an
7 uncomfortableness, but still there is some consistency in the
8 broad patterns of the scientific advice, and basically it comes
9 down to the current fishing mortality rate relative to MFMT, and
10 it's highlighted in red, that 0.416., and then the spawning
11 stock biomass relative to MSST, which is 1.56.

12
13 Basically, all the other things set aside, we are reasonably
14 confident that the stock is not undergoing overfishing, which is
15 indicated by that 0.416, meaning that the fishing mortality rate
16 is 41 percent of the overfishing level, and we're reasonably
17 confident that the stock size is above where you would call it
18 overfished, 1.56, meaning 56 percent above that level.

19
20 But there is still a lot of uncertainty, and this was examined,
21 again, in a couple of go-rounds between the SSC and the SEFSC,
22 in terms of how to do the assessment and things to evaluate, and
23 some of it centered on the red tide events and were there red
24 tide events -- I mean, there was a big red tide event in 2005,
25 but were there in 2014 and 2015?

26
27 This is basically showing you, if you look at the exploitation
28 rate column, SEDAR 33 is 40 percent, and then the continuity
29 model was roughly the same, but, if you modeled red tides for
30 2014 and 2015 and started adding those in -- You can't see the
31 bottom column, but it's a similar sort of result. Then you get
32 a very different exploitation rate, 50 percent or 56 percent,
33 that 0.493 versus 0.564.

34
35 What this is saying is what we, both the SEFSC and the SSC,
36 thought was a relatively minor aspect of this, you actually get
37 fairly large different results. It doesn't really change the
38 overall aspect of whether it's overfished or underfished, or
39 overfishing or underfishing, but, still, there is a lot of
40 uncertainty and uneasiness in the response of the SSC.

41
42 The SSC, as I said, we're comfortable in the determinations of
43 not overfished and not overfishing, and we're comfortable with
44 using the continuity model, which was as prescribed for an
45 updated assessment, and that would be considered the best
46 available science for going through this.

47
48 Given that though, then the charge was to look at the projected

1 yields for 2017 and 2019 and get yield streams for the
2 overfishing level and the ABC. Again, this was a two-step
3 process. First off, determine what basis we're going to make
4 these yield streams and then, secondly, what those yield streams
5 actually are.

6
7 Basically, we didn't want to go past 2019. Again, this
8 uncertainty was such that you didn't want to press it too much,
9 but this is the -- On the left-hand column, this is the
10 overfishing level for 2017, 2018, and 2019, and so this is 2017,
11 4.68 million pounds gutted weight. Again, in gag, it's measured
12 that way.

13
14 We on the SSC basically have chosen, or have agreed with the
15 analysis, that the yield stream for defining OFL would be the
16 left-hand column. The bottom row is the equilibrium, meaning
17 where it would end up if all of these things were held constant
18 for many, many years, but then the other aspect of this is that
19 you have to pick the ABC.

20
21 Again, there was uncertainty in terms of how you do that. The
22 middle column would be the ABC at P^* equals 30 percent, and
23 remember P^* is the risk level that would be acceptable to the
24 council in terms of defining the ABC.

25
26 Now, again, the SSC was uncomfortable with this approach,
27 primarily because of this uncertainty, and that the risk
28 profiles, when you use this, are probably not being estimated
29 very well, and so the alternative method was just picking the
30 ABC at 75 percent of F_{max} , which is the right-hand column, and,
31 therefore, the SSC, by motion and vote, actually picked the
32 right-hand column, and so that stream for 2017, 2018, and 2019
33 of 3.59, 3.5, and 3.52 are the recommendations for the ABC level
34 for those three years.

35
36 These are somewhat less than what we had for the projection from
37 SEDAR 33, the original benchmark, but -- You can't see the
38 bottom line there, but the last comment there is but it's also
39 well below -- The actual ACLs that the councils have picked are
40 below those levels as well, and so, in terms of what the
41 councils have done thus far, this really doesn't -- Assuming
42 that you have similar sorts of decisions, this really doesn't
43 change anything, in terms of the status, and so that's what I
44 have.

45
46 **CHAIRMAN GREENE:** Thank you. Any questions or discussion? Dr.
47 Crabtree.

48

1 **DR. ROY CRABTREE:** Hi, Joe. Usually we have used SPR as a
2 reference point, but, in this case, it's Fmax as a reference
3 point, and I can't remember why we're using Fmax here.

4
5 **DR. POWERS:** I think a lot of it has to do with this life
6 history change. You can calculate SPRs for gag grouper, like
7 everything else. Remember that SPR is spawning potential ratio,
8 which is basically it goes from zero to 100 percent, and, if you
9 fish heavily, it goes down closer to zero. If you don't fish at
10 all, it's 100 percent.

11
12 This is a standard sort of measure, as Roy says, for a lot of
13 fish stocks, and it was calculated, and can be calculated, for
14 gag, but the question is what's a good level of it? For a lot
15 of other stocks with normal kinds of life histories, you
16 typically get somewhere between 20 and 40 percent as a criteria
17 for the overfishing level, but the problem here is that, with
18 this transition, and I believe this is the main reason for doing
19 this, with this transition, is you're really uncomfortable about
20 what you mean, what's the significance of the spawning potential
21 ratio. Is it a good measure for decision making, because you
22 don't know what's good and what's bad, relative to that.

23
24 **DR. CRABTREE:** I know, with SPR, there's been the issue of
25 whether it's sexes combined or females only. Does using Fmax
26 get you around having to make that call?

27
28 **DR. POWERS:** Can you rephrase that?

29
30 **DR. CRABTREE:** With SPR, there has been questions about whether
31 you calculate it based on females only or males and females
32 combined, and I know, in some previous assessments, it made a
33 big difference how you did that. Fmax kind of works around that
34 a little bit?

35
36 **DR. POWERS:** Sort of, yes, but, again, this is one of the
37 uncertainties. Fmax -- Steven, maybe you want to go?

38
39 **MR. ATRAN:** First of all, the decision to use Fmax was made back
40 in the original SEDAR 33 assessment, and so the update just
41 carried that forward, but what happened back then was that the
42 calculation of what -- Normally, Fmax is a non-conservative
43 estimate of MSY.

44
45 It's going to produce a relatively high approximation, but, when
46 it was calculated and compared to the yield at F 30 percent, F
47 30 percent was ending up being much higher than Fmax, and
48 apparently this had something to do with the life history with

1 the protogynous aspects of the fish. The SSC, back then, with
2 SEDAR 33, felt that, in this particular case, Fmax provided a
3 better proxy for whatever the true MSY was.

4
5 **DR. CRABTREE:** Okay. Thanks.

6
7 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
8 Anson.

9
10 **MR. ANSON:** Thank you for being here, Dr. Powers. Just a point
11 of clarification, for myself. You provided, in your
12 presentation, and it's also in the report, but it refers to the
13 table that had the exploitation rates and the dead discards for
14 each of the model runs, and I'm just curious -- The dead
15 discards, is that just for ease of the model? You put the
16 mortality associated with the red tide event into the dead
17 discard category. I mean, it seems to be more natural mortality
18 in that regards. So you can easily depict the changes, and is
19 that why it was put in the same column?

20
21 **DR. POWERS:** Maybe I misstated it, but, basically, the red tide
22 was an additional natural mortality. It was interesting. This
23 is sort of the nerdy part of it. The way you trick the model
24 into making estimates is you pretend like this was some sort of
25 fishery that has a catch, which was the quantified discards, and
26 you go through the process like that, but, again, that's the
27 nerdy part of it. In essence, all it is, it's adding additional
28 natural mortality.

29
30 **MR. ANSON:** Thank you.

31
32 **CHAIRMAN GREENE:** Any further discussion? Seeing no further
33 discussion, that's everything you have for gag. Martha.

34
35 **MS. GUYAS:** This isn't a question for Dr. Powers, but I attended
36 the SSC meeting when they were discussing this, and, when they
37 were looking at the SEDAR schedule -- This was an update of gag
38 from the last assessment we had a couple of years ago, and the
39 next thing we have on the schedule for gag is another update,
40 which is kind of unconventional. Normally, we just stick to one
41 update in a row.

42
43 Considering the uncertainty that we have in the assessment and
44 this update, I really feel like we need to replace that second
45 update with an actual assessment, and I know our schedule is --
46 I know there's a lot of very important things on our SEDAR
47 schedule list, and I don't know if now is the right time to do
48 that, but I think it's something that we need to put on our

1 radar, and we need to try to get a real assessment on there for
2 gag.

3
4 **CHAIRMAN GREENE:** Thank you. I agree with you. I think we'll
5 have to look at it and see, with triggerfish and everything else
6 that's going on. We'll have to have that conversation pretty
7 soon. I will make sure that Mr. Rindone makes a notation of
8 that as well. I've got a thumbs-up from him. Dr. Ponwith.

9
10 **DR. BONNIE PONWITH:** The SEDAR Steering Committee is meeting --
11 We are scheduled to meet by teleconference in early May, and so
12 having discussions like this in the committee and also in Full
13 Council, so that you take everything else into consideration, I
14 think is good, in terms of your notion of priorities and getting
15 your input from your SSC as well, from a scientific standpoint,
16 on what those priorities are would be really good, so that we
17 can bring all that information to the table at the meeting in
18 May.

19
20 **CHAIRMAN GREENE:** Thank you. Mr. Rindone, do you think that you
21 could get a list for Full Council of what we have coming, to
22 maybe discuss it further at that point?

23
24 **MR. RINDONE:** I will send it to the Meetings email address, and
25 they can distribute it to you guys in about eight seconds.

26
27 **CHAIRMAN GREENE:** Thank you. Okay. Anything else on gag? Dr.
28 Simmons.

29
30 **DR. SIMMONS:** Thank you, Mr. Chairman. I was just going to ask
31 that, based on this information, the council is not going to
32 take any management action at this time regarding the assessment
33 results? Is that correct?

34
35 **CHAIRMAN GREENE:** I am sorry, Dr. Simmons. I didn't hear what
36 you said. I apologize.

37
38 **DR. SIMMONS:** At this time, based on the assessment, the council
39 does not want to make any changes to management. You don't need
40 to lower the catch levels, and you don't want to look at
41 changing the seasons or anything else like that, based on the
42 results of the assessment, and is that correct?

43
44 It's not necessary, but, as a staff member, we would just need
45 to know if you want to look at making any of those changes to
46 management other than the change we're looking at with the
47 commercial minimum size limit in the framework action that Ryan
48 presented yesterday. Thank you.

1
2 **CHAIRMAN GREENE:** We have a question by staff. Does anybody on
3 the committee have any feelings about this? Ms. Guyas.
4
5 **MS. GUYAS:** I don't really know what to do here. I mean, at the
6 SSC meeting, listening to the conversation, we just don't really
7 know what's going on here with this. We have heard concerns
8 from fishermen that something is not right, and we have this
9 assessment that says that maybe things are okay, but we really
10 don't know, and so I just -- I am kind of stuck on this one, if
11 anybody else has any ideas about where to go.
12
13 **CHAIRMAN GREENE:** I agree. We've had a lot of people talking
14 about it as well, and I don't know. Maybe between now and Full
15 Council we can think about it and discuss it more. I'm not sure
16 if anybody else on the committee wishes to weigh in on gag. Dr.
17 Ponwith.
18
19 **DR. PONWITH:** It's not an enviable position to be in to have
20 scientific uncertainty, but you characterized it pretty well,
21 and that is, if you do an assessment and you recognize that
22 there is a degree of scientific uncertainty, then what that does
23 is, under this system, is the buffer you would build between
24 your OFL and your ABC should be commensurate with the amount of
25 scientific uncertainty you have, and so that would be the one
26 way to think about what you do about this situation.
27
28 Certainly we learned a lot from this update, and certainly we
29 see areas where we can do further inquiries, to try and shed
30 light on these uncertainties, but, in the meantime, the way the
31 system is set up, that's the way you would respond to that level
32 of scientific uncertainty.
33
34 **CHAIRMAN GREENE:** Thank you. Mr. Atran.
35
36 **MR. ATRAN:** Ryan just emailed the current SEDAR schedule, and
37 it's showing that the next gag assessment, if I'm not missing
38 anything, is proposed in 2020 as a standard assessment. Our
39 only problem is that the ABC recommendations only -- They do go
40 through 2020, and so that looks like we're okay there.
41
42 **CHAIRMAN GREENE:** Mr. Rindone.
43
44 **MR. RINDONE:** Thank you, Mr. Chair. The other thing to think
45 about here is that the Science Center is tracking away from the
46 whole benchmark/standard update way of doing business in favor
47 of this research track/operational track approach, and, for
48 assessments that are -- Dr. Ponwith can correct me, but I would

1 say, safely, that 2019 and beyond -- We're going to end up
2 editing this, probably at the next Steering Committee meeting,
3 so that it doesn't say "standard" or "update" and it just says
4 "OT", meaning "operational track".

5
6 The reason for this is that any species that we already have a
7 benchmark on the books for, that counts as a research track, if
8 you will, which we have to have done before we can do an
9 operational track assessment, the refresher being that the
10 research track answers all the nitty-gritty research-style
11 questions ahead of time and then the operational track is the
12 one that actually provides the management advice.

13
14 Once we have a research track on the books, just like with a
15 benchmark, then we can do an operational track forevermore,
16 until we need to have another research track to rethink some
17 fundamental change in how we assess a species. For gag, a
18 complete rework is likely not what is needed, but a fair amount
19 of attention, sure, and so that could be handled under an
20 operational track. That is what you guys would put down in 2020
21 or sooner, if you decided to make some shuffles.

22
23 **CHAIRMAN GREENE:** Okay. Thank you for that, Mr. Rindone. Doug
24 Gregory.

25
26 **EXECUTIVE DIRECTOR GREGORY:** The stock assessment process is
27 going to get more complicated, but, in the short term, I think
28 the update that Ms. Guyas referred to is the MRIP update that's
29 going to be done this year, and a number of species are going to
30 go through those kind of updates with the new MRIP data. We
31 will probably get new ABCs out of that, and we don't want to
32 substitute anything for that. I mean, that's part of the
33 process, and so we will go forward with that, and we'll have
34 another update, hopefully, by the end of the year or the first
35 part of next year.

36
37 **CHAIRMAN GREENE:** Okay. Thank you. Any further discussion?
38 Seeing no further discussion on gag grouper, we will move on
39 down our agenda. Our next item will be the Joint Ad Hoc Red
40 Snapper Charter Vessel AP/Ad Hoc Reef Fish Headboat AP and Dr.
41 Freeman.

42
43 **JOINT AD HOC RED SNAPPER CHARTER VESSEL AP/AD HOC REEF FISH**
44 **HEADBOAT AP**
45 **MEETING SUMMARY**
46

47 **DR. FREEMAN:** Thank you, Mr. Chair. For the summary, we
48 convened a joint meeting of the Ad Hoc Reef Fish Headboat and Ad

1 Hoc Red Snapper Charter Advisory Panels. I will note, as well,
2 that we have transcribed minutes from that meeting in the
3 briefing book. Florida Sea Grant, as well as council staff,
4 facilitated this meeting to work towards consensus statements by
5 both APs.

6
7 Staff, from the council as well as from NMFS, presented a two-
8 part presentation related to decisions for for-hire management
9 programs, looking at the type of management, timing and number
10 of for-hire programs, species to include, division of for-hire
11 quota, adjustments to individual allocations, participation, as
12 well as other decisions related to that type of management.

13
14 Under preferred management approach for the for-hire fleet, AP
15 members discussed traditional management, such as bag and size
16 limits, as well as seasonal closures, in comparison to
17 allocation-based management, looking at benefits and drawbacks
18 of both types of programs. The two APs formed a consensus
19 statement that the APs are willing to consider and will try to
20 design an allocation-based system.

21
22 Under preferred avenue for separate amendments or single
23 amendments, the AP members discussed whether they should
24 recommend to the council pursuing separate amendments or a
25 single amendment for management of the for-hire sector.

26
27 One concern that was raised by AP members was implementation of
28 one amendment before the other, if the council decided to pursue
29 two separate amendments, and the APs formed a consensus
30 statement that they would like to see moving forward with two
31 amendments, with the provision that neither amendment would move
32 forward without the other, such that both would go to referendum
33 at the same time. If one referendum fails, then both amendments
34 would stop.

35
36 AP members next discussed the timeframe for implementing the
37 potential amendments. Some AP members expressed a desire for
38 implementation as soon as possible. They explored different
39 timeframes to address issues such as latent permits and
40 development of landings history.

41
42 While consensus was not reached on how to tackle these specific
43 issues, the APs were able to form a consensus statement that the
44 charter and headboat programs would be implemented at the same
45 time.

46
47 The AP members next discussed prioritizing five species and
48 their recommendation for how many of those species they would

1 like to see included in the amendments. One member knew that,
2 if electronic logbooks were to be used for the for-hire sector,
3 it would be preferable for all five species to be included in
4 the management approach.

5
6 The APs prioritized the five species from highest to lowest
7 priority as follows, with highest being red snapper, followed by
8 greater amberjack, then triggerfish, gag, and the lowest
9 priority being red grouper.

10
11 The APs formed a consensus statement that they would like all
12 five species included in the management program. The APs then
13 discussed how to apportion quota between the charter vessels and
14 headboats, should the council decide to proceed with two
15 separate amendments.

16
17 The consensus statement that was reached was that the landings
18 histories for the Beaufort survey vessels should be brought into
19 the program, or programs. For vessels with high passenger
20 capacity that were or were not previously included in that
21 survey, the surveyed vessels will set aside allocation with
22 future cyclical redistribution for those vessels that are
23 operational. For those additional vessels that would be added
24 to the program, a portion of what would have been allocated for
25 charter vessels will be transferred to the headboat vessels.

26
27 The AP members, lastly, discussed how to conduct initial
28 individual apportionments. Since not all vessels in the for-
29 hire sector have an established catch history, they discussed
30 the potential role of cyclical redistribution, based on a
31 presentation by NMFS staff, as a way of not having to rely
32 solely on trading in order for shares to go to vessels that are
33 actively fishing.

34
35 The AP members then reached a consensus statement that headboats
36 would be classified as those vessels that are included in the
37 Beaufort study, being those that have an established catch
38 history, and, lastly, the AP requests that the council reconvene
39 the APs following this council meeting. Thank you.

40
41 **CHAIRMAN GREENE:** Thank you. Any discussion? Mr. Sanchez.

42
43 **MR. JOHN SANCHEZ:** First, I would like to complement NMFS, the
44 staff, and Florida Sea Grant. The two-day meeting was
45 absolutely conducted admirably. It was beautifully done, and,
46 as you can imagine, there were a few dustups the first day, but,
47 by the second day, the consensus that was built, it was one of
48 those rare meetings where you actually leave a council function

1 feeling 100 percent rewarded, and so it was done beautifully,
2 and I can't say enough good things about that.

3
4 With that, there were a lot of things that were really, really
5 discussed at length, and players from all over both sides of the
6 equation came together. **I would like to present a motion that I**
7 **had presented to staff, if they could pull that up, which would**
8 **be along the lines of instructing staff to develop a white paper**
9 **outlining the changes necessary to include all the species, gag,**
10 **gray trigger, greater amberjack, red grouper, and, of course,**
11 **red snapper in the management program for charter/for-hire**
12 **allocation-based management, consistent with the Charter/For-**
13 **Hire AP recommendations and the results of the Charter/For-**
14 **Hire/Headboat AP meeting.**

15
16 **Among the items to explore, they should look at required changes**
17 **to the current amendment, including purpose and need, the title,**
18 **et cetera, give staff some liberties to do this; method for**
19 **determining charter/for-hire ACL for gray triggerfish, gag**
20 **grouper, red grouper, and greater amberjack; develop mechanisms**
21 **for trading different species to accommodate regional**
22 **differences; and, finally, scenarios illustrating how initial**
23 **allocation of shares would change through cyclical**
24 **redistribution, which was discussed at length during the joint**
25 **for-hire AP, based on what reported methodology is chosen.**

26
27 **CHAIRMAN GREENE:** Thank you. We have a motion on the board. I
28 believe it's correct as written. Is there a second for this
29 motion? It seconded by Mr. Walker. Is there discussion on the
30 motion? Mr. Riechers.

31
32 **MR. ROBIN RIECHERS:** John, I appreciate the motion, and I
33 appreciate your compliments regarding how the workshop was
34 handled. I wasn't there, and so I appreciate hearing that it
35 was handled as well as it was.

36
37 While this is a step in the right direction, if you're going to
38 actually add those species, because we shouldn't be adding them
39 with a stroke of the pen, like we were attempting to do
40 previously. We should actually look at that analysis and go
41 through an in-depth analysis like we did as we discussed a
42 sector separation for red snapper.

43
44 At this point, I guess I'm a little bit -- It begs the question
45 of do we run off down this road when we're not even certain
46 where we are in 41 and 42 at this point in time, given those
47 discussions?

48

1 Certainly I understand that at least one part of this is a
2 suggestion about how to maybe proceed with 41 and 42, and, since
3 I wasn't there, I didn't see that presentation, and so I don't
4 know what that entails and what that means. It might be useful
5 for the council to see that presentation before we would suggest
6 that we start developing it in full, since there's been at least
7 a notion of an option there that some of us haven't been privy
8 to at this point.

9
10 Again, like I said, I think I'm going to oppose the motion, just
11 because I don't think it's at the right timing. What we need to
12 do is -- If you want to make the motion to have them come back
13 together, let them come back together and see if we move beyond
14 where we are, but, while the summary is they agreed on a lot of
15 things, the biggest thing they didn't agree on is really how we
16 solve this issue regarding allocation to a sector that doesn't
17 have history, and that's where the reality is here. We can
18 flower it up with a bunch of different things, but it's how do
19 you deal with that issue?

20

21 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.

22

23 **DR. CRABTREE:** I was at most of the meeting, and this was
24 something they really wanted us to take a look at, and so I'm
25 going to support the motion, and I think we need to look at
26 this, and I think doing this white paper is part of how we come
27 to a decision for how to proceed.

28

29 I think, with respect to Robin's comments about the last part of
30 this motion, the cyclical redistribution, there was a pretty
31 detailed presentation made at the council, which I'm sure staff
32 -- I don't know if Matt is going to share that with us today or
33 not, but we have that, and there was a lot of interest in
34 developing it, and I think we are going to end up wanting to
35 bring this group back together, but I think pulling together
36 this white paper and looking at it is one of the things we need
37 to do to put in front of them when we bring them back together.

38

39 **CHAIRMAN GREENE:** Thank you. Dr. Freeman.

40

41 **DR. FREEMAN:** Thank you, Mr. Chair. We do have the presentation
42 available, and I can send that out shortly to all the members.
43 We also have the presentation prepared so that, if any of the
44 members would like a brief overview of the cyclical
45 redistribution, I could give a brief presentation on that, if
46 anyone would like.

47

48 **CHAIRMAN GREENE:** Thank you. What is the pleasure of the

1 committee? Mr. Riechers.

2
3 **MR. RIECHERS:** Since you're talking about presentations, as a
4 follow-up to the last meeting, I think we had also asked for the
5 Excel spreadsheet that would allow us to look at the allocations
6 by individuals. As far as I know, and I certainly may have just
7 missed it in email traffic from the council, but I don't see it
8 in the briefing book. Could we get that sent to us as well?

9
10 **CHAIRMAN GREENE:** Dr. Freeman.

11
12 **DR. FREEMAN:** They are available in the briefing book, under the
13 portion where it shows the meeting summary and the verbatim
14 minutes. The next portion shows the allocation decision tools,
15 and those are the three spreadsheets that NMFS has prepared.

16
17 **CHAIRMAN GREENE:** Thank you.

18
19 **DR. FREEMAN:** It's Tab B, Numbers 5(b), 5(c), and 5(d).

20
21 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
22 discussion? Mr. Walker.

23
24 **MR. DAVID WALKER:** Thank you, Johnny. I didn't attend the
25 meeting, but I read the minutes. It took me a couple of nights
26 to read them all, but I felt like I had been there after I read
27 the minutes, and, first, like John said, I would like to
28 congratulate the staff. I thought it was a well-conducted
29 meeting. Emily, you did a really good job. I appreciate that.

30
31 I thought it went well. I mean, traditional management is not
32 working for the charter industry, whether you're a headboat or a
33 charter boat, and the consensus was that they wanted to move
34 forward, and this is the direction that they wanted to move
35 forward in. To get all these guys together and communicate and
36 work out their issues -- The meeting went really well, from what
37 I understand, and I speak in support of this.

38
39 This is what the AP wanted, and it was a consensus, and I think
40 it's time to be progressive and move forward for this industry,
41 to give them better management of the resource, and it also
42 helps their businesses.

43
44 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Ms.
45 Gerhart.

46
47 **MS. SUSAN GERHART:** If the council would like, I could give them
48 a brief synopsis of what this cyclical redistribution is.

1
2 **CHAIRMAN GREENE:** I am seeing some nodding from around the table
3 that would like to see that presentation. Mr. Boyd.

4
5 **MR. DOUG BOYD:** I was there for that presentation. It was very
6 well done, but it's very complicated. I think it's going to
7 have to be a PowerPoint presentation, so that you can visually
8 see what's going through and not just a verbal presentation,
9 because it's pretty complicated. It's very simple, but
10 complicated.

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

13
14 **MS. GERHART:** I was not intending to give the entire
15 presentation, but I thought that I could just explain what the
16 purpose of it is.

17
18 **CHAIRMAN GREENE:** Okay. Ms. Gerhart, please go ahead.

19
20 **MS. GERHART:** Okay. One of the biggest concerns, particularly
21 with the charter boat captains and owners, is that there are
22 latent permits that are out there, that there are vessels that
23 maybe don't fish at all or just don't fish for say red snapper,
24 in the case of what we were looking at in Amendment 41.

25
26 When you look at different types of redistribution, according to
27 passenger capacity and region, et cetera, there are people who
28 don't fish for red snapper, for example, who would get red
29 snapper shares, and that was a concern, because, obviously, if
30 those people get shares, then that's less for the people who
31 actually do fish for those species.

32
33 What we wanted to do was, because we don't have the landing
34 histories, is find a way to get closer to having the shares in
35 the hands of the people who actually fish for those species, and
36 that's the idea of this cyclical redistribution, that after one,
37 two, or three years, whatever we decide the cycle should be,
38 that some portion of everyone's shares comes back to NMFS and
39 then gets redistributed back out again according to what
40 landings were during that timeline, so that we can start
41 incorporating the landings, after the program starts, in terms
42 of redistributing out to those people who are actually landing
43 the species in question.

44
45 There could be several of these cycles. They could continue on
46 forever, or there could be an endpoint. They could get shorter
47 or longer, and we could change the percentage that's taken back
48 and redistributed, and so the idea is that, if someone is not

1 using those shares and allocation that they're assigned, because
2 they might be down in the Keys and don't fish for red snapper,
3 then they would give back say 50 percent after the end of a
4 cycle.

5
6 They would still have something, and so there would still be
7 something there, but then that portion would get redistributed
8 out to the people who were landing fish, based on how they were
9 landing, and so it would be not based on proportionally how much
10 they were landing, but a difference between people landing
11 versus those who aren't landing, and so those who aren't landing
12 would get less and less through each cycle, and there would be
13 more given to the people who are landing the fish.

14
15 The idea is that eventually we will get the shares in the hands
16 of the people that should have them, and we can start out with
17 the allocation being based on those other things or equally or
18 however we want, but there's a lot of variables in here. The
19 group didn't talk about how those variables should go, but they
20 liked the idea of doing this redistribution that would help us
21 get to the correct allocation.

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

25
26 **DR. FREEMAN:** I believe that staff has just sent an email with
27 that presentation to members. This portion, referring to the
28 cyclical redistribution, starts on Slide 24 of that
29 presentation, and, again, if anyone would like, it's about four
30 slides that deal with it, as an example, and, again, if
31 requested, I am more than happy to explain that.

32
33 **CHAIRMAN GREENE:** Okay. Being it's four slides, and, after what
34 Sue just said, I think it would probably be a good idea just to
35 kind of let everybody see the slides and go through it. That
36 way, you can -- At least for me, and I'm a pretty visual person,
37 and it may help out. Is there anybody on the committee that
38 disagrees or has any heartburn about looking at the slides,
39 following what Ms. Gerhart said? Seeing none, Dr. Freeman, if
40 you will lead us through that, please.

41
42 **DR. FREEMAN:** Certainly. Thank you, Mr. Chair. As Ms. Gerhart
43 mentioned, again, this is just one example of how the
44 redistribution could take place. It was assuming that, every so
45 many years, there would be a redistribution of a portion of the
46 shares, and, again, over time, shares should end up with those
47 who fish for the species. Again, keeping in mind that there are
48 different ways that this could be structured. It could be done

1 once, several times, or indefinitely.
2
3 In this basic example, we are dealing with a ten-vessel fleet,
4 and so each vessel, again, in this very basic case, has 10
5 percent of the shares, and so it's an equal share distribution.
6
7 We're looking, at this case, in one-year iterations, and, again,
8 in this particular example, there would be 50 percent of shares
9 reclaimed from each vessel, and, in this case, they would be
10 redistributed equally to those vessels that had landings, and
11 with the provision, in this particular case, if there were no
12 landings by the third iteration, then all shares would be
13 revoked by that particular vessel. As we move forward, any
14 vessel shaded in red had no landings that year. If they are in
15 green, they do have landings.
16
17 In this case, again, all vessels were landing species in the
18 first year, and half of their shares were reclaimed. Vessels
19 retained 50 percent, and so, in this case, 5 percent of the
20 total. In this case, the vessels on the right, which are shaded
21 in red, did not fish for this iteration. Of that 50 percent
22 that was reclaimed, no portion of those shares went back to the
23 vessels in red.
24
25 The 50 percent that was reclaimed was redistributed to the
26 vessels that did have landings, which were the ones in green,
27 and so we took that 50 percent and added 10 percent shares to
28 each of them, and so, in this case, all of the vessels in green,
29 which did have landings, now have 15 percent, and so, again, a
30 redistribution from vessels that were not fishing to ones that
31 were.
32
33 Again, starting in this next year, we have vessels, in this
34 case, that have 15 percent shares and vessels that have 5
35 percent shares. In this case, we have certain vessels, in this
36 case more in the bottom half, that did not land species in this
37 particular year, and so, again, moving forward in time.
38
39 Again, 50 percent of shares were reclaimed from each of these
40 vessels, the ones in green having landings and the ones in red
41 not having landings and then redistributing that. Again, the
42 portion which was reclaimed was redistributed to the vessels in
43 green, the ones that did have landings, and so, again,
44 apportioning the shares away from vessels that are not fishing
45 to vessels that did. We went through this for three iterations,
46 but I think, at this point, hopefully that's clear, and, if
47 anyone has any questions, I am happy to explain further.
48

1 **CHAIRMAN GREENE:** Thank you. Any discussion? Mr. Atran.
2
3 **MR. ATRAN:** Would there be some minimum amount of landings or
4 would it be any landings at all?
5
6 **DR. FREEMAN:** Certainly that's a good question. Again, this
7 would be part of the development of the mechanism, is looking at
8 what would constitute an appropriate amount of landings to be
9 considered that they were fishing for that year. That would be
10 one of the portions, along with the number of iterations.
11
12 Again, there is a variety of things that could be developed as
13 well, but, in this case, we went with 50 percent of the shares
14 were reclaimed from all vessels. That could be tweaked as well,
15 but this was just for illustrative purposes for the AP members
16 to understand that this is a potential tool that could be used
17 to redistribute shares, again, away from vessels that were not
18 fishing to vessels that are.
19
20 **CHAIRMAN GREENE:** Dr. Stunz.
21
22 **DR. GREG STUNZ:** I have a question concerning -- There is
23 obviously high incentive to report catches, because you're going
24 to retain your shares, and so what validation mechanism would
25 need to be in place to ensure they're actually fishing and not
26 just saying, well, I caught this many of each species, to make
27 sure they maintain their allocations?
28
29 **DR. FREEMAN:** Ms. Gerhart, would you be able to address that
30 question, or Dr. Crabtree?
31
32 **DR. CRABTREE:** Well, I mean I think that's the key to the whole
33 electronic reporting that we're talking about, is validation and
34 ensuring that we know what boat is out and when the boat is in
35 and when they're reporting. The other thing is, if this program
36 goes forward, there is going to be cost recovery, and so, if you
37 report landings, it won't be free. You will have to do some
38 cost recovery, but I think this is the key to having the trips
39 reported before they hit the dock and being able to validate
40 their reporting.
41
42 **CHAIRMAN GREENE:** Mr. Anson.
43
44 **MR. ANSON:** To that point, just something be wary of, and this
45 doesn't apply just to charter boats, but it applies to anybody
46 that has the potential for receiving shares where there is no
47 history, is there might be still that case -- I mean, not all
48 trips will be validated, and so there will be the potential for

1 that, I'm sure. That's all.

2

3 **CHAIRMAN GREENE:** Mr. Fischer.

4

5 **MR. FISCHER:** I see where this solves the problem, but what we
6 have to be cautious of is I could see Louisiana boats, and maybe
7 Texas boats, don't need a lot of red grouper, and those would be
8 diminishing, but some of the boats -- I don't see the red
9 grouper really merging into the western Gulf, but the boats in
10 the south Florida region, who aren't catching snapper today, may
11 be tomorrow, and this redistributing of shares early on may
12 affect them, three or four years down the road, when they are
13 flush with snapper and suddenly have no shares, because they
14 were taken from them early in the program.

15

16 **CHAIRMAN GREENE:** Thank you. Any further discussion? Seeing no
17 further discussion, as Chairman, I will weigh in on a couple of
18 things. One thing, talking about validation, is, if you're
19 talking about 1,200 charter boats in the Gulf and you're going
20 to have some program like this, you're going to basically
21 deputize these guys. They're not going to let somebody get away
22 with something that's not happening. That's just the way it is,
23 to a certain degree.

24

25 One thing that I found interesting about this was new entrants.
26 If you're in year three and you want to engage, then you would
27 start off at a minimal amount, such as the original guys did,
28 and you could start up and start accruing at that particular
29 point.

30

31 The point that Mr. Fischer made about, well, what if, all of a
32 sudden, you have a shift of fish move into another area, I think
33 it's something that could be worked out, because I don't think
34 any of that would be to restrict someone who suddenly starts
35 seeing fish in a particular area.

36

37 It's to try to move what fish needs to be done without getting
38 in some giant, geographic-based deal, and so I think that's
39 something that could be worked out. With that, those are just
40 my personal comments. I was there, as was a bunch of people.
41 There was a lot of people at the meeting. With that, any
42 further discussion? Mr. Sanchez.

43

44 **MR. SANCHEZ:** Again, this is a white paper. We can flesh out
45 all of these items and concerns as this thing develops. You can
46 put them in there. I mean, there was a lot of buy-in during
47 this two-day meeting with this approach.

48

1 Given that, for years, there's been attempts to get electronic
2 logbooks and here we are and we're still kicking that can down
3 the road, and so this came up as a viable way to move forward,
4 until hopefully one day we get electronic logbooks in place and
5 we can get more direct data, and so, all these concerns that
6 you're having, it's a white paper. Let's look at all of that.

7
8 **CHAIRMAN GREENE:** Okay. Any further discussion about the
9 presentation or anything else that we've had? Mr. Fischer.

10
11 **MR. FISCHER:** Johnny, mine is on the AP summary, and, between
12 you and John and others that were there, younger with me, with
13 maybe more brain cells, I am reading the consensus near the
14 bottom of the page that talks about -- It's the longer
15 consensus.

16
17 Then, at the very bottom, it states that headboats be those
18 vessels that are included in the Beaufort study that have
19 established catch histories, but it seems like, during the
20 course of the meeting, much of the time was spent on what is a
21 headboat and who is in what section and you can't kick those
22 out, because we don't want them and we're going to push these
23 back at you. I really don't remember the last consensus that
24 was those in the program only, and maybe you all could reflect
25 on it and say, yes, I was walking out the door, but I don't --

26
27 **CHAIRMAN GREENE:** Mr. Boyd.

28
29 **MR. BOYD:** I had that on my notes, too. I don't remember that
30 consensus. There was considerable discussion about what is a
31 headboat and is the headboat definition correct and how was it
32 established and who should be in that survey. There was even
33 one point brought up that I didn't realize, and that is that
34 there are headboats that are in the survey that do not have reef
35 fish permits and don't fish in federal waters, and so how is
36 that handled? If I heard that wrong, I would be corrected, but
37 I think there are some.

38
39 **MR. FISCHER:** I think they were told that they have charter
40 boats in the survey and they have headboats not in the survey
41 and they have headboats in the survey with no history, and is
42 that correct?

43
44 Is the council using belonging to the survey program, and that's
45 something you may have signed up to years ago, as the sole
46 criteria of being a headboat, I think that's something we may
47 have to address as we move forward with the amendments, because
48 it's still not fresh in my mind why some charter boats that

1 carry over six are classified as headboats while identical,
2 similar, boats are in the charter boat program.

3

4 **CHAIRMAN GREENE:** Dr. Ponwith.

5

6 **DR. PONWITH:** I think it's really an important discussion, and
7 vessels that are in the current headboat program are in that
8 based on criteria for the sake of that program, and I don't
9 think it's necessarily smart to use the characteristics that
10 define those vessels as a definition for what is a headboat.

11

12 If it's important to have a distinction of what is a headboat
13 versus what is a charter boat, I think you should start from
14 scratch on that, as opposed to using, if it's in this program,
15 it is the definition of headboat.

16

17 The rationale for what was in and what was out was different
18 than the purposes that you're using here. The one thing that
19 the headboat participants have is that catch history, and that
20 is a unique thing that sets them aside that is useful
21 information for the purposes of these considerations, but,
22 again, I would urge you not to -- If you're going to create a
23 definition, think about it more carefully than just whether it's
24 in or out. Whether it's in or out gives you history, but the
25 rest of the characteristics are not as crystal clear.

26

27 **CHAIRMAN GREENE:** Mr. Anson.

28

29 **MR. ANSON:** Just to the motion, I think -- I guess I don't know
30 where this puts 41 and 42, necessarily. I mean, I think I will
31 support the motion, but there are some other issues to it too
32 that might come up as this document moves forward, because there
33 are certain things that apply to the commercial IFQ program that
34 might be incorporated into this, going forward, and resource
35 rent might be one of those issues and such that comes up in 36B,
36 and so that's not to say that these would be the only items,
37 potentially, as the white paper develops and moves on,
38 potentially, but just things that I am considering. Thank you.

39

40 **CHAIRMAN GREENE:** Ms. Guyas.

41

42 **MS. GUYAS:** This is a question for John, I guess. What is your
43 intention for 41 and 42, if this motion goes forward? Does it
44 just kind of sit on hold or --

45

46 **MR. SANCHEZ:** I think, as we heard, they had consensus, and it
47 was so -- They were so unified in this, and not every single
48 person, but overall. They wanted to proceed with 42, but they

1 go to referendum together, and, if one fails, the other -- It
2 dies with it.

3
4 I mean, there was absolute, in my mind, unity on how they
5 proceed with these things. We move forward and we flesh out
6 some of these items and concerns, and they were very adamant
7 about that, yes, there was an inequity of one group having five
8 species and another one not having it, and, thus, this white
9 paper to be developed and flesh these things out.

10
11 We continue to go forward, and hopefully other things that we're
12 going to be discussing this week also come together and help
13 foster the development of these things and move them forward,
14 but simply finding reasons not to do something when we had the
15 joint AP and they really did do a great job of discussing this
16 for two days and arriving at these things, I just don't see the
17 reason to find excuses not to move forward. Let's address them
18 in this white paper.

19
20 **CHAIRMAN GREENE:** Mr. Swindell.

21
22 **MR. ED SWINDELL:** Thank you, Mr. Chairman. I attended the vast
23 majority of the meeting, and I want to tell you that we chose
24 this advisory panel membership as perhaps experts to give us
25 advice as to what to do and how to do things, and I'm going to
26 tell you that the staff, particularly Emily, worked mighty hard
27 to keep these people on track, trying to keep them focused on
28 what to get done, and I think they did an excellent job, and I
29 think the white paper is just telling us, hey, look, these are
30 things that they kind of decided a little bit on in this
31 direction, and I don't see any trouble with working with a white
32 paper to help us keep focused.

33
34 We got the two advisory panels together to help us get focused.
35 Let's do it. Let the white paper come to bat. It's not a
36 document that we've got to approve to do anything, but it gives
37 us a focus as to what needs to be discussed, according to the
38 advisory panels. Thank you.

39
40 **CHAIRMAN GREENE:** Ms. Levy.

41
42 **MS. LEVY:** Not to the substance of the motion or anything, but I
43 mean I think you have documents that have been worked on and
44 have a lot of analysis and actions and alternatives in them to
45 address what's required for limited access privilege programs
46 and things like that. I think you can still refer to that,
47 right?

48

1 You were talking about resource rent or whatever you might want
2 to consider for a limited access privilege program, and a lot of
3 those things have been fleshed out and have alternatives. I see
4 this as a mechanism for the council to look at these issues and
5 then decide how to move forward or whether to move forward with
6 41 and 42. I wouldn't just throw those away, because a lot of
7 work has gone into them, and they do have a lot of the things
8 that you're talking about that you still need to consider.

9
10 **CHAIRMAN GREENE:** Thank you, Ms. Levy. Mr. Matens.

11
12 **MR. CAMP MATENS:** Thank you, Mr. Chair. All of this discussion
13 about how we do these things and how we reallocate, that's
14 really not my issue. I have a more basic problem with moving
15 these four species into the charter/for-hire allocation program.
16 That is really my issue, moving gag, triggerfish, amberjack, and
17 red grouper. Accordingly, I don't speak in support of this.
18 Thank you.

19
20 **CHAIRMAN GREENE:** Thank you. Mr. Walker.

21
22 **MR. WALKER:** I would just like to echo a lot of what Ed had to
23 say. I wasn't there, but I appreciate you being there. I would
24 just like to say just keep moving forward. One thing, to
25 Myron's concern about the snapper on the east coast of Florida,
26 there is times in history, and it's been going on for many
27 decades, that when a storm comes into the east coast of Florida
28 that a lot of grouper move up to Alabama and the Florida
29 Panhandle and over into southeast Louisiana and Mississippi.

30
31 We catch a lot of red grouper and a lot of gag grouper. I've
32 had trips where I've caught thousands of pounds of gag groupers,
33 and that's the beauty of the IFQ program. I do have the
34 opportunity to lease some fish to address that, and so I think
35 just keep moving forward, and they can work these things out.
36 It's a positive direction, and I would like to just keep moving
37 in that direction.

38
39 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
40 Boyd.

41
42 **MR. BOYD:** Thank you. I am going to speak in opposition to this
43 motion. I think it's the wrong timing for it. This is an
44 allocation issue, a reallocation issue, of the way the fish are
45 distributed now among the recreational population.

46
47 It's also developing mechanisms for trading different species to
48 accommodate regional differences, and we're talking about

1 intersector trading here, basically, and so we're asking staff
2 to start a white paper on several different topics, which I
3 think may be looked at later, but they are not timely at this
4 point in time, and so I speak against it.

5
6 **CHAIRMAN GREENE:** Thank you. Any further discussion? All
7 right. We're going to go ahead and bring this to a vote. **All**
8 **those in favor of the motion on the floor before you, please**
9 **signify by raising your hand; all those opposed, like sign.**

10
11 **EXECUTIVE DIRECTOR GREGORY:** The motion passes nine to five.

12
13 **CHAIRMAN GREENE:** **The motion carries nine to five.** Okay. Any
14 further discussion? Okay. Dr. Freeman, I think it's back to
15 you now, and is that correct?

16
17 **DR. FREEMAN:** That was the entirety of the presentation. Thank
18 you, Mr. Chair.

19
20 **FOR-HIRE RED SNAPPER ALLOCATION DECISION TOOLS**

21
22 **CHAIRMAN GREENE:** Okay. That takes care of V(a), and then we
23 have the For-Hire Red Snapper Allocation Decision Tools, Tab B-
24 5(b) and (c), and were those for reference, as mentioned
25 earlier?

26
27 **DR. FREEMAN:** Yes, sir. The additional tabs were the Excel
28 spreadsheets that had been requested by the council at the
29 previous meeting. Yes, sir.

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

32
33 **MR. RANDY BOGGS:** We asked to be reconvened as a dual group with
34 the adoption of moving forward with this white paper. I have
35 talked to some of the guys on both sides, and we think that we
36 need a little more time before we call for the two APs to come
37 back together, and so if you would give us a little bit of time,
38 once this paper is done, to review it, I think the next meeting
39 with the joint AP would be a lot more productive, if we can get
40 this and maybe extend it out a little bit and give us a little
41 bit of time to review it. Then maybe we can come to a working
42 solution, once we get this white paper. That would really help
43 us a lot before we reconvene, and so just kind of, so we don't
44 waste any money, reconvene us at a later time, after this paper
45 comes forward.

46
47 **CHAIRMAN GREENE:** Okay. Thank you, sir. Anything else before
48 we leave the charter/headboat portion of this? Dr. Crabtree.

1
2 **DR. CRABTREE:** Do we need a motion to reconvene the group or
3 what are we doing with that? They are asking to reconvene, and
4 so I guess, Mr. Gregory or someone, is there a plan for that, or
5 what do you need us to do?
6

7 **MS. BOSARGE:** If there is no opposition to that, I would think
8 that, after the white paper has been created and is there for
9 them to review, that that would be an opportune time to have
10 those two groups meet again, jointly, and have them review that
11 white paper and give us some feedback, so that we would have
12 some more direction in moving forward, but that's my opinion.
13

14 Is that okay with the group? Is there anyone opposed to that
15 game plan? Okay. We do have some more -- We will have another
16 meeting, I'm sure, before then, and we can have some more
17 discussion, if anybody thinks differently later.
18

19 **CHAIRMAN GREENE:** Mr. Diaz.
20

21 **MR. DALE DIAZ:** I just wanted to ask about the process. I know
22 we're talking about getting the recreational AP together pretty
23 soon. Is this the same type of process that we're going to try
24 to handle that group with? That might be a question for Emily
25 or Doug or whoever. It sounded like this process worked very
26 well.
27

28 **CHAIRMAN GREENE:** Dr. Simmons.
29

30 **DR. SIMMONS:** Thank you, Mr. Chairman. I guess Doug stepped out
31 of the room, but that is our plan. We're working with
32 facilitators, again, with Sea Grant to set up that meeting, and
33 we sent out a doodle poll to see the availability. After we
34 knew the availability of the facilitators, we sent out a doodle
35 poll for a couple of days prior to the April council meeting and
36 then several days after the April council meeting, but, yes, we
37 are thinking it's going to be a two-day meeting.
38

39 Right now, we're looking into New Orleans, but we need to be
40 flexible with that. We may have to have it at our office or
41 offsite in Tampa, but we are trying to have it somewhere in the
42 northern Gulf.
43

44 The first day, we're thinking we will provide quite a bit of
45 background information. The second day, we'll get into some
46 questions about the various things. You will hear the focus
47 group later. After you hear that presentation, I think we'll
48 get into more of those types of management strategies that

1 they're interested in pursuing and then bring that back to the
2 council, and so I think that's our plan right now for that
3 group.

4
5 **CHAIRMAN GREENE:** Thank you, Dr. Simmons. Any further
6 discussion? Anything else? Okay. We are scheduled for a break
7 at 10:15. We're going to go ahead and take that fifteen-minute
8 break now. When we come back, we will pick up with Public
9 Hearing Draft Amendment 44 at ten o'clock.

10
11 (Whereupon, a brief recess was taken.)

12
13 **CHAIRMAN GREENE:** We are going to pick up where we left off,
14 which is going to be Public Hearing Draft of Amendment 44, and
15 we're going to have the SSC Review of Rebuilding Implications of
16 Various Thresholds by Dr. Powers.

17
18 **PUBLIC HEARING DRAFT AMENDMENT 44 - MINIMUM STOCK SIZE**
19 **THRESHOLD FOR REEF FISH STOCKS**
20 **SSC REVIEW OF REBUILDING IMPLICATIONS OF VARIOUS THRESHOLDS**

21
22 **DR. POWERS:** Thank you. The issue here is the time to recover
23 to the minimum stock size threshold, MSST. A little bit of
24 background. Basically, the minimum stock size threshold is
25 defined as the point at which you need to take management
26 actions in terms of recovering the stock toward biomass of
27 maximum sustainable yield, and so it's a threshold, basically,
28 that says that you need to take strong actions at that point.

29
30 By the current conditions, that threshold can be no longer than
31 50 percent of biomass at maximum sustainable yield and so, when
32 one picks that, it has to be higher than 50 percent.
33 Conversely, if you said 100 percent of maximum sustainable
34 yield, then, practically, that's not going to work, because, for
35 one year, it might be a little bit over and another year it
36 might be a little under, and you don't want to have to initiate
37 major actions based on sort of random variability.

38
39 The Center was asked to provide some guidance, in terms of this.
40 The other thing is that the stock needs to recover within ten
41 years, and so there is a limitation there, ten years in the
42 absence of fishing. Now, there is some flexibility with that,
43 and, actually, there is new guidelines associated with that,
44 which I believe there's going to be a presentation later on in
45 this meeting about that.

46
47 Anyway, what the Center was asked to do was, well, if in fact a
48 stock was reduced to 90 percent of BMSY or 85 percent or 75

1 percent or 50 percent, how long would it take to recover to
2 BMSY? Of course, that depends on the kind of fish stock and the
3 life history and so on, and so the SSC evaluated the work done
4 by the Center for these however many stocks, yellowfin tuna,
5 vermilion, gray triggerfish, and so on.

6
7 Now, these were chosen for a couple of reasons. One, it's a
8 wide range of different kinds of life histories. Then,
9 secondly, in order to do the analysis, you have to have some
10 basis for it, and these are things for which we have stock
11 assessments.

12
13 What was done, essentially, is to take the assessment and what
14 the current conditions and artificially, in the analysis, reduce
15 it to 90 percent of BMSY, 85 percent, and so on, for different
16 simulations, and then stop fishing all together and see how long
17 it takes to get back to BMSY.

18
19 The analysis also was deterministic, and what I mean by that is
20 basically you don't look at random variability, and so it's more
21 or less average conditions, and so this is essentially the
22 result for the different kinds of species. If you reduce it to
23 -- If you establish MSST as 90 percent, then you would expect,
24 on average, if you stop fishing all together, the stock would
25 recover in one year, for most of these species, and then, for
26 bluefin tuna, two years.

27
28 Then it goes on like that, and then, obviously, as that
29 threshold gets smaller and smaller, the time it takes to recover
30 gets larger and larger. What it's saying there is that, in
31 terms of this ten-year criteria, for a lot of these species, it
32 is possible to get back to the BMSY within a ten-year period,
33 based on this.

34
35 The other thing that came out of this also is that -- What is
36 the chance that the spawning potential would fall below 75
37 percent BMSY just on the basis of random variability? One of
38 the conclusions was that, if the stock had fallen to 75 percent
39 of BMSY, this probably wasn't the result of just randomness.

40
41 It had to do with the fact that there is overfishing, and so the
42 implication there is that, if a stock falls somewhere around 75
43 percent, that, for a lot of these stocks, would indicate that
44 there is some action to be done, and so, in essence, it's an
45 indication that the MSST needn't be less than 75 percent of
46 BMSY.

47
48 Again, in terms of the guidelines, the 50 percent BMSY is used

1 for -- It's the limit for the smallest level of maximum stock
2 size threshold. For a lot of other stocks around the country,
3 they use that level, but, at the same respect, a lot of stocks
4 have different kinds of life histories. A lot of the reef fish
5 and the things that we're dealing with here have a little longer
6 life cycles and so on, and so, in conclusion then, basically
7 we're saying that, on average, you would expect a stock to
8 recover relatively quickly if you stop fishing at these
9 different levels, but you can't expect that, if a stock falls
10 below 75 percent BMSY, that that happened just by chance.
11 Typically, it would not.

12
13 **CHAIRMAN GREENE:** Thank you. Is there discussion? Dr.
14 Crabtree.

15
16 **DR. CRABTREE:** I think I get what you're saying about falling
17 below just by chance with recruitment, but it doesn't seem like,
18 to me, that's taking into account the large uncertainty in the
19 assessment to begin with, because it seems to me that we've had
20 stocks go from overfished to not overfished just because of
21 changes in the modeling approach and things, or changes in what
22 we think the reference point is.

23
24 **Dr. POWERS:** Yes, and I -- One of the things that I mentioned
25 was that basically this is deterministic and it's looking at
26 average conditions, and that's a significant caveat, because
27 recovery of a fish stock basically happens for two things. One,
28 you stop fishing so that fish survive a little longer and they
29 get older and bigger and so on, but, usually, the most defining
30 aspect is a good year class or a bad year class.

31
32 When we say on average this would happen, you would still expect
33 that there would be particular periods of time when you had a
34 series of poorer year classes, in which case it would take
35 longer, and then a series of larger year classes, in which case
36 it would be less, and that is an important caveat, I think.

37
38 **CHAIRMAN GREENE:** Is there further discussion? Seeing no
39 further discussion, we will move on to Mr. Atran.

40
41 **REVIEW OF AMENDMENT**

42
43 **MR. ATRAN:** Thank you, Mr. Chairman. This amendment is
44 Amendment 44, Tab B, Number 6, and this is a public hearing
45 draft. If you accept the amendment, we are asking you to select
46 a preferred alternative, and we are also suggesting, because
47 this is a very technical amendment and I don't think we would
48 get much attendance at public hearings, and so are suggesting

1 that we just do a webinar public hearing plus the hearing at the
2 council meeting where you take final action.

3
4 This is a single-action amendment, and, by the way, the
5 presentation that Joe Powers just described, the write-up of
6 that is attached to this amendment as Appendix D, if you want to
7 see the full write-up. It's only a few pages long.

8
9 This amendment, as I said, currently has only one action, and
10 that is to define the formula that's used to define minimum
11 stock size threshold. It does not define the MSY proxy that
12 would go into that formula. We originally had that as Action 2
13 in this amendment, but, to try to get this first part moving
14 along more quickly, we pulled that out of this amendment. MSY
15 proxies will be considered in a subsequent amendment, along with
16 possibly some other status determination criteria-related
17 topics.

18
19 If we could go to Action 1, which is on physical page 16, and
20 I'm just going to go briefly over these alternatives. We have
21 five alternatives. The no-action alternative means that we do
22 not have MSST defined except for a handful of stocks where we
23 needed to put rebuilding plans into place, where we have stock
24 assessments. We are required to have an MSST, under the
25 National Standard 1 Guidelines, for all of our stocks, and so
26 one of the things this will do is make sure that we have an MSST
27 for all of those stocks.

28
29 As I said, Alternative 1 is no action. We would define an MSST
30 on an as-needed basis, species-by-species or stock-by-stock.
31 Alternative 2 would use the formula one minus M times BMSY or
32 the BMSY proxy. M, I'm sure you all know, is natural mortality
33 rate, and so, if you had a stock that had a natural mortality
34 rate of 0.2, that would be one minus 0.2, or MSST would be at 80
35 percent of BMSY.

36
37 This is the formula that we have generally been using for our
38 stocks to determine MSST. The problem we've run into is that,
39 if we have a stock that has a very low natural mortality rate,
40 such as red snapper, which around 0.1, or I think it's actually
41 a little below that. That puts the minimum stock size threshold
42 very close to the MSY level, and it can be difficult to know
43 whether or not we actually have a meaningful loss of biomass
44 when it drops below MSST, and so we are looking for possible
45 alternatives to that one minus M formula.

46
47 Alternative 3 would use a fixed formula of 75 percent of BMSY,
48 except for those stocks where M is greater than 0.25, in which

1 the one minus M formula would continue to apply. That means
2 that we would be at 75 percent of BMSY for all of the reef fish
3 stocks that we manage, with the exception of gray triggerfish
4 and greater amberjack. They have natural mortality rates of
5 0.27 and 0.28, respectively, and so they would actually be,
6 instead of 75 percent, at 73 percent and 72 percent of BMSY.
7 That's not a huge difference, but it does give them a little bit
8 more leeway, because they have a higher natural mortality rate.

9
10 Alternative 4 is a straight 75 percent of BMSY for all of the
11 reef fish stocks, regardless of their natural mortality rate,
12 and Alternative 5 would go down to 50 percent of BMSY, which is
13 the lowest that we are allowed to go under the National Standard
14 1 Guidelines.

15
16 The analysis had looked at 85 percent of BMSY. We did not
17 include that as an alternative, because we felt it wasn't really
18 that different from the one minus M values for most of the
19 stocks, and so we left that out.

20
21 We did get a letter this morning that was emailed to us from
22 Ocean Conservancy, and we distributed it to the council, and I
23 really haven't had a chance to read it in depth, but it does
24 appear that Ocean Conservancy is recommending Alternative 2, the
25 one minus M formula, or that we add an alternative and do the 85
26 percent of BMSY.

27
28 As you have seen from the analysis, regardless of which
29 definition of MSST is adopted, the deterministic analysis, at
30 least, suggests that most stocks will recover very quickly in
31 the absence of fishing, within much less than ten years. We
32 feel that, if we keep track of the overfishing level, and we
33 take corrective action to prevent overfishing, we are unlikely
34 to get to any of these levels of MSST, and so we believe that is
35 what is really going to control the stocks will be the
36 overfishing threshold rather than the MSST, but the MSST does
37 provide some flexibility before we actually enter an overfished
38 condition.

39
40 Again, I will answer any questions that you have. As I said,
41 Alternatives 4 and 5 would apply 75 percent or 50 percent of
42 BMSY to all of the reef fish stocks. Alternative 2 would be the
43 one minus M formula to all of the stocks. Alternative 3 is an
44 either/or. It would apply 75 percent to most of the reef fish
45 stocks, but, for greater amberjack and gray triggerfish, they do
46 have a higher natural mortality rate, and so the one minus M
47 formula would apply in those cases, but it would only be a
48 slight change from the 75 percent values. Mr. Chairman.

1
2 **CHAIRMAN GREENE:** Thank you. Any discussion? Dr. Crabtree.

3
4 **DR. CRABTREE:** This is an action that is very similar to one
5 that we took in the South Atlantic a couple of years back, where
6 we had the same problem. Over a period of years, there were a
7 lot of improvements in aging methodology, and it was found that
8 these stocks live to be older than we used to think they did.
9 Based on the way we estimate natural mortality, we ended up with
10 much lower estimates of natural mortality, across the board,
11 than what we had fifteen or twenty years ago, which is when we
12 started using this one minus M approach.

13
14 We end up with, in many cases, and Gulf red snapper being a good
15 example, where the minimum stock size threshold is, I think,
16 probably at 92 percent of the rebuilding target, and so you've
17 got this problem with we know we have highly variable
18 recruitment in our fisheries, but, on top of that, we have a
19 great deal of uncertainty in our assessments. You saw that
20 retrospective pattern in gag and other things today.

21
22 The problem became are we triggering rebuilding plans just
23 because of recruitment variability and the uncertainty in the
24 assessments, and so we took an action which essentially went
25 with what in this amendment would be Alternative 3 as the
26 preferred, and that's currently where we are.

27
28 Now, if you go to New England and other places on the east
29 coast, a lot of them have set the MSSTs at 50 percent of BMSY,
30 but we didn't go that far, and so there's a whole issue of
31 uncertainty in the assessments.

32
33 Then the statute, when it was reauthorized in 2006, included a
34 provision that we have to end overfishing immediately, and so
35 it's not like, if we get a stock assessment and it shows that
36 we're overfishing and the stock is declining, it's not that just
37 because we may not have declined below 75 percent and, thus,
38 we're not triggering a rebuilding plan, and it's not as if we're
39 not going to take any action at that point, because we're going
40 to still have to take action to end overfishing, which, for most
41 of these stocks in that situation, would be sufficient to
42 rebuild the stock and get us to where we need to be.

43
44 For those reasons, I think that Alternative 3 is a pretty good
45 balance between the analyses we've seen and the uncertainty in
46 our assessments, but it's still providing not too big of a
47 buffer and not going as far as 50 percent BMSY through the
48 threshold. **I'm going to go ahead and make a motion to adopt**

1 **Alternative 3 as the preferred alternative in Action 1.**

2
3 **CHAIRMAN GREENE:** Thank you. We have a motion to select
4 Alternative 3 as the preferred. Do we have a second to this
5 motion? Seconded by Dr. Frazer. Any discussion? Mr. Atran.

6
7 **MR. ATRAN:** Just one thing I wanted to point out, since you're
8 suggesting Alternative 3, which is the either/or alternative.
9 We do have fourteen reef fish stocks in the FMP for which we
10 don't have an estimate of natural mortality or we at least don't
11 have an estimate for the Gulf of Mexico stocks, and so we really
12 don't know what the one minus M value would be, and we're
13 suggesting that, at least until we have an estimate of M, that,
14 in this case, those stocks would be assigned the 75 percent of
15 BMSY threshold. Of course, that may be meaningless until we
16 actually get an assessment that tells us what the stock status
17 is.

18
19 **CHAIRMAN GREENE:** Thank you. Any further discussion? Seeing no
20 further discussion, we have a motion on the board to make
21 Alternative 3 our preferred alternative. **Is there any**
22 **opposition to the motion? Seeing no opposition, the motion**
23 **carries.** Mr. Diaz.

24
25 **MR. DIAZ:** Thank you, Mr. Chairman. The Ocean Conservancy
26 letter is one group that said that they would like to see 0.85
27 be MSY in the document, and I did have another person from a
28 different environmental organization also make that comment, and
29 so I would also make a motion that we add another alternative
30 for 0.85 to be in the document, to give those folks an
31 opportunity to comment when this goes out to public comment.

32
33 **CHAIRMAN GREENE:** Thank you. We have a motion in Action 1 to
34 add an additional alternative to look at 0.85 BMSY. Is that
35 correct, Mr. Diaz?

36
37 **MR. DIAZ:** Yes.

38
39 **CHAIRMAN GREENE:** It would be Alternative 6.

40
41 **MR. DIAZ:** Yes, it would be Alternative 6.

42
43 **CHAIRMAN GREENE:** Mr. Diaz, does that motion on the board look
44 correct to you? Ms. Levy.

45
46 **MS. LEVY:** Sorry, but can we just say to add an alternative and
47 not number it, so that we can number it in the order that would
48 make it easiest to discuss? Thank you.

1
2 **CHAIRMAN GREENE:** So noted. Okay. Mr. Diaz, is the motion on
3 the board correct?
4
5 **MR. DIAZ:** It is.
6
7 **CHAIRMAN GREENE:** Okay. In Action 1, to add an alternative to
8 look at 0.85 BMSY. Mr. Atran.
9
10 **MR. ATRAN:** This alternative would affect any species that have
11 a natural mortality rate between 0.15 and 0.25, because that's
12 what the next alternative is, and I'm looking at the list of
13 species. It looks like this would affect hogfish, yellowtail
14 snapper, and I thought that I saw one more. I think that's it.
15 I think it's only going to affect a couple of species
16 differently than what Alternative 3 would affect.
17
18 **CHAIRMAN GREENE:** Dr. Crabtree.
19
20 **DR. CRABTREE:** Dale, is it your intent that this includes the
21 language in Alternative 3 of the one minus M or whichever is
22 larger, or is this just an across-the-board setting of it?
23
24 **MR. DIAZ:** Just across-the-board.
25
26 **CHAIRMAN GREENE:** Any further discussion about the motion on the
27 board? Is there a second for the motion on the board? It's
28 seconded by Dr. Lucas. Is there any more discussion? **Seeing no**
29 **further discussion, is there any opposition to the motion on the**
30 **board? Seeing no opposition, the motion carries.** Madam Chair.
31
32 **MS. BOSARGE:** Just based on the discussion around the table,
33 I've heard some people say there is really not a big difference
34 between 0.75 and 0.85, and it sounds like maybe we have some
35 environmental groups that think differently, and so maybe if our
36 SSC could speak to that at their next meeting, if they could
37 give us some feedback on that, so we would have something to
38 base a discussion on when we look at this again. If you feel
39 there's not much of a difference, that's fine, but I would just
40 like the scientists to tell us that.
41
42 **CHAIRMAN GREENE:** Thank you. Any further discussion? Mr.
43 Anson.
44
45 **MR. ANSON:** Just to follow up on a comment that Steven had made
46 in his introduction prior to the Amendment 44 discussion, but,
47 Steven, you mentioned the MSY proxies were separated and put in
48 another path, and I believe that deals with basically the SPR

1 designation. Can you describe where that is on the radar of the
2 SSC and what the timeline might be for that?

3
4 **MR. ATRAN:** With the SSC, we're working on a couple of things.
5 One of them is the MSY proxy, and not just some SPR levels, but
6 also Fmax and some other alternatives, and we have had a little
7 bit of a review of some recent publications that deal with the
8 resiliency of stocks based upon their life history, but we've
9 been moving rather slow on that.

10
11 The other thing that has been on the back burner that we've been
12 trying to work on are revisions to the ABC control rule. We
13 have been trying to get revisions in place, and now that the new
14 guidelines for the National Standard 1 Guidelines are out, they
15 address things such as incorporating carryover provisions into
16 the ABC control rule.

17
18 At the moment, our SSC did not feel that they could really give
19 a good amount of time to both of those items. We have been
20 focusing more on the ABC control rule, but, if we receive
21 guidance from the council that you would prefer us to work on
22 the MSY proxies, I have no problem with giving that a higher
23 priority.

24
25 **CHAIRMAN GREENE:** Dr. Crabtree.

26
27 **DR. CRABTREE:** I really don't know that it's worth looking more
28 and I will tell you honestly that, I mean, I'm fine with looking
29 at 85 percent, but, frankly, my concerns are more that 75
30 percent may still be too conservative and we're still erring on
31 setting it too close to BMSY and not at all the other way.

32
33 We have all worked through rebuilding plans, and they're
34 extremely complicated. They take up a huge amount of time and
35 work by our staff. They hinge on projections that go out for
36 many, many years and all the issues associated with this, and I
37 just don't think that we should trigger that without really good
38 reasons to do so, and so, if you want to have the SSC look at
39 this some more, I think that's fine, but I don't know that we're
40 really going to expect to get much more out of it than what we
41 already have done.

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

44
45 **EXECUTIVE DIRECTOR GREGORY:** Thank you. MSST originally, and
46 the 50 percent of BMSY as the level of MSST, was the point
47 where, if you got to that point, you would be concerned that the
48 stock would collapse.

1
2 It's unfortunate that Congress called it overfished, because, in
3 the literature, when you are below BMSY, you are overfished, and
4 so we've got some confusion. MSST was supposed to be like the
5 drop-dead point, and some of the councils -- We didn't, but they
6 said, if you're below the MSST, you've got to stop the fishing
7 or really ratchet it down, because they had 50 percent of
8 biomass.

9
10 We have always used MSST as a conservative stock for us,
11 because, in the beginning, the scientists did not have
12 confidence that the council would be conservative enough. Then,
13 as we got through the 2006 reauthorization, the council was
14 forced to be conservative, and so the MFMT is the fishing
15 mortality equivalent to fishing at B of MSY, or thereabouts, and
16 that's really what is controlling our management now.

17
18 The only way a stock is going to fall below MSST is through some
19 environmental problem and not through negligence on the part of
20 management, and so we've got things confused. MSST is not
21 designed to be a management target or something that controls
22 management, except when things got really in dire straits, and
23 so hopefully that clarifies it a little bit, but I agree with
24 Dr. Crabtree that 75 percent is like a middle ground to go.

25
26 Most of the northern councils have gone with 50 percent BMSY,
27 because they just had -- In the beginning, when we started using
28 this, they had a greater conceptual understanding of how it's
29 all supposed to work. In my mind, MSST is the point where, if
30 you get down that far, you need to be really worried about the
31 collapse of the stock. At one minus M BMSY, at 25 percent of
32 BMSY, you're not at that level, and so we're still being
33 conservative with all of these options.

34
35 **CHAIRMAN GREENE:** Thank you, Mr. Gregory. Any further
36 discussion? Okay. We have a preferred, and we've added an
37 alternative to look at, and we've had further discussion. Is
38 there anything else that you need to cover, Mr. Atran? With
39 this potential of adding an alternative and sending it to the
40 SSC, that we're not going to be ready for scoping, and is that
41 correct?

42
43 **MR. ATRAN:** That's what I am thinking. Peter Hood is my co-lead
44 on this, and we have an IPT meeting scheduled next week, but we
45 would have to add that alternative. We would have to get the
46 analysis entered into the environmental assessment portions,
47 and, actually, the SSC is going to meet the week before the
48 council meeting this time around, and so there will be no time

1 to incorporate whatever they have to say into the document.

2
3 Rather than look for final action in April, I think probably --
4 There is no rush on this. We would be better off looking to
5 take final action at the next meeting, which I believe is in
6 June.

7
8 **CHAIRMAN GREENE:** Thank you. That will wrap up that agenda
9 item. Mr. Atran.

10
11 **MR. ATRAN:** I don't know if you want to wait until April to
12 decide this, but we had suggested that we don't have in-person
13 public hearings, other than the council meeting, and that we do
14 a webinar when the time comes. Would that be acceptable, or do
15 you want to wait and make a decision later on that?

16
17 **CHAIRMAN GREENE:** I don't think many people would come to this.
18 I think the webinar would certainly be the way to go. Dr.
19 Crabtree.

20
21 **DR. CRABTREE:** I think this is pretty technical, and the groups
22 that are interested in this have already submitted written
23 comments, and I'm sure they will submit written comments to us,
24 and so it does seem, to me, that this is one where a webinar
25 would be fine.

26
27 **CHAIRMAN GREENE:** Thank you. Any further discussion? Seeing no
28 further discussion, we will move on to our next item, which is
29 Public Hearing Draft of Amendment 36A. That will be Tab B,
30 Number 7, and Dr. Lasseter.

31
32 **PUBLIC HEARING DRAFT AMENDMENT 36A - MODIFICATIONS TO COMMERCIAL**
33 **IFQ PROGRAMS**

34
35 **DR. AVA LASSETER:** Thank you, Mr. Chairman. We have brought you
36 a public hearing draft, and our objective for this session is to
37 review the actions and preferred alternatives. You have
38 selected a preferred alternative for each of the actions in the
39 document, but we have updated some data with 2015 values, as the
40 annual reports for each of the IFQ programs have since been
41 released, in December, and so you may want to evaluate your
42 current selections of preferreds.

43
44 Also, at your last meeting, we discussed public hearings. If
45 you do approve a draft for public hearings, just like Mr. Atran
46 noted, we had discussed holding a single webinar and a mail-out
47 to IFQ program participants to solicit their feedback.

48

1 We will get into the document. Action 1 begins on page 14, and
2 this action addresses the commercial permitted reef fish vessel
3 hail-in requirement. Currently, Alternative 1 is our no-action
4 alternative. The owner/operator of vessels landing any of the
5 IFQ species must hail-in. That is, they must notify NMFS at
6 least three hours, but no more than twenty-four hours, in
7 advance of landing, to notify basically enforcement, law
8 enforcement, to come and meet them at the docks. They have that
9 opportunity to do so.

10
11 One of the recommendations in the red snapper five-year review
12 was that it could improve law enforcement by expanding this
13 hail-in requirement to additional vessels, and so the two
14 alternatives we have are here. Your current Preferred
15 Alternative 2 would be to expand this hail-in requirement to any
16 commercial reef fish-permitted vessel landing commercially-
17 caught, federally-managed reef fish from the Gulf. They would
18 be required to hail-in and also land at a pre-approved landing
19 location, which you also added at the last council meeting.

20
21 This would expand the requirement from those just landing IFQ
22 species to those landing any of the other species in the reef
23 fish fishery management unit, and that is approximately an
24 additional 4 percent of trips, and there is a table on page 20,
25 Table 2.1.5, that shows you a comparison between the number of
26 trips with reef fish species and the proportion of trips landing
27 IFQ species, which 96 percent of these trips, if they're landing
28 reef fish species, they are landing IFQ species as well, and so
29 that is a smaller increase in the number of vessels that would
30 be required to hail-in, compared to Alternative 3, which would
31 expand the hail-in requirement to any commercial reef fish-
32 permitted vessel landing any commercially-caught, federally-
33 managed species. Again, they would be required to hail-in and
34 land at a pre-approved landing location.

35
36 Both this alternative and Alternative 2, again, apply only to
37 vessels with that reef fish permit. All vessels with a reef
38 fish permit already have VMS and other attending requirements.
39 They're just not required to hail-in unless they are landing IFQ
40 species. Alternative 3 would affect an additional,
41 approximately, 15 percent of trips.

42
43 If we look at, again, page 20, Table 2.1.4, we can see the
44 number of trip tickets -- All trip tickets for reef fish vessels
45 for 2014 and 2015, and the proportion of those trips that land
46 IFQ species, and you can see, across the two years, we're
47 looking 82 and 86 percent of the trips are landing IFQ species.
48 I think I will stop there for a moment and see if there's any

1 questions.

2

3 **CHAIRMAN GREENE:** Thank you. Are there questions or discussion?
4 Ms. Bosarge.

5

6 **MS. BOSARGE:** This is probably a question for enforcement, but,
7 just out of curiosity, what is the penalty? In other words, if
8 we pass this, where, if you have any reef fish, you're going to
9 have to hail-in before you -- If you have the permit, you're
10 going to have to hail-in. If you don't hail-in and you hit the
11 dock, what is the penalty? I mean, what are they looking at?
12 Do you lose your license or just tens-of-thousands of dollars in
13 fines? I'm sure it depends on the pounds, but just give me some
14 kind of general idea.

15

16 **DR. LASSETER:** I am going to ask if maybe Andy or Peter or
17 somebody at NMFS staff could answer.

18

19 **MS. CYNTHIA FENYK:** I'm Cynthia Fenyk, and I'm an enforcement
20 attorney in the Southeast Region. The NOAA General Counsel
21 penalty schedule is available on our webpage, and you need to
22 look at the ranges and the types of violations that are
23 addressed in that penalty schedule.

24

25 Generally, a non-hailing-in violation is -- Under Magnuson, it's
26 a Level 1 to 6, with 1 being the lowest level of gravity of
27 offense and 6 being the highest. A hailing-in requirement is
28 not a 5 or a 6, and only 5 and 6 have permit sanction attached.

29

30 As far as the range of the monetary assessment, I don't know
31 right now, because I don't have it in front of me, but you could
32 find that range in the penalty schedule, which is, as I said, on
33 our webpage.

34

35 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
36 Okay, Dr. Lasseter.

37

38 **DR. LASSETER:** Thank you, Mr. Chairman. Then we will move on to
39 Action 2, which begins on page 22. Action 2 has two sub-
40 actions. Action 2 addresses the non-activated IFQ shareholder
41 accounts, and so the first sub-action addresses returning the
42 shares that are held in these non-activated IFQ accounts, in
43 terms of the timeline and which programs would be affected.
44 Then the second sub-action is going to address the mechanism of
45 distributing those shares.

46

47 Action 2.1, again, our no-action, status quo, Alternative 1 is
48 that IFQ shares held in these accounts that have never been

1 activated would just remain in those accounts, and, especially
2 since we have been discussing this action and working on this
3 amendment and since NMFS, in 2012, put on their website or
4 identified all of the shareholders that had these non-activated
5 accounts, other commercial fishermen have taken it upon
6 themselves to locate and identify these shareholders and agree
7 to the transfer of those shares, and so the number of the
8 accounts and the resulting pounds held in these non-activated
9 accounts has continued to decrease over time.

10
11 Before we look at the alternatives, I will just have you take a
12 look at Table 2.2.1.1, on page 24, at the top there. We have
13 updated these values as of mid-December of 2016, and the primary
14 change is in the red snapper program. It was, I want to say,
15 forty-four at the last meeting, at the October meeting, and that
16 has decreased now to thirty-two accounts, and the equivalent
17 pounds for the 2016 quota was less than 15,000 pounds, and so
18 the amount of pounds we're talking about here, for each of the
19 accounts, has continued to decrease.

20
21 Coming back to look at the alternatives, the remaining
22 alternatives, you have, on page 22, you have two selected
23 preferred alternatives, both Alternative 2 and Alternative 3,
24 and the options mirror each other as well, and so Preferred
25 Alternative 2 would apply to shares in the red snapper IFQ
26 program accounts that have never been activated, and your
27 current preferred option is to return these shares to NMFS on
28 the effective date of the final rule implementing this Amendment
29 36A. In contrast, you did consider allowing an additional year
30 following the effective date of this amendment.

31
32 Preferred Alternative 3 is also selected for the shares in the
33 grouper/tilefish IFQ program. Again, this only refers to
34 accounts that have never been activated. The holder has never
35 entered the account.

36
37 The shares would be returned to NMFS, in Preferred Option 3a
38 again, on the effective date of the final rule implementing this
39 amendment, in contrast to Option 3b, which is not selected as
40 preferred, which would, again, allow an additional year. I will
41 pause there and see if there's any questions or discussion on
42 this action.

43
44 **CHAIRMAN GREENE:** Is there discussion? Seeing no discussion,
45 Dr. Lasseter.

46
47 **DR. LASSETER:** Okay. Moving right along, Action 2.2 begins on
48 page 25, and here we are addressing how to redistribute these

1 shares from these non-activated accounts, the method of
2 redistributing shares.

3

4 Of course, Alternative 1 always is no action, for the purpose of
5 analysis, and it would not redistribute the shares that were
6 returned to NMFS. Your current preferred alternative is Number
7 2, which would redistribute the shares from each share category
8 equally among all shareholders of that share category, and we do
9 have a table that provides the resulting amount of pounds,
10 equivalent pounds, that would go to each of these shareholders.

11

12 Unfortunately, it didn't make it to Chapter 2 and it's in
13 Chapter 4, and so if we could flip, real quick, to page 96.
14 This table will be brought up into this section for the next
15 iteration. On page 96, at the bottom, there is a Table
16 4.2.2.3.2, and this is in the effects analysis, and it is
17 discussed in both the economic and the social section.

18

19 What we can see are the pounds for each of the share categories
20 and the number of accounts, and so the first three columns are
21 speaking to the Preferred Alternative 2. We can see, for each
22 of those share categories, the total number of accounts at the
23 end of 2015, but then we're using the 2016 quotas, and the
24 reason for that, for using the 2015, is that we used the annual
25 report that just came out in the middle of December, and so, of
26 course, this would be updated at the time the amendment is
27 implemented.

28

29 You can see that it ranges from a low of one pound of tilefish
30 and one pound of deepwater grouper to a high of thirty-nine
31 pounds of red snapper for each of those 386 accounts that
32 currently hold shares in the red snapper program, in 2015.

33

34 This gives you a sense of how Alternative 2, your Preferred
35 Alternative 2, would redistribute the shares equally amongst
36 those accounts, but this shows you what that equates to in terms
37 of pounds. Let's go back up to the alternatives, and so we're
38 back to page 25.

39

40 Alternative 3 would redistribute the shares from each share
41 category according to the proportion of shares held by
42 shareholders of that share category, of each share category, at
43 the time the shares are redistributed by NMFS, and so we do not
44 have a table displaying this, because, essentially, each
45 shareholder would receive the amount of pounds in proportion to
46 the shareholdings for the given amount of pounds that are left
47 in those inactivated accounts.

48

1 Each shareholder, of course, has many different -- There is many
2 different amounts of shares held by the 386 accounts of just red
3 snapper alone, and so you get the sense that it would vary by
4 shareholdings. Some would get more than Alternative 2 and some
5 would get less.

6
7 Alternative 4, and we have a couple of IPT recommendations to
8 clarify the meaning and intent of this alternative. Alternative
9 4 would redistribute the shares from each share category to the
10 allocation-only account holders with a commercial reef fish
11 permit and those who made landings, and, previously, it was
12 2016, but we're proposing 2015, for that share category, but
13 these allocation-only account holders cannot be related to other
14 accounts with shares.

15
16 There are two points here, and this is for the purpose of
17 analysis and distribution and using the data that we have
18 available. We recommend adding the words "redistribute the
19 shares equally", which of course, since these are accounts that
20 do not have shares, we could not do it in proportion to their
21 shares, and so, to redistribute the shares equally from each of
22 those share categories to the allocation-only account holders.

23
24 Also, since we would anticipate this amendment going forward,
25 possibly by the end of this year, using landings from 2015, and
26 we have those data finalized and available, compared to what was
27 previously 2016.

28
29 If we take a look at Table 2.2.2.3, which is on page 27, this
30 provides a breakdown for the distribution of shares equally
31 among all of these allocation-only account holders, and so you
32 can see the share percentage amount and then what that is
33 equivalent to, in pounds, under the 2016 quota. We have a low
34 of twenty-one pounds for tilefish and a high of 121 pounds for
35 red grouper.

36
37 Before I move on, I will point out that we also have provided a
38 new table here, just at the top of that page, Table 2.2.2.2,
39 which provides a breakdown of the number of the different types
40 of accounts, and so you have the number across each of the share
41 categories of the accounts with shares, accounts with
42 allocation, accounts that made landings, and this is for the end
43 of 2015, accounts that made landings, but no shares, and so
44 that, of course, is a sub-group of the previous row, and,
45 finally, landings, but do not have shares and are not related to
46 an account with shares in that category, and so, of course, the
47 smallest subset of accounts. If we go back up to the
48 alternatives, I will turn it over for discussion and see if

1 there is any questions or discussion.

2
3 **CHAIRMAN GREENE:** Mr. Riechers.

4
5 **MR. RIECHERS:** Obviously you're looking for a change or an
6 acceptance of the IPT recommendation on Alternative 4. Let me
7 understand that exactly. What I expect you all to do is, since
8 it's on completion of the amendment, which, if you expect it to
9 be completed in 2017, in order for you to actually distribute
10 shares at the same time that you distribute all the rest of
11 them, your expectation is to go back and grab 2015 landings, as
12 opposed to waiting on the 2016 landings to make that
13 distinction, and do I have that correct?

14
15 **DR. LASSETER:** Perfectly, yes.

16
17 **MR. RIECHERS:** Okay.

18
19 **DR. LASSETER:** It was the middle of December of 2016 that we
20 received the finalized annual reports for 2015, and so, right
21 now, we have that 2015 data available. It won't be until,
22 possibly, the end of this year that the report would be
23 finalized, the data would all be finalized, for 2016.

24
25 **MR. RIECHERS:** I don't know that we need it in a motion, Mr.
26 Chairman. We did earlier yesterday, or sometime, when we were
27 looking at IPT revisions. **If so, if you think we do, I will**
28 **move that we accept the revisions to Alternative 4, Action 2.2.**

29
30 **DR. CRABTREE:** Second.

31
32 **CHAIRMAN GREENE:** We will make the motion to accept the IPT
33 recommendation. It was seconded by Dr. Crabtree. Ms. Bosarge.

34
35 **MS. BOSARGE:** Ava, on that Alternative 4, and I think this is
36 inferred, but you're spelling everything out, and so I just want
37 to make sure that I'm correct. I can't see it, but anyway --
38 That last little part of the sentence "but not related to other
39 accounts with shares in that share category", it all goes back
40 to that share category, correct?

41
42 **DR. LASSETER:** That is the way the data has been analyzed,
43 correct, yes.

44
45 **CHAIRMAN GREENE:** Thank you. We had a motion, and it was
46 seconded. **Is there any opposition to the motion? Seeing none,**
47 **the motion carries.** Dr. Crabtree.

1 **DR. CRABTREE:** Just one thing that I wanted to bring up. It is
2 a very small amount of fish, and I suspect, by the time this is
3 implemented, that it will be even smaller, but there may be
4 shareholders who are at the share cap. In that case, they
5 wouldn't get any additional quota and it would be redistributed
6 amongst the shareholders who are eligible, because they are
7 below the cap.

8
9 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
10 Lasseter.

11
12 **DR. LASSETER:** Thank you, Mr. Chairman. We will move on to
13 Action 3, which begins on page 28. Action 3 addresses retaining
14 annual allocation before a quota reduction. Currently, as our
15 no action, Alternative 1, always states, every year, on January
16 1, 100 percent of the annual allocation, and that's the pounds
17 represented by the shares of a shareholder, the pounds of annual
18 allocation are distributed to the shareholder accounts.

19
20 We have one alternative here, Preferred Alternative 2, and that
21 would be to provide the Regional Administrator the authority to
22 withhold the amount of red snapper or grouper tilefish annual
23 allocation before its distribution at the beginning of a year in
24 which a commercial quota reduction is expected to occur.

25
26 Then we have an additional part of this alternative which goes
27 to the options. The withheld allocation for each of these
28 programs will be distributed to shareholders if the effective
29 date of the final rule implementing said quota reduction has not
30 occurred by -- Then you have two options here. Your preferred
31 option is Option a, June 1, or Option b is August 1.

32
33 At the last meeting, Mr. Riechers requested that we have some
34 additional information available to look at for you to discuss
35 this, and so I have put something together. We did send it out
36 as a separate file. Can we call that document up, the Action 3
37 Supplemental Data, on the board? We did email this to
38 everybody shortly ago.

39
40 The first page provides two tables of the monthly landings, and
41 we have provided 2015 and 2014, and so we can just look at the
42 top table here, Table 1. This is 2015 landings of the IFQ
43 program species by month, and they are in pounds whole weight.
44 We have provided each of the species groupings for the
45 grouper/tilefish program and then the total, a column for all
46 grouper/tilefish, which is in bold. Then, finally, the last
47 column is red snapper, and it is by each month of the year.

48

1 There is a table for 2014 provided below, and then, on the next
2 page, if we could take a look at the figures, we will start with
3 the top one. We graphed out the tables, to make it a little
4 easier to interpret, and we put on the options there as well for
5 the months, keeping in mind that each one of those points for
6 the month, of course, is the total landings for that month,
7 whereas, technically, it would be distributed at the beginning
8 of that month, but I have one more table to show you for that.

9
10 Basically, you can see the orange line is 2014 and the blue line
11 is 2015. This is the red snapper landings by month. If we
12 scroll down, we have provided all the grouper/tilefish landings.
13 We have combined them together by month. Again, you can see the
14 Preferred Option a for June and the Option b for August, again
15 with the same years of 2014 and 2015.

16
17 Then let's just scroll down to one last page, page 3, the little
18 table. This provides the proportion of the annual landings for
19 each of the program that are made by June 1, and so, of course,
20 these are January through May landings for Preferred Option a
21 and by August 1, and so January through July for Option b.
22 Again, it's for 2014 and 2015 and separating out the two
23 programs.

24
25 We have emailed this to all of you, and we have also appended,
26 in the references at the bottom there, the most recent red
27 snapper annual report and the grouper/tilefish annual report
28 with those links there, and so you have those in your email.
29 You can click on those and review the reports. They did come
30 out in the middle of December of 2016. Is there any discussion
31 on Action 3?

32
33 **CHAIRMAN GREENE:** Mr. Riechers.

34
35 **MR. RIECHERS:** I will just add that obviously what we were
36 looking for there is to determine whether or not earlier is
37 better, as we heard from all of the fishermen, but is there
38 really substantial landings caught after either one of those
39 periods.

40
41 We were looking at that just to determine how much difference
42 there really is in the fishery, from that perspective, and, of
43 course, in that particular case, and it depends on what you
44 consider substantial, but certainly substantial landings are
45 still caught after August 1, and certainly they are caught after
46 June 1 as well, and so that was the reason for asking for those
47 kind of landings beyond that period.

48

1 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
2 Swindell.

3
4 **MR. SWINDELL:** I guess I'm a little concerned about the
5 reasoning. I am more concerned about the resource than
6 anything, and that's really what we're trying to do. If the
7 Regional Director doesn't know, if we don't know, until February
8 that the resource needs to be adjusted, I don't know when the
9 right time to do it is. If we know before January, then let's
10 do it in January, but, to say that we're going to do it and hold
11 off until June or whatever the other time is, August, what's the
12 purpose? I really don't understand the whole purpose of that.

13
14 **CHAIRMAN GREENE:** Dr. Crabtree.

15
16 **DR. CRABTREE:** The purpose is -- This has happened before. This
17 isn't theoretical. We have had this happen. We took final
18 action on an amendment in the fall and submitted it to the
19 Fisheries Service. It was an amendment that -- I think it was
20 the allocation amendment, but an amendment that, for some
21 reason, reduced the commercial quota.

22
23 If we don't have this, and the amendment is not implemented
24 prior to January 1, the quota gets released to the commercial
25 fishery and there is no way to pull it back, and so, if we got
26 an assessment and we approved an amendment to reduce the quotas,
27 to stop overfishing, and we submitted it late in the year, there
28 would be no way to reduce the quota for a year.

29
30 This enables us, because we know the action is there in the
31 council, to hold it back until it's approved and get things done
32 a year earlier, and so that's the purpose of this. Now, if we
33 don't know it's coming until after the beginning of the year,
34 then there's no way to know what to hold back or to know what to
35 do, and that will have to wait until the following year.

36
37 **MR. SWINDELL:** Then what's the difference between the June and
38 August timeframe?

39
40 **DR. CRABTREE:** It's saying that, if the Fisheries Service
41 doesn't get its act together and get the amendment implemented
42 by one of these dates, then the quota gets released anyway, and
43 it's just two different dates.

44
45 If the council submits something to us to reduce the quota and
46 June 1 comes and the Fisheries Service still hasn't implemented
47 it, then the quota would be released and it would happen the
48 next year. The other alternative is August.

1
2 In most cases, assuming the council -- The other thing is, if
3 the council's action was disapproved by the Secretary, then the
4 quota would be released at that point. In most cases, the
5 choice of these dates won't matter, because the council action
6 will most likely be approved and the quota won't be released at
7 all.

8
9 **MR. SWINDELL:** I still don't understand why June and why August.
10 Why not July and why not October? I just don't quite
11 understand.

12
13 **DR. CRABTREE:** It could be one of those dates. It was just, I
14 think, to keep us from waiting almost until the end of the year
15 and then dumping the fish in the fishery's lap at the last
16 minute, but, as I said, very rarely will the dates matter,
17 because, in the vast majority of cases, the council action will
18 go forward and there won't be any quota to release, because the
19 quota has been changed.

20
21 **CHAIRMAN GREENE:** Dr. Lasseter.

22
23 **DR. LASSETER:** I could just add to that, in terms of the months.
24 The IPT proposed these with the idea of making a date by which,
25 if it was not implemented, it would be released. We did ask the
26 committee if they would prefer a different date, either an
27 earlier month or a later month or sometime in between, but these
28 seemed to be the months that were accepted by the committee at
29 the time.

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

33
34 **DR. LASSETER:** Thank you, Mr. Chairman. Our final action in the
35 document is Action 4, which begins on page 29. This action, you
36 added two meetings ago, and I believe it was at the August
37 meeting, based on some public testimony, and it addresses
38 requiring dealers to provide a notification for when the
39 offloading of IFQ species would begin.

40
41 Your current preferred alternative is to take no action. It's
42 to allow things to remain as is. Currently, IFQ dealers are not
43 required to provide notification to NMFS specifying when a
44 vessel is going to begin offloading IFQ species. That vessel
45 can land. It has to hail-in and identify when it's going to
46 land, within a window, but offloading does not necessarily occur
47 at the same time that the vessel lands. For example, it could
48 be a fish dealer that has three or four boats that show up

1 around that same time and it's not feasible to do so. There
2 could be other reasons as well.

3
4 Alternative 2 proposes to require IFQ dealers to notify NMFS
5 when a vessel will offload IFQ species. The notification must
6 be made at least one hour, and no more than twenty-four hours,
7 before offloading begins.

8
9 Alternative 3 provides a slightly longer, more narrow window
10 that the dealers must notify at least three hours in advance,
11 and no more than twenty-four hours, before offloading begins. I
12 will turn it over for any questions or discussion.

13
14 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr. Boyd.

15
16 **MR. BOYD:** Have we had law enforcement weigh-in on this
17 particular action, as to what they think is appropriate?

18
19 **DR. LASSETER:** Yes, we did. At the October Law Enforcement
20 Committee meeting, the Law Enforcement Committee did not want to
21 get any additional notifications. They expressed some
22 frustration with the volume of hail-in notifications that they
23 currently receive, and so they did not support creating this new
24 notification.

25
26 **MR. BOYD:** Thank you.

27
28 **CHAIRMAN GREENE:** Further discussion? Okay. Dr. Lasseter.

29
30 **DR. LASSETER:** Thank you, Mr. Chairman. That is the final
31 action in this amendment. We do have a little more cleaning-up
32 to do. There is a couple of tables in Chapter 3 that haven't
33 been completed updated for the 2015 data, but, if you do feel it
34 is appropriate to approve this amendment for public hearings, we
35 will organize a webinar and create a mail-out that will go out
36 to IFQ participants to solicit their feedback.

37
38 **CHAIRMAN GREENE:** Thank you. How does the committee wish to
39 handle this? Mr. Diaz.

40
41 **MR. DIAZ:** Thank you, Mr. Chair. I am fine with sending it out
42 for public hearing. I am kind of debating whether we need to
43 keep Action 4 in there or put it to Considered but Rejected, but
44 we're going out for public hearing, and I am kind of leaning
45 towards leaving it in and seeing what kind of public hearing we
46 get on it, but I am fine with leaving it in and sending the
47 document out for public hearing. **I would make a motion that we**
48 **send the document out for public hearing, send 36A out for**

1 public hearing.

2
3 **CHAIRMAN GREENE:** With the understanding that it's going to be a
4 webinar and a mail-out, and is that correct, Dr. Lasseter?
5 Okay. We have a motion to go ahead and -- Is there a second for
6 the motion? It's seconded.

7
8 The motion on the board appears to be correct, and it was
9 seconded. Is there any further discussion? Seeing no further
10 discussion, is there any opposition? **Seeing no opposition, the**
11 **motion carries.**

12
13 Any further discussion before we leave Amendment 36A? I have
14 spoken to Ms. Bosarge, and we're going to continue on our agenda
15 as scheduled. We will go ahead and pick up right now with
16 Public Hearing Draft Amendment 46, Gray Triggerfish, and that
17 will be Tab B, Number 8, and Dr. Simmons.

18
19 **PUBLIC HEARING DRAFT AMENDMENT 46 - GRAY TRIGGERFISH REBUILDING**
20 **PLAN**

21
22 **DR. SIMMONS:** Thank you, Mr. Chair. I am going to go through
23 Tab B, Number 8. Recall that, based on the most recent stock
24 assessment for gray triggerfish, that the stock is not
25 rebuilding and not making adequate progress towards rebuilding.
26 Therefore, the council must prepare a plan to rebuild the stock
27 as quickly as possible, but not to exceed that ten-year
28 rebuilding time period.

29
30 This plan has to be implemented by November of 2017, and so,
31 today, I am going to walk you through the public hearing draft
32 that we have prepared for you and for possible approval for
33 public hearings, which you selected some locations at the
34 October 2016 council meeting, and those locations and webinar
35 information is in your action guide.

36
37 Let's go to the purpose and need, please. It's on page 7.
38 There has been no changes to the purpose and need, and so,
39 unless you have any changes, we can move to the actions. We
40 will go to page 11, which is Action 1.

41
42 You have selected -- In Action 1, your current preferred
43 alternative is to establish a rebuilding time period of nine
44 years, or by the end of 2025, and I think this was made at the
45 October council meeting, or maybe before then, as the preferred
46 alternative. I will stop here and see if there is any questions
47 or any changes.

48

1 **CHAIRMAN GREENE:** Is there discussion on Action 1? Seeing no
2 discussion, Dr. Simmons.

3
4 **DR. SIMMONS:** Thank you. Just remember that this was one of the
5 three SSC recommendations that you reviewed, and so that's
6 within their recommendations. Then, if you go to Action 2, it's
7 on page 13, and you selected the preferred alternative as
8 Alternative 1, no action, to retain the gray triggerfish sector
9 ACLs and ACTs developed in Amendment 37 and in effect since
10 2012, and you can see those catch levels there in the table
11 below. I will stop there and see if there's any questions.

12
13 **CHAIRMAN GREENE:** Okay. Any discussion? Seeing none, Dr.
14 Simmons.

15
16 **DR. SIMMONS:** Okay. Moving on, we will go to page 16, the
17 recreational management measures. This is a suite of management
18 measures. We have three sub-actions. One is to modify the
19 fixed closed season, one is to modify the bag limit, and one is
20 to modify the recreational minimum size limit.

21
22 At the last council meeting, you selected the Preferred
23 Alternative 4 for the season closure, and that was the current
24 season closure, which is during spawning, of June and July, and
25 to also add the months of January and February to that season
26 closure. You also selected, for the bag limit, Preferred
27 Alternative 2, to reduce the bag limit to one gray triggerfish
28 per angler per day within the aggregate, the twenty reef fish
29 aggregate. Then Action 3.3 is to modify the recreational
30 minimum size limit. You selected Preferred Alternative 2, which
31 was increase the minimum size limit to fifteen inches fork
32 length.

33
34 If you go to Table 2.3.6, it's on page 27, and you can see, with
35 these preferred alternatives, the suite of preferred
36 alternatives that you have selected, using the models and the
37 decision tools that are in your briefing book, the recreational
38 decision tool, that, based on these alternatives, you are
39 projected to land 201,000 pounds of triggerfish, which is within
40 the recreational ACT preferred alternative that you selected,
41 which is the 217,100 pounds whole weight of fish, as the
42 preferred alternative. I will stop there and see if there is
43 any questions or changes.

44
45 **CHAIRMAN GREENE:** Okay. Any discussion? Seeing no discussion,
46 Dr. Simmons.

47
48 **DR. SIMMONS:** We are cruising today. Okay. Page 28 is the last

1 action, and this is modify the commercial trip limit. At the
2 last council meeting, I think you reviewed these alternatives,
3 and they were in pounds of fish. Based on the Law Enforcement
4 Technical Committee's recommendations, we modified the
5 alternatives in your recommendations to numbers of fish, because
6 of the low poundage of fish that you are considering for these
7 trip limits, and that is what you can see before you in these
8 revised alternatives.

9
10 Currently, the alternatives allow the council to reduce or
11 increase the trip limit, and increasing the trip limit when
12 we're in a rebuilding plan is, obviously, a careful
13 consideration that you will have to weigh-in on and make some
14 determination on, but, based on the twelve-fish trip limit that
15 was implemented in 2013, the commercial landings have been 31
16 percent and 23 percent for 2014 and 2015, respectively, below
17 the commercial ACT, and that commercial ACT is 60,900 pounds
18 whole weight.

19
20 The Reef Fish AP, and I guess it was at their October meeting,
21 had made a recommendation that the council consider increasing
22 the commercial trip limit, and I believe the recommendation was
23 the sixteen fish per trip limit recommendation, and so I will
24 stop there.

25
26 **CHAIRMAN GREENE:** Thank you. We don't have a preferred on this
27 one. Any discussion? Mr. Fischer.

28
29 **MR. FISCHER:** Thank you, Mr. Chair. I am not certain what
30 number we should settle on, but, if you scroll a few more pages,
31 to Figure 2.4.1, we could see that, at sixteen fish, you're not
32 eliminating much of the harvest from the fishery, and I
33 understand they are below their ACL or ACT. We are putting
34 measures on the recreational fishery, for both seasons and size
35 length and bag limit, and I am just not certain, with the fish
36 that are presently being captured in the commercial industry,
37 where we should settle.

38
39 It looks, graphically, like anywhere between ten and twenty
40 would be very close to the same answer. I would rather let
41 someone from the commercial fishery speak up about it, and maybe
42 we could settle on a number.

43
44 **CHAIRMAN GREENE:** Mr. Walker.

45
46 **MR. WALKER:** I guess I would just have to go along with the AP,
47 being the sixteen fish. I think David Krebs had some
48 suggestions of trying to catch the fish, which was not even an

1 alternative, and it was doing the seasonal part, but the AP had,
2 I think, suggested sixteen, and so maybe we should consider
3 sixteen. Maybe we could have a little more testimony, and if
4 you all want to just decide on it at Full Council and hear a
5 little testimony. There seems to be more commercial fishermen
6 here this meeting.

7
8 **CHAIRMAN GREENE:** Okay. Mr. Walker weighed in on sixteen fish,
9 but you're wanting to wait until after public comment? Okay.
10 All right. I don't see anything wrong with that. There are
11 certainly commercial fishermen here to weigh in on that, and we
12 will seek their advice and guidance on Action 4. Any further
13 discussion? Dr. Simmons.

14
15 **DR. SIMMONS:** Thank you, Mr. Chairman. I guess just, after Full
16 Council, if we get a preferred alternative, unless there is some
17 reason -- But we need to take this out to public hearings, so
18 that the council can take final action in April on this.

19
20 **CHAIRMAN GREENE:** Okay. I guess we can make a motion at that
21 point to send it out to public hearings. Okay. That wraps up
22 gray triggerfish.

23
24 **MS. BOSARGE:** Please bear with us for just a moment. We're
25 trying to figure what to tackle next on this agenda. We're
26 going to try to knock out one more thing before lunch.

27
28 **CHAIRMAN GREENE:** Okay. The situation is that we've got about
29 forty minutes before lunch, and we don't want to cut into the
30 time for the Gulf Angler Focus Group Report. With that, if the
31 committee will indulge, we are going to skip down to Options
32 Paper for Amendment 47 - Modify Vermilion Snapper ACL and MSY
33 Proxy, and Mr. Atran.

34
35 **OPTIONS PAPER FOR AMENDMENT 47 - MODIFY VERMILION SNAPPER ACLs**
36 **AND MSY PROXY**

37
38 **MR. ATRAN:** This is Tab B, Number 13. It's an options paper for
39 what will be Amendment 47, which is to set vermilion snapper MSY
40 proxy and annual catch limits. If we were only doing annual catch
41 limits, this would be a framework action. However, we also need
42 to consider assigning an MSY proxy to this species, and so that
43 has to be done in a full plan amendment.

44
45 The reason we've got this amendment is because we recently got a
46 stock assessment for vermilion snapper, and the stock assessment
47 used a proxy of the yield at F 30 percent SPR. That differs
48 from what is in our amendment, Amendment 23, I think it was. A

1 previous vermilion snapper amendment had said not to use a proxy
2 and to use the actual model-generated estimate of MSY or FMSY.

3
4 There is very little confidence by the SSC and by the assessment
5 folks in using those actual estimates. They are dependent on
6 having a good spawner-recruit relationship. In the vast
7 majority of cases, we don't have a very good spawner-recruit
8 relationship, and so, rather than use the estimate, they prefer
9 to use a proxy.

10
11 Because they use the 30 percent SPR proxy, which is not what the
12 council had previously approved, the council needs to decide if
13 it wants to make that change in the FMP and officially adopt the
14 MSY proxy, and so Action 1 on this item begins on page 16 of the
15 document, and it's for assigning the MSY proxy. We only have
16 two alternatives.

17
18 Alternative 1 is no action. As I said before, do not use a
19 proxy and use the actual estimate of MSY that's estimated by the
20 assessment model, which is what our previous amendment called
21 for, and which our SSC disagrees with.

22
23 Alternative 2 would be to establish a proxy for vermilion
24 snapper MSY as the yield when fishing at F 30 percent SPR.
25 After discussing with General Counsel, our IPT decided that we
26 only needed two alternatives here. The 30 percent SPR is the
27 SSC's recommendation. Anything other than that would not be
28 based on the best available scientific information, and so it's
29 either no action or adopt the recommendation of the SSC.

30
31 The next action, which is Action 2, set the annual catch limit,
32 is on page 20. If you could scroll down to the Table 2.2.1,
33 that rather graphically represents what the alternatives look
34 like.

35
36 **CHAIRMAN GREENE:** Hold on, Steven.

37
38 **DR. CRABTREE:** In terms of the MSY proxy, perhaps you can make
39 the case that anything other than F 30 percent wouldn't be the
40 best available science, but then I've seen arguments from people
41 that F 40 percent is more appropriate than F 30 percent.

42
43 There have been cases where we used Fmax, and so maybe this is
44 okay, but I think you really need to look at this very
45 carefully, to make sure that there aren't other alternatives
46 that ought to be evaluated here, because it seems a little
47 sweeping, to me, to say that anything but 30 percent is not the
48 best available.

1
2 **MR. ATRAN:** Since we're still at the initial options paper
3 stage, there is no problem with modifying these alternatives.
4 Is it your suggestion that we add additional alternatives or
5 just that we go back to the SSC and consider that?

6
7 **DR. CRABTREE:** Just off the cuff, I think you could argue to
8 look at F 40 percent and F 20 percent and perhaps Fmax, but I
9 think it's easy to come up with a couple more alternatives.

10
11 **MR. ATRAN:** We will, and, actually, if you could back up a bit,
12 back to Action 1, and put that Table 2.1.1, which was at the
13 bottom of that page, page 16, up. You will see that we were
14 starting to consider something else. This shows the comparison
15 of Alternative 1 and 2 primarily, in terms of what the actual
16 proxy is and where our maximum fishing mortality threshold would
17 be and where our minimum stock size threshold, if we used the
18 one minus M formula, would be.

19
20 We also, for comparison, were looking at F Cmax, which, if I
21 understand my discussions with the Science Center folks, that is
22 Fmax under prevailing fishery selectivity and other fishing
23 conditions, and so we did look at Fmax, and you can see that
24 that would have corresponded, roughly, to a 12 percent SPR, and
25 so we do already have some analysis on that as another
26 alternative, but, since the SSC had not accepted it, we didn't
27 include it in the alternatives up in the upper section of this,
28 and we can add that back in, if you feel it's appropriate.

29
30 **DR. CRABTREE:** All I'm asking for, Steve, is you consult
31 carefully with Mara and the NEPA folks and the science people
32 and the IPT and just make sure that we're on solid ground with
33 this.

34
35 I am not wanting to get into a big technical discussion of what
36 it should be, but it just concerns me a little bit when I see
37 only one alternative for something like this and hear that
38 nothing else is the best available science. Perhaps that is
39 true, but just be careful and let's flag that as something that
40 people need to look at and make sure we're okay with that.

41
42 **MR. ATRAN:** Understood. We will discuss this when the IPT
43 meets. With that, we can go on to Action 2, which is the annual
44 catch limits. These are based upon the ABC recommendations from
45 the SSC.

46
47 Action 1 would be the no action alternative. We are currently
48 at 3.42 million pounds for vermilion snapper, and I believe that

1 that was based upon the data-poor methodology, using the average
2 of the recent ten years plus one standard deviation.

3
4 The annual estimates of ABC, which are the ACL options under
5 Alternative 2, begin at 3.21 million pounds, and they drop down,
6 over the next five years, to 3.03 million pounds. Eventually,
7 they go up a little bit, or they would go down a little bit
8 further. The equilibrium estimate of ABC is 2.98 million
9 pounds, and so, under Alternative 2, we would get a very slight
10 decrease, over five years, to 3.03 million pounds.

11
12 If there is no new assessment at that point, there are two
13 options. Option a would then set ABC or ACL at a fixed 3.03
14 million pounds. Option b would set it at the equilibrium yield
15 of 2.98 million pounds.

16
17 Alternative 3 is a constant catch alternative, which would set
18 the ACL at 3.11 million pounds. That would also be the constant
19 catch ABC over those five years, and then the options after that
20 are, after the five years are up, are either to continue with
21 the 3.11 million pounds indefinitely or drop down to the
22 equilibrium yield of 2.98 million pounds.

23
24 By the way, the SSC had no recommendations on the equilibrium
25 yields. These are based upon carrying projections out, I
26 believe, like sixty years or a hundred years, and they don't --
27 It's just really a reference point. They will not say that that
28 is the actual equilibrium, but it's just, if you were to carry
29 the current conditions out indefinitely, that is what you would
30 end up at. Alternative 4 would use that equilibrium yield
31 immediately. It would go to a fixed 2.98 million pounds and
32 continue that indefinitely.

33
34 Since all of these alternatives would establish ACLs below what
35 our current ACL is, and that current ACL was set at the current
36 ABC, and so we are currently above the ABCs recommended by the
37 SSC, and so Alternative 1 is not really a viable alternative.
38 One of the other three alternatives would need to be selected,
39 unless you prefer to have some additional alternatives added.

40
41 **CHAIRMAN GREENE:** Any discussion? Okay. Seeing no discussion,
42 Mr. Atran.

43
44 **MR. ATRAN:** Thank you. There was a slight typo there. Under
45 Alternative 2, Option a, that should be 3.03 and not 3.05
46 million pounds. That is really the only actions that we have in
47 this amendment. We are not recommending any changes to size
48 limits or bag limits or seasons, but just the adoption of an MSY

1 proxy and the setting of an annual catch limit that is
2 consistent with either the constant F or the constant catch ABC
3 recommended by our SSC. As I said, this is an options paper.
4 If this looks okay to you, we will come back with a draft
5 amendment at the next council meeting.

6
7 **CHAIRMAN GREENE:** Thank you. Any further discussion? Seeing
8 none -- Mr. Swindell.

9
10 **MR. SWINDELL:** I was reading here, and, Roy, could you look on
11 page 9 of the document, the big middle paragraph in the center
12 of the page, that starts with "An update assessment conducted in
13 2012", and, down in the base of that document, it says "However,
14 projections for OFL and ABC conducted under Tier 1 of the ABC
15 control rule result in ABC yields higher than the existing 4.2-
16 million-pound ACL, suggesting the ACL could be increased.
17 However, members of the council's Reef Fish Advisory Panel, as
18 well as fishermen, testified that the council felt that, based
19 on their personal observations, the vermilion snapper stock was
20 not as in good condition as the assessment suggested."

21
22 Here, you've got the SSC -- The fishermen and the council, I
23 guess, suggesting that the stock is not in as good shape as the
24 SSC is suggesting it could be in, and so I don't know where we
25 go with this. I am just saying what I am reading here in the
26 document.

27
28 **MR. ATRAN:** I forgot that I wrote that, but, now that you've
29 reminded me -- Yes, the last time we had an assessment on
30 vermilion snapper, we did get an assessment that said the stock
31 is in good shape and we could raise the ABC and the ACL
32 considerably, but we did have a couple of members on the SSC,
33 and I think David Walker was one of the ones who spoke up, who
34 said they're on the water every day, and, in the recent years,
35 the ones that didn't make it into the assessment, they weren't
36 seeing as many vermilion snapper as they had in the past, and
37 they urged a precautionary approach.

38
39 We also got some similar testimony at public testimony during
40 the council meeting, as I recall, and so the council, at that
41 time, felt that there was no urgent need to increase the ACL,
42 and they felt the best course of action was to leave the ACL
43 where it was until we got a new assessment, and we still have a
44 lot of uncertainties, even with this new assessment.

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

47
48 **MR. SWINDELL:** Let me respond, just quickly. It's just my

1 concern, is that here you have the SSC giving us a
2 recommendation of what they believe is correct, and we're going
3 against some of that, and yet we go back to the SSC, many times,
4 and look for their recommendation when we think possibly it
5 could be higher, like the triggerfish, for instance, and they're
6 saying no, and so I guess I'm getting a little boggled as to
7 just what to do here. Thank you, Mr. Chairman.

8

9 **CHAIRMAN GREENE:** Thank you. Mr. Walker.

10

11 **MR. WALKER:** Thank you, Johnny. Yes, I was on the AP at the
12 time, and, the best I remember, in 2010, we had the oil
13 disaster, and, as time went on, the fish seemed to be displaced.
14 I can remember when a lot of the vermilion snapper moved over to
15 Panama City, and I've talked with people that was in the
16 headboat industry that they were catching two-pound b-liners ten
17 or twelve miles off the beach.

18

19 A lot of the fish just moved. They left the area, and they are
20 slowly coming back, but there was a lot of concern. I think,
21 one time, they said there are just too many vermilion snapper
22 and we need to fish them down, and I was like that's insane. I
23 was in opposition to raising it at the time, because we could
24 see what was actually happening on the water.

25

26 There was a lot of concerns, and it wasn't just me, but I think
27 you could just probably look at the landings from those years
28 and it probably would demonstrate what happened during that
29 time. That was concern, and then, I think, later on, they did
30 some reruns and found out that there was -- Is that right,
31 Steve? They did some reruns later on and found out that some of
32 that was wrong.

33

34 **MR. ATRAN:** I would have to check. I don't recall the reruns
35 being done for vermilion snapper. They were done for some other
36 stocks, but I don't have a recollection of that right now.

37

38 **MR. WALKER:** Okay. I just remember, at the time, that a lot of
39 the fish just moved out and you couldn't catch a vermilion, but
40 you could go fish the southeast, from the historical areas that
41 some of us were fishing, and you could find more vermilion
42 snapper, but that was a big concern, and there was a lot of
43 things going on at that time, and so that was a concern of the
44 AP at the time when I was on the AP.

45

46 **CHAIRMAN GREENE:** Thank you, Mr. Walker. Any further discussion
47 before we leave the vermilion snapper? Seeing none, Ms.
48 Bosarge.

1
2 **MS. BOSARGE:** Okay. We're going to go ahead and take our lunch
3 break. We are leaving for lunch about twenty minutes early, and
4 so we'll come back about twenty minutes before we were
5 scheduled, and so 1:10 is what you're shooting for to be back
6 from lunch. We will recess for lunch until 1:10.

7
8 (Whereupon, the meeting recessed for lunch on January 31, 2017.)
9

10 - - -

11
12 January 31, 2017

13
14 TUESDAY AFTERNOON SESSION

15 - - -

16
17
18 The Reef Fish Management Committee of the Gulf of Mexico Fishery
19 Management Council reconvened at the Astor Crowne Plaza, New
20 Orleans, Louisiana, Tuesday afternoon, January 31, 2017, and was
21 called to order by Chairman Johnny Greene.

22
23 **CHAIRMAN GREENE:** We will pick up with the Gulf Anglers Focus
24 Group Report and Mr. Ken Haddad. This is Tab B, Number 9(a) and
25 9(b).

26
27 **GULF ANGLERS FOCUS GROUP REPORT**

28
29 **MR. KEN HADDAD:** Thank you, Mr. Chairman and Madam Chairman. My
30 name is Ken Haddad, and I am here representing the Gulf Angler
31 Focus Group Initiative, and I'm going to be talking about two of
32 your briefing materials. One is about the process of our group,
33 looking at management options, and the second is focused
34 directly on management options.

35
36 The purpose of the group was for the recreational sector to
37 identify and consider a suite of alternative management options
38 that could provide reasonable access and sustainable harvest to
39 the Gulf fisheries, recreational fisheries, and the focus, of
40 course, was on red snapper.

41
42 Although there is nothing new or revolutionary in the process
43 and options papers, this is really the first time the private
44 recreational community has independently looked at management
45 options as a group. We met every other month during 2016. We
46 had facilitators from the FCRC Consensus Center at Florida State
47 University. There was a planning committee involved with
48 American Sportfishing Association, Coastal Conservation

1 Association, Congressional Sportsmen's Foundation, and the
2 Theodore Roosevelt Conservation Partnership.

3

4 We had four phases. The first phase included engaging with the
5 private recreational sector, including private anglers, angler
6 groups, recreational fishing industry members, and some for-
7 hire. We consulted with NOAA regarding Gulf and fish regulatory
8 issues, and we have a series of questions, and I will mention
9 them later, and we consulted with the Gulf States directors on
10 the fishery management issues that we were looking at, and so
11 that was our Phase 1.

12

13 Phase 2 involved meeting with environmental NGOs and the
14 commercial fishing industry. Phase 3, we met with the for-hire
15 industry. Then Phase 4 is the culmination in the two reports
16 that you have. We had approximately fifty-two participants, and
17 you can see the rough breakdown of the different interests that
18 were involved over time.

19

20 Although the initiative primarily focused on the evaluation of
21 management options, we did look at and discuss a full range of
22 issues. I don't want you to think what you're seeing is the
23 only thing that we discussed.

24

25 Our discussions included recreational harvest data collection,
26 biological data collection, stock assessment, regional
27 management, season length, access to the fishery, allocation,
28 and sector separation, and so those are all in discussions, but
29 what came out, relative to management options, are what we have
30 presented today. We did have two sets of questions that we sent
31 to NOAA, and they graciously responded. We feel those are
32 important questions and were tremendously relevant to our
33 consideration of the options.

34

35 There was a lot of consternation in the group on recommendations
36 versus options, and, frankly, we came to the point, relatively
37 quickly in the process, that we did not have enough information
38 available to really make sound decisions on which way to go on
39 any given option, and so we have options that we believe can
40 warrant further analysis and review before you can actually say
41 let's head in a specific direction.

42

43 Lack of analysis created uncertainty about the potential impacts
44 and limited the evaluation of the options. However, if you look
45 in the process paper, you will see that we developed a set of
46 questions that we would use if we had more information to make
47 kind of a consensus-based judgment on what direction to go, and
48 I encourage you to look at them.

1
2 We have seven options. The last option could be many, many
3 options that we reviewed, and I am going to go through each one
4 of them fairly quickly. The first option, of course, is status
5 quo, and the important thing to think about status quo is, right
6 now, it's, of course, inconsistent state and federal regulations
7 and seasons. For example, it's sixty-six to 365 days in state
8 waters and nine or less, depending on upcoming years, in federal
9 waters.

10
11 The way we looked at status quo was it should be the benchmark
12 by which any other of the options should be able to do better.
13 If they don't, then it may not be worth digging much deeper into
14 those options.

15
16 For each of the options, we did pros and cons, and I think the
17 pros and cons are where you can look and see how the various
18 inputs from everybody involved -- I am going to say where
19 preferences could or could not lie and where big questions lie
20 on being able to make a true judgment on it. For example, with
21 the status quo, there are longer state seasons, and that
22 provides more opportunity. Some people are happier. The
23 recreational sector stays below the ACL, except for this year.
24 We were doing pretty good until the jurisdictional boundaries
25 were lengthened, and so that's fixable.

26
27 The cons are that it disadvantages some of the states or
28 regions, and I am not going to go through every one of these. I
29 will just point out some. It encourages derby fishing in
30 federal waters. Those are all issues that are negative, and, in
31 reality, it's likely untenable long-term. Keep in mind that
32 status quo, as we were always thinking, is the benchmark. Can
33 we do better?

34
35 The next option is looking at maximizing fishing days within the
36 current framework. Again, this has been looked at before, but
37 not under recent data, and one of the NOAA responses was that
38 this needs to be looked at, maximizing days under current
39 conditions.

40
41 That one involved reducing the bag limit and implementing size
42 slot limits and barotrauma reduction. I am going to mention
43 barotrauma throughout. We feel that it's under-analyzed, and we
44 think it needs to be looked at seriously, and then, of course,
45 having congruent or consistent state and federal seasons and
46 regulations, and that's another one that is probably intertwined
47 throughout each one of the options.

48

1 Pros are it's a familiar framework. There would be consistent
2 state and federal regulations that could level the playing field
3 across regions and states. A longer federal season could reduce
4 that effort compression that we see.

5
6 The cons, there is likely an adversity to a single-fish bag
7 limit that would have to be overcome. We might not be able to
8 get an acceptable length that would actually be better than
9 status quo. Reaching consensus among managers and across the
10 states and federally and stakeholders is going to be tough, as
11 you already know.

12
13 We looked at harvest tags, and, in this case, private
14 recreational fishing harvest would be constrained, in part or in
15 whole, on a finite number of tags that would be distributed
16 among anglers. We took a fairly extensive look at harvest tags.
17 There is a lot of interest by NGOs and some of the council
18 participants. It's highly controversial with anglers. It's
19 good that we had consensus facilitators, or we probably wouldn't
20 have gotten past harvest tags.

21
22 If you look at pros and cons, and I will spend a little bit of
23 time on this, certainly a pro is the flexibility to fish, and
24 you hear that. It concretely limits catch and effort, and
25 there's no question. Something we don't hear much about is
26 another way to look at tags, and they could provide access to
27 small portions of a larger ACL or a small ACL fish, and so
28 that's just something that came out of our thinking.

29
30 The cons, and you have to read the report to get the entire
31 logic behind some of what I am going to say, but individuals, on
32 the con side, it looks to us, have less than a 100 percent
33 chance of acquiring a single tag in a given year, and there is a
34 number of data points we had to kind of give us that sense.

35
36 The only option appears to be a national lottery. We didn't see
37 anywhere that you could discriminate who gets a tag, and there
38 were no -- Although there is lots of examples of tags out there,
39 there were no applicable examples of tags for the same kind of -
40 - I am going to call it large-fishery-type fishery in the
41 recreational world.

42
43 Then little nuances would be how do you not allow a tag to be
44 used, for example, on a federally-permitted for-hire boat,
45 because that is then, in essence, wasting the private
46 recreational tag, in our view.

47
48 Now, some decision-making information needs, and I am going to

1 talk about those -- You know, I missed a slide that is going to
2 be relevant, and so I'm going to talk about those and then I am
3 going to go back and explain something to you.

4
5 For decision-making informational needs, in order for us to
6 think more deeply about tags, there needs to be a determination
7 of distribution constraints based on MSA Section 303 and
8 National Standard 4. In our look at it, it's saying -- It seems
9 to say that you cannot discriminate who gets a tag, and, if you
10 do, you have to do it with IFQs.

11
12 Again, that is what gets us to this concept of a national
13 lottery and less than 100 percent chance of receiving a tag, and
14 analysis of the maximum number of tags that would be made
15 available, the number of fishermen who would seek those tags,
16 and the odds of receiving the tags. Those are basic pieces of
17 information that anyone should know, in order to decide if it's
18 a worthwhile direction to take.

19
20 Then an analysis of the economic and social impacts to
21 fishermen, communities, and the industry, and that's there
22 because, if it's a non -- If you have less than a 100 percent
23 chance of tag, it's going to be difficult to have your friends
24 go out and go fishing. I mean, it just changes the whole
25 dynamics, and we need to understand that.

26
27 We think there is some significant legal, technical, and social
28 issues with tags. We believe that we gave it a fair look. We
29 really challenge anybody to find anything different on what our
30 report has.

31
32 Now, with that said, I didn't give you the decision-making
33 information needs on the current framework, because there is
34 something important in there, I think. I mentioned that we need
35 barotrauma, to see whether we can truly gain days by reducing
36 mortality. I have heard mixed stories, but nobody has done the
37 analytical work, that I know of.

38
39 We would like to see what combination of traditional management
40 tools provide the maximum season length, and so there needs to
41 be modeling done to do this, and that's without allocation. We
42 kind of felt that a maximum of forty days would possibly be an
43 improvement over status quo, and so we don't want that to be a
44 target. We had a lot of discussion in our group about, boy,
45 everybody is going to think that forty days is the solution, and
46 that's not what we're saying. We're saying that we think that
47 forty days would start getting us past what status quo is.

48

1 Then we would still like to see the same analyses, and if you
2 can't reach forty days or sixty days, how much of an allocation
3 shift would be needed, and we're not pushing allocation. We
4 were told not to come back with allocation, but this is just an
5 information need that we think that we would like to see.

6
7 Depth and distance, that's, again, nothing new. It's been
8 discussed before, but it's not been put on paper and thought
9 very heavily about. It's a management strategy that provides a
10 depth or distance from shore fishing zone for red snapper.
11 Recreational snapper fishing is closed beyond that zone.

12
13 It could increase production outside the zone, to help within
14 the zone, but we don't know. It was, I will say, probably one
15 of the more interesting discussions on people enthused about
16 could this actually work, and so it's something we feel should
17 be up there on the list of exploring.

18
19 Pros and cons, it may produce greater fishing access and longer
20 seasons. We are not sure about that, but, intuitively, it's
21 possible. A portion of the stock is protected. It's already
22 occurring, to some extent. Status quo is getting darned close
23 to a distance-based concept, and we think, if some modeling
24 could be done, we could quickly find out whether this is
25 something worth pursuing.

26
27 The cons, again, are it requires agreement across all managers,
28 which may be more difficult than our agreement on stuff, and the
29 data currently are not available, that we know of, to make a
30 very quantitative analytical look at depth-based, but we
31 understand that there may be enough information to actually do
32 some calculations.

33
34 From decision-making informational needs, as to whether to go
35 forward and look at this in more detail, we think a modeling
36 analysis to determine what depth or distance could provide a
37 minimum of forty or sixty days or more of fishing that takes
38 into account added production outside the private recreational
39 fished areas.

40
41 We need to determine what variations of depth and distance
42 provide reasonable access across the Gulf. We don't believe a
43 single depth, maybe, or a single distance would be satisfactory
44 for the entire Gulf. It may have to be some variables. Again,
45 barotrauma needs to be looked at, both from a reduced mortality,
46 due to a depth restriction in fishing, and perhaps increased
47 mortality, due to bycatch in deeper waters.

48

1 Another option was a reef fish season. This is really grouping
2 together reef fish for the purpose of management and creating a
3 season or seasons where a bag limit is set for a group
4 aggregate. Now, essentially, fishing regulations would be
5 established as a unit, as opposed to regulations for individual
6 species.

7
8 Now, we didn't have a whole lot of information on this one, but
9 the Pew Trust is funding a group at the University of Florida to
10 actually look at this particular type of option, and it should
11 be available within several months, and it will give us a lot
12 more information on whether this option has any viability of
13 moving forward.

14
15 We saw pros of that it could reduce bycatch mortality,
16 certainly, when you have a group bag limit and you're fishing a
17 single season, or multiple single seasons. Then you have less
18 bycatch, just by definition.

19
20 Some of the cons, the big one is the season may have to be set
21 on the lowest common denominator, and so, if a reef fish season
22 is nine days in federal waters for snapper, it may -- Does it
23 have to be nine days for all of them or can you change things,
24 such as the SPR for snapper, to take more of an ecosystem
25 approach to managing multiple species, as opposed to looking at
26 each species individually?

27
28 The last single option we looked at is harvest rate/recruitment-
29 based management, and this one is not practical for an early
30 start. There are some issues on this, but I can tell you this
31 is a favorite of the recreational community.

32
33 Management targets would be based on recruitment and the rate of
34 removal caused by fishing and not poundage-based ACLs rooted in
35 past harvest, and so it's not fully evaluated for the purpose of
36 this report, but I want to give you a little more discussion on
37 it.

38
39 It's essentially you maintain a harvest level driven by
40 abundance. You would need recruitment on an annual basis, and
41 you will see questions we had for NOAA on recruitment-based
42 information, and it's long-term, and so you just need to know
43 that, but, with recruitment on an annual basis, then you
44 maintain a constant percent rate of removal.

45
46 If recruitment goes up, harvest goes up. If recruitment goes
47 down, harvest goes down. Then you manage by what's coming into
48 the fishery and not by hind-casting. We feel that's a strong

1 option at some point in time, but it should be looked, because
2 it requires a long-term dataset to get started.

3

4 Then probably the best suite of solutions may be out of a hybrid
5 of various options, and we have some things we have thrown on
6 the table, but I think all of these options could be played with
7 and against each other to maximize fishing access, and so the
8 whole goal would be that you could couple harvest tags with
9 depth and distance. I mean, there are so many ways to look at
10 it that may provide an option, and I don't think -- That's one
11 area that nobody has really looked.

12

13 We've got to understand the individual options first, but to be
14 able to mix the options in a single management approach seemed
15 to carry the most interest and favor, honestly, across all the
16 groups we met with, including our own. It's just you have to
17 have some analyses done in order to understand the direction
18 you're heading, and we just don't feel any of these have been
19 done, but we believe they all are doable.

20

21 The conclusions, of course, there is no easy solutions. We
22 would have given you recommendations and said go here if it was
23 easy, and you would have figured it out years ago if it was
24 easy. Again, a hybrid of options, we think, is probably a good
25 way to be looking at this. Significant modeling and analyses
26 are needed.

27

28 We hope the modeling analyses are done outside of rulemaking,
29 outside of the amendment process, that they're done more
30 informally, I guess is the word, because it scares the
31 recreational community when something gets too formal and they
32 don't understand what the outcome will be. Then simple is
33 better.

34

35 That concludes our report. There is much more meat in the
36 report itself on certain topics. Some, the information is so
37 limiting that we can only kind of do guesswork, and the
38 expectations may have been a little higher out of us, but,
39 again, keep in mind this is the first time that the private
40 recreational community has actually gotten together to start
41 looking at options and what may work for them. Thank you.

42

43 **CHAIRMAN GREENE:** Thank you, sir. Any questions? Mr. Anson.

44

45 **MR. ANSON:** I just want to make a comment to Ken and to his
46 efforts to kind of direct that group and organize and to get
47 people together and talk about items and such that they thought
48 could be of value and interest to the council as we try to look

1 to improve things, improve access, for those anglers. Again, I
2 just wanted to thank you for the efforts that you and the rest
3 of the folks with your organizations and partners did for this
4 effort. Thank you.

5

6 **CHAIRMAN GREENE:** Mr. Swindell.

7

8 **MR. SWINDELL:** Thank you, Mr. Chairman. Thank you for being
9 here. Harvest tags is something that I have been working on in
10 my mind for some time now, but I have been working with those as
11 free tags, however ever many you want to get. Think of it, and
12 have the state, perhaps, distribute the tags on a perhaps even a
13 weekly or biweekly basis.

14

15 You get the tags. You ask for five tags or ten tags or twenty
16 tags, you as the boat owner and not an individual, but the boat
17 owner is responsible for the tags and for the reporting. If he
18 wants more tags -- Let's say you get ten or twenty. Let's say
19 you get twenty and you want to use the tags and now you want
20 some more. Well, you have to turn in what you don't use. If
21 you don't turn them in, then we have to assume they were used,
22 and so it becomes somewhat of an accountability measure for the
23 fishing vessel owner or captain that has gotten the tags.

24

25 Let him return the tags that he didn't use, and you can have
26 more, and we can then use that collection data. With that, he
27 has to report a minimum amount of data, the number of fish and
28 number of people and this kind of thing. Still, you would be
29 restricted on -- Let's say you've got five people on your boat,
30 and maybe to two fish per person for the day that you use the
31 tags.

32

33 Something of that nature, it would seem to me to be very
34 workable, and that would help us get a much better handle on the
35 data that's available for the recreational fishery. Right now,
36 I think we're having to rely on the MRIP data on the
37 recreational harvest, and so doing that, I think, is what led us
38 to a nine-day season. Are we really certain that there is that
39 many people out there fishing? I don't think so.

40

41 I don't think that the harvest is near, sometimes, what the MRIP
42 data is telling us that it should have been for this period.
43 All I'm saying is I think -- You look at the commercial, and you
44 look at the charter boats, which are the other sections of the
45 catch, and we've got much more reliable data now coming from
46 these people.

47

48 We have some sort of better harvest, and it's all vessel-by-

1 vessel, and if we could work up a better system, using some sort
2 of tags, physical tags, so when the boat comes in that the agent
3 says, all right, the fish are tagged, and I think you could even
4 lower the size limit, so that you don't have as many discards.
5 If you catch the fish, you bring it to the dock. That's part of
6 your tag. I am just saying that I am searching, in my mind,
7 ways to do it, and have you thought about anything of this
8 nature?

9
10 **MR. HADDAD:** Yes, absolutely, and you will -- If you look at the
11 questions we asked of NOAA, which really revolved how
12 discriminatory can we get on distributing tags, the question
13 becomes can we even discriminate a tag to a boat owner. In
14 other words -- The way we're reading it right now, Mr. Swindell,
15 is this would have to be open to everybody that wants one. We
16 can't discriminate if you have a past history, and we can't
17 discriminate if you own a boat, we can't discriminate if you're
18 living in an individual state.

19
20 Hopefully that would be the first order of business that the
21 legal counsel needs to research relative to tags, but the short
22 answer we got was there are some limitations to implement a tag
23 program that would be what we would call fair distribution, just
24 like you're looking at IFQs for commercial and for-hire, where
25 you have a past history to go on, and people who are avid red
26 snapper fishermen would have more access, theoretically, but,
27 right now, we're under the impression, unless we go to an IFQ
28 system, that we cannot -- There is no discriminatory processes,
29 and that is a huge limitation right out of the block, and that's
30 we kind of say upfront that MSA and National Standard 4 need to
31 be fully vetted relative to tags.

32
33 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.

34
35 **DR. CRABTREE:** In the statute, it does say that you can't
36 discriminate between residents of different states, and so you
37 can't have a state residency test, but I think you could clearly
38 -- I don't see anything in the statute that says you couldn't
39 restrict it to vessel owners, or we commonly, in limited entry,
40 base things on historical participation in the fishery and those
41 types of things.

42
43 I don't know that it's quite as restrictive as you're saying,
44 but I think you couldn't say, in order to apply for a tag, you
45 have to be a resident of one of the Gulf States. That seems, to
46 me, to clearly violate it.

47
48 I guess this is an arguable point, but it seems, to me, that any

1 fish tag program would probably be an individual fishing quota
2 program, because you're granting a permit to catch a fish to an
3 individual, but I don't think the test for that kind of thing is
4 any different than any sort of limited entry program, and so I
5 don't know that it's as restrictive as you've painted it, but
6 you do have the issue that you can't discriminate against the
7 residents of different states. You brought up that people
8 wanted to have a 100 percent chance of getting a tag and that
9 was a stumbling block?

10

11 **MR. HADDAD:** No, we didn't discuss what percent chance. We want
12 to know what percent chance would an individual having in
13 receiving a tag, but we didn't say 100 percent chance is the
14 cutoff.

15

16 **DR. CRABTREE:** Yes, and so it seems, to get at that, need
17 something to give you some indication of how many people would
18 actually go to the trouble of applying for a tag, and I've
19 thought about how you might figure that out, and I think the
20 only way I've -- The people that I've talked to, the only way we
21 could come up with is some sort of trial program, where you take
22 some number of fish tags and make it available, through some
23 type of lottery, and see how many people actually apply for it,
24 because you can come up with a number for how many fish tags you
25 would allow to go out. The problem is we don't really know how
26 many people would apply for them, and I hear people say that a
27 million people will apply, and I suspect it's way, way smaller
28 than that.

29

30 **MR. HADDAD:** Well, we don't know.

31

32 **DR. CRABTREE:** We don't know.

33

34 **MR. HADDAD:** We did get some numbers from MRIP on the number of
35 trips, which was, I think, like 1.2 million trips, not including
36 Texas, and so you can kind of roughly say how many fish would be
37 available, which that's questionable, but we can --

38

39 **DR. CRABTREE:** One way, I think, to get at it would be through
40 an exempted fishing permit or something, where you actually take
41 a number of fish tags and make them available to people and then
42 see --

43

44 **MR. HADDAD:** I think what our thinking out of all this is, it's
45 don't just go to fish tags. Look at these other options. There
46 may be more solvable issues in these other options and not as
47 controversial as fish tags.

48

1 **DR. CRABTREE:** Yes, and I agree with you on that, and so one
2 thing you brought up was the forty-day season as sort of being
3 maybe a starting point for --
4
5 **MR. HADDAD:** Better than status quo.
6
7 **DR. CRABTREE:** Better than status quo. Were you thinking of
8 that as a forty-day federal season with the states doing
9 whatever they want or was that --
10
11 **MR. HADDAD:** Our general discussions revolved around the fact
12 that everybody would have to play together.
13
14 **DR. CRABTREE:** Okay.
15
16 **MR. HADDAD:** That was also, you saw in a number of places, a
17 con. We're not convinced that's doable.
18
19 **DR. CRABTREE:** Did you have any specific discussions of
20 Amendment 39? I mean, we had a regional management amendment to
21 try and address some of these, and we got -- It seemed like we
22 almost got to --
23
24 **MR. HADDAD:** As a whole, we didn't see that as a -- That's a
25 policy option, in a way, and not a management option. We
26 discussed regional management. As a whole, the private
27 recreational community is still fully behind regional
28 management. Any of these options would work just as well in a
29 regional management scenario as a non-regional management
30 scenario, and that's kind of why we have it laid out the way we
31 did, and we got messages of don't just come back with the same
32 old statements if, you know, we hate tags and we want regional
33 management.
34
35 **DR. CRABTREE:** Generally speaking, your impression though is, if
36 we had some way to provide a forty-five or fifty-day season,
37 that would be seen as preferable to where we are now.
38
39 **MR. HADDAD:** Yes, but it would still have to come back to the
40 recreational community. We don't pretend to be representing
41 everybody at this point. We still think the whole process needs
42 proper public vetting. Some in our group may be against some
43 things, and others may be for them. We are not -- This is not a
44 single unit.
45
46 **DR. CRABTREE:** Yes, but I'm just trying to get a feel for, if we
47 could figure out how to get to a forty-five-day or fifty-day
48 season, that's better than where we are now, and I get that, but

1 would it be something that people would say, okay, we can live
2 with this and be comfortable with it?

3

4 **MR. HADDAD:** I think, based on our discussions, it would
5 certainly have much greater opportunity for acceptance.

6

7 **DR. CRABTREE:** Okay. I appreciate you putting the time in and
8 pulling all of this together. I think it's helpful, and it
9 gives us, maybe, a place to start, and so thanks.

10

11 **CHAIRMAN GREENE:** Thank you. Mr. Banks.

12

13 **MR. PATRICK BANKS:** Thank you, Mr. Chairman. I want to
14 reiterate what Kevin said. It's a lot of work that you guys
15 did, and I appreciate it. It's a lot of very good information
16 for me, who doesn't have as much experience with all of this as
17 the rest of the council, but I was interested in what you just
18 said about the group is still fully behind regional management.
19 Was that regional management as in 39, where all of the sectors
20 are together, or was that just for the recreational sector, or
21 did you all have a discussion about that?

22

23 **MR. HADDAD:** We didn't dig that deep. Honestly, we didn't spend
24 a lot of time on regional management, other than to acknowledge
25 that this, overall, would be a policy approach preference.
26 There would still be the issues of what options to apply.

27

28 **CHAIRMAN GREENE:** Thank you. Ms. Bosarge.

29

30 **MS. BOSARGE:** Mr. Haddad, I am very impressed. I am. Really.
31 Honestly. I think you came up with some excellent ideas.
32 Granted, yes, maybe it's not something that's never been thought
33 of before, but I think that the time and effort and the depth of
34 the logistics of each one of those that you all managed to make
35 it will be very helpful to us as a council.

36

37 I am extremely proud to see that barotrauma in there. To me,
38 the fact that you put the fish first and found a way to do
39 something that was conservation minded and good for the fish,
40 and yet it would help further your goals as well, kudos to you.

41

42 I mentioned, I guess it was a meeting or two ago, that we've
43 actually had some year-end grant funds or something that were
44 utilized to look at some of that barotrauma data, and it was
45 mainly socially-focused research, but I mentioned, at that time,
46 that I really think -- That is something that is focused on a
47 lot at the MREP functions that are held yearly.

48

1 We will bring that before this council, and we will take a
2 harder look at it. I don't see how that's something that can't
3 -- If the research is there to support it scientifically and
4 biologically, I am not sure how we couldn't get behind something
5 like that, and so I think we can definitely take a look at that.

6
7 I also like the fact that, yes, all of these ideas,
8 incrementally, may not get you where you want to be, but, in
9 aggregate, when you start to look at these hybrid approaches,
10 that it may get you there, and I think that's very much a
11 30,000-foot view and approach that we need to take a really hard
12 look at. I like the not going away from the hard or straight
13 and starting to maybe look at some of that data. That is way
14 above my paygrade. I would need a scientist to explain that a
15 little bit more fully to me, but I am willing to look at it.

16
17 I think you just did some really great work, and I just want to
18 commend you. Thank you. It was worth the wait for us to
19 finally get this presentation.

20
21 **MR. HADDAD:** Thank you very much, I but I want to make sure that
22 we acknowledge the planning committee, who, as a group, we had
23 to bite our tongues a good bit, because everybody has feelings
24 about every one of these options, and to come up with a general
25 consensus, I think, was a fairly big breakthrough for us.

26
27 **CHAIRMAN GREENE:** Mr. Banks.

28
29 **MR. BANKS:** I have one other question, Ken. Roy talked about
30 this, in terms of an EFP with tags, but do you see any of the
31 other options that you guys discussed as being a good candidate
32 for an EFP that one of us as states, or maybe a group of states,
33 could put together and try to test? I mean, testing solutions
34 is something we want to do, and certainly if tags is not the way
35 your group thinks is worthwhile for us to go, in terms of a
36 test, what are the other options?

37
38 **MR. HADDAD:** I think another big one would be the
39 depth/distance, and I didn't mention it, but we acknowledge that
40 there are states collecting enhanced data at this point, some of
41 which could actually provide some good feedback into the
42 depth/distance category.

43
44 That was one where -- Bob Shipp brought the general concept up,
45 but it was outside the constraints of Magnuson-Stevens. We
46 looked at this within the constraints, and realizing an ACL and
47 a quota and so forth, and so we looked at a much-restricted kind
48 of look at it, and I think probably an EFP at a state level or

1 some level that could really start gathering data on what is the
2 catch, based on depth, and how can you truly model that
3 successfully.

4

5 **CHAIRMAN GREENE:** Thank you. Mr. Atran.

6

7 **MR. ATRAN:** Is the Gulf Angler Focus Group going to continue to
8 meet, or is your mission finished now?

9

10 **MR. HADDAD:** As a whole, our mission is complete. We contracted
11 with a facilitator to get us through this process. I think we
12 will continue, in some sort of form, but we have not discussed
13 becoming some sort of formal group. We are all -- I don't see
14 that happening.

15

16 **CHAIRMAN GREENE:** Thank you. Dr. Stunz.

17

18 **DR. STUNZ:** In previous meetings, we've had discussions about
19 what to do with that 20 percent buffer, and I know we're going
20 to talk about that more, in terms of potentially rolling that
21 back in, but maybe this is an option to keep in the back of our
22 minds, as we have those discussions. Maybe those fish, and I
23 don't know how Roy feels about that, but that may be an option
24 to use an EFP program or something and test some of these ideas
25 that Ken is talking about.

26

27 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
28 Thank you, Mr. Haddad. In our notes, we have Tab B, Number 3,
29 and it talks about the committee should review the
30 recommendations and discuss forwarding them to the Ad Hoc Red
31 Snapper Private Angler AP to consider as part of their
32 deliberations. Does anybody wish to move on that at this time?
33 Okay.

34

35 Just following this presentation, when I was reviewing through
36 Tab B, Number 3, and it gives you the basic rundown of what
37 we're doing. It talks about the committee to review
38 recommendations and discuss forwarding them to the Ad Hoc Red
39 Snapper Private Angler AP and consider them as part of their
40 deliberations. I didn't know if anybody wanted to move on that
41 at this particular point or not. Dr. Crabtree.

42

43 **DR. CRABTREE:** It sure seems that we would. I recall a lot of
44 discussion where folks on this council were adamant about not
45 convening this AP until after we got this report, and so we got
46 the report, and it seems, to me, that we need to convene this AP
47 and start trying to figure something out.

48

1 **CHAIRMAN GREENE:** Mr. Boyd.
2
3 **MR. BOYD:** Didn't we hear just a minute ago, or earlier today,
4 Roy, that they had sent out a doodle poll to convene the AP in
5 April or May or June or something? I think it's already in the
6 works.
7
8 **MS. BOSARGE:** Yes, that has actually started. I mean, that was
9 our understanding of where this council was headed with that
10 process, and I think we had to wait to get a schedule from the
11 facilitator to see when they were available. We just received
12 that, and so it was last week, late last week maybe, that we
13 sent out a doodle poll to the AP members, based on the
14 facilitator's schedule and when they could be present.
15
16 Some of those dates fell between this meeting and our next
17 meeting and some of those dates for the facilitator fell after
18 our next meeting, and so we will get some feedback from the AP
19 as to their availability and see what we can put together, as
20 far as when to have them meet.
21
22 **DR. CRABTREE:** Is it going to be in Tampa, Doug, or have you
23 decided yet?
24
25 **EXECUTIVE DIRECTOR GREGORY:** No, we haven't decided. The doodle
26 poll, when we sent it out, we suggested that we try to hold it
27 somewhere in the central part of the Gulf, in New Orleans, but
28 it depends on what we can find with hotels and stuff and
29 logistics. Our meeting room is large enough to hold this group.
30
31 **CHAIRMAN GREENE:** Okay. Thank you. I was unaware of that, and
32 so my apologies. Okay. Anything else before we leave the
33 Recreational Angler Focus Group? Dr. Crabtree.
34
35 **DR. CRABTREE:** Do we have a charge for them or anything? Do we
36 need to talk about that?
37
38 **EXECUTIVE DIRECTOR GREGORY:** Yes, we have a charge that came
39 from a previous meeting. I don't have it in front of me. Do
40 you, Carrie, have it handy? It was sent out to the group as
41 part of the email that announced the doodle poll link, and we
42 have notified the group about different training videos that we
43 have on our website. After this council meeting, we will
44 contact them again and work with them to get up to speed, but
45 the charge was pretty basic. It was to address red snapper to
46 improve access. Carrie has it.
47
48 **DR. SIMMONS:** The charge that we had is to provide

1 recommendations to the council on private recreational red
2 snapper management measures which would: 1) provide more quality
3 access to the resource in federal waters; 2) reduce discards; and
4 3) improve fisheries data collection.

5
6 **CHAIRMAN GREENE:** Thank you, Dr. Simmons. Any further
7 discussion? Seeing no further discussion, we will move on down
8 our schedule to Item X, Mechanism to Carry Over the Unharvested
9 Red Snapper ACL to the Following Season. This will be Tab B,
10 Number 15 and Tab B, Number 10. This is Dr. Powers.

11
12 **MECHANISM TO CARRY OVER THE UNHARVESTED RED SNAPPER ACL TO THE**
13 **FOLLOWING SEASON**
14 **SSC REVIEW OF SEFSC ANALYSIS OF CARRYOVER LEVELS**
15

16 **DR. POWERS:** Thank you. I just have two slides. Let me just,
17 in words, kind of explain the things that happened. Basically,
18 the SEFSC was requested to evaluate what would happen for the
19 red snapper if you had underages in a year and those underages
20 were carried over into subsequent years and what effect would
21 this have, in terms of the status of the stock.

22
23 Basically, they did some simulations in which you assume that
24 the underages were about 20 percent and that you carried it
25 over, but one of the things they did that is something that you
26 should be aware of is they carried it over not to the next year,
27 but the following year.

28
29 The reason for this is that, typically, in order to get
30 accumulated catches, you won't get the final catches for, for
31 example, 2015 until the spring or summer of 2016, and so the
32 practicalities of these carryovers would be that you have to lag
33 it a little bit.

34
35 Essentially, their results basically said that, over the long
36 run, if you just happened to carry it over for one time or so,
37 that's not really that big of a deal. The status of the stock,
38 over the long term, isn't going to be affected. Obviously, if
39 you have smaller catches, the stock, over the long run, would be
40 higher than if you had larger catches, but still, within the
41 constraints that these simulations were done, it seems like a
42 feasible sort of activity.

43
44 I also would mention that it started a discussion in the SSC
45 about some of the caveats and issues that you have to deal with.
46 Some, if not all, of these things are going to be discussed by
47 Ryan in the next presentation anyway, and so I won't go into
48 that, but, basically, the things you have to consider is you

1 remember that certain sectors catch different sizes of fish, and
2 so the effects of it would be different.

3
4 When you have underages for a certain sector, does that mean you
5 carry it over for that sector or carry it over for the whole
6 thing? The simulations were done by carrying it over for that
7 sector, but those things have to get specified, in terms of how
8 you're dealing with that.

9
10 Another thing that was brought up was you really should have
11 these discussions in the same context that you have for
12 accountability measures, in terms of overages. Sometimes you
13 might have an overage and sometimes you might have an underage,
14 and how do you deal with things that go back and forth, in terms
15 of that?

16
17 Again, I think all of these things are feasible, but you have to
18 really think through the whole process about how things will be
19 affected, and I am reminded, actually, of a discussion this
20 morning. It sort of brought it up to mind, and that was the
21 discussion about redistributing shares. That has to be viewed
22 in the context of how you deal with underages and overages as
23 well, and so, again, it's an important aspect.

24
25 Anyway, the SSC, we weren't -- This was really more of a
26 discussion document for us. It wasn't like we were going to
27 rule and say this is the best available data or something like
28 that, and I think it was quite useful, in that regard, but,
29 again, Ryan will talk more detailed about some of the options,
30 and so that's all I have.

31
32 **CHAIRMAN GREENE:** Thank you. Any questions for Dr. Powers?
33 Seeing none, thank you. We will move on to Mr. Rindone.

34
35 **PRESENTATION OF POSSIBLE OPTIONS**

36
37 **MR. RINDONE:** Thank you, sir. I will just wait for the
38 presentation to come up. It's Tab B, Number 10. Just a little
39 background on how we got where we are. I had posed some
40 questions to you guys about how best to address the red snapper
41 carryover issue a couple of meetings ago, and you guys had
42 indicated that you wanted it to be sector and component-
43 specific, which turned out to be quite clairvoyant, as it were,
44 and I will explain why, and use finalized landings data and to
45 carry over any amount of available quota possible, no matter how
46 small.

47
48 The SSC reviewed this initial idea of doing some sort of red

1 snapper carryover, and they were concerned about the data
2 available to determine how much could be moved, and the
3 information that they were thinking that they were going to need
4 was going to be tantamount to an update assessment, in order to
5 provide a revision to their ABC recommendation.

6
7 We got some revisions to the National Standard 1 Guidelines.
8 They include a provision about how to do carryovers. It's a
9 misstatement here that the National Standard 1 Guidelines say
10 they have to be sector-specific. However, they do recommend
11 appropriate consideration for natural mortality, management
12 uncertainty, et cetera, and that, if the carryover is going to
13 be -- If a carryover method is going to be created, that it
14 consider these things, and, if it's not going to, then justify
15 why.

16
17 The Science Center did a simulation that Dr. Powers was just
18 talking about, and it showed that 100 percent of foregone yield
19 could be carried over to a successive fishing year. For the
20 sake of red snapper, since it's technically a 365-day a year
21 fishery in the State of Texas, that means that finalized
22 landings numbers don't come in until well after the end of the
23 year, and so being able to roll over, say from 2016 to 2017,
24 it's just something that we wouldn't be able to do. We wouldn't
25 have the data in time, and so the Science Center had postulated
26 that there would be a two-year delay, essentially.

27
28 They showed that the carryover wouldn't affect the rebuilding
29 timeline, but one big caveat to the simulation that they ran was
30 that they only performed the carryover once over the remaining
31 rebuilding timeline, and so there wasn't a repeated effort to
32 say we're going to carry over again and again and again, like
33 may be possible, given our effort environment for red snapper.
34 The reality, like I was saying, is that multiple carryover
35 opportunities are likely, and it would be useful to see the
36 simulation rerun with that considered.

37
38 Another caveat to the Science Center's simulation though is that
39 it was done as sector-specific also, meaning that, if there were
40 leftovers say for the commercial side, then those leftovers
41 could only be carried over to the commercial sector in the
42 following year, and the reason for that is differences in
43 selectivity and size at age of fish that are landed by the
44 different fishing fleets.

45
46 Fish that are caught by say the commercial longliners has a
47 tendency to be larger, on average, than a fish that's caught by
48 say the charter boat captains or sorry. Smaller than the ones

1 caught by the charter boat captains. You guys get the idea, and
2 so we'll go to the next slide and where we are now.

3

4 The Science Center simulation suggested that a carryover could
5 be possible for most Gulf stocks, and that's something that they
6 talked about with the SSC, and so beyond just red snapper, and
7 the National Standard 1 Guidelines say that the best place to
8 address that sort of carryover method would be the ABC control
9 rule, and you guys may consider modifying the framework
10 procedure, as appropriate, to accommodate institution of some
11 sort of carryover method, and we currently have revisions to the
12 ABC control rule that are in development.

13

14 As far as red snapper are specifically concerned, the 2016
15 recreational ACL is predicted to have been harvested, and the
16 commercial ACL also is pretty darned close as well, and so
17 implementation for a carryover for 2017, because of the data
18 issues that we discussed, is unlikely, and 2018 may also be
19 unlikely, due to the amount of fish that were harvested in 2016,
20 and so, from a let's get this implemented as quickly as
21 possible, there may not be quite as much of a fire as they could
22 have been previously.

23

24 What do we do next? A recommendation that staff is putting
25 forward is that the carryover provision be added to the ABC
26 control rule framework amendment, and this is directly from the
27 guidance provided by the National Standard 1 revisions that any
28 carryover be part of that process, and also to consider is this
29 something that you guys would want for all species and not just
30 red snapper, since, according to what the Science Center had put
31 forward, it is something that is potentially possible for any
32 species that we manage.

33

34 If that's the case, if you guys do want to roll this over into
35 the ABC control rule, would you want to discontinue the red-
36 snapper-specific carryover effort that staff have been working
37 on? Lastly, what's the priority for this effort? That's all I
38 have, Mr. Chair.

39

40 **CHAIRMAN GREENE:** Thank you, Mr. Rindone. Any discussion? Mr.
41 Diaz.

42

43 **MR. DIAZ:** Unless there is some reason why we shouldn't, it
44 seems like, to me, if we could do this for all species, it would
45 be another tool that we would have in the toolbox. From what
46 Ryan just said, you can only use it for that group that would
47 have an underage, and so, if it was commercial, only commercial
48 could get those back, or recreational. Unless somebody has a

1 compelling reason why we shouldn't do it for all species, I
2 would be in favor of trying to do it for all species.

3
4 **CHAIRMAN GREENE:** Thank you, Mr. Diaz. Any further discussion?
5 Mr. Banks.

6
7 **MR. BANKS:** Ryan, you may have addressed this and I missed it,
8 but how about carrying over -- Would the 20 percent buffer
9 factor into the carryover at all?

10
11 **MR. RINDONE:** It all depends on how you guys want to do this.
12 Now, doing it through the ABC control rule would mean that the
13 carryover would affect the ABC, and so, for the sake of the
14 buffer, the buffer would still be in place between the ABC and
15 the ACL. Now, if the ABC is increased, then 20 percent of that
16 is still less than it was previously. Even if it's just a
17 little bit, it still would be a larger amount, if some amount
18 were carried over.

19
20 **CHAIRMAN GREENE:** Dr. Crabtree.

21
22 **DR. CRABTREE:** I think my view of this, directly to your
23 question, is that, yes, the 20 percent buffer is part of this,
24 because that's the main reason we've had the underages in some
25 years, is because we're trying to catch the target and not the
26 ACL.

27
28 If we did it all perfectly, we would have a million pounds left
29 in the water. If we had this provision, we could then carry
30 that over to the next year. We would have to have a provision
31 to adjust the ABC and get the new ACL, which would be roughly 20
32 percent higher, and then we would apply the 20 percent buffer,
33 which essentially gets you way ahead of where you are.

34
35 One thing that -- I understand the desire to do this for all
36 species, and I think that's a good way to go. The Guidelines do
37 point out though that, if you're going to have a provision to
38 allow carryover, you ought to have a provision to have payback
39 of the overages. Right now, we only have paybacks in place for,
40 I think, for overfished stocks, but not everything, and so
41 that's just one thing that we need to keep in mind as we go
42 forward with doing it, but I certainly agree that we ought to
43 start putting this together.

44
45 I think it needs to be set up as automatically as it can be, so
46 that the numbers are just recalculated. We get the landings and
47 we refactor the numbers and we recalculate it and publish a
48 notice in the Federal Register, and here is the new ACL. It

1 doesn't come back to the council for review. Maybe we have to
2 go back to the SSC. I am not quite clear on that. If they
3 approve the process and the control rule, that might be enough.
4 We will have to work with the attorneys on that, but we need to
5 set this up so that, once we get the landings, we plug them in
6 and make them happen.

7
8 Maybe you have to wait for the finalized landings or maybe you
9 have to wait for Texas, but a lot of those final numbers --
10 Texas, in Wave 6, only accounts for a couple of percentage of
11 the catch, and so it might be, with some discounting, that you
12 could move it all and make it move more quickly, but we'll just
13 have to figure those things out, but I definitely think it's
14 worth working on.

15
16 As we're going to talk about later, I don't think there is going
17 to be anything to carry over from last year, and so we have a
18 little bit of time to work through this and hopefully apply it
19 to a future season.

20
21 **CHAIRMAN GREENE:** Thank you. Dr. Stunz.

22
23 **DR. STUNZ:** Just to follow up on Roy's point, I like the
24 automation of the effort and just to have it ready to go each
25 year, but that wasn't my comment. I wanted to just comment on
26 what Ryan brought up for the priority for this effort.
27 Obviously, given the state of where we are with the recreational
28 fisheries, I would rank this very high priority for this council
29 to move on this as soon as we can.

30
31 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
32 Okay. Any further discussion? Mr. Rindone.

33
34 **MR. RINDONE:** Thank you, Mr. Chair. Verbally, or probably
35 through a motion, I need from you guys are we going to roll this
36 effort into the ABC control rule, as recommended by the National
37 Standard 1 Guidelines, or are we going to, by doing so,
38 discontinue the current framework amendment, or are we going to
39 do both or keep doing what we've been doing, which is not
40 recommended, or how would you like to proceed?

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

43
44 **MR. ANSON:** My preference would be to include it into the ABC
45 control rule, but, I guess, is there any urgency or any need to
46 keep that on a certain timeline if this in fact, if we were to
47 add this, would slow that down?

48

1 **MR. RINDONE:** I don't think it would slow it down. We have
2 ideas about how this would function, and I've actually developed
3 a little spreadsheet that kind of automatically add it all
4 together already, and we could use that, as an IPT, to help
5 develop some options and include that in with the control rule.
6 You guys have indicated this is a high priority, and so I don't
7 know what the priority is right now for the ABC control rule
8 framework action, but perhaps that is adjusted accordingly.

9

10 **CHAIRMAN GREENE:** Ms. Levy.

11

12 **MS. LEVY:** I don't know that you have to do them together, but,
13 when you're talking about the carryover provision, you are
14 amending the ABC control rule, because what you're doing is
15 you're changing or you're specifying how the ABC is going to be
16 increased in response to the carryover, so that you can then
17 increase the ACL, and so you're doing it through the ABC control
18 rule.

19

20 Whether we incorporate that change in the ABC control rule into
21 what you're already looking at to change in the ABC control
22 rule, that is your priorities and your decisions, but I just
23 want to make it clear that we will be using the ABC control rule
24 to get at this carryover provision, regardless of whether we
25 combine it into the current amendment that's going forward.

26

27 **CHAIRMAN GREENE:** Thank you. Mr. Riechers.

28

29 **MR. RIECHERS:** Steve, I think you mentioned it. I think you
30 suggested there wasn't any real urgency to the ABC control rule
31 discussion that we were having earlier today. Now, real urgency
32 and adding stuff that may get -- While Ryan has suggested that
33 he's got a lot of it worked up, I still suspect this will take
34 quite a bit of work in spelling it out and creating
35 alternatives, and so, Steve, do you mind commenting on where you
36 think we are with that?

37

38 **MR. ATRAN:** In the ABC control rule, the SSC and an ABC Control
39 Rule Working Group, that was mostly a subset of the SSC, did
40 quite a bit of work a couple of years ago, and then the work
41 just stopped. We were running into fires that we had to put
42 out, actions that really had high priority, and so it got put on
43 the back burner.

44

45 More recently, at this last SSC meeting, we started talking
46 about how, perhaps, social and economic factors could play into
47 the setting of ABC, and I guess that I committed myself to
48 putting together some sort of a white paper on that to bring to

1 the SSC at their next meeting, and so we are, right now, getting
2 back to work on the ABC control rule.

3
4 **CHAIRMAN GREENE:** Dr. Crabtree.

5
6 **DR. CRABTREE:** The way I would look at this, I think you can do
7 this through a framework amendment, and so we don't have an
8 underage to carry over from last year, but we may have an
9 underage to carry over from 2017, when it's all said and done,
10 and so I guess I would ask staff to figure out and get with Sue
11 and Mara of how we could time this out so that we could have
12 something effective in 2018, in the spring, in time for the
13 application of the carryover by the June 2018 red snapper
14 season, and that seems like the timing, to me.

15
16 If we can do this and some of these other things and get it done
17 on that timeline, okay, but, if we have a big underage in 2017,
18 we all know that folks are going to want to be able to carry
19 that over, and so we ought to try to time this out so that we
20 could make that happen, if it's possible to do that.

21
22 **CHAIRMAN GREENE:** Okay. Thank you. Mr. Rindone.

23
24 **MR. RINDONE:** To that point, if the goal is to fold in multiple
25 species, and to be able to do this for as many species as
26 possible -- We can do a framework that is species-specific just
27 for red snapper, but nuances of the other species we manage,
28 maybe it's not something that could be done quite as rapidly.

29
30 **DR. CRABTREE:** I guess what I would like to see, Ryan, is you
31 and Mara and Sue and Carrie sit down between now and Full
32 Council and -- I am hearing that, yes, we can do it through a
33 framework or maybe we can do it, and so I'm not positive if we
34 can do it that way or not, and that would make a big difference,
35 but try to figure out how the timing might work, and we could
36 come back to it at Full Council with a little more insight as to
37 how to time it and whether it's even possible to get it done.

38
39 You know, even if we couldn't get it carried over by June 1, it
40 could be carried over and we could reopen the fishery,
41 potentially, for some period of time, and so I still think
42 having this done in time to have an impact on the 2018 season
43 would be worthwhile.

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

46
47 **MR. ANSON:** Roy, you answered, I think, my question, but my
48 question was you mentioned June, having it in effect for June,

1 and how quickly then would be the process for you, once you got
2 landings information, for you to apply it then? I mean, do you
3 just need a couple of months, where you have a fifteen-day or a
4 thirty-day comment period and then it becomes implemented?
5

6 **DR. CRABTREE:** My view on this is, once we have this, there
7 wouldn't be a comment period. We would just calculate the
8 number and put it out in a notice and say here it is. Now,
9 whatever type of amendment we have to do to establish the
10 process will have to go out for public comment and all that,
11 but, once the process is set up, my hope is that we would just
12 apply it and it would happen, so that, if we got the numbers in
13 April, we could pump it in, but, you know, the quicker we could
14 make it happen, then the more notice people have as to when they
15 can fish, and that's desirable, but we're just going to have to
16 figure these details out.
17

18 **CHAIRMAN GREENE:** Thank you. Any further discussion? Mr.
19 Rindone, are you clear with direction and what you need?
20

21 **MR. RINDONE:** I think so.
22

23 **CHAIRMAN GREENE:** Okay. We have worked through our computer
24 problem, thanks to the staff's hard work there, and we're back
25 up and running. However, Ms. Bosarge has directed me to go
26 ahead and schedule a fifteen-minute break, and so we're going to
27 take a break and come back at 2:45.
28

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

31 **CHAIRMAN GREENE:** Mr. Rindone.
32

33 **MR. RINDONE:** Thank you, Mr. Chair. We had a brief discussion
34 during the break about how all of this would function, and
35 though it is possible to change the ABC control rule or modify
36 it in some way through a framework procedure, to be able to do
37 the automation that Dr. Crabtree was talking about, where, when
38 the landings come in, NMFS just publishes the new numbers
39 automatically, without having to go through a public process,
40 that would be done through a closed framework procedure, and
41 that's not something that is currently allowed.
42

43 We would have to change the framework, and so, to change the
44 framework, we can't do that also through a framework. It has to
45 be done through a plan amendment, and so that kind of brings us
46 back to the discussion of is this something that we're going to
47 do through the ABC control rule as a plan amendment or is the
48 automation not that important? I would add though that, without

1 it, it's going to take noticing, again, and that whole six-month
2 process before those new numbers can be acted upon, from a
3 management standpoint.

4
5 **CHAIRMAN GREENE:** Thank you, Mr. Rindone. Any discussion? Mr.
6 Anson.

7
8 **MR. ANSON:** Based on Ryan's comments then, I would like to make
9 a motion. **The motion is to direct staff to add carryover**
10 **provisions in the ABC control rule amendment for species which**
11 **have payback provisions.**

12
13 **CHAIRMAN GREENE:** They are working on getting that motion up on
14 the board at the moment. While they're doing that, and I
15 normally try to wait until we get the motion up on the board
16 before I ask for a second, but I'm going to go ahead and ask for
17 a second at this time. It's seconded by Dr. Stunz. I think
18 we've had a bunch of conversation about this. Is there any
19 further discussion? Mr. Rindone.

20
21 **MR. RINDONE:** Something that -- Dr. Crabtree stepped away from
22 the table, but something that he had mentioned with this is a
23 modification to the framework procedure, which would allow NMFS
24 to publish the new quota numbers as soon as they had the
25 landings data available to them. Is that something -- That
26 requires a change to the framework procedure. Is that something
27 that you guys also want to add?

28
29 **MR. ANSON:** I didn't realize we needed to have that nuance. I
30 might need a little help here, Ryan, to amend my motion, and
31 that is to direct staff to add carryover provisions in the --
32 **After "carry over provisions" add "and modify the framework**
33 **procedure to allow for NMFS to utilize the carryover" and is**
34 **that correct?**

35
36 **MR. RINDONE:** Modify the framework procedure to allow NMFS to
37 update the appropriate quotas, once landings data are available.
38 The carryover provision would only apply to species with payback
39 provisions. Is that kind of what you're going for?

40
41 **MR. ANSON:** Yes, and we'll just need to clean up then, I think,
42 maybe some verbiage up above. I wasn't paying attention. **The**
43 **payback provisions would apply -- Only species with payback**
44 **provisions would be considered.**

45
46 **MR. RINDONE:** I think that's in there.

47
48 **MR. ANSON:** Yes, it's in there. Sorry.

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

3
4 **MS. GERHART:** Just to clarify, you only want staff to look at
5 the species that currently have payback or you want us to
6 consider payback along with carryover for those species that
7 don't have it yet?

8
9 **MR. ANSON:** My intent with this motion would be to consider or
10 have -- To be able to apply the carryover provisions to those
11 species that have payback provisions. Is that clear enough?
12 No? I believe there is three species that have payback
13 provisions associated with ACLs. It's gray triggerfish, greater
14 amberjack, and red snapper. That's, in my mind, what I was
15 thinking of.

16
17 **CHAIRMAN GREENE:** Dr. Crabtree.

18
19 **DR. CRABTREE:** Kevin, I would suggest that you just not get that
20 in the weeds with it. I think the key thing here is species
21 that are hitting their ACLs and being closed. We will deal with
22 the paybacks, and the paybacks come and go, because it depends
23 on if you're overfished or not whether we have paybacks, and so
24 we can look at the guidelines, and we will have to talk about
25 that some, but I think the critical thing here is species that
26 we have ACL closures that are kicking in, because we have
27 species that are open twelve months a year and they still don't
28 catch their quota.

29
30 I don't think we're going to want to carry that over to the next
31 year when there is no real odds that they're going to catch it,
32 but I think, a lot of this stuff with the payback, we just need
33 to let staff work this out and come back to us, before we get
34 too in the weeds with it.

35
36 **MR. ANSON:** That's fine. I was just trying to capture a comment
37 that I thought you said earlier, prior to break, where you said
38 that there was some National Standard Guideline that kind of
39 made a comment or an inference to that.

40
41 **DR. CRABTREE:** Right, and there is some language in there, but I
42 think we have to let staff go back and look at that and sort out
43 what it means and what the implications are.

44
45 **MR. ANSON:** All right, and so one further amendment to my
46 motion, please, and that would be to remove "for species which
47 have payback provisions". Thank you.

1 **CHAIRMAN GREENE:** Okay. Dr. Stunz.
2
3 **DR. STUNZ:** I support this, obviously, and I seconded it, but
4 you took out the "species" word in there, but I think it still
5 applies, and maybe this is more of a question for Ryan. We've
6 kind of been talking about this in the context of red snapper,
7 and I would like it for everything that falls under this motion,
8 but is that going to slow down the process?
9
10 We were talking about that we would like to get this in place
11 relatively soon, but, by adding all of these multiple species --
12 If it doesn't, then it's not a problem, but, if it really is
13 going to drag things out, then I might consider just only doing
14 it for red snapper at this time.
15
16 **CHAIRMAN GREENE:** Mr. Rindone.
17
18 **MR. RINDONE:** Thank you, Mr. Chair. I don't see it as slowing
19 it down, because we have to do a plan amendment to automate the
20 process, which is going to take a little bit more time upfront,
21 but it's going to save a load of time on the backend, whenever
22 there is something to be carried over. You won't have that six-
23 month delay in the NMFS comment period and everything that has
24 to go out when something is noticed.
25
26 By doing it all together -- It doesn't matter whether it's done
27 all together or whether it's just red snapper. You are just
28 filling in a blank at that point, and so the Guidelines specify
29 that this is recommended for species that are closing because
30 the ACL is met or projected to be met, and so, in your heads, be
31 thinking about species that have that as their accountability
32 measure, to some degree, and so, like was mentioned, gray
33 trigger and amberjack and red snapper and even commercial
34 kingfish.
35
36 They all close when their ACL is met or projected to be met, and
37 so those are the things that this is going to affect, and,
38 whether it's one or all of them, it's still a modification to
39 the ABC control rule to do X.
40
41 **CHAIRMAN GREENE:** Thank you, Mr. Rindone. Anybody else? We
42 have a motion on the board to direct staff to add a carryover
43 provision in the ABC control rule amendment and modify the
44 framework procedure to allow National Marine Fisheries Service
45 to update the appropriate quotas once landings data are
46 available. It has been seconded. **Is there any opposition to**
47 **the motion on the floor before you? Seeing no opposition, the**
48 **motion carries.** Mr. Rindone.

1
2 **MR. RINDONE:** Just a point of clarification, Mr. Chair. By
3 passing this, then staff is to stop working on a red-snapper-
4 specific framework action, since that doesn't meet exactly what
5 the council is trying to achieve anymore?
6
7 **CHAIRMAN GREENE:** That's a good question. Committee, how would
8 you like to proceed? Mr. Riechers.
9
10 **MR. RIECHERS:** I appreciate the question by Ryan, but I think
11 that's -- That was the discussion prior to that motion, which
12 was to go ahead and group the species and then put them all in
13 that ABC control rule kind of revision, realizing that, yes, it
14 may have started out with a species when Mr. Diaz had done that,
15 but I thought that was what we were attempting to do here.
16 Kevin, you were the maker of the motion, and so you too can
17 weigh in here on intent, but that's certainly what I believed we
18 were doing.
19
20 **CHAIRMAN GREENE:** Mr. Rindone.
21
22 **MR. RINDONE:** I would just like to make real sure, before we
23 stop working on something, that that's what you guys want us to
24 do, that's all.
25
26 **MR. ANSON:** I concur, Robin, that that was my intent, and we're
27 clear enough. I had a comment made to me that sometimes we
28 might need to be making a little bit more motions relative to
29 directing staff, and so we're fine? Okay. Thank you.
30
31 **CHAIRMAN GREENE:** Mr. Swindell.
32
33 **MR. SWINDELL:** Will this only apply to being able to give a
34 quota amount to another sector within the same fishery? Is it a
35 permanent carryover, or would it be just for a year, and can you
36 do -- Suppose the council decides that, hey, we would rather
37 change the bag limit, to give recreational people a little more
38 opportunity to get to the quota. How do we play into that? I
39 mean, it's just a question.
40
41 **CHAIRMAN GREENE:** Dr. Crabtree.
42
43 **DR. CRABTREE:** It's not permanent, in the sense that you have --
44 If you're under in one year, you carry it over to the next year,
45 and they either catch it or they don't. Then, if you're under
46 again the next year, you could potentially carry it over again
47 until you get a new stock assessment, and then it sort of starts
48 anew.

1
2 If you wanted to change the bag limit or something, you could do
3 that, and then that would affect when we determine the quota is
4 likely to be caught, and so I don't think there is a problem
5 with that.

6
7 It's not something where, if you have a species that's never
8 catching its quota and is open year-round, that you're just
9 going to keep adding more fish and carrying more stuff and
10 piling it up year after year. It's not that kind of thing.
11 It's for species that generally are catching the ACL, but are
12 significantly under one year, and then you take that over to the
13 next year and let them catch it.

14
15 **CHAIRMAN GREENE:** Thank you. Is there further discussion? We
16 are going to be done with that. Ms. Bosarge.

17
18 **MS. BOSARGE:** Since we're going back to topics at this point, I
19 wanted to go back just for a second to that focus group report,
20 and I had something I wanted to request at the end, but I really
21 wasn't sure what to ask for, not to mention that this is a
22 committee of the whole, and, yes, I am the Chairman of the
23 Council, but, because this is a committee of the whole, I guess
24 I am actually a committee member at this point.

25
26 Anyway, somebody may have to guide me through asking for this,
27 but, in that Gulf Angler Focus Group Report, they had a lot of
28 data requests and research and things that they said, if we
29 could see some of this on paper -- Obviously some of those were
30 more in-depth data requests, more longer-term things that would
31 take a lot of time, but some of them seemed like they may be
32 things that we may have enough resources at our disposal, things
33 that we've already done, that we could pull a few things
34 together to at least give us some ballparks.

35
36 I would love to see that documentation from the focus group
37 forwarded to -- I guess it would need to be forwarded to the
38 Regional Office, in consultation with the Science Center,
39 because I'm sure some of that information is housed in both
40 places, and us receive maybe a presentation at our next meeting
41 to say, well, this is what we have at our disposal and this is
42 what could be pulled together to at least look at some of these
43 things and see if they're possibilities.

44
45 I don't think that I should make a motion, but I would like to
46 ask if everybody else on the committee is okay with receiving
47 that type of presentation at our next meeting.

48

1 **CHAIRMAN GREENE:** Dr. Crabtree.

2
3 **DR. CRABTREE:** Well, I think we could take a look at some of
4 this and see what we think could be analyzed and how involved it
5 might be and what there just isn't any data to enable us to
6 analyze it, and we could do some of that and come back to you at
7 the next meeting. There may be some things that would be really
8 simple to do, and we might even have those done, but I
9 think we could tell you what is feasible and what is not and
10 talk about that.

11
12 **CHAIRMAN GREENE:** Thank you. With that, we will move on to our
13 next agenda item, which is Preliminary 2016 Red Snapper For-Hire
14 Landings Relative to the ACL, Tab B-11 and Mr. Strelcheck.

15
16 **PRELIMINARY 2016 RED SNAPPER FOR-HIRE LANDINGS RELATIVE TO ACL**

17
18 **MR. ANDY STRELCHECK:** I feel like you set me up here. You talk
19 about carryover and having extra landings and then we are at 99
20 percent of the ACL this year. I am not going to spend much time
21 going through the landings. You have the tables, and I'm happy
22 to answer questions.

23
24 As you can see from the data, we have landings for all twelve
25 months this year. We are still waiting on landings from Texas,
26 during their high-use wave, as well as Wave 6 for MRIP and
27 headboat. At this stage, we are at 99 percent of the catch
28 limit, 87 percent of the catch target for for-hire, and 150
29 percent of the catch target for the private angling component
30 for red snapper. If you have specific questions about the
31 landings, I am happy to answer those.

32
33 **CHAIRMAN GREENE:** Any questions? Mr. Banks.

34
35 **MR. BANKS:** Andy, do you guys calculate the confidence intervals
36 for these data, and are they available anywhere?

37
38 **MR. STRELCHECK:** There are confidence limits, but, because we're
39 compiling them from multiple datasets, we don't calculate a
40 confidence limit around these aggregated landings data.

41
42 **MR. BANKS:** Are there confidence limits then that are supplied
43 by the various data sources, I guess, such that we could see
44 that? I mean, I understand the concern about aggregate error
45 and things like that, and so, if we could just see confidence
46 limits around the different data sources. I know we certainly
47 have it for LA Creel, and I would imagine that it's in all the
48 other pieces.

1
2 **MR. STRELCHECK:** Yes, and the main source of data is MRIP, and
3 so that's readily available. You can even go to their website
4 and take a look at the standard errors around the estimates.
5 Headboat is a major component, and that's largely a census, and
6 so the error bars are very small around that. I don't recall
7 with Texas. I think they do generate error estimates, but I am
8 not certain about that.
9
10 **CHAIRMAN GREENE:** Mr. Diaz.
11
12 **MR. DIAZ:** Thank you, Mr. Strelcheck. The charter/for-hire
13 right now is 87 percent of their ACT, and I know the numbers
14 aren't final and we're still waiting on everything from Wave 6
15 and Texas, and is that correct?
16
17 **MR. STRELCHECK:** Correct. Louisiana landings have come in for
18 Wave 6.
19
20 **MR. DIAZ:** Okay. Very soon, you all are going to try to predict
21 the season for this year. Can you explain a little bit about if
22 that's factored in, that, two years in a row, this group has
23 come in below their ACT? Is that alone something that's going
24 to be factored in and that might get some more days for the
25 charter/for-hire group?
26
27 **MR. STRELCHECK:** Yes, you're exactly right, Dale. If you look
28 at last year, they caught -- The for-hire caught 93 percent, and
29 so they were fairly close to their ACT. We did extend their
30 season by a couple of days, but, if you look at our report that
31 we produce annually on estimating the season length, there is a
32 wide range of season lengths that we estimate. There is
33 uncertainty around that, and so we do take that into account, in
34 terms of how much is landed and whether they are under or over
35 the catch target from one year to the next year.
36
37 **MR. DIAZ:** We are still waiting on some numbers, and I think our
38 next meeting is the first week in April. Do you anticipate that
39 we will have final numbers by then or what is your estimate on
40 that?
41
42 **MR. STRELCHECK:** Typically, we have preliminary, close to final,
43 numbers for MRIP by the middle to the end of February, and we
44 receive Texas landings in March, and so we should have them
45 available by the April council meeting.
46
47 **MR. DIAZ:** Thank you. I do have one more question though.
48 Let's say the final ACL comes in slightly over. For just

1 discussion's sake, let's say 105 percent. If it comes in as 105
2 percent, can you explain exactly how the payback provision would
3 be handled and who would be responsible for paying it back?
4

5 **MR. STRELCHECK:** My read of the regulations, and I will look to
6 our attorney as well, is that the payback would come off the
7 total quota, but then the catch target and catch limits would be
8 reduced based on the sector that contributed to the overage. In
9 this instance, with the private sector being over right now, if
10 the for-hire sector remained under, then the portion of the
11 overage that's attributed to the private sector would be
12 reduced. It would only be the portion that is exceeding the
13 overall catch limit and not how much they have exceeded their
14 specific catch limit.
15

16 **MR. DIAZ:** Thank you, Mr. Strelcheck.
17

18 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
19 Anson.
20

21 **MR. ANSON:** Andy, I had requested the Southeast Fisheries
22 Science Center landings several months ago, and I was reviewing
23 those, and I happened upon a few instances, certain state
24 landings by wave, and territorial seas versus federal water
25 landings estimates, and a couple of them caught my eye, and I
26 went back and I checked the MRIP website and their landings.
27

28 I noticed that, for a few of those cells, the difference was
29 fairly substantial. It showed, generally, higher landings in
30 state waters than the MRIP numbers do, and I noticed on your
31 footnote here at the bottom of the table for sources that it's
32 MRIP-based recreational ACL data. I had asked a couple of
33 folks, staff in NMFS, to kind of give me a rundown. Granted,
34 they weren't Southeast Fisheries Science Center folks, but to
35 kind of give me a rundown as to how those numbers varied or the
36 reasons for, and neither of the two could really give me a good
37 answer.
38

39 They said they had not been given any specific information, and
40 so I'm wondering if it's possible, for the next meeting, if you
41 can bring or maybe have somebody, and, Bonnie, this might be for
42 you, but a presentation as to the process, the procedures, that
43 are used to calculate or adjust those numbers.
44

45 **CHAIRMAN GREENE:** Dr. Ponwith.
46

47 **DR. PONWITH:** Yes, I can definitely do that. The short answer
48 is that there is a difference in the methodology that's used in

1 the MRIP system and what the Southeast Fisheries Science Center
2 does for converting numbers to pounds, and we use a protocol, a
3 set of rules, for how much information you need to have to be
4 able to take an average weight and multiply that average weight
5 times the actual number of fish landed.

6
7 The rules we use are different than what MRIP uses in the data
8 that are available on their website, and we have been in
9 discussion with MRIP about this for some time now, because
10 you're not the first person to notice that. It's been noticed
11 by other folks saying, gee, these numbers are different and
12 what's the deal.

13
14 We feel fairly confident in the process we use, and, in our
15 discussions with MRIP, I think they have come to a point where
16 they agree that the methodology we're using to average
17 information and by how much stratification you would average
18 those numbers to come up with an estimate is sound, and the
19 expectation, based on the last conversation I had about this, is
20 that MRIP is evolving to use the rules that we are using now,
21 and so, ultimately, those numbers will be the same.

22
23 That is the short answer to why you might see some differences.
24 We take those MRIP numbers and then re-estimate them using what
25 we feel is a more robust approach to calculating that average
26 weight.

27
28 **MR. ANSON:** So would you be willing then to bring a short
29 summary and kind of summarize the procedure then for the next
30 meeting?

31
32 **DR. PONWITH:** Sure.

33
34 **MR. ANSON:** Thank you.

35
36 **CHAIRMAN GREENE:** Thank you. Any further questions or
37 discussion? Thank you, Andy. With that, we will move on to our
38 next agenda item, Presentation on Amendment 36B - Commercial
39 Reef Fish IFQ Modifications, Tab B, Number 12, and Dr. Lasseter.

40
41 **PRESENTATION ON AMENDMENT 36B - COMMERCIAL REEF FISH IFQ**
42 **MODIFICATIONS**

43
44 **DR. LASSETER:** Thank you, Mr. Chairman. We have a presentation
45 that we brought for you, which will be coming up shortly, but
46 just a little background for where we're at. At the January
47 2016 meeting, and so one year ago, the council separated
48 Amendment 36A into A and B. We discussed A earlier this

1 morning, and you approved it for a public hearing round, and now
2 we're starting to get our teeth into 36B.

3
4 At the time you divided them, you had a list of items that were
5 going to be in Amendment 36. You selected those items that we
6 were to address in 36A and the remainder would be addressed here
7 in 36B.

8
9 These are the items that were remaining on the list that are
10 under consideration. The first one, program eligibility
11 requirements, when we get to discuss that, you actually had two
12 items that we're lumping together, but we will discuss them
13 separately, but staff are kind of seeing these as addressing the
14 same issue, fundamentally. Allocation caps, restrictions on
15 shares and allocation transfers, lease-to-own provision, and
16 quota redistribution or set-aside.

17
18 What staff is looking for today is guidance on these items, in
19 terms of the intent and scope for developing into an options
20 paper, which will be the next step, and if there are any other
21 items that you would like to add, if there is any components
22 that you want to remove or modify, including any suggestions for
23 options that you want us to begin to include. We're looking for
24 some feedback on that.

25
26 For each of these items, I am going to provide some background
27 info on it, some potential ideas for the framing of a draft
28 action and some options, and then raise some of the potential
29 issues that staff is already thinking about.

30
31 Then I want to say a few words in kind of the difference between
32 36A and 36B, in terms of the purpose and need. In 36A, Actions
33 1 and 4, even though 4 as added late, they address some of the
34 law enforcement concerns that were raised in the five-year
35 review for red snapper. Addressing the non-activated accounts
36 was also raised in the five-year review.

37
38 The Action 3, in terms of withholding quota, is an
39 administrative-type of action, somewhat. Here, what we're
40 looking for is -- The purpose is not so clear for some of these
41 items. They are not coming directly from the five-year review,
42 with the exception of allocation caps. I think that was
43 recommended to consider, and we'll get to that in a little bit,
44 and so we are going to need to talk about the scope and intent
45 and purpose of some of these, so that staff can begin composing
46 and crafting a purpose and need, as we get to that.

47
48 Just a little reminder of our definitions and how these terms

1 are used in the IFQ programs. An IFQ share is a percentage of
2 the commercial quota, and so a share is always a percentage.
3 IFQ allocation refers to the pounds of fish represented by the
4 shares and are determined by that year's quota. Then there's an
5 example there of how 1 percent shares and a 100,000-pound quota
6 would result in, for that year, 1,000 pounds of allocation.

7
8 Program eligibility requirements, a little bit of background
9 here, because we're going to be addressing commercial reef fish
10 permits under this item. For the first five years, commercial
11 reef fish permits was required to receive both shares and
12 allocation, to transfer into your accounts to buy as a private
13 transaction.

14
15 That means that, as of the first of January of 2010, or for 2015
16 for the red snapper and grouper/tilefish respectively, any U.S.
17 citizen or resident alien can obtain an account, create an
18 account in the system, and buy, retain, or sell both shares and
19 allocation. That is within the online IFQ system.

20
21 To actually land IFQ allocation, to go out and fish, you have to
22 have a commercial reef fish permit still and all of the
23 attending requirements that go along with that, which include
24 VMS and a whole host of other regulations.

25
26 The idea of public participation, which this is termed, that
27 people that can buy and sell the shares and allocation, they
28 can't necessarily fish that allocation and land that allocation
29 without having the permit and to following the attending
30 regulations.

31
32 Prior to the five-year anniversary of each of these programs,
33 the council did publish control dates, before the public
34 participation began, but action was not taken at that time, and
35 so those control dates are still in place.

36
37 Some potential actions and options, the bold text here, the top
38 and bottom phrases, these were your items that were from the
39 list that we're kind of conceptualizing could be addressed in
40 the same action, because they both address having this reef fish
41 permit.

42
43 The action could be to require shareholders to possess a
44 commercial reef fish permit, and some options pertaining to this
45 would be are you going to require the permit to obtain, retain,
46 or sell shares? Is it going to be applied just to shares or to
47 allocation as well, the use of allocation as well? Would you
48 want to establish a control date, a different control date than

1 what was put in place before, that would apply to entities that
2 have entered the program since they opened up for public
3 participation, after the first five years of each program?
4

5 Then the first bottom text, this was your other item,
6 restricting amount of shares and/or allocation that may be held
7 by a shareholder without a commercial reef fish permit, and so
8 that could be the direction that this action takes, in terms of
9 requiring shareholders to possess. If they don't possess a
10 commercial permit, perhaps you would like to put on limits,
11 restrict amounts, that those without a permit, for either shares
12 or allocation, could buy, sell, retain, or transfer. I am going
13 to stop there for just a moment and see if there's any
14 questions, because I know this is a lot of information.
15

16 **CHAIRMAN GREENE:** Are there questions or discussion? I don't
17 see any, Dr. Lasseter. I'm sorry. Dr. Crabtree.
18

19 **DR. CRABTREE:** Ava, at least one of the options contemplated
20 here would, at some point, would require all shareholders or
21 anyone acquiring a share, anyone owning a share, to have to have
22 a reef fish permit at some point.
23

24 **DR. LASSETER:** That is how we definitely interpret that item,
25 when you gave us that item. We are conceptualizing as your
26 eligibility to participate in the program around the possession
27 of a permit.
28

29 **DR. CRABTREE:** Right. That answers my question. Thank you.
30

31 **DR. LASSETER:** Okay.
32

33 **CHAIRMAN GREENE:** Ms. Guyas.
34

35 **MS. GUYAS:** I think that was a request that we got from the
36 industry as well. They wanted to see this addressed. I guess,
37 as far as the restricting the amount of shares and allocation, I
38 guess I don't really know what we're working with here, how many
39 or what percentage is outside of people with permits or not. I
40 mean, it's been a while for red snapper that this has been, I
41 guess, the world that they've been living in, where you don't
42 have to have the permit, and so I don't really know what to do
43 here, and I think it would be helpful to have that information
44 in front of us.
45

46 **DR. LASSETER:** That information is in the annual reports, and,
47 definitely for the options paper, we will include those as
48 tables.

1
2 **MS. GUYAS:** Somewhat related, do we have a timeline for the
3 five-year review for the grouper/tilefish?
4
5 **DR. LASSETER:** My understanding of the timeline, and I will let
6 anybody contribute additional information, is the SSC, at their
7 March meeting, is going to be hearing the presentations that the
8 Science Center had contracted, and then we will be reporting on
9 those at your April meeting. Then the process is going along
10 for crafting the five-year review. The timeline, as far as when
11 the text is going to be finished, I am not clear. I'm not sure
12 on that.
13
14 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
15 Walker.
16
17 **MR. WALKER:** I would kind of like to know what the problem is
18 here and what are we trying to solve with this.
19
20 **CHAIRMAN GREENE:** Dr. Crabtree.
21
22 **DR. CRABTREE:** I am not going to render a judgment on whether
23 it's a problem or not, but there have been concerns expressed
24 about shareholders who don't own vessels and don't own permits
25 and don't fish, and we have all heard that, and so I think that
26 whether we want that to continue is something that we ought to
27 consider.
28
29 I went back and read the minutes, back in 2005, when this
30 program was put together, and the council was pretty split on
31 that issue, and there were a lot of folks on the council at that
32 time who felt like participants ought to have to have a permit,
33 and so I don't know if it's a problem or not, David, but it
34 troubles people, and so I think it's something that probably
35 ought to evaluate and ought to look at. Then, once we have the
36 facts in front of us, then we can decide whether there is a
37 problem or is not a problem and whether we want to do anything
38 about it or not.
39
40 **CHAIRMAN GREENE:** Mr. Banks.
41
42 **MR. BANKS:** Just a quick question, for clarity. In 2005, when
43 that occurred, it was not a requirement to have a permit in
44 order to get an allocation, and so it's not that folks all had
45 permits and all had allocation and then, over time, they just
46 quit fishing and started selling it.
47
48 **DR. LASSETER:** 2005 was the time of developing the red snapper

1 program. At the time when each program was initiated, was
2 implemented, you only received shares at the initial
3 distribution if you had a reef fish permit.

4
5 Now, from that time, those who had shares were no longer
6 required to retain their permit. However, other people that did
7 not have a permit could not become shareholders until five years
8 after each program, respectively.

9
10 Then I want to just -- I had one more slide here, in regards to
11 this. Just not necessarily issues or obstacles, but some things
12 for us to think about, for you as a committee to think about,
13 that could also be leading to options in further developing
14 this.

15
16 You could propose a range of time series for shareholders to
17 obtain a commercial reef fish permit. We would also need some
18 kind of mechanism for addressing divestiture of shares, if
19 necessary, if people were not able to obtain a permit, and then
20 we would also want to think about a potential consequence of
21 this, of how this would impact the commercial permit price. How
22 difficult would it be for some people who no longer have a
23 permit to obtain one again?

24
25 Kind of what this is getting at also is that this is not likely
26 to be a single action. If this goes forward, we may need to
27 have sub-actions in addressing this type of issue, and I will
28 turn it back for discussion.

29
30 **CHAIRMAN GREENE:** Mr. Walker.

31
32 **MR. WALKER:** At the time, for the AP, we wanted to keep it in
33 the fishery, and what we got was to keep it five years in the
34 fishery, which you know that five years have gone on now, and
35 people have based on their business, and they've become
36 dependent on leasing fish from these individuals who have this
37 allocation that was made available after five years in the
38 program to anyone, and so, I mean, you've got businesses that
39 depend on this, and it's market-based, and I think there might
40 be some unintended consequences to think about too for folks who
41 have been dependent on these other folks to lease fish from and
42 so forth.

43
44 **CHAIRMAN GREENE:** Thank you. Is there any further discussion?
45 Okay, Dr. Lasseter.

46
47 **DR. LASSETER:** Our next item is allocation caps, and we will
48 start with some background. Share caps and allocation caps --

1 Share caps are required in Magnuson to prohibit the excessive --
2 I would have to ask Mara to provide the exact language, but,
3 basically, you have to avoid the excessive consolidation of
4 ownership for a fishery.

5
6 Share caps are in place for both IFQ programs. However, only in
7 the grouper/tilefish program is an allocation cap in place, and
8 that cap in that program is equal to the total amount -- Of
9 course, it's allocation cap, and so it's in pounds, and the
10 total amount that corresponds to all the share caps combined.
11 Of course, it's also going to change, depending on the amount of
12 quota, for each of those species or species groupings.

13
14 We have provided there a little table, where you can see each of
15 the share categories and the share cap. It's share cap, and so
16 it's a percentage of the quota. Then, for the quotas in the
17 year 2015, the total allocation cap for the grouper/tilefish
18 program was just over 540,000 pounds.

19
20 From one of the annual reports for the grouper/tilefish program,
21 it does note that this cap is not constraining the use of
22 allocation at this time, which that is an awful lot of
23 allocation, and so that's a little background. Let's take a
24 look at this next slide.

25
26 Potential action options could be designed very similar to the
27 way the grouper/tilefish action was developed for the red
28 snapper allocation cap. You may want to reevaluate the
29 grouper/tilefish allocation cap, which would, of course, be a
30 separate action. Potential options, you could set the cap in
31 different ways. It could be a cap on the allocation landed by a
32 vessel, landed by an entity, and, if it's landed by an entity,
33 do you mean over the course of a year or at any point during the
34 year, and so we would have to define our timeframe as well. Cap
35 the amount of allocation that can be held or transferred by a
36 shareholder, and, again, the same time considerations of over
37 the course of a year or at any point during the year, and so
38 there's a lot of different ways to approach this. I will turn
39 this over. Is there any discussion or questions on allocation
40 caps?

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

43
44 **MR. WALKER:** I was just going to bring up that, during the AP, I
45 think this was a concern by some, and it was brought up, and, of
46 course, it's been a while since we've had that discussion, and I
47 would like to hear more public testimony on the caps and the
48 concerns, if there is a real concern for that cap on the

1 allocation. I think, at the time, it was one particular vessel
2 that was leasing what some thought was an excessive amount, but
3 I would just like to hear more public testimony on that as well.

4

5 **CHAIRMAN GREENE:** Ms. Bosarge.

6

7 **MS. BOSARGE:** At the risk of sounding dumb here, what is the
8 fear here? David, you might be the one to answer it. I mean,
9 is there a fear that like, if one particular boat or captain or
10 whatever is leasing a good bit of the allocation and he can
11 almost corner the market on the supply and have some control
12 over price? I guess, because I'm not in that fishery day-to-
13 day, I don't really understand that part of it.

14

15 **CHAIRMAN GREENE:** Mr. Walker.

16

17 **MR. WALKER:** Thank you. Kind of the history, there was one
18 vessel that was fishing out of Louisiana, and I think, at the
19 time, he had his own allocation, and there were some others that
20 didn't want to catch their fish, and so he went and caught the
21 fish for them. I am not sure what kind of deal, monetary deal,
22 they had worked out, but this one vessel had landed like -- The
23 best I can remember, it was like 350,000 pounds, and so I don't
24 know if that even exceeded what the share cap is, but that was
25 just at that time.

26

27 I haven't heard much complaints about it since then. I think it
28 kind of calmed down a little bit. The industry hasn't really
29 been complaining about that, but I know, during the time of the
30 five-year review, it was something that was brought up, because
31 people were looking for ways to improve the program, and the
32 thought was -- There was kind of a question of could that be one
33 of them.

34

35 **CHAIRMAN GREENE:** Okay. Any further questions or discussion?
36 Seeing none, Dr. Lasseter.

37

38 **DR. LASSETER:** Thank you, Mr. Chairman. Our next item is
39 restrictions on share and allocation transfers. A little
40 framework background here. The terms of share and allocation
41 transfers, when two fishermen, whether they're both shareholders
42 or it's a shareholder and somebody who is leasing this
43 allocation, those are private agreements between these account
44 holders.

45

46 The transfer itself is conducted through the catch share
47 website, and so an agreement is made and then the parties make
48 the transfer through a NMFS website that is provide there on the

1 slide. The transaction price for share transfers is required
2 through the online system, but, as the most recent annual report
3 notes, reporting issues continue.

4
5 A lot of people underreport. They will just put the minimum
6 that is required, which is one-cent, and it is possible that
7 some shares are transferred for one-cent. It could be a family
8 transaction or it could be creating a new business entity, and
9 it's unclear to what extent people are deliberately choosing to
10 not report versus it being an exchange rather than a sale.

11
12 Allocation transfer prices are not required by the online
13 system. There is a place to enter it, but a zero value may be
14 entered for that, and so there is a difference here in terms of
15 the system, the electronic system that the fishermen use, and
16 outside of the system what this agreement, what this
17 arrangement, is.

18
19 Your item was to place restrictions on the use of shares and
20 allocation. Going forward with this, this would definitely not
21 be a single action, because, of course, you couldn't address --
22 You would not likely be able to address a restriction of both
23 shares and allocation in the same action. We are lumping it
24 here for the purpose of discussion.

25
26 In terms of potentials, actions, and options, staff needs the
27 most guidance on this item, in terms of what behavior
28 specifically does the council want to address, and does
29 requiring the commercial reef fish permit address these issues,
30 because -- Let me go back to one of your earlier items. The
31 bottom one here, restrict the amount of shares and/or allocation
32 that may be held by a shareholder without a commercial reef fish
33 permit.

34
35 Our initial conceptualizations of this are we lumped it here
36 with this issue of having a permit. However, would this perhaps
37 get at what your intent was for restrictions on share and
38 allocation transfers?

39
40 Then a potential issue that ties in with the background
41 information is it could be difficult to regulate. How would the
42 regulation be set up that affects private agreements that are
43 then recorded in the online system? It would help to be
44 thinking about it in those terms.

45
46 There is an agreement that goes on between individuals that is
47 then documented online. You definitely have more clear ability
48 to affect what's in that online system, in terms of compliance

1 and enforcement. Dictating what happens in those private
2 transactions may be, I would think, a little more difficult. I
3 am going to stop there and turn it over for some discussion.

4

5 **CHAIRMAN GREENE:** Okay. Is there discussion? Mr. Walker.

6

7 **MR. WALKER:** Just like Ava, I would like to know what the intent
8 here is and how does it meet the goals?

9

10 **CHAIRMAN GREENE:** Mr. Riechers.

11

12 **MR. RIECHERS:** Ava, I think part of what you're doing is you're
13 bringing back up the document that we had at one time in the
14 past. I mean, these are -- They may be new slides, but they're
15 not new issues that have been brought up.

16

17 I will just suggest kind of what Roy said before. These are
18 issues that have been brought up. They have been brought up by
19 some, and, again, whether they are problems are not, I think
20 that remains to be seen, but I think the restrictions on share
21 and allocation transfers, you just went through some of those
22 issues to get you to this slide, and the same issues that you
23 just discussed are the ones that people are wanting to address
24 or have said there are some issues there.

25

26 Now, what levels and caps and all those kinds of things, I think
27 we all will need to see a fleshed-out version of a discussion
28 paper that would help us in thinking about that, and I think
29 we've had some of that written down in some other documents in
30 the past, to some degree, and I understand your comment, which
31 is we need to be thinking about how we might document this or
32 how this would work in practice, but I think the other part is
33 for us to actually have some of the data in front of us in
34 regards to how many transfers are occurring and what those
35 shares look like.

36

37 We talk about reporting issues regarding transaction prices here
38 and what are those, and, when we say reporting problems, what
39 are they perceived to be. I don't know whether they are
40 problems are not, but obviously that bullet was created for some
41 reason, and those are the kinds of things that I think we will
42 need to see in a little more detail before we can help give you
43 better direction, certainly, in crafting any alternatives that
44 we would want. I mean, I think we can all think of some that
45 might fit, but we probably need a little bit of data to help us
46 with that.

47

48 **CHAIRMAN GREENE:** Thank you. Mr. Walker.

1
2 **MR. WALKER:** I would just say that some of this is just
3 fishermen adjusting to the program, and I think you said you
4 heard some comments about it, but there was a lot of -- Any time
5 you try something new, you're going to have people questioning
6 things and making comments. As they learn to adapt and move on,
7 things become minor, and there doesn't seem to be anyone from
8 the industry that's complaining about this.

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

11
12 **MR. RIECHERS:** If I may, we have to remember where these came
13 from. These didn't necessarily come from the very beginning of
14 the program. These came when we went and conducted a five-year
15 review and some of the discussions regarding a five-year review,
16 and obviously we're quite past that timeframe now, and so some
17 of them may have gone away. Then we went to a point where we
18 split the documents, and so that's what brought us back to these
19 now. It's not like these are from way back when. These are
20 more current than that.

21
22 **CHAIRMAN GREENE:** Ms. Levy.

23
24 **MS. LEVY:** I guess my question is, is there something other than
25 what's been discussed regarding restrictions on share and
26 allocation transfers like requiring -- Going back to requiring a
27 reef fish permit or like putting in an allocation cap or putting
28 in the share caps. Does anybody have any other things that
29 actual go towards restricting share and allocation transfers
30 that they want staff to look into?

31
32 The sense I get is that this kind of goes with that eligibility
33 criteria thing and that staff is kind of wondering if there are
34 any other types of things that you want to look at with regard
35 to restrictions on share and allocation transfers.

36
37 **CHAIRMAN GREENE:** Thank you. Does anyone wish to make a comment
38 or add anything? Seeing no further discussion, Dr. Lasseter.

39
40 **DR. LASSETER:** Thank you, Mr. Chairman. I am going to move
41 forward with this one, for Mr. Riechers, and we're going to
42 bring back information on these transfers, volume and whatnot,
43 what we can research and obtain, in terms of these transfers of
44 allocation and shares. Then we will try to fine-tune it from
45 that.

46
47 Our next item is the lease-to-own provision. A little
48 background here. I found, in a GAO publication from 2004, and

1 the link to it is provided on the very last slide, and it
2 discusses this concept of a lease-to-own program as a way for
3 new entrants to pay for quota while using it.

4
5 This particular document really focuses on ways for new entrants
6 to begin fishing in IFQ programs. One issue that is brought up
7 in this is that it's much easier to do this at the design stage
8 of the program than later, and the only examples of where this
9 was discussed in this document are where new entrants obtain
10 this quota from the government and not other shareholders.

11
12 Your next item is going to be quota redistribution set-aside.
13 That may be something that you want to think about, linking
14 those. That would be a possibility. A potential issue here is
15 it could be difficult to implement, again, as these share and
16 allocation transactions are private agreements, and it would
17 likely change how shareholders participate in the program if
18 they knew that they would lose shares, and, in designing any
19 kind of a regulation, we would want to think about how people
20 would behave in response to it, and would the intent of the
21 regulation be realized for that. That's the only slide I have
22 for this particular item, and let me turn it over for
23 discussion.

24
25 **CHAIRMAN GREENE:** Thank you. Any discussion? Mr. Walker.

26
27 **MR. WALKER:** I would just like to know what we're trying to here
28 with this, this lease-to-own provision.

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

31
32 **MR. BOYD:** Ava, in looking at the five-year review, it appears,
33 to me, that what we're doing is staff is going back and pulling
34 issues and concepts from the past to see if we want to include
35 them in the future. Is that what we're doing?

36
37 **DR. LASSETER:** No. Before the document was separated, when we
38 began work on 36, there was discussion amongst the council about
39 what types of changes to the IFQ programs you wanted to
40 consider, and, at that time, it was red snapper only. A year
41 ago, when you divided them, you also decided to apply 36A and
42 36B to both programs.

43
44 When we started talking about this, we were speaking about the
45 red snapper program only, and this list of items for
46 consideration came from the council. Then Mara took that list
47 and evaluated it, and I'm sure that she consulted with other
48 General Counsel, and returned to it us, and I believe some were

1 removed and some we were -- There were a couple of items, and I
2 don't know if she could help me remember what they were, but it
3 would require a referendum before we could even begin developing
4 an amendment for them. The remaining items, we retained those
5 on the list.

6
7 We had one discussion, and I had to go back to read the minutes
8 to make sure that we had all of the items still on it, but you
9 did remove -- I am trying to remember which one it was, but it
10 was to allow allocation to be landed by people without a
11 commercial reef fish permit, and so that was one item that was
12 on the list that was removed.

13
14 The lease-to-own was then added at that time, because that was
15 from Mr. Williams, and so there was that one meeting, and it was
16 a table that I had, and you added and removed some of these
17 items, and so it has changed over time, but these are the
18 remaining ones from the list, left over after the ones that you
19 identified to pursue in 36A.

20
21 Then, as far as like the note here, to start discussing lease-
22 to-own, I wasn't sure what to do, and so I was reading some of
23 these publications, and I found this concept noted in this
24 publication, and, to me, I talked about new entrants. I do
25 remember Mr. Williams talking about it relating to new entrants,
26 and that is a consideration, something that should be
27 considered, in IFQ programs, is how do you have new people come
28 into the fishery.

29
30 **CHAIRMAN GREENE:** Mr. Diaz.

31
32 **MR. DIAZ:** I am just trying to figure out this lease-to-own
33 concept. It wouldn't exclusively be for new entrants. It could
34 also be maybe people who want to acquire more shares. It would
35 be an avenue to acquire more shares if you were, say, a small
36 participant with a small amount of shares? Is that correct or
37 not?

38
39 **DR. LASSETER:** It is not defined. This was an idea that Roy
40 Williams had. From what I remember his intent was for possibly
41 small shareholders and new entrants, in a previous iteration of
42 36A, I believe we did have an action in there where we were
43 trying to -- It might have still been when it was combined 36,
44 when we were trying to operationalize what was a small
45 shareholder, and that action ultimately got removed, at that
46 time, and I apologize that I can't remember the details there,
47 but this is open.

48

1 Again, staff really needs some feedback here on what you would
2 like to do, what particular problems that you feel exist in the
3 fishery that you want to explore. Maybe you decide later that
4 it's not a problem. Maybe you decide that the problem wasn't
5 quite articulated right and we have to modify it.

6
7 We are just kind of looking for some direction here on what
8 issue you would like us to address, what information you would
9 like us to bring you, what potential beginning options we should
10 start considering that we could then provide data to, and so, if
11 the new entrants or small shareholders is something you would
12 like to address, you could let us know.

13
14 **CHAIRMAN GREENE:** Dr. Crabtree.

15
16 **DR. CRABTREE:** I think what this is trying to do is make it
17 easier for new people to come into the fishery, and it seems
18 like -- Maybe this is something that Roy Williams brought up at
19 one point, where you lease shares and you get to keep some
20 fraction of them, but it doesn't seem, to me, that this is very
21 practical, in terms of the way the program operates, and so I am
22 having a hard time seeing how this really is a workable solution
23 to anything, personally.

24
25 **CHAIRMAN GREENE:** Mr. Anson.

26
27 **MR. ANSON:** To kind of address David's last question of what are
28 we trying to do here, specific to this item, and I guess
29 generally what we're trying to do, and then to follow up on
30 Ava's summary of where we are today, I had, in my mind, I guess,
31 some ideas to at least discuss, and these might have been
32 discussed at our last time, when we had the roundtable, and
33 prior to separating the two documents.

34
35 Relative to items that people have concerns about, and they may
36 not be shareholders that have these concerns, but they have been
37 expressed, in one form or another, at least to me, relative to
38 the IFQ program, and that relates to some of the issues of
39 resource rent, property rights, and use-it-or-lose-it
40 provisions.

41
42 All of those things kind of tie -- They have some connection to
43 some of these points that Ava had brought out and has in her
44 presentation, and those are some of the bigger ideas, and I
45 think, when we discussed this, there was a little bit of an ah-
46 ha moment, and that might be why we have a list that's much more
47 pared down, in my mind, that, at least for discussion purposes
48 and kind of bringing them out and airing out the laundry, so to

1 speak, there may just not be a provision to do that, because of
2 the referendum situation.

3

4 Mara, is that -- Kind of, I guess, where I'm at is trying to
5 piece those events together and maybe come up -- Ava, if you
6 don't recollect those being into this, those items that made the
7 cut, so to speak, it might be because of that discussion, and
8 so, Mara, specific to resource rent, use-it-or-lose-it
9 provisions, which then would address potentially a lease-to-own
10 program, and I know, administratively, it might be a little bit
11 of a hurdle to keep track of that within the agency or the
12 Service, but, if we had some sort of sunset provision or the
13 property rights were to be reviewed, such that they change, and
14 there was a finite number of years placed on the shares, then
15 lease-to-own options would, I think, become more viable and
16 those types of things.

17

18 Are those items that we can discuss at this time, Mara, or is
19 there no reason to discuss those, because the agency would not
20 go through with supporting any of those? Is it something that
21 has to go through a referendum, and I suspect that none of those
22 would be very popular and be voted in, or is that -- Can you
23 address that?

24

25 **MS. LEVY:** I can't address what the agency would support or not.
26 I don't remember everything that was on the initial list, but we
27 had an initial list of things that the council was looking at
28 considering, and I went back, with my office, and looked at
29 them.

30

31 The only thing on there that we determined would require the
32 referendum was looking at auctions or royalties, because that
33 provision says that, in creating a program, the council must
34 consider this and may implement it, and so the thought was, if
35 you're going to consider it, you're going to be establishing a
36 new program, and, once you're establishing a new program, then
37 you kick into having that referendum before you even start,
38 under the red snapper provisions.

39

40 Everything else that was on that list was fine, and you all went
41 ahead and sort of, I think, narrowed it down and divided it up,
42 and I don't remember, like I said, everything that was on that
43 list, and so I would have to go back and look. If there is
44 something that you want to ask about that wasn't on that list, I
45 can go back and look at that too, in terms of requiring
46 referendums, but it was a pretty narrow scope of things that
47 were going to require a referendum before you even started
48 talking about it.

1
2 **MR. ANSON:** So a property right would be another referendum
3 trigger?

4
5 **MS. LEVY:** So none of these create a property right. The Act is
6 very clear that a limited access privilege is not a property
7 right, and so I didn't go back and look at somehow instituting a
8 sunset provision that I guess what you're saying is to take some
9 of the shares back or things like that.

10
11 I don't think that I specifically looked at that question, but I
12 would have to go back and see, but, again, it was very narrow,
13 the types of things that we were saying would require the
14 referendum, because what we're looking at is whether it would
15 actually be establishing a new program.

16
17 The question is, is somehow modifying it going so far that
18 you're establishing something new, and I can certainly go back
19 and look at the list that we previously considered and then
20 also, if it wasn't on there, look at the whole idea of -- I
21 guess what you're saying is sunseting, but I guess I would want
22 more detail about exactly what you're thinking about
23 considering.

24
25 **MR. ANSON:** I guess I would give you a more definitive answer if
26 I had an idea as to what the general feel would be on it, and so
27 just, I guess, on a couple of for-discussion purposes, something
28 like a sunset provision or something at some point where the
29 shares -- A certain percentage of the allocation is not fished
30 by the individual that has the shares. After two years or three
31 years, where there is zero percent or 15 percent or 50 percent
32 is unfished, then those shares come back. Is that something
33 that would, again, qualify, I guess, and whether or not, again,
34 a sunset provision would be necessary, I don't know, if that
35 could even be looked at.

36
37 **CHAIRMAN GREENE:** Thank you. Mr. Riechers, I had you next on
38 the list. Anyone else?

39
40 **MR. RIECHERS:** Roy touched my points, and so I will leave this
41 one alone.

42
43 **CHAIRMAN GREENE:** Thank you. Mr. Walker.

44
45 **MR. WALKER:** I was just going to say that I think it would just
46 disrupt how many people would lease their fish anymore that were
47 trying to lease fish to people who needed allocation, or some
48 people swap fish, grouper for snapper, but I was going to

1 mention one thing to this council here.

2
3 When we had Amendment 28, and we were diluting the commercial
4 fishery, it didn't look like anyone was trying to look for new
5 entrants when you're diluting a fishery, and I would just like
6 to add that.

7
8 **CHAIRMAN GREENE:** Mr. Swindell.

9
10 **MR. SWINDELL:** When you obtain a permit, is it an individual, or
11 can you do it as a corporation?

12
13 **DR. CRABTREE:** You can buy a reef fish permit individually or
14 you can buy it in a corporation.

15
16 **MR. SWINDELL:** Then what this does, this gives then -- You don't
17 have a term limit, because someone could be buying the
18 corporation and the permit is still in the name of the
19 corporation, and so the guy could keep going and going and going
20 until he's paid for it. He has leased it, leased the
21 corporation, basically, and buying into it. There is no way for
22 this individual, say, to get a commercial permit, but, by buying
23 a corporation, he is obtaining the commercial permit. That's
24 basically what -- Lease-to-own, you can do it just that way.
25 Someone is sitting there and they're saying, okay, you can lease
26 the company until you pay for it and so forth, and so I don't
27 know what else to do.

28
29 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
30 Okay. I don't see any further discussion. Dr. Lasseter.

31
32 **DR. LASSETER:** Thank you, Mr. Chairman. The last item is quota
33 redistribution or quota set-aside. A little overview, context,
34 is, on January 1 of each year, allocation, and that's our
35 pounds, equal to the quota is distributed to shareholders based
36 on their shareholdings, which are a percentage of the quota.

37
38 In terms of red snapper, the quota, over time, from the
39 beginning of the program, has increased from 2.3 million pounds
40 to six million pounds, at the beginning of this year. However,
41 on the other hand, quota reductions are also always possible.
42 That was red snapper only.

43
44 In terms of potential actions and options, do you envision this
45 applying to future increases to commercial quotas? Would you
46 envision this applying to quota increases above a threshold of
47 quota? Would that be in a set number of pounds or would it be
48 in a percent above wherever we are now? We would need to define

1 who would be the new recipients of quota and define the method
2 of distributing this quota, if you go forward with this.

3
4 I will just touch on some other potential issues also to think
5 about. How much quota should be reserved and the question of
6 who would be eligible to receive it. Going back to the quota
7 reductions, what happens if the quota later decreases below the
8 threshold that was set for setting aside or redistributing, and
9 how would this affect program participation? Would it affect
10 how people participate in the program? I am going to turn it
11 over for any discussion or feedback or comments on this item.

12
13 **CHAIRMAN GREENE:** Is there discussion or comments? I don't see
14 any, Dr. Lasseter.

15
16 **DR. LASSETER:** The last slide here, we have just provided some
17 links to the GAO publication, which, if you're interested, it
18 talks about methods of community protection and the new entry,
19 which I touched on. It's a very interesting read. It made some
20 good points, and then the grouper/tilefish and red snapper
21 annual reports just came out in mid-December, as I noted during
22 36A discussion, and so the links are right there directly to the
23 PDFs, if you would like to take a look at those as well.

24
25 If there is not any further comments, the next step for this is
26 to develop an options paper. I didn't really get much direction
27 on removing or adding anything at this time, and so we will go
28 forward with these items and provide the data, as much as we
29 can, to inform these items and then we'll just look for some
30 more feedback at that time, as to how we should start developing
31 alternatives, if that works for everybody.

32
33 **CHAIRMAN GREENE:** All right. Mr. Anson.

34
35 **MR. ANSON:** I brought up some points earlier, and, granted, Mara
36 will have to go back and review them. If it's appropriate, if
37 it's required, I guess, at this point, for me to add additional
38 items, until we get further clarification, the use-it-or-lose-it
39 provision.

40
41 **DR. LASSETER:** The use-it-or-lose-it provision, when we had that
42 table up and we discussed the items, the conversation was --
43 What I was asking was what do you mean by use-it-or-lose-it,
44 because that was actually an action in the original amendment
45 that implemented the program, and it does not seem the direction
46 that you're wanting to go, from the discussion, and so I really
47 cautioned against using that term "use-it-or-lose-it", and I
48 asked to please tell me what exactly you want to do with that,

1 and we will frame it.

2
3 I said, or can we just lump that as restrictions on share and
4 allocation transfers, in terms of if there is some restriction
5 on having the shares or -- If you could either provide some more
6 specifics of -- I think I got a little bit of that, in terms of
7 as a sunset provision. If a certain proportion is not fished by
8 so many years, those go back to NMFS, and so I can get with Mara
9 and we can confirm whether or not -- But, if you would like to
10 add that as an item, I would request, if possible, a motion,
11 just so that it's very clear what we're doing.

12
13 **MR. ANSON:** All right. Then I make a motion to include, in the
14 36B amendment, an item which would be a use-it-or-lose-it
15 provision.

16
17 **CHAIRMAN GREENE:** Dr. Lasseter.

18
19 **DR. LASSETER:** Okay. Can we -- I am going to -- Actually, I
20 jotted down your language for that. So, use-it-or-lose-it,
21 you're defining as, if a certain proportion of, I am not sure
22 what, shares or allocation, is not fished by so many years,
23 those would go back to NMFS. Is that how you are defining use-
24 it-or-lose-it?

25
26 **MR. ANSON:** Yes, that's how I would define it, yes.

27
28 **CHAIRMAN GREENE:** Mr. Walker.

29
30 **MR. WALKER:** I served on the AP, the ad hoc committee that
31 developed the profiles, and we discussed the use-it-or-lose-it,
32 and our biggest concern was someone would buy the shares and
33 table them and not use them and the commercial industry and the
34 nation would not have access to the resource, and that's what
35 our concern was with the use-it-or-lose-it, at the time.

36
37 **CHAIRMAN GREENE:** Okay. Dr. Crabtree.

38
39 **DR. CRABTREE:** David is right. I went back and -- If you go
40 back and read through the minutes of the discussion about limits
41 on transferability, the concern was that people were going to
42 buy up shares and just sit on them and we would lose production.

43
44 I think this probably gets really complicated. You don't think,
45 Kevin, that reinstating the reef fish permit requirement to be
46 a shareholder would adequately address that. I mean, that would
47 mean, anybody who is a shareholder, they would have to have a
48 permit and a vessel and a VMS and file all the reports and

1 things like that. That seems to be more a straightforward way
2 to get at this than the use-it-or-lose-it, potentially.

3
4 **MR. ANSON:** In that example, I am putting myself as the person
5 who is trying to go out and acquire allocation. I am not a
6 shareholder, and so I don't have the control to do what I want
7 with that share and it's just coming to me. What I am talking
8 about, specifically, is more for the shareholder, in that
9 shareholder has to use it or lose it. There is some increasing
10 percentage of fish that they have to show that they land on the
11 permit for the vessel that they are supposed to have tied
12 together. That is what I am talking about.

13
14 I certainly don't want allocation to be purchased by people,
15 non-permit holders, or even permit holders, for that matter, and
16 just sit on them and not be used. What I am trying to look at
17 is, again, the issue of shares, or a large portion of shares,
18 the allocation that's tied with the share, that is not being
19 used by the individual for which the share is afforded to.

20
21 **DR. CRABTREE:** What I'm getting at is so, if those shareholders,
22 to continue to be shareholders, had to buy a boat and buy a reef
23 fish permit, you don't think that would then provide enough of
24 an incentive that they would fish some of it on their own vessel
25 without getting into these complexities? That's what I'm
26 getting at.

27
28 Right now, you have shareholders who don't own boats and don't
29 have permits. They can't fish their shares. You would at
30 least, if you reinstated the reef fish permit, you would make
31 them get all of the pieces they have to have so that they could
32 at least be able to fish their shares.

33
34 Now, they might continue to lease them out and not fish them
35 anyway, I suppose, but it seems like it at least gets you
36 partway to what you're trying to do here, and it may be that
37 some shareholders, rather than buying a reef fish permit and
38 buying a vessel and putting VMS on it and going through all of
39 these things, would just divest themselves and get out of the
40 fishery. I don't know how that would go.

41
42 **MR. ANSON:** I don't know how it would go either, really. If
43 there is the permit requirement and they have not had the need
44 to have a permit and they're out of the fishery, and all they're
45 doing is leasing their allocation, 100 percent, that is, I
46 think, what my concern is, is that those people, although they
47 were in the fishery at some time, they aren't anymore, and they
48 are not direct consumers, I guess, or participants in the

1 fishery, and that is really the group that I was more
2 considering.

3
4 **CHAIRMAN GREENE:** Okay. Thank you. We've got a motion on the
5 floor. Is there a second for this motion? We've had a lot of
6 confusion about the definition of use-it-or-lose-it, and I kind
7 of let it go a little further, but we have a motion on the
8 floor. Is there a second for the motion?

9
10 **MR. RIECHERS:** I will second it.

11
12 **CHAIRMAN GREENE:** It's seconded by Mr. Riechers. Mr. Banks.

13
14 **MR. BANKS:** I think the question that we had was is this a
15 complete use-it-or-lose-it? You would have to use 100 percent
16 of your share or allocation or whatever or you could use 1
17 percent of what you have and then you're out of the use-it-or-
18 lose-it ballgame?

19
20 **MR. ANSON:** I think I would leave it up to Ava and staff to kind
21 of come up with at least some initial percentages, but something
22 between a zero and 50 type of thing that they would have to
23 fish, in my mind.

24
25 **MR. BANKS:** It would be portions. You could lose portions?
26 Okay.

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

29
30 **MS. LEVY:** I just wanted to say that -- Ava did kind of touch on
31 it, by saying there was a use-it-or-lose-it provision language
32 in there, and it got sort of, I think, changed into the
33 eligibility requirements or the restrictions on shares and
34 allocation, but I was saying is that it was in the original list
35 that we looked at, and so it was one of the things that we
36 looked at, and, like I said, the only thing that you were
37 originally looking at that was going to require that initial
38 referendum was the auction piece of it, and so, if you want to
39 put this back in to consideration, then I think you're fine with
40 that.

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

43
44 **MR. WALKER:** I was just going to mention that, for every action
45 you take, there is going to be a reaction, and there were
46 commercial fishing businesses that didn't want this open to the
47 public. The council made it open. People have adapted to this.
48 There is people dependent on these people that you have concerns

1 about, but there are also a lot of people who are concerned
2 about that person they've been getting these fish from too, and
3 so I'm just worried about the unintended consequences of what
4 you're trying to accomplish, and maybe we could hear some
5 testimony on this.

6

7 **CHAIRMAN GREENE:** Dr. Crabtree.

8

9 **DR. CRABTREE:** I am assuming that use it means that they have to
10 fish these shares upon a vessel that belongs to that entity and
11 the permit is issued to that entity. If we're going to do this,
12 it seems, to me, that this would belong associated with the same
13 action that evaluates requiring the reef fish permit and the
14 vessel, because you couldn't do this if you did that, unless you
15 did that one too, but --

16

17 **CHAIRMAN GREENE:** Mr. Banks.

18

19 **MR. BANKS:** Is there anything about the movement of these shares
20 and allocation and things that are leaving fish on the table or
21 is this resulting in a full use of the resource?

22

23 **DR. LASSETER:** I would have to check the annual reports for the
24 specific amounts, but there is about less than 1 percent, or
25 less than 1 percent of each species group quota, more or less,
26 that's left at the end of the year. It's very little. They are
27 coming really close to catching all of it, and getting rid of
28 these non-activated accounts would help as well with that, but,
29 for most of these, unless there's like a late-year quota dump on
30 them, that they struggle to catch that, these guys are catching
31 most of what is being distributed.

32

33 **CHAIRMAN GREENE:** Mr. Swindell.

34

35 **MR. SWINDELL:** I would assume that, if you had a bad season, a
36 breakdown or something, and you only caught 50 percent of your
37 allotment, of your quota, that you're not going to lose it for
38 the year. For next year, you're going to have the allotment
39 that you started with, and is that correct?

40

41 **DR. LASSETER:** I can speak to this a little bit. Any action,
42 and there are several actions that may need to develop something
43 like this, would have to include a range of alternatives that we
44 will provide information on, and so we could provide you
45 alternatives in terms of a fisherman must land for three out of
46 five years, if you want to go the direction of a series of time,
47 years, to allow for somebody to have had problems in one year or
48 another.

1
2 That is something that you may want to request be included, or
3 there would also need to be alternatives that would address what
4 proportion you're talking about here, in terms of using it, and
5 so there's a lot of questions that need to be answered, and you
6 would also need to evaluate -- Rather than just picking exactly
7 what you know that you want to do, you will be provided a range
8 of alternatives to evaluate and decide which is the best way to
9 address the problem you identify.

10
11 **CHAIRMAN GREENE:** Mr. Walker.

12
13 **MR. WALKER:** In the AP, we had a lot of discussion on this, and
14 I think the concern was that maybe some environmental group was
15 going to buy these fish and preserve them and stick them on the
16 shelf. There was people also concerned about people who had
17 hardships. Maybe they lost a family member or maybe they lost a
18 limb. Maybe they broke a leg. Maybe they had an oil spill in
19 2010 and they were shut down for six months.

20
21 I mean, there's a lot of things that were in consideration about
22 the use-it-or-lose-it, but, at the time, we did want some type
23 of use-it-or-lose-it, and I think it's in the original profiles,
24 but, since time has gone on, I haven't heard as much from the
25 industry. Maybe more testimony would be a good thing to hear,
26 to give a little time for that during testimony tomorrow.

27
28 **CHAIRMAN GREENE:** Dr. Crabtree.

29
30 **DR. CRABTREE:** It just seems, to me, that there are other things
31 in the document, for example reinstating the permit requirement,
32 that get at this issue and I think are practically more -- They
33 could be implemented more easily. This use-it-or-lose-it sounds
34 pretty good, in concept, but I expect that it would be very
35 difficult to actually implement it, and I suspect there would be
36 lots of loopholes around it, and so I think, at this point, I am
37 not going to support it.

38
39 **CHAIRMAN GREENE:** Okay. Thank you. We've had a bunch of
40 discussion about this. Does anyone else wish to speak? Okay.
41 I know there is going to be opposition. **By a show of hands, all**
42 **those in favor of the motion on the floor before you, please**
43 **raise your hand.**

44
45 **EXECUTIVE DIRECTOR GREGORY:** Eight.

46
47 **CHAIRMAN GREENE:** All those opposed, like sign.

48

1 **EXECUTIVE DIRECTOR GREGORY:** Seven.
2
3 **MS. BOSARGE:** I've got a question. Am I supposed to vote?
4
5 **EXECUTIVE DIRECTOR GREGORY:** You can vote. I won't say that you
6 are supposed to vote, but you can vote. You're a member of this
7 committee. The Chair is Captain Greene. Just show me your
8 hand.
9
10 **MS. BOSARGE:** Which way am I voting now?
11
12 **EXECUTIVE DIRECTOR GREGORY:** Let me guess.
13
14 **MS. BOSARGE:** I am going to vote against it, because I do think
15 that there's other things that we can do that will accomplish
16 Kevin's goal. I truly do believe that.
17
18 **EXECUTIVE DIRECTOR GREGORY:** That is an eight-to-eight vote.
19 The motion fails.
20
21 **CHAIRMAN GREENE:** Okay. Dr. Lasseter.
22
23 **DR. LASSETER:** That completes all the items in here. We briefly
24 discussed that an options paper will be the next step. I will
25 get with Dr. Simmons for the timeline. That's all I have for
26 you.
27
28 **CHAIRMAN GREENE:** Dr. Dana, go ahead, please.
29
30 **DR. DANA:** Thank you, Chairman Greene. This is for Mara. I
31 know Roberts Rules says that a Chairman normally reserves the
32 right to vote or not to vote. A Chairman can vote if they want
33 to, but normally they just choose not to, but, if Johnny wanted
34 to vote on this, he could have voted, correct?
35
36 **DR. CRABTREE:** Yes, especially since it was a tie. He can
37 certainly vote.
38
39 **CHAIRMAN GREENE:** I am going to pass the gavel. I have got to
40 go to the bathroom. Dr. Simmons.
41
42 **DR. SIMMONS:** Thank you, Mr. Chairman. I just wanted to tell
43 you that we had some information about the five-year IFQ review
44 for grouper and tilefish. I talked to Dr. Mike Travis at the
45 Regional Office. He has been working on that. The goal is to
46 have it ready for the council at the June meeting. The SSC will
47 review the background materials and paperwork and research
48 that's been done at the March meeting. You will receive a

1 report on that, and then that will be incorporated, as
2 applicable, to the review. Then you will see a draft of that at
3 the June council meeting, and so that's our goal.

4
5 **CHAIRMAN GREENE:** Thank you. With that, we will continue on in
6 our agenda. We will move on to -- We are not going to do the
7 Reef Fish Summary right at this particular moment. Dr. Powers
8 has stepped outside, and so we will move on to Other Business,
9 which will be a Discussion of the 2017 Recreational Fishing
10 Season for Greater Amberjack.

11
12 **MS. BOSARGE:** I think we've located the man of the hour, and so
13 he should be ready here momentarily. It looks like he is
14 occupied, at the moment, and so why don't we take about a five-
15 minute break and give him just a second, since we caught him off
16 guard, and so, if you want to grab a cup of coffee real quick,
17 we will give him about five minutes, and so, at about 4:30, come
18 back and we'll get started.

19
20 **CHAIRMAN GREENE:** We are going to try to get through the rest of
21 the agenda today. That way, we won't have to be here until 8:30
22 in the morning.

23
24 (Whereupon, a brief recess was taken.)

25
26 **STANDING AND REEF FISH SSC SUMMARY (FOR ITEMS NOT DISCUSSED**
27 **ELSEWHERE ON THE AGENDA)**
28 **SEDAR 49 DATA-LIMITED STOCK ASSESSMENT**

29
30 **DR. POWERS:** Thank you. Under this agenda item, I believe, we
31 are talking about several different things that happened at the
32 SSC meeting, and this is sort of a catch-all of things that have
33 been going on.

34
35 Basically, there were two major things that we did at the SSC
36 that you should probably be aware of. One of them is going over
37 the progress that's going on with SEDAR 49, which is the data-
38 limited assessments, and the other is we embarked on a
39 discussion of how we should begin thinking about incorporating
40 economic and social implications into ABCs and ACLs and
41 providing the information and advice for doing that.

42
43 The data-limited assessments, SEDAR 49, it's really much more of
44 a research project than a typical assessment, because,
45 basically, what we're trying to do is, given that you have very
46 limited data, and typically what that means is what happens if
47 you only have catch and maybe some sort of index or maybe some
48 sort of average size of fish in the catch and these sorts of

1 things, and is there something we can do, some sort of robust
2 methodology, that will allow you to kind of keep the catches
3 sustainable and in the kind of ranges that we're talking about.

4
5 What the SEDAR 49 is doing is, in essence, coming up with some
6 of these ad hoc procedures, based on very limited data, and then
7 simulating a population, so that the simulated population is
8 the, quote, unquote, real population. Then what you try to do
9 is apply these methods as if these were the only methods you
10 have and then compare how they work relative to what happens to
11 the real population.

12
13 Typically, all of these methods require some sort of definition
14 of some stable reference period for which you have catches, and
15 then to adjust those catches based on limited data. For
16 example, if you had an index, a very cursory kind of catch per
17 unit effort index, essentially what the methodologies will do
18 is, well, if the index goes up 10 percent, then I am going to
19 increase the catches by 5 percent, and so it's that kind of ad
20 hoc basis that is being used, but you can be very rigorous in
21 terms of evaluating this, and it's called management strategy
22 evaluations, or MSEs, to determine methods that will work
23 reasonably well, and so that's what SEDAR 49 has done for about
24 eight different stocks, including things like wenchman and some
25 other things that I'm not sure that I've ever seen.

26
27 There is a very nice presentation presented by the SEFSC, and I
28 saw it both at the review panel for this SEDAR 49 and also at
29 the SSC meeting itself, and it kind of walks through this, of
30 what it is that they're trying to do. If you ever have an
31 opportunity to see that, I think that's quite useful.

32
33 Anyway, the SEDAR 49 is progressing. The review panel had a
34 number of suggestions that were made, and they are being
35 incorporated, and the SSC will look at this again at the next
36 SSC meeting.

37
38 We also, for the SSC, we kind of started thinking about, well,
39 how are we going to, the SSC itself, develop some sort of
40 structure to deal with these data-poor assessments. Do we want
41 a separate working group, because there is a number of decisions
42 that have to be made about what is proper reference periods and
43 how do you adjust from that and so on and so forth.

44
45 That is one of the things that I think will be addressed at the
46 next SSC meeting. Then the last thing that I kind of mention
47 there is you can't expect that you're going to use data-limited
48 methods and it's going to solve all of your problems. There is

1 no substitute for data, and so one of the things that we need to
2 think about is how you -- You develop these methods that are
3 kind of stop-gap, that will fulfill obligations, and it isn't
4 necessarily maximizing sustainable yield. It's basically trying
5 to define catches that will be sustainable. They may not be
6 optimum, but at least they are sustainable, and so that's kind
7 of where we're going.

8
9 Eventually, you're going to have to deal with -- If there is
10 going to be improvements, you basically have to have data, and
11 so that's why it's called data-limited.

12 13 **DISCUSSION OF ECONOMIC AND SOCIAL IMPLICATIONS OF ABCs and ACLs**

14
15 The other aspects that the SSC looked at was beginning to talk a
16 little bit more about economics and socioeconomics and how those
17 fit into the decision-making process for things like ABCs and
18 ACLs. There is a cadre of economists and socioeconomists that
19 are on the SSC that have been very helpful in this regard.

20
21 We had planned a discussion about that, and what are some of the
22 issues, and one of the things that was brought up in discussions
23 and in a presentation is, when we talk about P*, meaning the
24 risk relative to ABC that is acceptable to the council, what
25 goes into making that decision?

26
27 Right now, there is kind of a blanket acceptance of a P*, and
28 I've forgotten actually what it is, 44 percent or 42 percent,
29 and I am looking at Steve, but it doesn't matter, but what
30 typically goes into the perception of risk is what are the costs
31 of protecting the stock versus the benefits that are derived.

32
33 Now, obviously, the Guidelines themselves, the National Standard
34 Guidelines, put some limits on that, but, within that framework,
35 that is the kinds of things that you have to deal with. We also
36 talked about National Standard 8, which basically is maintaining
37 community values, in terms of the fisheries, and what do you
38 mean by that, and there are a couple of scientists on the SSC
39 that actually work with this and are suggesting there are ways
40 to get quantitative community factors, such as fleet sizes and
41 how they distribute and where they go fishing and that sort of
42 thing, activities such as shifting to other activities and so
43 on.

44
45 I think there is a general acceptance that what we need to do is
46 integrate these into the control rules, and you talked earlier
47 today and Steven had generously volunteered to develop a white
48 paper about how we might go about this and how might structure

1 it, and this would be presented at the next SSC meeting.

2
3 I think what we're trying to do is kind of flesh out what the
4 issues and options are and then also how to address that, both
5 how to address them technically, but also, organizationally, how
6 we want to deal with that, and so those are the main items of
7 the SSC meeting that weren't covered under other agenda items.
8 Thank you.

9
10 **CHAIRMAN GREENE:** Thank you, sir. Any discussion? Mr. Anson.

11
12 **MR. ANSON:** Thank you, Dr. Powers, for the summary. It's good
13 to hear that there was some discussion at the SSC regarding some
14 of those species, those data-poor species, and trying to develop
15 some sort of index and then take a proportion of the index, I
16 guess, as to whether or not you increase or decrease, because
17 that was a concern of mine, particularly on some of those
18 species that are considered to be deep-drop fisheries.

19
20 As restrictions have increased for traditional reef fish
21 species, bottom fish species, and the seasons have become
22 shorter, people have been looking at other species to fill their
23 fishing trips and their opportunities, and so, in our neck of
24 the woods at least, off of Alabama, there has been a significant
25 increase in the effort put on those deep-drop species, and we've
26 started to see a little bit more of those come in over the last
27 five years, and those landings, I suspect, would be much higher
28 relative to ten or fifteen or twenty years ago, and so thank
29 you.

30
31 **CHAIRMAN GREENE:** Thank you. Any further comments or questions?
32 Mr. Atran.

33
34 **MR. ATRAN:** I just wanted to point out, and this wasn't in Dr.
35 Powers's presentation, but, since we are going to be getting a
36 presentation to the council on the new National Standard 1
37 Guidelines tomorrow, it wasn't really necessary for him to go
38 over it, but, if you look at the SSC Summary, and that is Tab B-
39 15, there is a summary of those items that were in the NS 1
40 Guidelines presentation that really are of particular interest
41 to the SSC, things like a three-year phase-in for ACL reductions
42 and how to handle carryover provisions and using a three-year
43 average for whatever you're using for your overfishing
44 indicator, and then also the new alternatives for how to
45 determine the maximum rebuilding time when it's going to be more
46 than ten years.

47
48 Those are all items that might play into some of the things that

1 the SSC does in the future. If you want, you might want to just
2 review those before we get to the presentation tomorrow.

3
4 **CHAIRMAN GREENE:** Thank you. Any further comments? Okay.
5 Thank you, Dr. Powers. With that, we will move into Other
6 Business. The only one is the Discussion of the 2017
7 Recreational Fishing Season for Greater Amberjack. Dr.
8 Crabtree.

9
10 **OTHER BUSINESS**

11 **DISCUSSION OF 2017 RECREATIONAL FISHING SEASON FOR GREATER**
12 **AMBERJACK**

13
14 **DR. CRABTREE:** We haven't determined when the season closure
15 will be at this time, but there was, last year, a substantial
16 overrun of the ACL, by I think seven-hundred-and-fifty-some-odd
17 thousand pounds, and so about 60 percent. There is, as you
18 know, a payback provision for greater amberjack, and so this
19 would be deducted off of the quota for next year, and so the
20 season would likely need to be shortened.

21
22 That is that situation. Hopefully, the thing that is still yet
23 to be seen is that we do have a new stock assessment that is in
24 the works, that I believe is supposed to be reviewed by the SSC
25 at their March meeting, and so one of the things that we need to
26 be ready for, and I have no insights into what the assessment
27 will show, whether it's going to show good news or bad news, but
28 we probably should be prepared to try and move quickly with some
29 action.

30
31 We may potentially get an ACL that's about where it is now, but,
32 if the ABC takes into account the overrun and the projections,
33 we may not need to do the payback for next year. Maybe we'll
34 get good news and the ACL will go up or maybe not, but, at any
35 rate, I think we ought to try to come into the next council
36 meeting in April thinking towards being ready to do a framework
37 action and move quickly on that, and that may make it at least
38 possible, if we can't extend the season further into the spring,
39 to reopen the fishery after the June/July closure somehow.

40
41 I just want to get everybody aware that, yes, we have the
42 problem with the overrun and potentially a shorter season next
43 year, but we do have the new assessment coming. We just need to
44 be prepared to move quickly on an adjustment to the ACL, one way
45 or another.

46
47 **CHAIRMAN GREENE:** Thank you. Ms. Guyas.
48

1 **MS. GUYAS:** You said that we might be able to extend the season
2 further into the spring and when are you thinking that this is
3 going to close? I know you said you don't know, but like a
4 ballpark.
5
6 **DR. CRABTREE:** I am speaking of spring as to June. I don't have
7 a ballpark for you at this time.
8
9 **MS. GUYAS:** So you're expecting that it would close before June,
10 basically.
11
12 **DR. CRABTREE:** Potentially.
13
14 **CHAIRMAN GREENE:** Thank you. Any further comments or questions?
15
16 **DR. CRABTREE:** I guess, do we need to ask staff to start looking
17 at this and be prepared to bring us a framework adjustment in
18 April or something that we could move quickly on?
19
20 **CHAIRMAN GREENE:** Mr. Atran.
21
22 **MR. ATRAN:** The SSC meeting is going to be the week before the
23 council meeting, and so I don't see how we can put together a
24 completed framework. Possibly a skeleton of a document, but
25 that's about as far as we would be able to go, because we're
26 only going to have about two days to do something.
27
28 **CHAIRMAN GREENE:** Ms. Bosarge.
29
30 **MS. BOSARGE:** Can you elaborate a little bit more on what staff
31 would need to bring and then maybe, Dr. Ponwith, can you
32 elaborate on when the results of the stock assessment would be
33 able to be viewed by staff? Obviously it would not have been
34 vetted and reviewed by the SSC yet, but at least we would have
35 some inclination as to whether it was good news or bad news.
36
37 **CHAIRMAN GREENE:** Dr. Ponwith.
38
39 **DR. PONWITH:** I can't speculate on when the assessment will gel
40 to the point where we know whether it's an up, down, or neutral.
41 I can keep an eye on that progress. I have been watching their
42 progress very closely, and, right now, they are on track for
43 being able to deliver that in time for the SSC briefing book.
44 Beyond how much before that we'll know which direction it is,
45 that's speculation at this point.
46
47 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.
48

1 **DR. CRABTREE:** So there are timing issues, and we do what we're
2 able to do. If we can't get something done in April, we get
3 something done in June and then we do the best we can, but I
4 think, depending on what happens, it's something we need to
5 factor into our work plan.

6
7 **CHAIRMAN GREENE:** Thank you. Are there further comments? Okay.
8 With that, we will leave amberjack. Is there any further
9 business to come before the Reef Fish Committee? Seeing no
10 further business, we are adjourned.

11
12 (Whereupon, the meeting adjourned on January 31, 2017.)

13
14 - - -