

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
SUSTAINABLE FISHERIES/ECOSYSTEM MANAGEMENT COMMITTEE

Golden Nugget Casino Hotel Biloxi, Mississippi

March 30, 2015

VOTING MEMBERS

- Leann Bosarge.....Mississippi
- Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- Harlon Pearce.....Louisiana
- Lance Robinson (designee for Robin Riechers).....Texas
- John Sanchez.....Florida
- Greg Stunz.....Texas
- David Walker.....Alabama
- Roy Williams.....FLorida

NON-VOTING MEMBERS

- Kevin Anson.....Alabama
- Martha Bademan (designee for Nick Wiley).....Florida
- Doug Boyd.....Texas
- Jason Brand.....USCG
- Pamela Dana.....Florida
- Dale Diaz (designee for Jamie Miller).....Mississippi
- Dave Donaldson.....GSMFC
- Myron Fischer (designee for Randy Pausina).....Louisiana
- John Greene.....Alabama
- Campo Matens.....Louisiana
- Corky Perret.....Mississippi

STAFF

- Steven Atran.....Senior Fishery Biologist
- Assane Diagne.....Economist
- John Froeschke.....Fishery Biologist/Statistician
- Doug Gregory.....Executive Director
- Karen Hoak.....Administrative and Financial Assistant
- Morgan Kilgour.....Fishery Biologist
- Ava Lasseter.....Anthropologist
- Mara Levy.....NOAA General Counsel
- Cathy Readinger.....Administrative Officer
- Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- Bernadine Roy.....Office Manager
- Charlotte Schiaffo.....Research & Human Resource Librarian
- Bryan Schoonard.....GIS Analyst

OTHER PARTICIPANTS

- 1 Pam Anderson.....Panama City, FL
- 2 Randy Boggs.....Orange Beach, AL
- 3 Steve Branstetter.....NMFS
- 4 J.P. Brooker.....Ocean Conservancy, St. Petersburg, FL
- 5 Michael Drexler.....Ocean Conservancy, St. Petersburg, FL
- 6 Cynthia Fenyk.....NOAA
- 7 Martin Fisher.....FL
- 8 Chuck Guilford.....FL
- 9 Ken Haddad.....American Sportfishing Association, Lloyd, FL
- 10 Chad Hanson.....Pew Environmental Trusts
- 11 Betty Harder.....FL
- 12 Ben Hartig.....SAFMC
- 13 Bill Kelly.....FKCFA, FL
- 14 Kristin McConnell.....EDF, Austin, TX
- 15 Jack McGovern.....NMFS
- 16 George Niles.....Summerland Key, FL
- 17 Daniel Padron.....Key West, FL
- 18 Will Patterson.....GMFMC SSC
- 19 Bonnie Ponwith.....SEFSC
- 20 Alan Risenhoover.....NOAA Fisheries
- 21 Jenny Thompson.....Oceana, Lafayette, LA
- 22 Wei Wu.....GMFMC Ecosystem SSC
- 23 Bob Zales.....Panama City, FL

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The Sustainable Fisheries/Ecosystem Management Committee of the Gulf of Mexico Fishery Management Council convened at the Golden Nugget Casino Hotel, Biloxi, Mississippi, Monday afternoon, March 30, 2015, and was called to order at 3:00 p.m. by Chairman Leann Bosarge.

**ADOPTION OF AGENDA
APPROVAL MINUTES
ACTION GUIDE AND NEXT STEPS**

CHAIRMAN LEANN BOSARGE: Let's go ahead and call to order the Sustainable Fisheries/Ecosystem Management Committee. This committee doesn't always meet and so let's remind everybody of who is on the committee.

Robin is the Chair and in his absence, I will try my best to fill his shoes, as Vice Chair. We have Dr. Crabtree, Harlon, John Sanchez, Dr. Stunz, David Walker, and Roy Williams. I believe we have most of the committee here and so we will get started.

1 Adoption of the Agenda, there will be at least one change to the
2 agenda. We are going to move up the Item Number VI on the
3 agenda which deals with the charter/headboat decals. We will
4 take that as our first item, so that Ryan can get off to Mobile.
5 Are there any other changes to the agenda at this time? Seeing
6 none, can I get a motion to adopt the agenda? It's moved by
7 Roy.

8
9 **DR. GREG STUNZ:** Second.

10
11 **CHAIRMAN BOSARGE:** It's seconded by Dr. Stunz. Any opposition
12 to that? The motion carries. Next is the Approval of Minutes
13 and are there any changes or amendments to the minutes? It's
14 moved to approve by Roy and is there a second? It's seconded
15 and any opposition to the motion? Seeing none, the minutes are
16 approved.

17
18 Next, we will move on to the Action Guide and Next Steps, which
19 is Tab E, Number 3. As I said, the first thing that we're going
20 to do is Action Item VI and Ryan is going to give us a review of
21 the proposed action on the charter/headboat decals.

22
23 Just to kind of refresh your memory, this was something -- The
24 utility of these decals was reviewed by the council at their
25 June 2014 meeting. We wanted the Law Enforcement AP to take a
26 look at it and they did so in October of 2014 and presented us
27 with their results and so now we have this document in front of
28 us that we're going to discuss a little more. I will turn it
29 over to Ryan.

30
31 **FINAL ACTION - CATEGORICAL EXCLUSION - CHARTER/HEADBOAT DECALS**

32
33 **MR. RYAN RINDONE:** Thank you, Madam Chair. This is a
34 categorical exclusion for NMFS, which, for lack of a better way
35 of putting it forward, means it's like a do it or don't sort of
36 thing. What this is looking at is whether we're going to
37 continue to require the use of the charter boat stickers or
38 we're not.

39
40 Currently, for reef fish and coastal migratory pelagics, charter
41 vessels are required to display a vessel decal and a new decal
42 is issued any time that permit changes vessels and so the
43 problem is that vessels can have multiple stickers or the
44 sticker could need to be moved to another vessel and so you have
45 the same permit on two different vessels, because the sticker is
46 very hard to remove.

47
48 From a law enforcement standpoint, law enforcement doesn't get a

1 lot of use out of using the stickers as a way of identifying the
2 charter vessels and so what NMFS would be looking for from the
3 council is the council's affirmation that yes, you do want to
4 see the regulations changed such that the decal is no longer
5 required to be displayed by charter boats and headboats.
6

7 **MR. JOHN SANCHEZ:** I am curious if I could ask I guess Johnny
8 and Pam maybe the same thing. What is your take on the
9 usefulness, the purposefulness, from an industry perspective of
10 these decals on a vessel?
11

12 **MR. JOHNNY GREENE:** When we first were asked about it, I
13 thought, well, that's probably a pretty good idea, because they
14 are kind of small and they tend to peel off a little bit, but
15 it's one of those things, but after talking to Dr. Dana over the
16 last couple of weeks, I think that I have probably changed my
17 mind about this.
18

19 It's becoming a bit contentious in my part of the Gulf when you
20 have vessels who remove permits to fish in a particular area and
21 then put them back on to fish in another one and I think what
22 you're starting to see is some of our fishery beginning to
23 police itself. In other words, does he have a permit and is he
24 fishing or is he living up to the code that he should be?
25

26 I would almost say that if you can't see the sticker, make it
27 bigger and that's something that I honestly hadn't thought about
28 until Dr. Dana and I had spoke about it and the more
29 conversation she and I had about it, I think that I would be in
30 favor of leaving it as is. I think if you've got as many things
31 as there are going on right now, I think that this is just way
32 to kind of keep it in there.
33

34 Now, multiple stickers per year, if there's a cost associated
35 with it, then perhaps individuals should be responsible for
36 that, but I have really -- I have thought a lot about this and I
37 don't know that I support getting rid of it at this time.
38

39 **DR. ROY CRABTREE:** This is the decal that we're talking about
40 and you can see it's very small. The print on it -- I mean you
41 would have to literally read this be within a couple of feet of
42 it. I will pass it around.
43

44 Enforcement is using whether you have the permit onboard the
45 vessel or not and they are not using the decal and it doesn't
46 have anything to do with people transferring their permit on or
47 off. They can transfer the permit and they might leave the
48 decal on the boat.

1
2 It's just a burdensome expense that we're going through on
3 everyone and I don't think enforcement is getting any value out
4 of it and so I really don't see any use in continuing it, but
5 that's what we're talking about and you can reach your own
6 conclusions about how useful that would be to at-sea
7 enforcement.

8
9 **MR. KEVIN ANSON:** To that point, Dr. Crabtree, that sticker --
10 The color or nothing changes, but it's the same sticker whether
11 it was issued a year ago and next year it will be the same color
12 and same size and all that, correct?

13
14 **DR. CRABTREE:** I guess the colors change periodically from year
15 to year. One of the problems they have is some vessels have a
16 reef fish and a coastal migratory pelagic and so if they
17 transfer one permit off the vessel, they have still got a
18 sticker on there and it's just a lot of shuffling around of
19 stickers and things, but I guess the color can vary from year to
20 year.

21
22 **DR. PAMELA DANA:** I think we were remiss as a council when we
23 moved forward for a final action on this item in not taking it
24 fully to the public. I myself went to almost every charter and
25 headboat operator in my area to tell them that this was going to
26 a final action and what was their opinion on it and they had not
27 -- They weren't aware of it and they are absolutely opposed to
28 having the decals removed because -- For a number of reasons.

29
30 They feel like we have the federally-permitted charter guys that
31 are different than the state guides and they don't have to have
32 the permits and so it's a way to differentiate and, as Johnny
33 said, in federal waters, it's also a way that the charter boats
34 can self-police as to who is supposed to be out there and who
35 isn't supposed to be out there at certain times.

36
37 With the various states going different lengths of time to the
38 federal, it's important that we know who is perhaps crossing the
39 federal lines and if they don't have their permits or the decals
40 on the side, then -- Again, it's a way to self-police.

41
42 Now, I would like to hear from Jason Brand, being from law
43 enforcement, in a moment, but, again, our guys went so far as to
44 say if the law enforcement can't see the decal because it's too
45 small, make it bigger. Make it twelve-inches-by-twelve-inches,
46 but it's really important to them.

47
48 We also have decals that we have to showcase from the State of

1 Florida and if we have restricted species for commercial, we
2 have to have those decals and so I would just urge the committee
3 to not move on final action.

4
5 **CHAIRMAN BOSARGE:** Jason, do you want to reply to that?

6
7 **LCDR JASON BRAND:** To Dr. Dana's point, I was okay with removing
8 it when we brought it up, but if the industry wants to keep it
9 on, we would be okay with that, too. I don't think it makes too
10 much of a difference from our aspect. Once we get onboard,
11 we're going to check the paperwork to find out what they are,
12 but it is useful to have self-policing to us when we have
13 limited resources out there, if they can report something to us
14 if they see a vessel heading offshore with a permit and they
15 report it. That would be helpful.

16
17 **MR. CORKY PERRET:** I'm not on the committee, but if ain't broke,
18 why are we trying to fix it? Back to the purpose and need.
19 It's proposed to eliminate the requirement for the decal and the
20 need is to alleviate unnecessary permit compliance burdens on
21 fishermen. Is it indeed a compliance burden? From what I am
22 hearing from the fishermen, I don't think it's that much of a
23 compliance burden. Dr. Dana's suggestion is right on target.
24 If the decal is too small, make it larger, as we do in other
25 fisheries.

26
27 Burden on law enforcement, I don't see how in the world it's a
28 burden on law enforcement except unless they are old like me and
29 their glasses aren't strong enough and they can't see the decal
30 and make it larger.

31
32 Here I suspect Dr. Crabtree is coming in. Administrative
33 burdens and cost on the permit-issuing agency and is it indeed
34 that much of a cost and a burden to issue a decal? I mean,
35 Steve, I guess you're the guy that --

36
37 **DR. CRABTREE:** It is a cost. We have to buy these and we have
38 to print them. It is a cost and we have to print the permits
39 and we have to have a printer for them and we have to order them
40 and print these things and it's a cost for something that
41 doesn't appear to have much value.

42
43 **MR. PERRET:** I am hearing that the people in this particular
44 fishery want to keep it and they feel that it's good and I think
45 the best suggestion I've heard is from Dr. Dana to make the
46 decal larger where enforcement can see it.

47
48 **DR. CRABTREE:** It's not as simple as just saying make it larger.

1 Then we have to buy a whole new printer and get set up for
2 larger permits and all that stuff costs money. How big do you
3 want it?

4
5 **MR. DAVID WALKER:** I would like to see it larger. I think most
6 printers print eight-and-a-half-by-eleven and that's not exactly
7 twelve-by-twelve, but I think it's a good idea to keep it on and
8 let them enforce it. I mean I was wondering -- Roy, did you say
9 that if they take the permit off that they could leave the decal
10 on? Was that correct?

11
12 **DR. CRABTREE:** Can you repeat the question?

13
14 **MR. WALKER:** Did you not say if they removed the permit, the
15 federal permit, that they could still leave the decal on?

16
17 **DR. CRABTREE:** They probably shouldn't, but they might and I
18 don't think anybody is going to get a ticket because they have
19 left the decal on, but if they switch permits, then they need to
20 get another -- See, the decal like this is Gulf reef fish permit
21 and coastal migratory pelagic.

22
23 If a vessel traded one of those permits off, then they should,
24 in theory, get another decal that just says "Gulf reef fish" on
25 it. Now, you would have to be about eight inches from the
26 permit to be able to tell that, but, in theory, you would need
27 to trade decals off.

28
29 **MR. WALKER:** It just seems, to me, with the colors and a little
30 larger that you ought to be able to see it. The color changes
31 every year and just change the color and the size.

32
33 **DR. STEVE BRANSTETTER:** The color thing, at least the way we do
34 it right now, the color changes on January 1 and your permit
35 changes on your birthday and so at any given time, there could
36 be three valid permit colors on the water and so just having a
37 color out there doesn't help.

38
39 If we do this, if we keep this, we are going to go to two
40 permits and so we lose this you trade one permit and now you've
41 got an invalid decal onboard. We're going to go to two decals,
42 which doubles the cost and doubles the -- That's a whole new
43 printer system and so that's just FYI.

44
45 **DR. DANA:** Once again, the industry that this affects were by
46 and large unaware that this action was going into the final
47 phase and they are opposed to this, to being exempted or to not
48 have those decals. They want the decals on there.

1
2 When this council chose not to support 30B, they set apart the
3 federal charter guys or kept the federal charter guys as
4 separate from all other fishermen and so you've got those who
5 have to have the permits and when you say it doesn't add value,
6 it does add value to the federal charter for-hire that has to
7 have that permit in hand.

8
9 That decal has value to them and if that one -- As you said, Dr.
10 Crabtree, if the one decal oversees both the reef permit and the
11 pelagics, then have two decals that addresses that issue. If an
12 angler or if a charter guy gets rid of his permit, then he
13 should have to take that decal off, because if Commander Brand
14 boards that vessel and they have the decal on the side, but yet
15 they don't have the paperwork, that's a problem.

16
17 **MR. WALKER:** It seems like it would be some way, even if it's
18 just black and white and had different colored stickers that
19 went on it. Put it on the top of the boat, big letters on the
20 top, that identify the charter fishing vessel as federally
21 permitted.

22
23 **CHAIRMAN BOSARGE:** I have a technical question. There seems to
24 be a couple different avenues. We thought this was
25 straightforward and we thought we were getting rid of some
26 regulations and everybody was excited about that, but it turns
27 out, as usual, that change is the only constant and we have some
28 other issues to look at here.

29
30 Now, in this document that we have before us, there is not an
31 action item where we choose a preferred and it's simply 2.4,
32 management measures contained in this proposed action, which is
33 to eliminate the requirement for vessels to display this decal.

34
35 If it turns out that the will of this committee is not to move
36 forward with this, we don't have a status quo option and so
37 where do we go from there if that was the will?

38
39 **DR. CRABTREE:** Look, this is not a big deal. If you're not
40 comfortable getting rid of the decal, don't get rid of it and
41 let's move on.

42
43 **CHAIRMAN BOSARGE:** Having said that, are there any motions for
44 this action item on the agenda?

45
46 **MR. SANCHEZ:** Do we need one to just --

47
48 **CHAIRMAN BOSARGE:** If there are no motions, we will move on the

1 next agenda item.

2
3 **MR. SANCHEZ:** If you need one, then I will gladly make a motion
4 that we reject 2.4 and not eliminate the requirement for vessels
5 issued a Gulf for-hire permit to display the decal for that
6 fishery and you can have free liberty to word that any way you
7 want if I get a second.

8
9 **CHAIRMAN BOSARGE:** We will wait until we get the motion on the
10 board. We have a motion and do we have a second? It's seconded
11 by David. Mara, do you have some feedback?

12
13 **MS. MARA LEVY:** I am just wondering if it would just be easier -
14 - Because 2.4 refers to something in the document that I assume
15 is saying what we're going to do but we're not going to do.
16 Just to say to stop work on the framework action to eliminate
17 the permit decals for for-hire vessels and just don't do it.

18
19 **CHAIRMAN BOSARGE:** John, are you okay with that amendment?

20
21 **MR. SANCHEZ:** That's my motion.

22
23 **CHAIRMAN BOSARGE:** When we get it up there, David, let us know
24 if you're okay with that as the seconder.

25
26 **MR. WALKER:** I am okay.

27
28 **CHAIRMAN BOSARGE:** We have a motion on the board and is there
29 any further discussion on the motion? **Seeing none, all in favor**
30 **of the motion say aye; all opposed same sign. The motion**
31 **carries with one in opposition.**

32
33 **EXECUTIVE DIRECTOR DOUGLAS GREGORY:** May I respectfully suggest
34 we take a break at this point?

35
36 **CHAIRMAN BOSARGE:** Sure.

37
38 **EXECUTIVE DIRECTOR GREGORY:** Thank you and I also wanted to make
39 an announcement. We are having the Chairman's social tonight in
40 Room 665 at about 5:30.

41
42 (Whereupon, a brief recess was taken.)

43
44 **CHAIRMAN BOSARGE:** We just finished with Item Number VI on the
45 agenda, if you could make your way back to the table. We are
46 going to move on to Item Number IV on the agenda, the NOAA
47 Climate Change Strategy. I think we're going to let Doug
48 Gregory give us a quick presentation to refresh our memory on

1 the draft climate change strategy before we go into Dr.
2 Patterson's presentation.

3
4 **NOAA CLIMATE CHANGE STRATEGY**
5

6 **EXECUTIVE DIRECTOR GREGORY:** This presentation was given to the
7 council in January. I think we were the first council to
8 actually get it and we didn't have the strategy document at the
9 time. That came out about a week later. That has been
10 distributed to the council and then the climate presentation was
11 also given to our SSC for their last meeting.

12
13 What I want to do is I've got five slides from it, just as an
14 overview. There is basically seven major objectives for this
15 climate science strategy. One is to identify appropriate
16 climate-informed reference points. Reference points are what we
17 manage our fisheries by and so climate information could change
18 the way we look at reference points and the uncertainty about
19 those points and the precautionary nature we might treat these
20 reference points and so it's very important.

21
22 Objective 2 is to identify robust management strategies. Again,
23 these are management strategies that might be robust or
24 resilient to changes in the climate or in the environment.

25
26 Objective 3 is to implement adaptive decision processes that
27 respond to changing climate conditions. Adaptive management is
28 a mechanism for dealing with issues. I think the council's
29 system inherently incorporates some of those adaptive processes.
30 If something is not work it, you change it and that's basically
31 what it is, but in a more formal manner.

32
33 Objective 4 is to identify likely future states to plan for.
34 This is really going to be a challenge for the Science Team and
35 then the next layer -- I am not going to yet, but I will show
36 you the hierarchy of all this.

37
38 Objective 5 is to identify mechanisms of climate effects to
39 improve projections and responses. If we can identify what
40 mechanism the climate change is having or using to affect
41 population trends or ecosystem trends, then we can project and
42 predict what might be happening with different attributes.

43
44 Objective 6 is to track trends and provide early warnings of
45 changes and so along the same lines as Objective 5. Objective 7
46 is to strengthen the science infrastructure required.

47
48 These are the same objectives, but in a pyramid shape that has

1 Objective 1 at the top and Objective 7 at the bottom and at
2 first glance, it's a little non-intuitive, because you can't do
3 one without the others beneath it. Objective 7 really is the
4 thing that is going to make this strategy work.

5
6 We have got to have the science infrastructure and we've got to
7 have the science to produce and deliver the information that we
8 can act on and that science will indicate what status and trends
9 are, provide us the information on change, which allows us to do
10 the projections and manage the change itself, that results in us
11 avoiding or changing and dealing with reference points.

12
13 In the draft letter later, you will see that I have emphasized,
14 as a recommendation for the council, that it's really Number 7
15 and 6 that we think NMFS should be working on well before they
16 start providing guidance or guidelines for us to modify our
17 reference points or develop multiple or alternative management
18 strategies, because without the science and without the data,
19 it's going to be largely speculation on what to do with the
20 reference points.

21
22 In their document, it's urged that reference points and
23 strategies are one of the short-term things to do. For
24 instance, recommended immediate actions from the strategy are to
25 conduct living marine resource climate vulnerability analyses in
26 each region, maintain and develop ecosystem status reports to
27 track and change and provide early warnings. We have
28 incorporated a comment from the SSC on that and Will Patterson
29 will give the SSC overview following this presentation.

30
31 Number 3 is to increase the capacity to conduct climate-informed
32 management strategy evaluations. This is a relatively new
33 concept for me, management strategy evaluations. I know we are
34 trying to get one done through the Center on red grouper and
35 that's to look at alternative management approaches to red
36 grouper and see how sensitive or how vulnerable the population
37 is to those different strategies.

38
39 The recommended short-term actions are to complete region-level
40 action plans. This would be something done between the Science
41 Center and the Regional Offices with input from the council and
42 other partners.

43
44 To strengthen the science-related science capacity nationwide.
45 Again, this is very important. It's the basis for everything
46 else that follows. To increase resources for process-oriented
47 research and to establish climate ready terms of reference for
48 ESA, Magnuson Fisheries Management Act, Marine Mammal Protection

1 Act, stock assessments, and biological opinions.

2
3 This is the one that concerns me, the establishing a climate
4 ready terms of reference, because I think we're years away from
5 understanding what they might be for our specific stocks. That
6 concludes my overview of the strategy.

7
8 The full report is online at this website and I don't think it's
9 in our briefing book. The full report is in the briefing book,
10 but I don't think the full slide presentation that Roger Griffis
11 gave us in January is in the briefing book, but I can make it
12 available to you. With that, if there is any specific questions
13 about what I did, we will address those and then we'll move into
14 the SSC report.

15
16 **CHAIRMAN BOSARGE:** Any questions for Doug?

17
18 **MR. PERRET:** Don't laugh, but let's assume whatever the months
19 from now and you're going to go through the intermediate and
20 short term and all that stuff and we're going to see what the
21 issues are, but what can we do or what can you all do or what
22 can the agency do about any changes in the climate? How can we
23 make a difference there? We may know all this stuff, but we
24 can't impact the changes that are going to happen.

25
26 **EXECUTIVE DIRECTOR GREGORY:** Right and there is nothing in this
27 strategy that talks about trying to mitigate climate changes.
28 All this is is a reactive adaptation document to what changes
29 are already occurring and so this is only dealing with
30 adaptation of climate changes relative to marine fisheries or
31 living marine resources. It has nothing to do with mitigation
32 or trying to prevent climate change from getting worse.

33
34 **MR. PERRET:** I guess I keep looking at Bob Zales and he is
35 looking back at me. We've got biological uncertainties and
36 we've got management uncertainties and we've got so darned many
37 uncertainties we worry about in managing a fish today and now
38 we've got the climate coming at us.

39
40 You young guys are going to have a lot more uncertainties to
41 deal with and I just want to wish you luck, but we've got to be
42 realistic about this stuff. What can we do, things we can work
43 on to improve, and so on and so forth? I am not saying stick
44 your head in the sand, but I think we've got a hell of a lot
45 more to worry about than what's going to happen naturally with
46 any climate variations, but that's just my two-cents worth.

47
48 **CHAIRMAN BOSARGE:** With that, Dr. Patterson, would you like to

1 give us your presentation?
2

3 **EXECUTIVE DIRECTOR GREGORY:** Save the world.
4

5 **SSC COMMENTS**
6

7 **DR. WILL PATTERSON:** Well, let's not get carried away. The
8 presentation the council had seen earlier was presented by Dr.
9 Griffis at the last SSC meeting and the question that Corky just
10 asked actually came up and I would like to touch on that real
11 quickly while we're leading the talk.
12

13 One of the questions that was asked was about mitigation of
14 effects and not so much monitoring and trying to examine shifts
15 in biological productivity related to those impacts and so one
16 of the questions was there anything in the draft policy that
17 addressed switching to alternative fuels or other green
18 technologies that might make fishing vessels more efficient and
19 Dr. Griffis indicated that was not part of the -- That was not
20 included in the current draft of the policy, but he made a note
21 of it and said perhaps in the future they could touch upon that.
22

23 Otherwise, mitigation wasn't really part of the policy or it was
24 not part of the policy or the presentation. Instead, this is a
25 nationally-led approach to look at the potential impacts of
26 climate change on a regional basis.
27

28 Basically, in the context of this, Dr. Griffis outlined for us
29 the whys, why is this topical and obviously the growing demands
30 for climate-related information in the face of climate change
31 and its various iterations.
32

33 The goal of the policy is to examine or to increase the
34 productivity or production, delivery, and use of climate-related
35 information, to support agency and stakeholder decisions, and
36 obviously in the context of the Gulf Council, that would be in
37 this region. Then, lastly, to ask the councils, and indirectly
38 the SSCs, to provide input on the draft strategy and future
39 regional action plans. That's the reason for the presentation
40 to the council and then the SSC, to examine the regional
41 information and to put together these regional action plans.
42

43 Obviously climate change -- There are several different drivers,
44 whether it be temperature, obviously temperature impacts,
45 changes in hydrologic cycles in different regions. They will be
46 affected disproportionately among regions. Then, also, this is
47 being driven by atmospheric greenhouse gases, including CO2, but
48 an increase in CO2 concentration will also drive or is driving

1 ocean acidification.

2
3 As Corky pointed out, these add a lot of uncertainties to the
4 system, some of which with the current technology are basically
5 intractable. However, we have physical and chemical impacts,
6 biological impacts, and social and economic impacts.

7
8 Basically, one of the take-homes from this presentation and
9 having this policy, this science strategy in place, is to really
10 start to monitor these different impacts and examine which ones
11 we're seeing in a given region. Here, obviously we're concerned
12 about the Gulf and maybe the South Atlantic and their
13 connectivity.

14
15 Obviously Dr. Ponwith's group at the Center is concerned not
16 only with these two regions, but also the Caribbean and HMS and
17 what impacts may be occurring there and so, again, back to
18 Corky's comment and question, it is not so much about
19 mitigation, but just examining the changes that are being
20 observed.

21
22 One of the big uncertainties then is how much of a change in
23 production, for example, is actually being driven by climate?
24 One of the approaches and what's being laid out is to produce
25 these regional plans and to have them updated annually or
26 biannually.

27
28 That was part of the discussion in this region and really how
29 this is being handled here currently is through the Integrated
30 Ecosystem Assessment Program that's being run through the
31 Southeast Fisheries Science Center and so Shannon Calay, who is
32 the Chief of the Sustainable Fisheries Division for the Gulf and
33 Caribbean, is a member obviously of our SSC and so Dr. Calay
34 basically reiterated, because we had had some presentations with
35 respect to this Integrated Ecosystem Assessment Team, and she
36 indicated that there is basically one person that has an FTE
37 that is devoted to this team and it's only 35 percent of his
38 time, if I remember that number correctly.

39
40 Then there are some other folks who are postdoctoral scientists
41 and other members of the team and so one of the concerns we had,
42 before we heard those numbers, was in this region -- I mean
43 we've already had examples this morning or this afternoon,
44 whether it be running annual updates of mackerel ABC/ACL
45 information or doing an update of the red snapper assessment in
46 2016, given the other items already on the SEDAR schedule, that
47 when you decide to put resources in one place, as Dr. Ponwith
48 pointed out, there are opportunity costs.

1
2 You are not going to be able to do something else and so one of
3 the big questions that the SSC had with respect to this policy,
4 this new strategy, was how many new resources would be devoted,
5 on a regional basis, to examining these questions, because
6 clearly they are going to be important in order to at least
7 understand what's happening, even if corrective actions can't be
8 taken.

9
10 One thing Dr. Griffis did point out is that in the 2017 and 2018
11 draft budget information already available is that this is the
12 highest priority or among the highest priorities for the agency,
13 is to address climate change and for as far as fisheries, that
14 there are resources that will be asked for to begin, on a
15 region-by-region basis, to address this and address data needs.

16
17 Again, in the Southeast, we have a couple of documents that I
18 have posted here, a recent paper in the *Journal of Global*
19 *Change*, that Dr. Mandy Karnauskas is the lead author on, but
20 several members of the Southeast Fisheries Science Center
21 scientific team.

22
23 There is progress being made in the region to examine these
24 impacts and to try to track and model what information is -- To
25 provide estimates based on currently available information as
26 well as to generate ideas about what information will be needed
27 to go forward, but at the beginning of this process, the biggest
28 concern from the SSC was if you put this in place but don't
29 devote resources to actually make it functional, then it's not
30 going to be meaningful to our region and basically that was the
31 bulk of our discussion.

32
33 Yes, of course this is important and it's a substantial topic
34 and it needs to be explored and it's being explored, but one of
35 the biggest things that we face here is just a lack of resources
36 to examine this, given other operational tasks that are already
37 perhaps stressed to their limit.

38
39 **CHAIRMAN BOSARGE:** Thank you, Dr. Patterson. Any questions?
40 All right. Then we're going to move back to Doug Gregory and he
41 is going to go over his letter on the Draft Climate Change
42 Policy. If you are following along, this is Tab E, Number 7(b),
43 Draft Climate Change Comment Letter.

44
45 **DRAFT CLIMATE CHANGE COMMENT LETTER**

46
47 **EXECUTIVE DIRECTOR GREGORY:** Thank you. Yes, we incorporated
48 the SSC's concerns in this and I will read this quickly, just to

1 get it on the record.

2
3 The Gulf of Mexico Fishery Management Council reviewed the NOAA
4 Fisheries Draft Climate Science Strategy on three occasions.
5 The council was briefed by Roger Griffis at the January council
6 and March SSC meetings and the council's Sustainable
7 Fisheries/Ecosystem Management Committee reviewed the strategy
8 in more detail during the March council meeting.

9
10 The council applauds NOAA Fisheries for producing such a
11 comprehensive strategy for building a framework to address
12 potential climate impacts on our living marine resources and is
13 eager to participate in the development of the southeast
14 regional implementation plan.

15
16 The challenges posed in the Climate Science Strategy are great
17 and best exemplified by difficulties encountered by the
18 scientific community to develop ecosystem models to inform
19 management, but, as the proposed strategy clearly explains, the
20 need to address climate impacts is imperative if fishery
21 managers are to accurately ascribe population changes to
22 underlying effects and make robust and appropriate management
23 decisions.

24
25 While the council understands the need to use the best available
26 science, the science never seems as well developed as needed.
27 The council's main concern with the proposed strategy is that
28 NOAA Fisheries not rush too quickly into establishing guidelines
29 to develop climate-smart management reference points, which is
30 Objective 1, and management strategies, Objective 2, before
31 there is an adequate science infrastructure in place to properly
32 inform such changes. To me, that's the main point.

33
34 The Climate Science Strategy identifies the need for partners
35 and clearly the councils are one of those partners.
36 Surprisingly, however, the Gulf Council saw no mention in the
37 strategy of partnering with National Sea Grant to assist with
38 either the educational components or with the various offices
39 within NOS.

40
41 The council encourages that the full capabilities of the NOAA
42 family, including the Southeast Fisheries Science Center's
43 Integrated Ecosystem Assessment Group that is developing
44 processes for ecosystem assessments, be coordinated to assist in
45 the monumental effort that will be required to address future
46 management challenges in a proactive manner. The council also
47 urges NOAA Fisheries to work with the various Landscape
48 Conservation Cooperatives that are working on similar issues.

1 That is from the SSC.

2
3 The draft Climate Change Strategy suggests that ecosystem status
4 reports be generated annually or biennially. The council's SSC
5 feels that this is too infrequent and has recommended reporting
6 as frequently as quarterly, in order to detect ecosystem changes
7 at an early stage.

8
9 There was little mention in the draft strategy of funding and
10 staffing needs. There needs to be a high priority to providing
11 funding to hire staff and conduct the necessary data collection
12 and research activities to support the strategy. Increasing
13 capacities of the Science Centers to conduct climate-informed
14 management strategy evaluations would likely require that each
15 Science Center hire an MSE specialist. Again, this is coming
16 from the SSC directly.

17
18 Diverting existing staff and funding from other critical
19 activities such as stock assessments will only hurt the overall
20 mission of National Marine Fisheries Service.

21
22 There are some areas where the council believes additional
23 clarification could be useful. In particular, would a specific
24 adaptive process be defined in a set of guidelines or is the
25 existing council process considered adaptive? A clearly defined
26 adaptive approach would be useful. Also, the term "harvest
27 control rule" should be clearly defined, especially if the
28 implication is something other than a refinement of our existing
29 ABC Control Rule.

30
31 The Gulf Council also would like to see an emphasis on
32 maintaining current monitoring facilities that have long time
33 series associated with them. Thank you for allowing the Gulf
34 Council to provide input into the Draft Climate Science
35 Strategy. Sincerely, Kevin Anson. That is a draft and I would
36 welcome any editorial changes or suggestions.

37
38 **CHAIRMAN BOSARGE:** Thank you, Doug. This Climate Strategy
39 Policy is still in its early stages of development and I think
40 you and Kevin have done an excellent job of capturing some of
41 the concerns that that SSC and we as a council may have on
42 making sure that we implement this in the most efficient manner
43 and get what we need from this to be proactive about it. Did
44 the committee have any feedback on the letter? Was there
45 anything that you all would like to see added or amended or do
46 you like what's presented before us? Hearing nothing, I assume
47 we like the letter.

48

1 **EXECUTIVE DIRECTOR GREGORY:** Okay. We will proof it and
2 wordsmith it a bit more. There's a couple of hiccups in there.

3
4 **CHAIRMAN BOSARGE:** Would you like a motion to give you editorial
5 license that we approve the letter to forward it on and give you
6 editorial license?

7
8 **EXECUTIVE DIRECTOR GREGORY:** Yes, please.

9
10 **CHAIRMAN BOSARGE:** Would anybody on the committee like to make
11 that motion?

12
13 **MR. HARLON PEARCE:** So moved.

14
15 **CHAIRMAN BOSARGE:** Harlon has made the motion. Do we have a
16 second for that? It's seconded by Lance. The motion is on the
17 board. The committee gives staff editorial license and approves
18 the letter, and we may want to say "draft letter", on Climate
19 Change Strategy. The committee gives staff editorial license
20 and approves the draft letter on Climate Change Strategy for
21 submission. We have a motion on the board and is there any
22 discussion on the motion? **Seeing none, any opposition to the**
23 **motion? The motion carries.**

24
25 Next on our agenda, we are going to move on to National Standard
26 1, 3, and 7 Proposed Revisions and I believe the first thing
27 we're going to do under this agenda item is the review of these
28 revisions, which is Tab E, Number 4. Is Alan Risenhoover with
29 us? Would you like to come up, sir?

30
31 **NATIONAL STANDARD 1, 3, AND 7 PROPOSED REVISIONS**
32 **REVIEW OF REVISIONS**

33
34 **MR. ALAN RISENHOOVER:** Thanks and if we can have that
35 presentation.

36
37 **EXECUTIVE DIRECTOR GREGORY:** Alan, we greatly appreciate you
38 taking the time to come down here. I know you didn't come just
39 because of the weather.

40
41 **MR. RISENHOOVER:** Okay, but it was close. I do appreciate the
42 opportunity to get out of D.C., as they say, to do a little bit
43 with the council. Thank you, Madam Chair. I have a full
44 presentation that we included in the briefing book of thirty-
45 some slides. In the interests of time, we have cut that down to
46 a dozen or so that I am still going to run through fairly
47 quickly.

1 As you know, we published a proposed rule in January and the one
2 important point I want to leave with you, if nothing else, is
3 that we would like your comments or those of your stakeholders
4 and constituents by June 30.

5
6 I am going to run through this very quickly. This is just a
7 subset of the slides that are in the briefing book and so the
8 full presentation will be there if you want to review it.
9 Additionally, I think I have Dr. Wes Patrick on the phone and so
10 if the end, if there are easy questions, I will answer them and
11 if they are tough, he will answer them.

12
13 Let's go to the next slide for a little bit of background here.
14 As you know, National Standard 1 deals with optimum yield and
15 preventing overfishing and so that's our goal. In 2009, we
16 issued regulations following the reauthorization of the Magnuson
17 Act at the time and since that time, the agency and the
18 councils, in partnership, have worked really hard and we have
19 implemented the annual catch limit provisions of that Act.

20
21 Thinking back to that and over the last few years of
22 implementing that, we thought it may be time to look at those
23 measures and see if there needs to be a revision. We have
24 learned a lot over those years and I think revising and
25 reviewing and updating is appropriate and we want to hear from
26 you all on that.

27
28 Again, on the need and basis, the 2009 regulations seem to have
29 been very successful. At present, there are fewer stocks
30 subject to overfishing and fewer overfished stocks around the
31 country than there ever has been before, since we started
32 reporting that data in about 2000. Those guidelines have worked
33 and, as I mentioned, we think it's time to look at reviewing
34 these.

35
36 We have had a number of comments from constituents and councils
37 in a variety of forums and some of them are listed here,
38 including the Managing our Nation's Fisheries of a couple of
39 years ago, the Rec Fishing Summit that occurred just last year,
40 and a variety of others.

41
42 Before I get started on some of the individual provisions and,
43 again, I am going to go through them very quickly, I want to
44 start by telling what this proposed rule does not do. What it
45 does not do is establish any new requirements or require the
46 councils to go back and revise their FMPs or to take new
47 actions.

48

1 What we are simply trying to is highlight some additional
2 flexibilities and tools that the councils can use in moving
3 forward in the future and so I will try and point that out as we
4 go forward. It also does not alleviate any of the needs of the
5 Magnuson Act and so we can't change the statute and so annual
6 catch limits that prevent overfishing are still required.

7
8 It may address some of the topics that Congress is talking about
9 in reauthorization, but, again, all of these provisions stay
10 within the sideboard of the Act. Then, finally, it doesn't
11 alleviate any of the National Standard 2 best scientific
12 information requirements. You still need to use those as you go
13 forward.

14
15 Today, I am going to talk about seven major elements and I am
16 going to talk about them quickly, in the interests of time, but
17 if you look at these in general, we have tried to have a theme
18 of, again, increasing flexibility, providing more tools, trying
19 to stabilize fisheries. What I mean by stabilize is that the
20 quotas don't jump up and down as much as perhaps they did in the
21 past.

22
23 Most of the things I will talk about today are being used by
24 councils around the country right now and hopefully this
25 proposed rule will highlight those as we go through.

26
27 The first area is increasing flexibility in rebuilding programs
28 and so generally, as you know, the NS-1 Guidelines and the Act
29 require that if a stock can be rebuilt within ten years, that
30 would be the maximum rebuilding period. If it takes more than
31 ten years, we have offered, in the past, the use of T_{min} , which
32 is the minimum time to rebuild a stock absent fishing, plus one
33 mean generation time.

34
35 What we have proposed in this rule are two new provisions that
36 would allow the councils, depending on the information available
37 on the stock that they're looking at, another way to do the
38 rebuilding period.

39
40 The first one is simply two times T_{min} and so two times the time
41 period it would take the stock to rebuild absent any fishing.
42 It's very simple and straightforward. Most people have a
43 definition of T_{min} for their stocks and this has been used
44 around the world, particularly in New Zealand.

45
46 A second way, and it's reflected in our current guidelines, is
47 to rebuild at 75 percent of the maximum fishing mortality
48 threshold and so depending on the information that's available

1 to the council, they would have three ways to set a rebuilding
2 period for stocks when the rebuilding time is greater than ten
3 years.

4
5 Again, I just want to emphasize this doesn't mean that we're
6 asking the councils to go back and rebuild all of their
7 rebuilding programs. We see this as a prospective thing of
8 rebuilding programs in the future. Whereas you're revising
9 rebuilding programs, perhaps you would look at this other
10 information to see if that fits your stocks better.

11
12 The one question we always get is what's the difference? Does
13 it add time or does it subtract time? We have taken some
14 idealized stocks and ran the three calculations here and you
15 will see that time is on the Y-axis there and the productivity
16 of the stock is along the horizontal axis.

17
18 Something that would rebuild quickly, with high productivity, is
19 on the right side of the chart and on the left side would be
20 slower rebuilding stocks and you can see that there are some
21 differences, but, in general, this isn't going to change
22 rebuilding time periods a lot. However, it may give you more
23 certainty in setting those time periods, because it's based on
24 the biology of the stock or the information that you may have on
25 it.

26
27 The next one down is adequate progress in determining whether a
28 rebuilding program is making adequate progress and so we define
29 the negative of that, which is the term in the Act of the
30 Secretary is to determine every two years whether inadequate
31 progress is being made and that would be if catch is continually
32 exceeding your F rebuild, that is your fishing mortality rate
33 for rebuilding, your associated ACL, or that your AMs are not
34 working to control that catch and keep that stock not subject to
35 overfishing and that your rebuilding expectations may change due
36 to new information.

37
38 Perhaps some of the climate information or you get a new stock
39 assessment that says your rebuilding program perhaps is not
40 based on the best available information and you would look at
41 that.

42
43 The third item here is interim measures, which is related a
44 little bit to this rebuilding progress. In between discovering
45 that a fishery needs a rebuilding program, there is two years
46 and you need to end overfishing within that. What this
47 provision would do is allow, during that period, in very limited
48 circumstances, and we have only done this twice that I know of,

1 one in New England and I believe the other one was the Mid-
2 Atlantic tilefish, is to reduce, but necessarily end,
3 overfishing during that first year under three strict
4 conditions.

5
6 Stock status must have significantly changed and so, for
7 example, a severe drop in the stock from the last stock
8 assessment that was unpredicted. Ending overfishing immediately
9 would have severe economic or social impacts and during this
10 interim period, while these interim measures are in place, the
11 biomass cannot decrease and so perhaps you wouldn't have to go
12 as far during that first year, but another year you would have
13 to do that.

14
15 Another one would be extending the timeline for rebuilding
16 programs. We had a National Research Council report that showed
17 perhaps upwards of 30 percent of stocks that were in rebuilding
18 programs were not overfished when they went into those
19 rebuilding programs. The status now is that we would just
20 continue rebuilding those, which is fine and it would rebuild
21 those stocks to a higher level.

22
23 Instead, the report noted that what we want to do is, more than
24 looking at the biomass at any point during that rebuilding
25 program, looking at your F rebuild. Are you controlling fishing
26 mortality below your rebuilding threshold and, if so, don't
27 worry so much about the biomass. Again, the biomass may vary
28 from year to year depending on environmental or other conditions
29 and so a little help on rebuilding timelines.

30
31 The final one would be on discontinuing a rebuilding program and
32 what you do if you get to the end of your rebuilding program.
33 Again, the proposed rule notes that a rebuilding plan may be
34 discontinued if the Secretary determines that the stock was not
35 overfished and currently not overfished. Again, these have been
36 done around the country, but we're just trying to clarify that
37 in this proposed rule.

38
39 The second major element of the proposed rule is how do we
40 better manage data-limited stocks? I think in the Gulf and
41 elsewhere that you have a series of stocks where you don't have
42 a lot of data and are taking different kinds of actions to deal
43 with that and so what we've tried to do in the proposed rule is
44 recognize those, that there are other ways of setting
45 overfishing and overfished thresholds, perhaps when you can't
46 determine what MSY is.

47
48 Again, the councils would need to be very clear on why they are

1 using those that they are and what those status determinations
2 would look like for those when you can't determine what the
3 maximum sustainable yield is. I believe here in the Gulf that
4 you use some construct of the Restrepo sustainable average catch
5 and so obviously that fits within it, if that's not exactly what
6 you've named it here.

7
8 A third major element of the rule is looking at what stocks
9 require conservation and management. This has been an issue in
10 some locations and so we thought that clarifying what stocks are
11 in need of conservation and management and inclusion in the
12 fishery management plan is important.

13
14 We did move parts of National Standard 3 and National Standard 7
15 forward. They included information on how councils should
16 determine whether a stock is in need of conservation and
17 management and we felt like it would be good if all of that was
18 in one place instead of being split between National Standard 1,
19 3, and 7.

20
21 There is no real substantive changes to Standards 3 and 7 other
22 than to move those forward and so we have proposed in the rule
23 that we clarify that stocks that are definitely in need of
24 conservation and management are those that meet two criteria.
25 It's predominantly caught in federal waters and the stock is
26 overfished, undergoing overfishing, or likely to become so.

27
28 Additionally, those are not the only criteria for a council to
29 include a stock in their fishery management plan. We have a
30 rather extensive list, again pulling from National Standards 3
31 and 7, those guidelines, of ten other factors that the councils
32 can use to determine whether their stocks are in need of
33 conservation and management. Again, there is nothing that the
34 council needs to do to revise what stocks it currently has under
35 conservation and management.

36
37 In sum, we would end up with three types or classes of stocks.
38 Stocks that would require conservation and management that would
39 be in your plans, stocks not in need of conservation and
40 management, but may be in your plans. These would be things
41 like ecosystem component species you may have now or other
42 stocks that you are monitoring or trying to manage bycatch of
43 and then other managed stocks, which we would envision as stocks
44 that may in other fishery management plans, just to make it
45 clear those three classes of stocks.

46
47 Fourth, we tried to include some ecosystem approaches in the
48 national guidelines, since many of the councils are trying to

1 move toward ecosystem management. We thought it would be good
2 to outline some of the ways that they could do that.

3
4 The first is that they could use an aggregate maximum
5 sustainable yield. Instead of doing an MSY on an individual
6 stock basis, they could do it on a fishery or an ecosystem basis
7 to manage their stocks.

8
9 The proposed rule also clarifies that the annualized expression
10 of OY is equivalent to the annual catch limit. That was
11 something we left out of the 2009 guidelines and folks were
12 concerned or wondering how does OY relate to ACL and so if you
13 look at the proposed rule, we have some language in there to try
14 and clarify that as well. Finally, we emphasize that if you
15 don't have quantitative estimates of OY or things to calculate
16 your OY, you may use qualitative estimates as well.

17
18 The fifth category is trying to provide for more stable
19 fisheries and that is that we don't chase the last data point.
20 Perhaps your stock biomass is down and you end up with kind of a
21 seesaw or a rolling sort of quota over the years. Again, it's
22 trying to provide the fishermen and the fishery stability over
23 several years to do that.

24
25 The reason for that is often the last data point in the series,
26 either your stock assessment or your catch estimates, may be the
27 most uncertain, whereas over time the other ones should become
28 more certain. We found, in looking at some of the stocks around
29 the country, about a 20 percent variance from year to year
30 anyway and so trying to manage that.

31
32 One way to do that would be to establish some multiyear
33 overfishing criteria, where you would take no more than three
34 years of whatever your catch is and average that and compare
35 that to your overfishing level and so if you had two years, for
36 example, that were less than your overfishing limit and one year
37 above, it doesn't automatically make it subject to overfishing.
38 You would take a three-year running average to try and smooth
39 that out and keep the fishery a little bit more stable.

40
41 There is an example in the fuller set of slides of snowy grouper
42 from the South Atlantic, where in fact they are using a
43 multiyear average that they had a stock that in just one year
44 snuck above their overfishing limit, but they didn't require it
45 to be designated as overfishing because of this average. Again,
46 many of these things are currently in use around the country.

47
48 Another one that I will give an example for is a phase-in

1 approach to your ABC rule. As you get new stock assessment
2 information, sometimes that would show that perhaps you need to
3 lower your catch significantly and we would propose, much like
4 the overfishing definition, that you would do that over a three-
5 year period and phase in, for example, that lower, or perhaps
6 even higher, ABC.

7
8 Again, instead of making the adjustment in one year. That would
9 be limited to three years and I think I have an example of that
10 here. Again, it's just kind of a hypothesized one, where you
11 can see that the red line on the top there is your OFL and the
12 other line is the ABC and you will see from 2014 to 2015 that
13 the reduction in your ABC is about 500 metric tons, because you
14 reduced the amount that the ABC was reduced as well.

15
16 Under this rule, we could add a new line that phases that
17 reduction in over three years. The important thing to note in
18 this is that line in the middle there that keeps it under the
19 overfished level the whole time. Now, it depends on the buffer
20 between your ABC and OFL on how effective this would be, but,
21 again, it's something that the councils could look at and,
22 again, try to smooth out that management instead of having these
23 sharp declines and increases in the stock.

24
25 The final one on this is carryover provisions and I heard that
26 from some of the comments that the folks on Mackerel were making
27 about carryover and we have had instances where we do have
28 carryover in fisheries. We have other instances where we tried
29 to authorize carryover in fisheries and we were sued on that and
30 lost and so we're trying to resolve that here.

31
32 If you do have carryover, that's fine and the council can
33 authorize that, such that harvest in the subsequent year does
34 not exceed your ABC or OFL. In some cases, that may require the
35 council's SSC to say, okay, we under harvested by 20 or 25
36 percent and what's the natural mortality of that and how does
37 that raise our ABC in the subsequent year?

38
39 We could then add that carryover to the ACL in the next year
40 and, again, the key is not to exceed that ABC level as shown in
41 this slide.

42
43 One thing we have heard consistently over time is the use of the
44 term "overfished" seems to connote that it's always the
45 fishermen's fault and we know that that's not true and there are
46 environmental conditions as well that may result in that.

47
48 What we have tried to do in this proposed rule is add a

1 definition of "depleted", so that if a stock isn't rebuilding
2 and it has not been subject to overfishing within two generation
3 times and you have reached the end of your rebuilding and
4 nothing is rebuilding that stock, we would determine that that
5 stock would be depleted then, since you have been controlling
6 the fishery for a number of years, likely.

7
8 Based on that determination, the depleted stock would still need
9 to be managed and you couldn't overfish or have a depleted stock
10 subject to overfishing, but, again, it does show that
11 environmental conditions in some places may be impacting the
12 stocks as well.

13
14 The final one here is improving the routine review of FMPs.
15 That's something I think all the councils are doing and I know
16 this council is doing that and working through it, but the
17 proposed rule would offer that councils should reassess the
18 objectives of their fisheries on a regular basis to reflect the
19 changing needs of the fishery over time for such things as
20 allocation.

21
22 This council in particular I know is doing that right now and on
23 a continuing basis. What this would do is it would suggest that
24 the councils give the public, the fishing industry, some sort of
25 notice that they intend to look at those types of things every
26 three years, five years, seven years. We don't specify a time,
27 but just that they would have some routine review of their
28 actions.

29
30 With that, Madam Chairman, I am going to wrap up and just remind
31 folks that we have tried to draft this so it improves management
32 and it does not require the councils to invest in new analyses
33 and look at what they have already done and I would remind folks
34 that on the NOAA Fisheries website that we have a number of
35 materials and background materials related to this proposed
36 rule, as well as a red-line version, so people can read the rule
37 and text and see the changes we've provided. With that, thank
38 you and I will answer any questions.

39
40 **CHAIRMAN BOSARGE:** Thank you very much. Any questions for Alan?
41 I would like to thank you for coming. I thought it was an
42 excellent presentation and management is typically enhanced with
43 greater flexibility and your presentation highlighted a focus in
44 that direction. We appreciate all the work behind the scenes
45 that brings that flexibility to fruition for us and so thank
46 you.

47
48 **MR. RISENHOOVER:** Thank you and we look forward to you all's

1 comments.

2

3 **CHAIRMAN BOSARGE:** Ben, did you have a question?

4

5 **MR. HARTIG:** I appreciate it and it looks like you took a whole
6 lot of things that came up in the congressional testimony over
7 the years and plus where you've heard it from a number of other
8 places and put it altogether.

9

10 The only thing I would ask is why it has taken so long to do
11 what you're doing now. I mean if we go back to Mr. Gregory, I
12 mean he was the one who convinced me early on that it was NOAA
13 that could actually go into the guidelines and change a lot of
14 the things that were really giving us heartburn in the ACL
15 problems in the beginning.

16

17 I can see, to some extent, how it's taken some time to get to
18 the succinct points that you want to change, but it just seems
19 to me that some of this could have been done quite a while ago
20 and really, you have relieved some of the problems that the
21 councils have faced since ACLs were implemented.

22

23 **MR. RISENHOOVER:** Yes and I wish I could explain why some things
24 take so long, because I would have a much better job. Again, we
25 had a very methodical process here. Coming out of the 2006
26 amendments, it took us two years, basically, to get the first
27 set of the guidelines out and that gave the councils two or
28 three years to get those ACLs in place.

29

30 We made that by 2011 and so in 2012, we took the deep breath and
31 put it out and we got a couple hundred thousand comments to go
32 through when we first put this out as an advance notice of
33 proposed rulemaking. We then decided we wanted to do that
34 Managing our Nation's Fisheries and we worked with our MAFAC
35 Committee and the last thing we did was that rec summit about a
36 year ago and then really tried to get on with and get this rule
37 out. Lots of work in trying to move quickly.

38

39 **MR. HARTIG:** I will echo Leann's sentiments as well. I mean
40 thank you. This is, like I said, a long time coming, but it's
41 very needed and you have addressed almost everything that we've
42 asked for and so I appreciate you doing that.

43

44 **MR. PEARCE:** Real quick. Alan, thanks for the presentation.
45 The one constant in life and in fisheries is change and I think
46 that staying ahead of those changes is very, very important,
47 because it's constantly changing.

48

1 Every day, something else is happening and so the more you do
2 things like this to enhance our ability to do our job as a
3 council, the better off the fishery and the individuals in the
4 fishery are going to be, rather than hard and fast rules that
5 just sit there and don't move. I appreciate all the hard work
6 you put into it and thank you.

7
8 **CHAIRMAN BOSARGE:** Thank you, sir. Next on the agenda, we're
9 going to have Dr. Will Patterson back at the microphone to give
10 us the SSC's comments on these proposed revisions and, Doug
11 Gregory, what are we shooting for here, 4:30? How are we doing
12 on time?

13
14 **EXECUTIVE DIRECTOR GREGORY:** Yes, 4:30 is the end. The SSC
15 report is next.

16
17 **MR. STEVEN ATRAN:** While Will is getting set up, I just wanted
18 to let the committee know that the comment period for the
19 National Standard 1 proposed revisions runs through June and so
20 what staff was planning to do was take any comments that the
21 council may have, along with the comments that the SSC has and
22 anything that we come up with, and draft a letter for you to
23 review at the June council meeting. If you approve that, we
24 will submit that as the comments to Mr. Risenhoover.

25
26 **SSC COMMENTS**

27
28 **DR. PATTERSON:** The SSC, as part of its meeting in March, Steven
29 Atran had the document that portions were just presented of
30 revised guidance for those three National Standards. Steven had
31 already walked through the document and had put questions for
32 some of the text that was used, some of the language, asking for
33 clarification.

34
35 Basically the way we approached this is we walked through the
36 document and looked at his proposed or suggested changes and
37 proposed clarifications and then we commented. Basically, we
38 were very much in agreement with what Steven had proposed and so
39 rather than go item-by-item through that entire document -- You
40 will note in the report that level of detail is not present
41 either.

42
43 We did note, as was just discussed, the greater flexibility that
44 the proposed change in the guidance will provide councils,
45 including this one. The bulk of our discussion actually
46 centered on the statements in this first bullet, the first of
47 which was actually just covered, and that's that the annualized
48 expression of OY is equal to ACL and the second of which is an

1 annual OY cannot exceed the ACL.

2
3 We actually commented that we thought that should be reversed
4 and instead saying the ACL cannot exceed the annual OY, but,
5 regardless, the sentiment remains and so we really picked up on
6 this, because it highlights an issue that we've brought before
7 this council in the past, in that in the Act itself there is
8 language about OY being the target for the nation's fisheries,
9 but in the guidance, the previous guidance, there is no mention
10 of targets.

11
12 We have limits and we have the threshold of OFL and then we have
13 ways to estimate buffers or buffers that are presented and the
14 ABC and then ACT from ACL and that actually only appears in the
15 guidance and not in the Act.

16
17 We have these buffers and we are buffering and buffering away
18 from the limit, but there is no real discussion of the target
19 and one of the things that was of interest to me at the National
20 SSC Meeting that was held in Honolulu last month was that in all
21 the presentations from all the various councils in the U.S., the
22 word "target" was never used, although Michael Hadden from
23 Australia was there and he was talking about their general
24 control rule.

25
26 It was very much in the John Caddy realm of limits and
27 thresholds, much like the rationale or almost implementation
28 after the Sustainable Fisheries Act and something that we talked
29 quite a bit about in trying to work with the council to revise
30 our ABC control rule because of our inability to effectively, in
31 our scientific opinion, fully estimate what scientific
32 uncertainty is.

33
34 We really picked up on this comment in the revised guidelines
35 about the annual expression of OY is equal to ACL and so if OY
36 is in fact the target, this is in fact the closest in the
37 revised Act or in its guidance that we've actually come to
38 talking about a target for management.

39
40 In this next paragraph, it may be difficult for you to read on
41 the screen, but this comes straight from the SSC report. It
42 says several SSC members felt that management should move away
43 from being driven by buffers to stay away from limits, MSY, and
44 really, we should have put OFL there, to being target, for
45 example, OY based.

46
47 One SSC member suggested that this could be accomplished by
48 setting ACT equal to OY. In fact, in one of the proposed

1 revisions to the ABC control rule, the council has allowed to
2 move forward or blessed among the two potential revisions to
3 move forward that the Southeast Fisheries Science Center
4 scientific staff is examining the implications of that and it is
5 in fact this scenario. Excuse me. Instead of ACT in that
6 scenario, it would be ACL.

7
8 That scenario would be ACL, where we set the ACL as equal to 75
9 percent of the yield at 75 percent of the MFMT, the maximum
10 fishing mortality threshold.

11
12 In this case, we're actually moving one step away from that and
13 instead, you would set -- If you set the ACT equal to OY, then
14 that's your true management target and then you set a buffer
15 between and so the ABC is equal to ACL and somewhere between OFL
16 and the ACT, which then allows you to set accountability, so
17 that you never get to the overfishing threshold.

18
19 We are not quite sure, and probably it's unlikely that the
20 guidance allows for this much flexibility, but there was quite a
21 bit of discussion and even if there's not this much flexibility
22 afforded to the council, we do believe that the proposal to have
23 ACL be set as equal to 75 percent of the yield -- The yield at
24 75 percent of MFMT is consistent with this new guidance and so
25 we wanted to highlight that, because it's something that we
26 brought before the council last fall and the numbers are being
27 crunched now to see what implications that would have for
28 fisheries under management.

29
30 We think it's an approach that would be quite useful in our
31 region, given the diversity of assessments that are produced
32 here with different modeling platforms, different amounts of
33 data available, and this would be a very clean and simple
34 approach that we believe that the revised guidance would allow
35 for and that's basically what I wanted to touch on as far as
36 what we discussed and really, this was the bulk. We spent quite
37 a bit of time discussing this one topic.

38
39 **CHAIRMAN BOSARGE:** Any questions for Dr. Patterson or any
40 comments? It looks like you all spent a good bit of time on
41 this and I like what you had to say. It's a very positive
42 outlook on it, rather than sometimes we have a more negative
43 outlook with the way we do things right now.

44
45 With that, Steven Atran has said that they are going to craft a
46 letter on these proposed revisions that will incorporate the
47 SSC's feedback on it. I think they have done a good job of
48 looking through it.

1
2 We heard a lot of things from Mr. Alan Risenhoover and I know
3 it's hard to get through all your documentation for these
4 meetings, but does anybody have any feedback on it right now, as
5 to what they may want to see added to that letter?
6

7 If not, I would encourage everybody, if you get a chance, this
8 is our chance to add greater flexibility in our management
9 options and if you get a chance to go back through that
10 presentation that Alan gave us and the proposed revisions
11 between now and full council, please feel free to give us any
12 feedback you may have. We want to make sure we have the most
13 flexibility we can and, Doug, where do you want us to go from
14 here? It's 4:37. We have one more agenda item.
15

16 **EXECUTIVE DIRECTOR GREGORY:** Let's go ahead and finish that and
17 we will consider later whether to finish Spiny Lobster. I was
18 talking with Vice Chair Williams and we may put Lobster off
19 until Full Council, depending on the time.
20

21 **CHAIRMAN BOSARGE:** All right. The next agenda item is the
22 Ecosystem SSC Report and I am going to turn it over to Steven
23 Atran to give us the working group report.
24

25 **ECOSYSTEM SSC REPORT**
26 **EBFM WORKING GROUP REPORT**
27

28 **MR. ATRAN:** In the interest of time, because what's really
29 important for the council is the Ecosystem SSC Report, the
30 working group report was a report to the Ecosystem SSC to answer
31 a couple of questions to address two charges, one to develop a
32 set of suggested goals and objectives and, number two, to
33 develop approaches by identifying and prioritizing ecosystem and
34 socioeconomic information needs for fisheries managed by the
35 council.
36

37 The working group went through what was currently available as
38 far as data and what the data needs are and they identified a
39 list of data needs and data that can be used in an ecosystem-
40 based approach.
41

42 They are recommending that a step-wise approach to including
43 ecosystem-based fishery management be used, based upon a paper
44 that was published in 2011 by Hobday et al. They also stated
45 that in developing ecosystem modeling approaches they would need
46 to get the council's guidance on what their objectives are.
47

48 For example, does the council put a priority on being able to

1 provide higher bag limits or in extending the fishing season?
2 Would they put a priority on providing open access versus
3 limiting catch per unit of effort?
4

5 Overall, the working group made some recommendations on data
6 needs and noted that they or the Ecosystem SSC would need
7 guidance on exactly what the objectives are and produced a
8 report that was submitted to the Ecosystem SSC. Like I said, in
9 the interests of time, I am not going to go into detail on the
10 working group report and I think unless you have any questions
11 on it, we could move straight into Dr. Wu's presentation on the
12 Ecosystem SSC Summary.
13

14 **CHAIRMAN BOSARGE:** Any questions? All right. Is Dr. Wu -- Here
15 she comes.
16

17 **ECOSYSTEM SSC REPORT**

18
19 **DR. WEI WU:** Thank you, everyone, for sticking around and I will
20 make it short and sweet. I am going to report on the summary of
21 the meeting, the Ecosystem SSC meeting, which was held on
22 February 25, 2015.
23

24 These are the people who were present. Our Chair, Jim Simons,
25 he was not there and so our Vice Chair, Cameron Ainsworth, was
26 actually the Chairman of the meeting. Mr. Roy Williams from the
27 council was there also.
28

29 Our Ecosystem SSC was presented information on the shelf-edge
30 fishing reserves in the Southeastern U.S. from 2003 to 2009. I
31 am just going to share some of the highlights of the
32 presentations we were given.
33

34 This is a presentation we were given by Dr. Koenig and Dr.
35 Coleman from Florida State University and they talked about the
36 reserves, the two reserves, in the Southeast U.S. and to see
37 their impact on the fishery.
38

39 These are the two reserves the data come from and this is the
40 bathymetry of one of the reserves and this is another one. This
41 is actually the Madison-Swanson Reserve and this is Steamboat
42 Lumps.
43

44 The study talks about why this area is important for the gag
45 spawning and where this problem comes from. The problem is
46 because of the low percentage of the males for the gag and
47 considerable declines over time for the gag males and we can --
48 Because of the non-fishing zones, it gives us the benefits of

1 the different benefits and that's why they started this.

2
3 We can see some of the results directly. You can see the age
4 structures of the different species, including gag, red grouper,
5 red snapper, and scamp. You can see actually the age within the
6 dark colored bars represents the mean age within the reserve and
7 the light bar represents the age outside the reserve and so you
8 can see the age within the reserve is actually significantly
9 higher than outside the reserve except for scamp, scamp in the
10 last one. The other three species is the gag and red grouper
11 and red snapper.

12
13 You can also see the size structures inside the reserve is
14 actually the light purple and the outside of the reserve is
15 actually the reddish color and you can see the size structure is
16 quite different, significantly different, within the reserve and
17 outside of the reserve.

18
19 The catch per effort abundance in the Madison-Swanson, within
20 the Madison-Swanson Reserve, compared to the outside, you can
21 see the significant differences too.

22
23 You can also see the distance, the mean number of gag per side.
24 The change of the mean number if you move away from the reserve,
25 this is from the Madison-Swanson Marine Reserve and if you move
26 away, the longer the distance, the lower the mean number of the
27 gag per side. The same is for the red snapper.

28
29 For the Steamboat Lumps Reserve, the gag is not of concern,
30 because they don't use that habitat, but the red grouper is
31 actually the one which is studied, but this reserve is actually
32 threatened by the lionfish invasion.

33
34 The main results from that research is the shelf-edge reserves -
35 - The shelf-edge reserve can protect threatened reef fish
36 species and fishery production. They provide the benefits for
37 threatened and critically endangered species and they have the
38 benefits for shallow-water species and they have the benefits to
39 the fishermen and they also provide benefits to scientific
40 research and management.

41
42 The second study we were provided is by Andrew David talking
43 about the -- Also talking about the marine reserves. In
44 addition to the two sites mentioned in the first study, the
45 second study also talks about the third site, which was added in
46 2009, called the Edges.

47
48 The second study actually used a stratified sampling methodology

1 and they used cameras to actually record all the activities of
2 the fishes and this is the bathymetry data and this is the
3 species most frequently observed between 2001 and 2014.

4
5 This is the gag distribution along the Western Florida Shelf and
6 you can see different sites actually have different numbers of
7 gags observed by the camera and the light numbers represent the
8 lower -- The green is zero and the yellow is one and the red is
9 actually larger numbers. This is the distribution, the gag
10 distribution, within the Madison-Swanson between 2000 and 2010.

11
12 This is within the Twin Ridges and so here is the main reason
13 for the second study, the significant testing for the length and
14 it shows the gag are actually larger in the marine protected
15 areas. The less than 0.05 just means they are significantly
16 different. The red grouper are larger in the marine protected
17 areas, significantly larger in the marine protected areas. The
18 same applies to the red snapper.

19
20 The length, in terms of the length, the gag are larger in
21 Madison-Swanson and the red grouper are larger within the marine
22 protected areas too, but the red snapper are no different within
23 the marine protected areas.

24
25 In terms of length within all the marine protected areas, gag
26 are not different between and it just compares the gags within
27 all the marine protected areas and they are not significantly
28 different from each other and the red grouper actually are
29 larger in the Madison-Swanson than Steamboat Lumps and red
30 snapper are not different among all the marine protected areas.

31
32 The performance of the marine protected areas, we actually have
33 the indices of abundance have a higher variance over time. The
34 changes actually are difficult to detect, which we couldn't
35 really see a significant difference over time once the marine
36 protected area had been established. However, the average
37 abundance for the gag appears to be higher in Madison-Swanson
38 than the others areas, but it is not significant. Similarly,
39 red grouper abundance appears higher in Steamboat Lumps than
40 other areas, but it is not significant. Red snapper showed
41 greater internal variability.

42
43 The gag, red grouper, and red snapper were larger within the
44 marine protected areas compared to the eastern Gulf. Within the
45 marine protected areas, gag and red snapper length was similar.
46 However, red grouper were larger in Madison-Swanson than
47 Steamboat Lumps. All show apparent gradual increases during the
48 survey period.

1
2 This study also shares the comparison of the fishing regulations
3 and it has varied along the level of the enforcement. The VMS
4 data for the commercial vessels was instituted in 2008 and so
5 providing us the more data we can analyze.
6

7 Based on this research, the Ecosystem SSC has made five
8 recommendations and the first recommendation is to have the
9 council have the Law Enforcement Committee look at options for
10 improving enforcement, including looking at the tables of
11 penalties for fishing in Marine Protected Areas and at problems
12 associated with building viable cases for prosecution. This
13 motion carried without opposition.
14

15 Recommendation 2 is to have the council have the Outreach &
16 Education Committee review mechanisms for public outreach with
17 respect to benefits of marine protected areas and compliance
18 with marine protected area regulations. This motion carried
19 with no opposition.
20

21 The third recommendation is on the basis of the encouraging news
22 the SSC heard from two scientific studies on reef fish stock
23 recoveries in Madison-Swanson and Steamboat Lumps marine
24 protected areas, the Ecosystem SSC recommends that the council
25 consider other opportunities to establish MPAs. The motion
26 carried with no opposition.
27

28 The fourth recommendation is the Ecosystem SSC recommends that
29 the council establish year-round closures for all species in the
30 Madison-Swanson, Steamboat Lumps, and the Edges Reserves. At
31 the time being, it's only probably half a year closure and not
32 the whole year closure.
33

34 The Recommendation 5 is that the Ecosystem SSC recommends that
35 the council recommend to the HMS Management Division that they
36 close the following Reserves, including Madison-Swanson,
37 Steamboat Lumps, and the Edges, to fishing year round. This has
38 been carried by consensus.
39

40 We were also provided a different research by Dr. William Heyman
41 about reinventing fisheries management in the Western Central
42 Atlantic. He presented research on Central America and the
43 Central Atlantic and he put forth the vision of cooperative
44 monitoring program for the Western Central Atlantic spawning
45 aggregations to catalyze development of a network involving the
46 fishermen.
47

48 **EXECUTIVE DIRECTOR GREGORY:** Excuse me, Dr. Wu, but could you

1 just address the recommendations at this point, because we're
2 like twenty or twenty-five minutes over our schedule.

3
4 **DR. WU:** Yes, I am almost there. I just wanted to point out the
5 network involving the fishermen and so I have the
6 recommendations and the sixth recommendation is borrowing from a
7 powerful approach to identifying and protecting spawning
8 aggregations of reef fish and other associated species already
9 implemented in Belize and elsewhere in the Caribbean and
10 underway in the South Atlantic, the Ecosystem SSC recommends
11 that the council form an MPA Working Group made up of
12 scientists, fishermen, people from different disciplines,
13 including the scientists, fishermen, law enforcement, managers
14 and other stakeholders to work together, each using their best
15 tools and knowledge, to make recommendations for the creation of
16 an effective MPA network in the Gulf of Mexico. This motion has
17 been approved by consensus.

18
19 We have the last recommendation which is that the Ecosystem-
20 Based Fishery Management Working Group continue working on
21 developing a set of suggested goals and objectives of an
22 ecosystem based fisheries management plan that considers
23 measurable targets. This motion carried with no opposition.

24
25 We also have other presentations borrowed from Jim Simonds to
26 talk about the progress over the years by the Ecosystem SSC and
27 some of the failures, but I guess with the time, I will just
28 stop here and I am happy to take any questions you have.

29
30 **CHAIRMAN BOSARGE:** Thank you, Dr. Wu. Any questions? We
31 appreciate your report. It looks like with some of those larger
32 fish being seeing in the MPAs that maybe there is some success
33 there from those zones. We definitely don't want to see this
34 effort -- We don't want to drop the ball on it and so what we
35 would like to do, and maybe Mr. Gregory can comment some more on
36 this, is take this report and send it back to our new and
37 improved SSC, with all the meetings of the minds present now
38 after we have revamped the way that that is set up, now that we
39 have them all together, and let them guide us on where to go
40 from here. Is there any opposition to having the new and
41 improved SSC take a look at it again? Seeing none, all right.
42 Do we have any other business before this committee? Seeing
43 none, this committee is adjourned.

44
45 (Whereupon, the meeting adjourned at 5:00 p.m., March 30, 2015.)

46
47 - - -
48